Depo of WILLIAM B. PAPAGEORGE Monsanto Vs. Aetna Jan 15, 1993

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IN THE SUPERIOR COURT OF THE STATE OF DELAWARE
IN AND FOR NEW CASTLE COUNTY
MONSANTO COMPANY,)
)
Plaintiff,)
)
vs.) C.A. No. 88 CJA-118-1-CV
)
AETNA CASUALTY & SURETY)
COMPANY, et al,)
)
Defendants.)
VOLUME III
Deposition of WILLIAM B. PAPAGEORGE, taken on behalf of Defendant Travelers Indemnity Company, at the Adams Mark Hotel, in the City of St. Louis, State of Missouri, recommencing at 9:37 a.m. on the 15th day of January, 1993, before J. Bryan Jordan, certified shorthand reporter and notary public.

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JANUARY 15, 1993
BY MR. MANTA:
Q. Good morning, Mr. Papageorge.
A. Good morning.
Q. This is a continuation of your deposition which began on the 13th. You realize, of course, that you are still under oath. Is that true?
A. I do.
Q. And did you have any conversations with your counsel regarding the substance of testimony between the end of the deposition yesterday and this morning?
A. Yes, this morning at breakfast, we did, yes.
Q. Okay, what was that conversation?
MR. SARFATTI: Let me pull the documents.
A. I was shown three, four, five documents relating to this matter.
MR. SARFATTI: I can make a statement. These are the documents that were designated by your office and by Orrick, Carrington out of time under the seven-day rule, and with your permission and the permission of Mr. Hughes, we discussed those documents and their subject matter, and we're prepared to allow you to use those documents during

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your examination and Mr. Hughes during his examination, with the request that if a situation should arise in the future where Monsanto wishes to supplement its designation out of time with a handful of documents, that we be permitted to do so, and I pose that as a request, not a stipulation.
MR. MANTA: I can't agree to your request. I'm not certain whether I'm going to even need them. I may refer to them generally.
BY MR. MANTA:
Q. But let me ask you this, Mr. Papageorge: Aside from the documents that Mr. Sarfatti has described, did you

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have conversations regarding the substance of your testimony?
A. No, sir.
Q. Yesterday, I believe there was some apparent confusion, and it turns out, I think, and we'll see if this is true, that it was the lawyers, and not you, that was confused about South 20 and North 80.
MR. HUGHES: How about that for an admission?
MR. MANTA: I think I probably was, was the cause of it.
Your description of the South 20 site as having a

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pond with clear water in it – is that correct?
A. I was using the terminology South 20 to describe a site that I recall having this pool of water in it on the surface.
Q. The site with the water on it all the time was the South 20 site; is that correct?
A. Well, as we demonstrated many times yesterday, my memory is not as crystal clear today as it would have been back a dozen years ago.
Q. I understand.
A. I could be wrong, but in my mind, whenever you asked me questions referring to South 20, I kept thinking of that site with that water, with pond, it looked like a fish pond to me.
Q. You were not referring to the Galveston Bay, were you?
A. Oh, no. No. That's saltwater. That's a different matter altogether.
Q. And your understanding, Galveston Bay is near the North 80 site?
A. It's on the other side of a sea wall.
Q. Okay. Just to make it clear for the record, I'd

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like to go back to Papageorge 20, if we could.
A. I have it.
Q. Okay, like you to turn to the microfilm number on the right-hand side that is 0175. I'd like you to take a look at that map and tell me if it's your recollection that this depicts the North 80 site.
A. As I look at this sketch, I believe this is the site that I had apparently misnamed the South 20. This shows me what I think – and I may be wrong – I think some of these distorted squares and rectangles, I think, are pools of water? I don't know what that is, really, but I –
Q. Okay, if I was –
A. If those are representing pools of water and the location of that pump station and the bait camp, in my recollection, I had been referring to that as the South 20.
Q. Okay, the South 20 isn't on Galveston Bay, is it, as far as you recall?
A. Well, apparently, in my erroneous designation and using the expression "South 20," I was describing an area that is on Galveston Bay.
Q. Let me – when we were talking about this document, Papageorge 20, we were talking about North 80, and

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your testimony regarding that, this document, was about North 80; is that right?
MR. SARFATTI: I have to object. I mean, it's clear there's confusion about what you may mean as North 80 and what the witness may refer to as North 80 –
MR. MANTA: No, I –
MR. SARFATTI: – and your question talked about what we were discussing, and I'm not sure there was a correct description of that conversation as "we" talking about the same thing.
BY MR. MANTA:
Q. I don't think there was any confusion at the time we were talking about North 80 that Mr. Papageorge's testimony referred to North 80. I think the confusion was when Mr. Papageorge suggested there was a pool of water at the site, that the pool of water, it's his recollection, to be located at the South 20 site. Is that right?
A. That was my recollection.
Q. And that if these blocks do not refer to pools of water, and instead refer to disposal locations, would that clarify your understanding that this is the North 80 site?
MR. SARFATTI: Objection as to form.

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A. I wish I had an aerial photo of the place. It would certainly help. Any comments I have offered to date in response to your questions in which the expression "North 80" was used in your question, I had in mind a leveled field with some grass growing on it, and on a normal day, not following some rainstorm or other, there was, as best I recall, no visible water on that surface. That's, in my mind, the area I've been calling North 80. Whether that designation is correct or not, at this point in time, I just don't recall.
Now, when we started talking about the South 20, I, in my mind, that is, of course, a smaller area geographically and it had visible water on the surface, good-size body of water, and it was fairly close to these pumps I described yesterday and the bait house up on, off the road. Now, again, I may have referred to that area by the wrong designation.
Q. Two things I'd like to clarify. One is, we are dealing with your recollection as to the location, and I believe that your description of the North 80 and South 20 are appropriate and that they do refer to the separate locations correctly.

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MR. SARFATTI: I object to this kind of colloquy. Please ask questions. I mean, this is a form of coaching in a way. You are conducting an examination through questions and answers, but not through these miscellaneous comments.
MR. MANTA: These are not miscellaneous comments. This is legitimate clarification.
MR. SARFATTI: Please use questions to try to clarify testimony, not statements.
MR. MANTA: Well, I would if I could get the questions out, but I keep getting interrupted.
BY MR. MANTA:
Q. The questions about North 80 I was asking you, putting aside a physical description of the site from your recollection, your answers referred to what you recall occurring with regard to the North 80. Is that right?
MR. SARFATTI: Objection as to form.
A. It referred to that area that I was calling North 80, and whether that designation is correct or not, I just don't recall.
BY MR. MANTA:
Q. Well, let me ask you this. Before you had even been to the North 80, you had some information about the

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North 80; is that right?
A. Yes.
Q. Okay, and questions about what information you had regarding the North 80 before you had been to the North 80, accurately, or – let me rephrase the question.
Questions that did not deal with the physical description of the site based upon what you had seen, and your responses to those questions where the North 80 was the subject, refer to your knowledge of the North 80 site; is that right?
MR. SARFATTI: Objection, incomprehensible.
A. You are talking about questions that you asked?
BY MR. MANTA:
Q. Yes.
A. My answer to your question is yes, to the North 80 as I understood it. It may not be the same piece of property that you are calling the North 80. I don't know that. I have no way of determining that.
Q. You had knowledge, isn't it true, of facts concerning North 80 and South 20 independent of your knowledge gained from viewing the sites. Is that right?
A. Well, certainly.

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MR. MANTA: I think – go off the record for a second.

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(Discussion off the record.)
(Whereupon, Mr. Manta, Mr. Omrod, Mr. Johnson, and Mr. Hughes and Mr. left the deposition room briefly and returned.)
BY MR. MANTA:
Q. Mr. Papageorge, when I was asking you questions about the site called the North 80, were you, in your mind, referring to the site that is near the Galveston Bay?
A. You'd have to help me with near, how near – in some respects, they're both nearer the bay. They're not –
Q. Adjacent to the bay?
A. Well, they were – there's a sea wall, as I remember, that, of course, separates these sites from the bay, itself.
The leveled land with this growth on it, as I recall, was a little bit more removed from that sea wall toward the land than the piece of land with the water ponds in it.
Q. The North 80 site that you were – or when I was asking you questions about the North 80 site, you were

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referring to the site that had the sea wall. Is that right?
MR. SARFATTI: Objection as to form. Mischaracterization of testimony. He just said both sides had sea walls. You referred to the site with the sea walls.
BY MR. MANTA:
Q. In your initial description of the South 20, you described an area that had a pond. Is that right?
A. That's what I was calling the South 20.
Q. Okay, and the pond had clear water; is that right?
A. Yes.
Q. The North 80 site you described earlier, I believe, as having a sea wall. Is that right?
MR. SARFATTI: Same objection.
A. I don't know that I said they had a sea wall. They were in the proximity of a sea wall, and that the area with the pond, as best as I – was closer to that sea wall than the area without the pond. We could ride on a car, on a roadbed on top of the sea wall and look down at these two sites. One was further removed from the sea wall; the other was somewhat closer. I have no idea of the distances, but they were not great. They were not miles away, in that

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sense.
BY MR. MANTA:
Q. The site that you were referring to when I was asking you about the North 80 was the site that you could drive on the sea wall and the site was to one side of the sea wall; is that right?
A. They were both on the same side of the sea wall.
(Discussion off the record.)
(Recess)
MR. MANTA: Mr. Papageorge, we were talking about the North 80, and the description of the North 80. I would like to have read back Mr. Papageorge's last description or answer to my question. The question and the answer, if you will.
THE COURT REPORTER:
"Q. The site that you were referring to when I was asking you about the North 80 was the site that you could drive on the sea wall and the site was to one side of the sea wall; is that right?
A. "A. They were both on the same side of the sea wall."
BY MR. MANTA:

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Q. You had learned of the North 80 site and the – well, you had learned of the North 80 site, you had testified yesterday, in 1978, and that was before you had been to the site. Is that right?
A. I had learned what? I had learned about it, you mean?
Q. Right. You had testified yesterday that the North 80 site, you believed, was raised at an environmental policy meeting in 1978. My question is, that took place before you had been to the site. Is that right?
A. I honestly don't remember the timing.
Q. Well, you wouldn't have been to the site before you knew about it; is that right?
A. I didn't realize your question referred to my knowledge of the site. Unless I misunderstood you, I thought you were referring to my – to the discussion of the site at a meeting and whether or not I had been to that site before that discussion or after the discussion. I really don't know, things were happening so quickly in that period of time, I just don't know which came first.
Q. Regardless of what came first, it was at an environmental policy meeting in 1978 that problems with a

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site called the North 80 were raised. Is that right?
MR. SARFATTI: Objection to your characterization of his prior testimony.
MR. MANTA: You can have the question read back.
THE COURT REPORTER:
"Q. Regardless of what came first, it was at an environmental policy meeting in 1978 that problems with a site called the North 80 were raised. Is that right?"
A. I don't know that I'd characterize the discussion as a discussion of a problem. It was a discussion of a sharing with the audience the plant's information received from the State agencies regarding some alleged presence of chemicals in some samples that were taken, and these – this presence of these chemicals was alleged by the state at that time to have very likely come from the sites referred to as North 80 and South 20.
Q. Okay. Now, yesterday, we had – at the time you were talking about the particular environmental policy meeting that I'm asking about, there was no mention made of South 20, and I'd like to have my question read back.
MR. MANTA: You are not asking for a response to your last statement, I take it?

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MR. MANTA: No, I want my question read back.
MR. SARFATTI: Okay.
THE COURT REPORTER:
"Q. Regardless of what came first, it was at an environmental policy meeting in 1978 that problems with a site called the North 80 were raised. Is that right?"
BY MR. MANTA:
Q. Now, what I'd like is if you could just answer that question yes or no.
MR. SARFATTI: Objection to that direction. He's answered the question.
BY MR. MANTA:
Q. If you'd like, we could have it read back again?
MR. SARFATTI: It's been answered.
MR. MANTA: It has not.
A. I don't recall that the discussion held on those sites were referred to as problems, so I can't say yes, problems were discussed, or no, problems were not discussed.
BY MR. MANTA:
Q. Regardless – taking out the word "problems," your testimony yesterday about what transpired at an environmental policy meeting in 1978 concerned a site that

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was called the North 80; is that right?
A. Oh, there were several questions referring to the North 80, yes, sir.
Q. And your testimony yesterday about the environmental policy meeting and what took place, what was raised, concerned a site that was called the North 80; is that right?
MR. SARFATTI: Objection; vague to the extent you are referring to collective testimony.
A. Some of the questioning did relate to the North 80, and I responded with my answers as they related to what I recalled the North 80.
BY MR. MANTA:
Q. I'm not, I'm not asking about what you recalled as the North 80. I'm simply asking, asking you to verify, if you can, that at the environmental policy meeting in

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1978, what you had testified to yesterday about what happened with regard to a site called the North 80 actually took place.

MR. SARFATTI: Objection; vague, and I have to have, if I can, a standing objection –

MR. MANTA: Sure.

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MR. SARFATTI: – to this use of the term "North 80" because it's evident that there is confusion.

MR. MANTA: No, there has been no confusion about his testimony regarding the North 80. There has been about the South 20, but not the North 80, and I will –

MR. SARFATTI: I have to disagree with that. That's not what I have heard yesterday and this morning. I suggest we tried to avoid labels for particular sites. Maybe that will advance the dialogue.

MR. MANTA: I don't think there is any point in interjecting confusion where there is none.

(Discussion off the record.)

MR. MANTA: Why don't we go back on.

BY MR. MANTA:

Q. Mr. Papageorge, yesterday, I had asked you some questions about the North 80. The question for your information about what happened at the North 80 did not depend on your visit to the site; is that right?

MR. SARFATTI: Objection; vagueness, for the same reason, the apparent confusion about the use of the term to describe a particular site.

A. I don't understand your question, sir.

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MR. MANTA: We could have it read back.

I'm going to put on the record again that I think that these repeated objections on grounds that are outside the scope of the Special Discovery Master's order are a violation of the order. I also would like to say that if, in reviewing the testimony, we feel that the objections obstructed the deposition or that the deposition wasn't conducted in accordance with those rules, that we are going to renotice the deposition.

You can read the question back.

THE COURT REPORTER:

"Q. Mr. Papageorge, yesterday, I had asked you some questions about the North 80. The question for your information about what happened at the North 80 did not depend on your visit to the site; is that right?"

MR. SARFATTI: The same objections.

A. I don't at the moment recall all the questions that were asked that related to the North 80. Some of them did not depend on my visit, and of course, some did.

BY MR. MANTA:

Q. Would questions – questions concerning when you first learned of certain events regarding the North 80 would

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not depend on your visit to the site; is that right?

MR. SARFATTI: Same objection.

A. That is correct.

BY MR. MANTA:

Q. Instead, that information came to you from people who told you about the North 80 and from documents that referred to the North 80. Would that be correct?

A. I don't know which source was the first source, but neither one of those would have been a likely source of my first information.

Q. Okay. All right, I'd like to go back to a question and answer regarding Exhibit 19.

(Discussion off the record.)

(Recess)

MR. MANTA: I'm going to put Exhibit 19 away for right now.

BY MR. MANTA:

Q. What I'd like to ask you, Mr. Papageorge, is, have you ever had any personal contact with any representative of Liberty Mutual Insurance Company?

A. No.

Q. And that would be true as plant manager of, while

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you were at Anniston, as well?

MR. SARFATTI: Let me object to that because that's not – I don't think that's appropriate for this deposition when we get to Anniston. I think that would be appropriate, so I mean if you want to forfeit the right to take his deposition on Anniston –

MR. MANTA: I don't see –

MR. HUGHES: Well, I would think that to the extent that he's going simply for Mr. Papageorge's background and knowledge and not getting into Anniston issues, that it shouldn't be objectionable.

MR. SARFATTI: Well, I think insurance is an Anniston issue, and you asked a general question and he gave you a general answer, and presumably, that covers the waterfront, so if you want to go into Anniston or other particular sites, I think you run the risk of jeopardizing your ability to take his deposition.

MR. MANTA: I'm not going into Anniston.

MR. SARFATTI: You just did.

MR. MANTA: No. No. No, I – Anniston as a site, I have not asked any questions about Anniston as a site.

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MR. SARFATTI: You just did.

MR. MANTA: What I'm asking about is information on Mr. Papageorge's background that may affect this site, the Texas City site. That cannot prejudice our right to take Mr. Papageorge's deposition with respect to the Anniston site as a site. In other words, this I don't view as any different from asking Mr. Papageorge what his duties were at a particular site to the extent that they may affect what, what he knew at the time of the Texas City – at the time he became involved with some of the Texas City issues.

MR. SARFATTI: Your remarks are noted, but my view is very different from yours in terms of the purpose of that question and whether it's proper or not.

BY MR. MANTA:

Q. Are you saying that I can't ask him about contact with Liberty Mutual?

MR. SARFATTI: You just – you did in your first question, and he told you that he did not recall any.

MR. MANTA: He didn't – I don't – let's get the answer. I don't think he said he didn't recall, I think he said he had not.

Could you read his answer back?

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MR. SARFATTI: Whatever the record is, it was a general question, he gave you a general response, and now to focus on Anniston, I think, could only focus on Anniston-related issues.

MR. MANTA: Well, let me ask the question this way, then.

BY MR. MANTA:

Q. During your history of employment with Monsanto, did you have any contact with any representative of Liberty Mutual Insurance Company?

A. No.

Q. Okay. Are you familiar with a site called the Brio Site?

A. I have heard of it.

Q. When did you first hear of it?

A. About 1985.

MR. MANTA: At this time, I'm going to pass the witness to Mr. Hughes.

MR. HUGHES: My suggestion is that I ask some questions sitting here that don't relate to documents. When I get through those, we take our lunch break because I need to shuffle my boxes around, so that I'm prepared to go

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quickly through some documents.

MR. SARFATTI: No objection to that procedure.

EXAMINATION

QUESTIONS BY MR. HUGHES:

Q. Good morning, Mr. Papageorge.

A. Good morning, sir.

Q. My name is Jim Hughes. I represent International

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Insurance Company in its role as an environmental impairment liability insurer, and I think I'll start by asking you –

MR. MANTA: Off the record.

(Discussion off the record.)

MR. HUGHES: Let's go back on the record.

BY MR. HUGHES:

Q. Mr. Papageorge, as you sit here today, do you have any understanding of whether there is any distinction between environmental impairment liability insurance and comprehensive general liability insurance?

MR. SARFATTI: Objection; no foundation.

A. I'm totally ignorant in that area. I just don't know the terms, don't know what they mean.

BY MR. HUGHES:

Q. Mr. Papageorge, when, exactly, did you retire

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from Monsanto?

A. My last working day was December 31st, 1986.

Q. Mr. Papageorge, you mentioned in earlier testimony that you owned some shares of Monsanto, and I would like to know approximately how many.

A. A couple of thousand. That's a rough number.

Q. And approximately how much are your pension benefits on a monthly or yearly basis from Monsanto?

A. Do you want me to give you the net or the gross? In other words, what do I actually get to spend, or what is –

Q. Why don't you tell me what you actually get to spend.

A. About $4,000 a month.

Q. Other than the monthly pension benefits you get, are there any other retirement benefits you get from Monsanto?

A. I have medical coverage.

Q. Any other continuing benefits from Monsanto?

A. No, sir.

Q. Mr. Papageorge, were you an officer of the corporation at any time?

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A. No.

Q. You testified earlier concerning Mr. – Dr. Dmytryszyn, I guess it is, he's a doctor? Is that how he –

A. Yes.

Q. He went by "Dr. Dmytryszyn"?

A. Correct.

Q. And he was your immediate superior?

A. For a period of time, yes.

Q. Okay. Was he your superior during the entire time you were a Director of Environmental Operations?

A. Yes.

Q. And your direct reporting line, as I understand it, then, was to Dr. Dmytryszyn?

A. That is correct.

Q. When you made references early in your testimony to one of your responsibilities being to keep your bosses informed, were you referring to Dr. Dmytryszyn or were there others, as well?

A. Well, very correctly, I only had one boss in the strict definition of the word. I looked upon Dr. Dmytryszyn's bosses as a team of bosses that were all above me in the hierarchy.

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Q. Now, did Dr. Dmytryszyn report to the Managing Director of Monsanto Chemical Intermediates? Is that right?

MR. SARFATTI: Objection; vagueness unless you specify time frame.

BY MR. HUGHES:

Q. Okay, during the period 1977 to 1983, when you were Director of Environmental Operations, did Dr. Dmytryszyn report to whoever held the position of Managing Director?

A. Of the operating unit that existed at that time, yes, sir.

Q. Did Dr. Dmytryszyn get involved in environmental concerns during the period 1977 to 1983?

A. As required, yes, sir.

Q. During the years 1977 to 1983, to whom did the plant manager of Texas City report?

A. Mr. Earl Brasfield.

Q. And was Mr. – well, tell me what Mr. Brasfield's title was during that period.

A. General Manager, Manufacturing.

Q. Am I correct that Mr. Brasfield and Dr. Dmytryszyn were at about the same level of responsibility

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within the operating company? They were both managers of a certain area?

A. Yes, sir.

Q. And during the years 1977 to 1983, was it your understanding that Mr. Brasfield reported to the Managing Director, as well?

A. That is correct.

Q. Do you know whether Mr. Brasfield was ever an officer of the corporation during – strike that; time period makes that a poor question.

During the years 1977 to 1983, do you know whether Mr. Brasfield was an officer of the corporation?

A. He was not.

Q. Can you tell me who the Managing Director of Monsanto Chemical Intermediates was after Mr. Reese?

A. As best I recall, it was C. P. Cunningham.

Q. Did you understand Mr. Reese to have any experience in environmental matters at the time he was the Managing Director?

A. Oh, I, not knowing all about Mr. Reese's experience, education, exposures and the like, I can't answer that. I don't know.

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Q. Do you know whether Mr. Reese was on the Board of Directors during the time he was Managing Director?

A. I don't believe he was at that time.

Q. Mr. Papageorge, did you, during the period from 1977 to 1983, ever have any direct dealings with Dr. Fernandez on environmental matters?

A. I did not have any direct dealings, no.

Q. Did you have any understanding during the years 1977 to 1983 as to whether Dr. Fernandez was someone who was involved in some ways in environmental issues?

A. Dr. Fernandez was involved, and if my memory serves me right – I'm a little fuzzy on this – I believe Mr. Throdahl reported to Mr. Fernandez.

(Ms. Scott enters the deposition room.)

BY MR. HUGHES:

Q. Do you have any knowledge as to whether Dr. Fernandez was involved in any way in any of the matters that you dealt with as DEO of Monsanto Chemical Intermediates?

A. I have no way of knowing what Dr. Fernandez addressed his time to.

Q. Mr. Papageorge, you indicate in your prior testimony that you, during the years 1977 to 1983, you had a

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staff which were generally two to three people? Is that right?

A. Not quite right. It started out with two people and eventually reached five or six, something like that.

Q. That's right, you described to us that there were various, there was several levels of experience of your staff. It depended on which side of the term – which side "manager" went?

A. That was one of the discussions we held, yes, sir.

Q. And am I correct that nobody at the plant level had a direct reporting responsibility to you?

A. That is correct.

Q. It was a dotted line, as you described it?

A. That's the description I used, yes, sir.

Q. Were there any practices and procedures at Monsanto during the years 1977 to 1983 that prescribed when the plant staff should report along that dotted line to you?

A. I don't know of any document that describes a relationship using the expression "dotted line." There are references that I recall with the words

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Staff Department and Operating Department, and Manufacturing

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Department. Those, all those words had definite meanings within Monsanto, and the people in Monsanto understood the responsibilities involved and the reporting relationships that should take place.

Q. Were there any reporting obligations that you can describe for us that the plant staff had to the Director of Environmental Operations?

A. Can you help me with "reporting obligations"?

Q. What I'm looking for, Mr. Papageorge, is whether there were any procedures, whether or not written, as to what sorts of information the plant people should report to the Director of Environmental Operations.

A. Oh. There was nothing that described what should be reported to the Director of Environmental Operations and his staff.

Q. During the period that you were the Director of Environmental Operations, was there any practice established as to the kind of information that the plant people would report to your group?

A. The practice evolved or there was a free exchange between the plant representatives and members of my staff either over the telephone, or personal contacts, or at

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meetings, seminars, but there was nothing that dictated when and what must be communicated. That was the option of the parties involved on both sides.

Q. So if I understand what you are saying, the communications in both directions between the plant and the DEO staff were discretionary.

A. That's a good word, yes, sir.

Q. Now, I take it, Mr. Papageorge, that you encouraged this free exchange of information.

A. Oh, certainly. Mm-hmm.

Q. It was your view that both the plant and the Director of Environmental Operations group would benefit by that free exchange.

A. It was, I would suggest that it was a hope that a benefit would derive from such exchange of information.

Q. And in fact, I believe you said that in your earlier testimony that in your view, the Director of Environmental Operations' primary role was as a communications source.

A. Well, that turned out to be the key function that I served, yes, sir.

Q. Mr. Papageorge, during the time that you were a

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Manager – I may not have the name exactly right – Manager of Product Acceptability?

A. That was one of the positions I held.

Q. Okay, and you held that position for four or five years, I believe you just told us? Is that right?

A. If I recall, it was – that's about right, '73 to '77, mm-hmm.

Q. In that job, Mr. Papageorge, did you have any responsibilities concerning by-products or co-products produced at the same time that the primary products you were concerned with were manufactured?

MR. SARFATTI: Objection; vagueness.

A. My responsibilities covered those materials that were sold by Monsanto to other parties, and by "materials," I'm referring to materials that were produced, or created, or generated by facilities designed to do so, and I add that because I did not have responsibility, for example, for selling a used tank, or some old pipelines, or anything like that to third parties.

BY MR. HUGHES:

Q. I think, in Mr. Manta's questioning, you indicated that while Manager of Product Acceptability, you

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did not have responsibility for styrene monomer; is that right?

A. That's true.

Q. And you did not have responsibility for acrylonitrile? Is that right?

A. That's true.

Q. And you did not have responsibility for vinyl chloride monomer; is that right?

A. That's right.

Q. Okay. I think you did say you had responsibility over phenols?

A. Yes.

Q. Now, were phenols manufactured at Chocolate Bayou?

A. I have forgotten. I don't know.

Q. Putting that to one side, Mr. Papageorge, did you at any time in your role as a Manager of Product Acceptability deal with the sale of phenolic tar by Monsanto?

A. I don't recall being involved with a material by that name.

Q. Mr. Papageorge, during the time you were Manager

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of Product Acceptability, did you have, in your own mind, an understanding of what a by-product was in a Monsanto production process?

A. I had my personal definition.

Q. Okay. To begin, why don't you give me that definition.

A. To me, a by-product was a material that was, in essence, the – I'm looking for a good word, here – the unintended production resulting from a process for making the desired material, the primary material, and a by-product was the material that resulted from this process that still had some value to it in terms of usable ingredients.

Q. Are you finished?

A. I think I'm finished, yes, sir.

(Discussion off the record.)

(Mr. Manta leaves the deposition.)

BY MR. HUGHES:

Q. Mr. Papageorge, did you have any understanding during the time you were Manager of Product Acceptability as to what the word "co-product" might mean in connection with a Monsanto production process?

A. I'll share you my understanding, and I don't know

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if that's universal. A co-product is, in my opinion, a material that was desired, and the process that was developed and used to produce the material was designed in such a way that it not only produced this material, but another desirable material.

Q. Do you know whether there was any corporate-wide definition of either term by-product or co-product?

A. I'm not aware of any such definition.

Q. During the time that you were the manager, a manager – there was more than one Manager of Product Acceptability; correct?

A. Yes, sir.

Q. During the period that you were a Manager of Product Acceptability, did any of the processes for which you had responsibility produce a co-product or by-product, according to the definitions you just gave me?

A. Well, certainly, there were several. I don't pose to remember all of them.

Q. Can you identify any of them for us today?

MR. SARFATTI: Do you want to start with one or the other? I mean, if he gives you just an enumeration of materials, your question is a compound one.

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A. You mean by-product and co-product?

MR. SARFATTI: Yes.

MR. HUGHES: Thank you for that clarification. You are correct. Why don't we do one-by-one.

BY MR. HUGHES:

Q. Can you identify today any material processes for which you had responsibility while a Manager of Product Acceptability that generated by-products?

A. Well, I can give you an example, one with which I'm very familiar. In the manufacture of polychlorinated biphenyls, the material that results from the distillation

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step is a black material, looks an awful lot like road tar. That material was sold. It's a by-product and it was sold with a trademark to customers who used it in formulating their products. That's just one example that comes to mind.
Q. Did you have responsibility as a Manager of Product Acceptability, for the PCB process?
A. At one time, yes, sir.
Q. Okay, before the production was stopped –
A. Oh, yes.
Q. – I take it.
A. Yes.

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Q. During that – obviously. During that time, did you also have responsibility in the product acceptability sense for the sold by-product?
A. Yes, sir.
Q. Were there processes that you had responsibility for as a Manager of Product Acceptability that generated co-products as you've defined them for me today?
A. Yes, there were.
Q. Could you identify those for me?
A. I can give, well, one example. In the generation of chlorine gas, a co-product is sodium hydroxide, which is commonly known as lye or caustic lye. The two products from that one process are co-products; chlorine and lye.
Q. And again, I take it that you had product acceptability responsibilities for both of the co-products?
A. Yes, sir.
Q. Let me go back. During the time that you were Manager of Product Acceptability, were there other processes in addition to the manufacture of PCBs that generated by-products?
MR. SARFATTI: Objection; lack of foundation if the question extends beyond those materials encompassed

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within his position at the time.
MR. HUGHES: My question was meant to be limited as Mr. Sarfatti just said, in that manner.
A. I think I remember the question. Were there products, processes that produced other co-products? Is that –
BY MR. HUGHES:
Q. By-products.
A. By-products.
Q. You identified one for us, PCBs. My question is, were there any other processes for which you had responsibility as a Manager of Product Acceptability that generated by-products as you've defined them here today?
A. Let me refresh my memory a bit.
I recall one. In the manufacture of the wood-treating chemical pentachlorophenol, there was a product stream – and I use the word "stream" because this was a mixture of several chemicals that resulted, and that stream was sold to customers who processed it further to make products of their own.
Q. Are there any other processes for which you were responsible as Manager of Product Acceptability that

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generated by-products as you've defined them here today?
A. I'm certain there were many. I just have a difficult time recalling all of them.
Q. Okay.
A. Keep in mind, there were thousands of processes.
Q. Were you responsible for thousands of processes?
A. No, no, no. No.
Q. I'm just focusing on the ones that you had responsibility for.
A. Through the years, my product mixture was changing on me, and I was exposed to some of those thousands
or so. Let's see. I'm having a hard time recalling.
Q. That's fine, Mr. Papageorge. I can move on. Let's take as an example the – and forgive me, I'm not a chemist, so I'm sure I'll goof up the names – pentachlorophenol? Is that the name you identified?
A. Yes, that the one I just talked about, wood-treating chemical.
Q. As generating a – as – generating a by-product stream?
A. Yes, sir.
Q. And that by-product stream fell within your

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responsibilities as a Manager of Product Acceptability, correct?
A. Yes.
Q. What duties did you have as a Manager of Product Acceptability concerning the sale of a by-product?
A. I was to monitor the packaging of that product, the labeling where appropriate, the information shared with the customer. That, I think, covers it all.
Q. In that role, did you keep a list of the customers to whom the by-product stream was sold?
A. I did not.
Q. Did anyone keep a list of the customers to whom the by-product stream was sold?
A. Someone must have. I don't know who.
Q. During the period that you were a Manager of Product Acceptability, can you tell me whether there was a Manager of Product Acceptability who had responsibility for styrene monomer?
A. In that period of time, as best I recall, there was no individual that carried that title to whom styrene was assigned.
Q. Was there anyone within the operating company,

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whatever their title, who had the product acceptability-type responsibilities for styrene monomer?
A. Yes, but I don't know who that is, who that was.
Q. Can you tell me by functional title who had that responsibility for styrene monomer?
A. We're still talking the period up to 1977.
Q. The period you were Manager of Product Acceptability, yes.
A. The Manager of Product Acceptability. I, at that time, was not familiar with the personnel and organization of the Monsanto organization that concerned itself with styrene, so I really am in no position to answer that.
Q. You were in a different operating company at that time.
A. Correct.
Q. After you became the DEO of Monsanto Chemical Intermediates, was there a person who had product acceptability responsibilities for styrene monomer?
A. Yes, sir, we had, I had assigned – there were two individuals. At the moment, I can't recall just which one was involved. There was a Gil McEwan, M-c capital E-w-a-n, and a Charles Farley, F-a-r-l-e-y. Today, I don't

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recall which one of those two was assigned to styrene.
Q. Was it one of the two of those individuals during the entire time that you were the DEO of Monsanto Chemical Intermediates?
A. That would take me to 1983. The answer is yes.
Q. Now I want to ask the same questions, Mr. Papageorge, concerning vinyl chloride monomer, starting first when you were Manager of Product Acceptability, whether or not you were in the right operating company. Nonetheless, I'd still like to ask whether you know whether there was someone who had product acceptability – well, let me strike that and move back.
When did Monsanto stop making vinyl chloride monomer? Do you know?
A. I don't remember.
(Discussion off the record.)

MR. HUGHES: Scratch that line of questions.
BY MR. HUGHES:
Q. Let's move on to acrylonitrile. Let's ask about acrylonitrile instead. During the time you were a product acceptability manager, do you know whether there was anybody

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who had product acceptability guidelines with respect to

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acrylonitrile?
A. Not under that position designation.
Q. Okay.
A. The title was –
Q. How about the duties under some other title; do you know who had those?
A. I do not know the person.
Q. After you became DEO of MCI – using a lot of initials – was there someone who had product acceptability responsibilities for acrylonitrile?
A. Yes, there were.
Q. Who was that?
A. It's one of those two individuals I just mentioned regarding styrene.
Q. Did Gil McEwan and Charles Farley have product acceptability responsibilities for all of the products produced by Monsanto Chemical Intermediates?
A. Yes, jointly. Collectively, they had them all.
Q. Right. I understand. Thank you.
Mr. Papageorge, were there processes that you knew of within Monsanto that resulted in some material other

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than the intended product that had no value in terms of usable ingredient?
A. Certainly, there were.
Q. Was there any accepted term within Monsanto for a material that was not the intended product that had no value in terms of usable ingredients?
A. Oh, that, that varied from plant to plant, department to department. I don't know personally of any officially sanctioned terminology that was applied to these things, and certainly, there were no edicts that said, "You must use this term to describe this material." No, I'm not aware of any such thing.
Q. Did you have a term that you used?
A. Well, it varied. Yes, I had terms for some of these. A common one was tar, or residue. Some people use the word "pitch," and there were some other unprintable words that were used by some.
Q. In your mind, Mr. Papageorge, what determined whether an unintended result of a manufacturing process had some value in terms of usable ingredients?
MR. SARFATTI: Objection; lack of foundation.
A. Well, in those situations with which I have some

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familiarity, there was an attempt – and even before my time, by the people in charge at the time – to find markets for these streams, and in order to do that, samples were sent out to companies that someone perceived to be a potential customer and they were asked if there's any interest in such a product, and pursued in a businesslike way to try to establish some sort of market for it.
MR. HUGHES: Let's go off the record for a minute.
(Luncheon recess from 12:15 to 1:25.)
MR. HUGHES: Back on the record.
BY MR. HUGHES:
Q. Good afternoon, Mr. Papageorge.
A. Good afternoon.
Q. Mr. Papageorge, do you have any – let me rephrase that. At any time in your career at Monsanto, did you acquire any learning or knowledge about the storage or disposal of chemicals in pits?
A. I need some help with the definition of a pit.
Q. Fair enough. Did you at any time at Monsanto acquire any knowledge concerning appropriate techniques for disposal of chemicals in the ground?

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MR. SARFATTI: Objection; lack of foundation and vague.
A. My knowledge of disposal of unwanted materials below ground level was, in a way, one step removed from the actual operation of that disposal activity. Through the years that I was with Monsanto, I was aware of a change that took place rather gradually at first and accelerated when the environmental regulations were implemented, regarding what was perceived to be as a desirable site and practice. It's been my personal experience that up until the promulgation of federal EPA types of standards and regulations and the like, that the state of the science, if you will, was such that most places were considered to be adequate as long as it did not directly affect the drinking water of the community or create some undesirable effect on the community in terms of odors and destruction of vegetation; in other words, aesthetic effects. I don't know how else, what else to add to that. It was an evolving perception on my part as to what was considered by industry and society as acceptable.
BY MR. HUGHES:
Q. Mr. Papageorge, what was the source or sources of

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your information on which you base the answer you just gave me?
A. It was a combination of observations on my part, at least initially, and as time went on, it was confirmed by contacts I had with industry and regulatory individuals who were associated with this practice of waste disposal.
Q. What was your understanding prior to the enactment of any federal laws on the subject as to whether it was acceptable to dispose of unwanted materials in a hole in the ground that was not lined in any way with an impervious layer?
MR. SARFATTI: Objection; lack of foundation and vague.
A. I personally never was involved in any observations, discussions, seminars, or what have you in which the word "impervious layer" was mentioned, even, until EPA became active in this area.
Q. When, approximately, by year, is it your recollection that the EPA became active in the area of requiring some kind of impervious layer?
MR. SARFATTI: Objection, leading.
MR. HUGHES: Let me rephrase the question.

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MR. SARFATTI: Mischaracterization of the testimony.
BY MR. HUGHES:
Q. You just indicated in your last answer that you had never been involved with or heard of the concept of some sort of impervious layer until the EPA became active. Is that right?
A. That is correct.
Q. Okay, can you put a year on that for me?
A. I will try. As best as I can recall, this happened late '70's, early '80's.
Q. Are you referring to the enactment of any particular law or regulation when you are giving me that date?
A. I have in mind the law that's known by the acronym RCRA, R-C-R-A, and following that by a few years, I don't recall how many, CRCLA, and then there's another law that is known by the common expression "Superfund." That is not its official designation, but that's what it's known by by many people. It's those kinds of statutes that got EPA involved in the – in regulating the disposal of wastes in the landfills.

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Q. And after the enactment of those laws, is it correct that you became aware of the desirability of having some kind of impervious barrier in landfills?
A. Yes, mm-hmm.
Q. Prior to the enactment of any of those statutes you just named, had you heard any criticism of the practice of disposing of unwanted materials in landfills without any impervious barrier?
A. I personally had not.
Q. Was the first time that you became aware of the desirability of an impervious barrier before, or after you became the Director of Environmental Operations for MCI?
A. As best I recall, it was after 1977 when I became a Director of the Environmental Operations.
Q. How long after?

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A. Hmm. I'm going to have to estimate that because I don't recall exactly. I would suggest that it happened in about a three-year period.

Q. Were there any particular people within Monsanto from whom you acquired information concerning appropriate practices for disposing of materials in landfills?

MR. SARFATTI: Objection; vague.

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A. Well, I certainly relied on the individuals on my staff who were keeping tuned into regulatory matters. I also would have expected the individual on the environmental, corporate environmental policy staff assigned to the matter of waste management to keep us abreast of developments. That would have been a, a typical kind of person I might have heard from.

BY MR. HUGHES:

Q. And who was that?

A. In 1977 or so, it was Gene Jessee.

Q. You've given me a general answer. Can you – do you have any actual recollection of having a conversation with any of those individuals on the subject of appropriate disposal of materials in landfills?

MR. SARFATTI: Same objection as to vagueness.

A. At this time, I don't remember the specific time nor method of contact.

BY MR. HUGHES:

Q. Were you told at any time that one of the reasons that Monsanto had some sites with pollution problems was that materials had been disposed of without having any impervious layers?

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MR. SARFATTI: Objection; vague.

A. I don't recall any discussion at which I was – with which I was involved that described a situation and related it to the lack off presence of linings. I just don't recall any such discussion.

Q. Mr. Papageorge, I'm still doing some follow-up on questions that have occurred over the last couple of days, and there was a line of questions of you concerning JRA's. Could you tell us what a JRA is? What do those initials stand for?

A. I've been trying to recall those myself.

As best I recall, the acronym JRA stands for joint results analyses. But I could be wrong on that. It's been so many years since I used the actual words.

Q. And I take it that this is a document in which an employee sets forth his plans and goals for the year? Is that right?

A. To a greater degree, but you note it's joint. It's the supervisor and the employee jointly will sit down and decide if, for the employee's assignment, these things apply and these are the goals we've selected, and these are the dates we intend to set aside to meet those goals, and

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it's sort of a commitment on both parties to do so.

Q. Was this a document that both parties signed?

A. Yes.

Q. Okay, and was this a document that was then used at the end of some specified period to measure the performance of both the employee and the supervisor?

A. It was certainly used at the end of the year or period covered, and depending on the supervisor and employee, they could set up intermediate sessions to determine rate of progress or need for change. And in fact, the goals set in January may not fit in June because the world has changed, the company has changed, and so on, so there were opportunities throughout the year to review the validity of what was initially agreed to, and then finally, at the end of the year, an attempt was made to decide how well those objectives were met.

Q. During the time that you were the Director of Environmental Operations for Monsanto Chemical Intermediates, who was the supervisor with whom you would sit down to put together a JRA?

A. Dr. Dmytryszyn.

Q. And during the period you were a Manager of

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Product Acceptability, who was the supervisor that you would sit down with to put together a JRA?

A. Can you give me a period of time? There were so many.

Q. Did it change change?

A. Oh, there were many.

Q. How about by functional name, the name of the job function or title?

A. That changed also.

Q. Okay. Rather than delve into that, I think I'll move on.

(Discussion off the record.)

BY MR. HUGHES:

Q. Again, forgive me for jumping around, Mr. Papageorge, but I'm covering some things before we get to the documents. In January 1983, there was a reorganization at Monsanto; correct?

A. You mentioned January. If 1983 is the year; I don't know, I don't remember the month.

Q. The specific month is not that important. In 1983, there was a reorganization that resulted in your no longer having the Texas City plant within the operating

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company that you worked at; correct?

A. That is correct.

Q. And the person who became the DEO in the entity that had Texas City was Dr. Callis?

A. Yes.

Q. Okay. At or around the time of that reorganization, did you sit down with Dr. Callis – well, strike that. Let me rephrase it more generally.

Was there any transition effort on your part to inform Dr. Callis of the issues with which you were faced?

A. Well, Dr. Callis and I, as a natural course of the business day, were in very frequent contact with each other. I, at the moment, am having difficulty regarding a formal sit-down session to specifically talk about issues that were being transferred to Dr. Callis. I would suggest that the fact that one of my staff members joined Dr. Callis' team who was very much closer to these issues was probably the main source of information exchange, if you will, through, through a living person who was right on the cutting edge.

Q. Who was that staff person who switched from your group to Dr. Callis'?

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A. Michael Weishaar.

Q. Putting to one side whether or not you can remember a formal sit-down session with Dr. Callis, was there any effort that you can tell us about on your part to inform Dr. Callis of issues that you had been faced with?

A. I just don't remember. Nothing sticks out in my memory.

Q. Mr. Papageorge, in the last several days of your testimony, on several occasions you have used the word "seepage." Do you recall that?

A. I have used it, yes.

Q. Would you define for me what you mean when you use the word "seepage"?

A. Seepage, to me, is the unintended movement of liquids in small amounts from one location to another through some material as distinguished from the free flow on the surface of, say, a concrete pad.

Q. Are you finished?

A. I think I am, yes, sir.

Q. When you use the word "seepage," are you referring primarily to movement in the ground?

A. Well, it matters – it really relates to the kind

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of discussion we're having. If we're talking about properties such as we have, the North 80, the South 20, that's the ground, then we're talking about seepage, yes, I'm talking about the ground, yes.

Q. Now, Mr. Papageorge, we spoke about communication being one of, if not the primary responsibility that you had

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as a Director of Environmental Operations; correct?
A. That is correct.
Q. Okay, and I believe you, in the past two days, used the term that you were the eyes and the ears of people at the corporate level – for people at the corporate level.
A. I have used that expression, yes, sir.
Q. And you believe that's a fair way to describe one of your main responsibilities as a DEO?
A. To me, it sounds fair, yes.
Q. Would you agree that the communication aspect of the job that you had as DEO was an important responsibility within Monsanto Corporation or Monsanto Company?
MR. SARFATTI: Objection; opinion.
A. I have a hard way to evaluate that. I don't know what to compare it to, because there were other people that were also serving as eyes and ears.

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BY MR. HUGHES:
Q. Let's narrow it down.
A. Mm-hmm.
Q. Would you agree that in the environmental area, the communication function provided by the Directors of Environmental Operations was a very important one?
MR. SARFATTI: Same objection; opinion.
A. Since I was one of those individuals described, I find myself in a biased position to describe the importance of a function. When you use the word "very important," it would imply that other functions in the corporation didn't play a role of any significance, and that's not – that wouldn't be correct, either.
The higher managers in MCI had access to individuals in the corporate network. There really was no race as to who would get to the Managing Director first with the news, so I don't know that it's the most important or very important. All I would suggest is that maybe the proper expression is it's important.
Q. Mr. Papageorge, can you tell me what you understood the term "environmental network" to mean at Monsanto while you were a DEO?

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A. Oh, I suppose the network starts with the Chief Executive Officer of Monsanto and Chairman of the Board, goes down to the Vice Chairman, Mr. Fernandez, and then if there's a direct line, then, to a Vice President, Mr. Throdahl, with the environmental policy staff, and then there is a, a network within each operating unit, so you have the corporate network team, then you have each operating unit with its network, and then to use the description I used earlier, there are dotted-line relationships to, between all of these people, so that the attempt being that the left hand knows what the right is doing and to try to learn from each other so they don't have to reinvent the wheel, so that is the staff network.
Now, down at the operating level, the plant, where the products are being made, there are additional environmental teams in place that eventually end up reporting to the plant manager. So you have another nucleus of environmental staff at each site.
So I would define the Monsanto environmental network as consisting of all these units, interconnected either through the dotted line, full responsibility approach, or the – I'm sorry, the solid line full

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responsibility or the dotted line, which is one of coordinating, communicating to arrive at their objectives.
Q. And wasn't it true that at Monsanto, the DEO's were considered to be a crucial link in that environmental network?
MR. SARFATTI: Objection; vague.
A. I don't know, you'll have to ask Mr. Throdahl for that.
BY MR. HUGHES:
Q. Well, I think we have Mr. Throdahl in writing, so let's take a look. We may –
MR. HUGHES: Let me have marked as Papageorge next in order, Number 27, a document that previously had been marked as an exhibit at the Corbett deposition, but it's dated April 23rd, 1982. The title of it is, "Monsanto Company Review of EPS Environmental Policy Staff and Environmental Network."
(Papageorge Deposition Exhibit 27 marked for identification.)
BY MR. HUGHES:
Q. Mr. Papageorge, I want to give you the opportunity that you need to familiarize yourself with what

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this document is. I am not going to ask you about every page, so why don't you tell me when you feel you've had an adequate opportunity just to take a look at it before I ask you any questions about it.
A. I will.
(Witness peruses said document.)
MR. HUGHES: And Mr. Papageorge – go ahead.
MR. SARFATTI: You can keep it off the record.
(Discussion off the record.)
BY MR. HUGHES:
Q. Mr. Papageorge, to the extent it would be helpful, I'm going to be asking you about a section that begins at – and I'd like to use the Bates numbers, rather than microfilm numbers – at the very bottom, you see there's a little number, bottom right-hand corner, at the one that ends in 004? 8004, or the last four digits? I'm going to ask you about the section that starts with "The organization," about two-thirds of the way down the page –
A. I see it.
Q. – over to the full, first full paragraph on the next page.
(Witness peruses said document.)

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A. I have read those paragraphs you had noted earlier.
BY MR. HUGHES:
Q. Mr. Papageorge, on the front, first page of this Exhibit Number 27, it indicates at the bottom that this was done for the Corporate Social Responsibility Commitee, and it has as participating four individuals, one of whom appears to be yourself; correct?
A. I see that, yes, sir.
Q. Now, did you, in fact, make a presentation to the Social Responsibility Committee, Corporate Social Responsibility Committee about the environmental policy staff and environmental network with these other three gentlemen?
A. I could well have, but I, I just don't recall the situation at all.
Q. Were there any times during the period that you were a DEO that you can recall appearing at and making a presentation to the Corporate Social Responsibility Committee?
A. I don't recall the number of times, sir. I do remember, I do recall that there were several. I do not at

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this point in time recall the dates, the attendees, or the subject matter. They all seemed to, to blend in, one into the other, in my memory.
Q. In your mind, can you identify any presentation that you gave concerning environmental matters, along with Dr. Roush, Dr. Carpenter, and Mr. Throdahl?
A. I don't recall the subjects, but I do know there were several. I just don't, do not recall.
Q. Have you seen this exhibit that we've placed in front of you, Mr. Papageorge?
A. I don't recall.
Q. Do you have the pages I referred you to, Mr. Papageorge?
A. I do.
Q. If you'd go back three pages from there, which is Bates number MCA 0058001 –
A. I have it.
Q. – which appears to be a cover memo –
A. I do.
Q. – on Mr. Throdahl's stationery; correct?

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A. I see it, yes, sir.
Q. Okay. Now, the – there's four names, there,

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listed as the Corporate Social Responsibility Committee, and am I right that those four individuals are all members of the Board of Directors of Monsanto Company?
A. That is correct.
Q. So when you – at any presentation that you are making to the Corporate Social Responsibility Committee, you are making it to four members of the Board of Directors?
A. That is correct.
Q. That was a committee of the Board?
A. That is correct.
Q. And is it safe to say that on any occasion when you would be making a presentation to a committee of the Board, you would do your level best to make it an accurate one?
A. That's true of all my presentations, sir. I don't make any distinction.
Q. You don't add any extra level of care when it's a presentation to the Board of Directors or a committee of the Board?
A. No. I try to do it right no matter who the audience.
Q. That's fair enough. Now, back to the pages I had

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referenced you to. Let me ask you this, Mr. Papageorge. Did you have any role in creating this part of the document which, if you turn past the cover page, has a heading, "Monsanto Environmental" – no, start on Mr. Throdahl's stationery. Turn to the next page.
(Witness complies)
Q. This is the beginning of a description of a Monsanto environmental policy staff, and my question to you is whether you played any role in putting together this description, which goes on for approximately four pages.
A. I, again, my memory doesn't help me here. I don't recall doing so. That doesn't mean I did or didn't.
Q. In the paragraphs that I referenced you to, Mr. Papageorge –
A. Yes.
Q. – am I correct that those paragraphs describe the communication aspect of the environmental network?
A. It describes many of the features of that communications link. I don't know that it does it in totality. There may be some other branches, here, that weren't covered.
Q. Fair enough.

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Is there any part of that description to which I invited your attention with which you disagree?
A. Well, can I take time out to read it thoroughly? I haven't had a chance to read each –
Q. You may, Mr. Papageorge, and I'll – go ahead; read what you believe is necessary.
A. You are talking about section entitled, "The Organization"?
Q. That's correct.
A. And following.
Q. That's correct.
MR. SARFATTI: How far into the next page?
MR. HUGHES: I think it ends at the end of Page 4, because that's the end of that portion of the document.
MR. SARFATTI: And you are asking for that question in the present tense for any present disagreement?
MR. HUGHES: That's what I'm asking for the purpose of the current question.
(Witness peruses said document.)
MR. SARFATTI: Having read the material myself, I'm going to object for lack of foundation.
BY MR. HUGHES:

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Q. Let me know when you've finished, Mr. Papageorge.
A. I will.
(Witness continues to peruses said document.)
A. (Continuing) I believe I've finished reviewing it.
BY MR. HUGHES:
Q. Okay. Mr. Papageorge, let me read you the part that I'm really interested in; okay?
A. Certainly.
Q. And it's at the page I initially directed you to, with the Bates number MCA 0058004 at the bottom.
A. I have it.
Q. Starting with the last paragraph on that page, where it reads, quote, "Generally, information on public and government attitudes and intentions flows through the Public Affairs and EPA Regulatory Management Staffs to the Directors, Environmental Operations, (DEO's) of the Operating Companies. They interpret it for action by the Companies, and flow back to Public Affairs and to Regulatory Management information needed for influencing laws and regulations."

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Then the next paragraph reads, "The DEO's form a crucial link in the environmental network. Administratively a part of the operating companies, they have close ties to the Senior Vice President, Environmental Policy, and to the Environmental Policy Staff. Their position – that of interpreter between operating units and the environmental/regulatory world – requires both tact and knowledge to be successful," end of quote.
Isn't that an accurate description of at least part of your responsibilities as a DEO?
MR. SARFATTI: Objection as to form.
A. This is a description that, in my opinion, reflects Mr. Throdahl's concept of what this whole system was about and how it should function. I would like to also add that in Monsanto jargonese, if I can use that word, when a word like "DEO's" is used, it isn't necessarily – it could be, but isn't necessarily the individual. It's his team.
So when they say the DEO's form a crucial link, in taking me as an example, it meant me, and Mr. Weishaar, and Mr. Keating, and Mr. Farley, Mr. McEwan, Mr. Foresman, all of us try to fulfill that desire expressed by Mr.

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Throdahl, here.
BY MR. HUGHES:
Q. Okay. Are you finished?
A. Yes, sir.
Q. I don't want to interrupt you.
Let me ask you a couple of follow-up questions on that. First of all, to the extent this is Mr. Throdahl's view of how the environmental network should work, my question would be, who put together the environmental network? Wasn't it Mr. Throdahl?
A. I would suggest that that was Mr. Throdahl's proposal, accepted by his managers, and he was asked to implement his proposed program, and this is the result of that.
Q. So would you agree that Mr. Throdahl's view of how the environmental network worked would be a pretty persuasive view?
MR. SARFATTI: Objection; opinion.
A. It would be pretty persuasive, certainly.
BY MR. HUGHES:
Q. Now, was it the practice at – in connection with the presentations you made to the Social Responsibility

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Committee to put together a document such as this exhibit that would be provided at the presentation?
A. That was a rather common practice, yes, sir.
Q. Okay, and I take it it was also then common practice for Monsanto to keep a copy of such document for its records?
A. That depends very much on the author and subsequent custodian of that record.
Q. It would not be an unusual thing to do?
A. Probably not.
Q. To the extent, Mr. Papageorge, that your name

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appears on the front of a document such as this, is that any indication that it is a document that you reviewed?

A. It indicates the good likelihood that I had a chance to review it.

Q. And – oh, I'm sorry. I didn't mean to interrupt.

A. On the other hand, there are times when, when I arrive at a meeting, I would get the document the same time the audience would.

Q. Would that be true of a meeting where you were making a presentation to the Social Responsibility Committee

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of the Board of Directors?

A. There's nothing to say that I made a presentation here, sir. I participated. That means that I sat in the room.

Q. Was it your practice, Mr. Papageorge, when you did review a document prepared by yourself or somebody else, that you would make corrections on the document to the extent you believed it to be inaccurate?

A. Well, certainly.

Q. Now – and is it fair to say that at least to the extent you've indicated that the term "DEO" might refer to the DEO and staff, with that caveat, wouldn't you agree that the DEO's were a crucial link in the environmental network?

MR. SARFATTI: Objection; opinion.

A. Well, my hesitation is due to the fact that that perception depends a great deal on the position held by the reader of such a document or a participant in the network. I would submit to you that there are many managing directors of operating companies who would feel that their plant manager is a more crucial person than the Director of Environmental Operations, so that concept can vary from person to person, depending on his position in the company.

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BY MR. HUGHES:

Q. My question, though, Mr. Papageorge, was directed towards your understanding of how the DEO's fit in the environmental network.

MR. SARFATTI: Same objection.

BY MR. HUGHES:

Q. Wasn't that your understanding that they formed a crucial link?

A. I would not call it crucial because I really believed that with the right set of plant managers – and by "right," I'm saying well-trained, experienced, and understanding of environmental matters – they wouldn't need a DEO. The job would still get done. So, so I can't picture myself as being crucial. I have a hard time doing that.

BY MR. HUGHES:

Q. Did you ever say to Mr. Throdahl that he had an inaccurate view concerning the DEO's role in the environmental network?

MR. SARFATTI: Objection; lack of foundation.

MR. HUGHES: Did he ever say to Mr. Throdahl"?

MR. SARFATTI: He has no recollection of having

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seen this document.

MR. HUGHES: That isn't specifically referenced to the document. I mean at any time.

A. I recall discussions in which the role of the staff people in St. Louis and the Monsanto people at the plants were being discussed, and I vividly recall, since I was the only member in that particular group that had experience as a plant manager, reminding the others in the room that the plant manager was the individual in Monsanto responsible for the plant and that the staff departments out of St. Louis cannot in any way share that responsibility, and I recall vividly that many on Mr. Throdahl's staff were surprised at my comment. This is why I remember that particular incident.

BY MR. HUGHES:

Q. Was Mr. Throdahl at this meeting?

A. Yes, he was.

Q. Did he comment on your statement?

A. I'm sure he did. I don't remember his words.

Q. Now, you – I'm focusing primarily on the DEO's role as far as communications within the environmental network, from the operating companies to the corporate level –

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A. I understand.

Q. – and the other direction –

A. I understand.

Q. – and whether the DEO's are the crucial link in that mode of communication.

MR. SARFATTI: Same objection; opinion.

A. I would suggest that instead of a crucial link, I would define it as an important link, because there are other links depending on issues and personalities involved that could be – that could override and could really be crucial.

BY MR. HUGHES:

Q. Now, did you ever discuss with Mr. Throdahl, in the context of what your duties were with respect to communication, whether the DEO had any responsibility to report facts to the Risk Management Department?

A. That discussion never happened, no.

Q. When I refer to the Risk Management Department, do you have an understanding of what group of individuals that means?

A. I am assuming you are talking about people involved with insurance coverage and the like.

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Q. I think at one point it was called the Insurance Department.

A. Well, that's what we old-timers kept calling it.

Q. And just so that we're sure for the rest of your deposition that we're talking about the same thing, I'm referring to a group that, in the latter years of your employment at Monsanto, was Mr. Toth, Robert Toth, Georgene Grimm –

A. Yes.

Q. Is that consistent with the group you understand?

A. Yes.

Q. Mr. Papageorge, did you understand your group of DEO's to have responsibility to report facts or incidents to the Risk Management Department or the Insurance Department?

A. No.

Q. Okay. Now, I have an advantage that no one else at the table does. Earlier this week, I attended the deposition of Monte Throdahl, and at that deposition, as the record will show when it comes out, he was asked whether there was anyone in an environmental position that had duty to notify the Risk Management Department of environmental events, and he said, "Sure, the DEO's." Now, is that news

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to you?

A. Definitely, and I'd tell Monte to his face. He had a total misunderstanding, here. I didn't even know where those people were located.

Q. Was there somebody within Monsanto Chemical Intermediates during the years you were the DEO who had primary responsibility to report environmental events, if he or she thought it appropriate, to the Risk Management Department?

A. I don't know of anybody.

Q. At any meeting that you attended during the time that you were a DEO of Monsanto Chemical Intermediates, was there a discussion about reporting events to the Risk Management Department?

A. Not to my memory, no, sir.

Q. Did you ever see any comment, during the time that you were the DEO of MCI, that specified any procedures for reporting events to the Risk Management Department?

A. No.

Q. Were you present at any presentation given by people in the Risk Management Department concerning reporting events that might be covered by insurance?

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A. I don't recall any.

Q. Was there ever, during your time as DEO, any

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information that came to your attention where you reached the conclusion that it was something that ought to be reported to the Risk Management Department?

MR. SARFATTI: Objection; lack of foundation.

A. No, sir. I just never felt qualified to make that, such a judgment. I don't know what the ground rules were or what applied or didn't.

BY MR. HUGHES:

Q. Was there ever, was there any – were there any facts that came to your attention while you were DEO where you asked somebody else whether it should be reported for purposes of insurance?

A. No.

Q. And if I expanded that question to your entire career at Monsanto, would your answer be the same?

A. Yes.

Q. Mr. Papageorge, at the very end of Mr. Manta's examination, he asked you whether you had ever heard of the Brio Site. Do you remember that?

A. I remember that.

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Q. And you said you believed that you had first heard of it about 1985?

A. Yes.

Q. Would you describe for me or can you describe for me the circumstances in which you first heard of the Brio Site?

A. In 1985, my office was located next to the office of Wil Varnado. Mr. Varnado at that time was given the responsibility for managing situations such as the Texas City Wye, and later, he, in our casual kind of conversation, he mentioned Brio, which was, to me, a totally new name, and as I remember, he went on to describe – and I don't know the details any longer – some of the features of that situation, and that was really my first exposure, and I frankly don't know any more than that at this point in time.

Q. Mr. Papageorge, can you tell me as – can you describe for me as best you can as you sit here today, what you did learn concerning the features of the Brio Site from Mr. Varnado or others?

A. It was a, a site there in Texas somewhere that allegedly contained some material that originated with Monsanto, and that is really all I know.

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Q. Did you understand that site to be one that was not owned by Monsanto?

A. That is correct.

Q. Did you have any involvement in researching whether Monsanto, in fact, had any connections with the Brio Site?

A. Well, like I said, I, other than my informal discussion with Mr. Varnado, that is my only involvement with Brio by that name. Now, I may have been involved and didn't know it.

Q. We're about to go through a list every names, so let's do that now.

During your career at Monsanto, did you ever hear a reference to the Hard-Lowe Chemical Company?

A. Is that two names?

Q. Hard "dash," yes, Hard "hyphen" Lowe. L-o-w-e.

A. The reason I ask, I remember the "Lowe" part.

Q. What do you remember about the "Lowe" part of that name?

A. It seems to me there was an individual, Mr. Ralph Lowe, I think, was his first name, Robert or Ralph – it starts with an "R," somehow involved with hauling of

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materials from Monsanto, and I was informed that Mr. Lowe was interested in getting involved in some fashion, and I don't know how – in helping out in any cleanup affairs or whatever might take place, and this discussion or these, this information, as I sit here today, I associate it, really, with the Texas City Wye.

Q. Are you finished?

A. Yes.

Q. Okay. Did you ever personally speak with Mr. Ralph Lowe?

A. I believe I was present in the room with Mr. Lowe. I, other than saying "Hello" and introducing myself, I don't recall that I participated in any meaningful discussion regarding his business or Monsanto's business.

Q. You were in the same room with Mr. Lowe; correct?

A. Yes, sir.

Q. You met him; correct?

A. Yes, sir, I think that –

Q. You gave him your name?

A. I was introduced to him, and we shook hands, and so on.

Q. Who introduced you?

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A. One of the plant representatives, and today, I don't recall who that was.

Q. Where did this meeting take place?

A. Hmm. I don't remember.

Q. Do you remember what state it took place in?

A. Oh, it was in Texas, all right. I just didn't know if it was Mr. Lowe's office, or the plant, or just where in, in that area.

Q. So it was in the vicinity of the Texas City plant?

A. That's a good description, yes, sir.

Q. Did you ever attend a meeting with Mr. Lowe at his house?

A. I don't remember being in anyone's house. No, I just don't remember that.

Q. When was it that there was this meeting that both you and Mr. Lowe attended?

A. I'm going to suggest that it was about 1978.

Q. And what is the basis, in your mind, for placing the date as approximately 1978?

A. This was a few months after I became the DEO of the MCI unit. It was about the time I was being tutored on

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the situations at the North 80, and South 20, and Texas City Wye. As I recall, it was part of my indoctrination into the situations that existed at the Texas City plant.

Q. There were other people attending this meeting, other than you and Mr. Lowe?

A. At least one person. I don't remember a mob of people, no. It was, at best, two, probably one.

Q. So it would be only one or two additional people?

A. That is right, yes.

Q. Were – and if it was one person, your belief is that was a person from the Texas City plant?

A. Yes, sir.

Q. And do you remember anyone being there other than Mr. Lowe who was not from the Texas City plant?

A. I do not. That doesn't mean there was; I just don't remember anyone else being there.

Q. Who arranged the meeting?

A. Someone at the plant.

Q. Do you know whether the meeting was the plant's idea, as opposed to Mr. Lowe's idea?

A. Oh, I don't know. It was suggested we go see Mr. Lowe. I don't know where the idea originated.

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Q. Can you remember who suggested let's – that we should go see Mr. Lowe?

A. No, it was one of the plant people, and I'd be guessing as to just which one.

Q. Was it someone in the plant's environmental affairs section?

A. Again, it could have been the plant manager or one of his superintendents. I don't know.

Q. When it was suggested to you that you meet with Mr. Lowe, were you given a reason?

A. Well, I was led to believe that Mr. Lowe was interested in helping Monsanto in any remedial actions. That's the impression I'm left with today.

Q. Before the meeting, were you given any information about why Mr. Lowe would be willing to help Monsanto in any remedial actions?

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A. No, I don't remember any whys.
Q. Okay.
A. I was led to believe he was in, he seemed to be in that kind of business. That's the impression I, I'm left with today.
Q. What do you mean when you refer to, quote, "That

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kind of business," end quote?
A. The hauling of wastes, that's primarily it.
Q. And was that an impression you got from the people – from the person or persons at the plant?
A. Yes.
Q. Can you tell me anything else about what the plant personnel told you concerning Mr. Lowe?
A. I don't remember anymore than that.
Q. How long did this meeting last?
A. An hour or two.
Q. What subjects were discussed at the meeting with Mr. Lowe?
A. Oh, I don't remember the details. All I really remember is that the Texas City Wye was mentioned, and the fact that there was material there and there was some discussion about Mr. Lowe recovering that material or the possibility that he could recover it, and that's about the gist of it. Nothing concrete other than in terms of exactly what, when, and why things were going to happen.
Q. Did you have an understanding in this meeting of what was meant by Mr. Lowe's – the possibility of Mr. Lowe's recovering the material at the Texas City Wye?

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A. Well, I was left with the understanding at the time that Mr. Lowe was really soliciting business in which he expected to make some sort of profit and was going to benefit from his activity to market whatever material he would recover from this entire operation. That's the best recollection I have of that overall discussion, is that he was soliciting what would, to me, appear to be a profitable business deal.
Q. Did you have an understanding of what Mr. Lowe was proposing to do with this material?
A. No.
Q. Okay.
A. You mean in actual terms of what he was going to –
Q. In any terms, even general terms.
MR. SARFATTI: Asked and answered.
A. In general terms, he – I was left with the impression that he felt there was some value in what was on that site and he was going to take advantage of it somehow and market it. I don't know what he was thinking in terms of specifics.
Q. All right, let me explore that.

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A. Mm-hmm.
Q. I take it it was your understanding that he would take some kind of material away from the Texas City Wye; is that correct?
A. No, not necessarily. He may just keep it there and distill it, or heat it, or blend it with something or do something to make it marketable.
Q. So you had the understanding, then, I take it, that Mr. Lowe was going to do some kind of processing or refining of material and then attempt to sell it?
A. All right, that's – yeah, those two words cover the field, yes.
Q. Was there any discussion at this meeting about what materials Mr. Lowe was interested in?
A. Not to my recollection, no.
Q. Was there any discussion in this meeting with Mr. Lowe that – let me start over again.
Was there any mention in this meeting with Mr. Lowe of styrene tars?
A. I don't recall styrene specifically being mentioned. I don't recall.
Q. Do you recall any material specifically being

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mentioned?
A. No, I don't remember anything that I would call, discussed it in a chemical fashion.
Q. Now, you indicated, when we started talking about this meeting, that you had – that you recalled that somehow, Mr. Lowe was involved with hauling materials from Monsanto.
A. Yes.
Q. What was your understanding along those lines?
A. My understanding was that he, he was in the business of providing a fleet of vehicles to remove materials, chemical-type materials. I don't know what, where or what.
Q. Who gave you that information?
A. The individual that was my escort or the individuals that were my escort on that day. I don't know who they are today.
MR. SARFATTI: Excuse me. Could we take about a 15-second break? I want to mention something to you.
MR. HUGHES: Sure.
MR. SARFATTI: Anyone else other than the witness is welcome.

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(Whereupon all attorneys left the deposition room briefly and returned.)
MR. HUGHES: All right, let's go back on the record.
Could you read the last question and answer for me?
THE COURT REPORTER:
"Q. Who gave you that information?
"A. The individual that was my escort or the individuals that were my escort on that day. I don't know who they are today."
BY MR. HUGHES:
Q. Mr. Papageorge, it's part of the record of this case that there is another individual in the Texas City area who had some involvement with Monsanto and with hauling for Monsanto by the name of Paul Malone, and I think we would like to make sure that we're not confusing Mr. Malone and Mr. Lowe in any way. Having brought up Mr. Malone's name, did you also know a – had you also heard of a Paul Malone?
A. Yes, I had.
Q. Okay, and let's follow up on some of the same questions. When did you first hear of Paul Malone?

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A. Again, in the period about '78.
Q. Okay. Now, is it – is there a clear distinction in your mind that as long ago as 1978, you had heard of Paul Malone and a person named Ralph Lowe?
A. There is now, yes, sir.
Q. Okay, so in '78, you did know of the existence of those men?
(No response from the witness.)
MR. HUGHES: I'll restate the question so that it's clear.
BY MR. HUGHES:
Q. In 1978, were you aware of the existence of both a Paul Malone and a Ralph Lowe?
A. In roughly 1978; I'm not exactly sure whether it flowed over into '79, maybe even – well, '78 or '79, I met both of those individuals under different circumstances at different times.
Q. Let's – the meeting that you were describing before we stepped out for a moment, having brought up the name Paul Malone now, is there any confusion in your own mind that whether or not you were describing a meeting with Ralph Lowe?

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A. No, there's a distinct difference in my thinking.
Q. Okay. Good. Why is there, if you can tell me, a distinct difference in your thinking between Mr. Lowe and Mr. Malone?
A. Well, for some odd reason, the discussion with Mr. Lowe left me with a distinct impression that Mr. Lowe was seeking business, soliciting some arrangement with

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Monsanto as a business venture. The meeting with Mr. Malone was not that type, so I can now recall at least that distinct difference in those two discussions.

Q. Just so that we make sure we have these straight, could you tell me what the nature was of your meeting with Mr. Malone?

A. That meeting was associated with the Texas City Wye, in terms of past experiences, rather than future remedial action.

Q. And I take it the meeting you are remembering with Mr. Malone was 1978 or 1979 time period?

A. Somewhere in there, yeah.

Q. How many people were present at the meeting with Mr. Malone?

A. I don't pose to recall all of them, but I

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remember Mr. Malone and his son, Mr. Tromblee, Mr. Brasfield, and Mr. Park.

Q. That's Phocian Park?

A. Yes, sir.

Q. Anyone else that you can – I'm sorry.

A. I believe that's the group.

Q. Did Mr. Malone have any lawyers present who you understood to be representing him?

A. No.

Q. Let me ask you, Mr. Papageorge – excuse the mint in my mouth – did you understand either of these gentlemen to have been involved at all in politics?

A. Which "either"?

Q. Either Mr. Malone or Mr. Lowe to have had any elected political position.

A. I believe Mr. Lowe was a – he was an elected official, state legislature?

Q. Well, what I've heard is that he was the Mayor of Friendswood, Texas. Does that ring a bell?

A. Let me think, here. Well, all I remember is he had some sort of political connection. I don't recall the details.

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Q. Let's go on for a moment with the meeting that you are describing as the one with Mr. Malone. What subjects were discussed at that meeting?

A. Well, it was – again, I don't pose to try to remember all of the questions in exact words, but it had, of course, to do with the Texas City Wye. Mr. Malone's service in transporting material from Monsanto to that site, we shared with him the fact that the State authorities had been by and talked to Monsanto people. He indicated that they had been by to see him, also. We both sort of ended up saying, "Well, we'll keep each other informed as to new developments."

Q. Anything else that you can discuss having been discussed at that meeting?

A. I can't recall anything outstanding here at all.

Q. How long was that meeting?

A. Less than an hour.

Q. Did you have any other meetings with Mr. Malone?

A. No.

Q. Was any written record made of your meeting with Mr. Malone?

A. I didn't make one. I don't know about others.

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Q. Were you ever given information concerning where Mr. Malone picked up materials from Monsanto that he took to the Texas City Wye?

A. You mean from what particular unit within the plant, that kind of – I didn't get any details like that, no.

Q. Did you understand that Mr. Malone had – that whatever material that he had taken to the Texas City Wye, he had picked up at the plant?

A. Yes.

Q. At any time, did you receive any information about whether Mr. Malone had taken materials from the North 80 site to the Texas City Wye?

A. I don't remember that at all.

Q. Did you have any understanding as to whether the Texas City plant used a company of Mr. Malone's for trucking services?

A. Well, that's what I thought Mr. Malone represented. I don't know the name of the company.

Q. Did you ever hear of the Malone Trucking Company?

A. I may well have, but I –

Q. Okay. Let me go back now – and I apologize for

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skipping around – to the meeting with Ralph Lowe. All right?

A. Okay.

Q. Can you make that switch in your mind?

A. I'll try.

Q. Did that meeting occur before or after the meeting with Mr. Malone?

A. I think it was after Mr. Malone, as best I can remember.

Q. And if I understood your testimony, the meeting with Mr. Lowe did not involve any discussions about whether Mr. Lowe, in the past, had anything to do with the Texas City Wye?

A. Not in my presence, no.

Q. Okay, at least while you were there, it was about future business that Mr. Lowe was trying to solicit, as you put it?

A. That's what you understood, yes, sir.

Q. Did anyone at the Texas City plant give you any information about what they knew concerning Mr. Lowe's capacity for refining or processing materials?

A. No.

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Q. Did anyone from the Texas City plant give you any background concerning what they knew about Mr. Lowe's history?

A. No.

Q. Did you ever obtain any information indicating that Monsanto had had prior business dealings with Mr. Lowe?

A. I don't recall that, no.

Q. Did you obtain any information concerning whether Mr. Lowe had any facility at which he processed or refined materials?

A. I did not.

Q. Mr. Papageorge, have you ever visited what you understood to be the Brio Site?

A. No, sir.

Q. Have you heard it referred to as the Brio Refining Site?

A. I do not recall the reference to "refinery." I just don't remember that.

Q. What was the conclusion reached at the meeting with Mr. Lowe, if any?

A. I don't recall any conclusion. It ended up as sort of a "Goodbye, see you later" kind of handshake and we

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just left. Nothing was concluded or committed to in any way; at least, in my presence.

Q. Do you recall that at the end of the meeting, you and the plant people left and went someplace else, versus Mr. Lowe's leaving?

A. Well, we left.

Q. So did that suggest it wasn't at the plant?

A. Well, not necessarily. Mr. Lowe may have been there to see others and the group that I was with left and went about our business. All I remember is that the group I was with left, and Mr. Lowe did something else. He didn't join us.

Q. And you also recall that it was not a meeting at a house; is that right?

A. I just do not remember a house at all.

Q. Are you able to give any description of where the meeting occurred?

A. Nothing stands out, no.

Q. Okay. So it might have been at the Texas City plant, in your mind?

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A. It might have been or it might have been an office he had somewhere. I don't –

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Q. Okay. Do you recall it being a – can you make a distinction in your mind between its being at an industrial site versus an office building, among other office buildings?

A. I, frankly, didn't look around much to determine whether it was what I would call a commercial setting or an active industrial site. It was – it did not leave me with the impression that it, for an instance, resembled the Texas City plant, with its equipment, and superstructure and all, it did not have that lasting impact on my memory.

Q. Do you know where you went after this meeting?

A. I don't recall specifically, no.

Q. Do you have any, any memory of the – I take it, did you have to drive away?

A. Yes, sir, we drove away.

Q. Any recollection of where you drove down there in Texas?

A. I don't know anymore.

Q. Okay. Did you have any further discussions with anybody concerning Mr. Lowe's proposal concerning the Texas City Wye?

A. I don't recall any.

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Q. Did you ever have another meeting at which Mr. Lowe was present?

A. No.

Q. Mr. Papageorge, did you ever hear of an entity operating in the Texas City area by the name of Phoenix Chemical Company?

A. No.

Q. Did you ever hear of an entity operating in the area of the Texas City plant called JOC Oil, J-O-C Oil?

A. Yes, I remember that term, mm-hmm.

Q. All right, what do you recall about JOC Oil?

A. I recall that this was a company providing some sort of hauling service for the Texas City plant, I recall seeing one of their trucks leaving the plant gate, and we followed it down the highway, and it was pointed out to me as a company that provided this service for the plant. Again, I don't – I cannot pinpoint the actual year this happened. It was on one of my visits to the plant, and that's the extent of my knowledge.

Q. Was it someone from the Texas City plant who pointed out the truck and told you what they did?

A. Yes. Yes.

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Q. Okay.

A. I was a passenger, my guide from the plant – and I've forgotten who it was – was driving, and as we started to leave the plant, this vehicle cut in front of us, and it had JOC Oil on it to identify it, and we discussed it.

Q. Did you follow that truck all the way to its destination?

A. No. No, it turned off and went somewhere and we, we stayed on the road.

Q. Were you given any additional detail of what kind of service this JOC Oil entity provided?

A. No detail description was given, just that it hauled away materials and took them somewhere.

Q. Were you provided a description of what materials were being hauled away?

A. I probably was at the time, but today, I don't remember them.

Q. Were you told anything about where JOC Oil took the materials?

A. Like I said, I might have been, I might not have been. I just don't remember that part.

Q. Let me see if I can ring any bells. Were you

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given any information that JOC Oil took the materials to their own facility to refine or process them?

A. I don't remember that.

Q. Was this incident concerning – with the JOC Oil truck before, or after you had met with Ralph Lowe?

A. Oh, that I don't know. It's –

Q. Let me ask it this way. Can you pin it down in time related to when you took over as the Director of Environmental Operations?

A. I can – the best I could do is sometime between early '78 and late '79.

Q. Can you tell me whether this was the same trip as either of the ones where you met Mr. Malone or Mr. Lowe?

A. No, I can't.

Q. Did – were there any decisions made within Monsanto concerning Mr. Lowe's proposal to help out with respect to the Texas City Wye?

A. Well, obviously, a decision was made not to use them, as far as I could tell, but I don't know who made it, and when it was made, and what the discussion – where the discussion was held and what the decision was based on.

Q. At the time you were meeting with Mr. Lowe, was

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it your impression that this was a proposal that would at least be given serious consideration?

A. It would be considered; how seriously, I don't know.

Q. In your mind, it wasn't an occasion where you, sometimes you just pay a courtesy call on somebody and never intend, really, to deal with them?

A. Oh, that I don't know.

Q. You didn't get any information to that effect?

A. No, sir. No.

Q. Did you communicate with anyone else other than plant staff about your meeting with Mr. Lowe?

A. No, sir.

Q. Didn't talk about it with anybody in St. Louis?

A. That's right.

MR. MANTA: Off the record for a minute.

(Discussion off the record)

(Mr. Johnson and Mr. Omrod leave the deposition.)

MR. HUGHES: Back on the record.

BY MR. HUGHES:

Q. Mr. Papageorge, I'd like to try a couple of

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additional names on you, just to see if you have any knowledge of them.

A. All right.

Q. Did you ever hear references to an entity called Dixie Oil Processors?

A. No, sir.

Q. And these are, all the entities I'm going to describe are in the general Texas City area. Did you ever hear of an entity called Intercoastal?

A. I don't remember that one, either.

Q. Did I ask you previously about an entity called Friendswood Refining?

A. You didn't, but that name, to me is – I'm not familiar with it.

Q. Did you ever visit any refining or processing facility in the City of Friendswood, Texas?

A. No.

Q. Ever been to Friendswood, Texas, as far as you know?

A. Not knowingly.

Q. Okay. Can you tell us in what context it was

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that you and the representative from the plant – Strike that and let me phrase it in a better way. We've discussed this meeting you had with Mr. Lowe concerning a proposal he had with respect to the Texas City Wye. My question is, what were the surrounding circumstances, as you understood them, that led to Monsanto's even being interested in listening to Mr. Lowe?

A. I don't believe I knew the entire background here. I happened to be at the plant at the time. The individual who was my escort apparently had some commitment

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to see Mr. Lowe. I have no way of really knowing that except that he found time while escorting me throughout the area to go wherever we found Mr. Lowe and have this very short discussion, and as I indicated earlier, we shook hands and left, so I really don't know what, what –

Q. I guess I'm confused, Mr. Papageorge, because I thought you had indicated the meeting went for an hour or so, an hour to two hours.

A. Well, to me, an hour is a short time. It's different from an eight-hour day, for example.

Q. All right. Did you understand this meeting to be one that had been previously scheduled between the plant

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person and Mr. Lowe?

A. To me, a schedule indicates a definite time and a little more formal fashion. I, I would suggest that our visiting Mr. Lowe was not a surprise to Mr. Lowe. He was sort of expecting somebody, so whether he expected us at that time, or earlier, or later in the day, I have no way of knowing.

Q. Did you hear anything that indicated whether Mr. Lowe had been expecting not only the plant representative, but a representative from St. Louis to visit him?

A. No. I got no, no reading at all in on that in terms of was I – was my presence a surprise or not. I just don't know.

Q. When you were introduced to Mr. Lowe, were you involved as the Director of Environmental Operations for Monsanto?

A. I don't remember. I just don't remember.

Q. Did the plant representative give you any reason that he wanted you to come along to this meeting with Mr. Lowe?

A. As I remember, it just sort of happened to be on the way. I forgot just where we were going, whether we were

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going to lunch or returning from lunch.

Q. Was there any – I'm sorry, were you finished?

A. Yeah. That's it.

Q. Was there any other time that you went along with representatives of the Texas City plant to meet with individuals in the Texas City area who had proposals for Monsanto?

A. I don't recall any other such meeting, no.

Q. Were you surprised to be taken along to a meeting such as this?

A. Not really.

Q. You didn't consider it unusual at all?

A. No, or important. I just, I sort of felt like a fifth wheel in that arrangement.

Q. Were you ever given any information as to whether there was any connection between JOC Oil and Mr. Lowe?

A. Not that I recall.

Q. Mr. Papageorge, during the time that you were the DEO of Monsanto Chemical Intermediates, was there an effort within the operating company to reduce hazardous wastes being produced at the plant?

MR. SARFATTI: Objection; vague.

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A. At what point in time? During the entire period from '77 to '83?

BY MR. HUGHES:

Q. Yeah, during that entire period.

A. Well, yes, there were programs that were being initiated throughout that period. At least, plans were being put together that hopefully would lead to reduced wastes.

Q. Were there any general approaches that the company was proposing to employ to try to reduce wastes? By that, I mean, for example, redesigning the process, itself?

A. Is that your definition of general approaches? Is that what you mean?

Q. No, I tried to change the question.

A. Oh.

MR. HUGHES: Let me mark a document for you, Mr. Papageorge; maybe that will help.

THE WITNESS: It sure would.

MR. HUGHES: If I can find it. Hold on a second.

MR. HUGHES: I'd like to have marked as Papageorge Exhibit 28 a document dated November 30, 1982, entitled "Hazardous Waste Management Study, Phase II Final

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Report."

(Papageorge Deposition Exhibit 28 marked for identification.)

(Witness peruses said document.)

MR. HUGHES: Let me know when you've had a sufficient opportunity, Mr. Papageorge, to familiarize yourself with the document.

A. I will.

Q. I don't propose to ask you about every word in it.

(Witness continues to peruses said document.)

A. I have quickly reviewed this. I don't recall the report, itself, but it does refresh my memory on the – regarding the study that did take place at that time.

Q. So you do have a memory of the hazardous waste management study that underlay – underlie? – this report.

MR. SARFATTI: Underlies.

MR. HUGHES: Underlies. Thank you.

A. Yes, sir. Of course, I cannot possibly recall all the details in it. I'd have to study the report thoroughly to –

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BY MR. HUGHES:

Q. Okay, the front page – I'm sorry, were you done?

A. I'm finished.

Q. The front page recites "To," and then it has eight addressees with the caption above their names, "Manufacturing Managing Council." What was the Manufacturing Managing Council?

A. That was a group that consisted of the individuals in Monsanto throughout the corporation who were the top individuals within the operating units, and these individuals were the – those responsible for manufacturing, such as the General Managers of Manufacturing or Directors of Manufacturing.

Q. Now, Mr. Papageorge, if you would turn to page 2 of the actual report, which is at Bates number MCO 7511492, and down at the bottom there's a section that begins, "Recommendations"?

A. I have found it.

Q. And the first recommendation is, I guess, sort of mom and apple pie. "Priority should be directed towards reducing the generation of hazardous waste." Correct?

A. It does say that, yes.

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Q. Okay. My question is directed more towards the second recommendation, there, which states, quote, "Major emphasis should be placed on reusing or upgrading to sell as a co-product those wastes which cannot be eliminated. Each operating company should assign responsibility for this activity to a designated individual." My question, Mr. Papageorge, is, first, whether that refreshes your memory that one plan on how to reduce hazardous waste was to emphasize reusing or upgrading such material to sell as a co-product.

MR. SARFATTI: Objection; vague.

A. Well, certainly it refreshes my memory. What I have difficulty recalling is whether or not this report with its recommendations was adopted in its entirety: If so, when it was adopted. I just don't remember those details.

BY MR. MANTA:

Q. That's fair enough. Let me ask you this, Mr. Papageorge. This report is dated November 30, 1982.

A. Correct.

Q. Well, actually, the report is dated November 15th, 1982. The distribution is November 30. Before those dates, do you recall there being any emphasis within

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Monsanto to reuse or upgrade to sell as a co-product those

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wastes which cannot be eliminated?
MR. SARFATTI: Same objection; vague.
A. There was emphasis. Of course, and it was driven for two reasons: Initially, economic reasons, and finally, environmental reasons.
BY MR. HUGHES:
Q. Could you describe briefly what you mean by those two reasons?
A. Well, if there is a useful material in that – resulting from the process, it certainly behooves Monsanto to find a customer for it, such that the customer can benefit from having such a material and Monsanto, of course, can charge for that material and help pay for some of the costs of running the major process, so that's the – an example of an economic kind of consideration.
Coupled with that is if you sell this product to someone who can find it useful, it reduces the costs of disposal, trucking it away and paying a fee for putting it somewhere. Again, that's economic.
The environmental issue was really one of an emphasis as time went on, and that was an evolving kind of

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understanding, that it's best to use materials, rather than to dispose of them by burying them somewhere, so that added not only to the economic part of this equation, but also to, I'm going to call it, the good public image of the corporation. That's it.
Q. When do you first recall learning about or hearing about the desirability of finding a market for these materials that Monsanto, itself, didn't want to use?
A. From day one I joined Monsanto.
Q. Okay, which was 19 –
A. '51.
Q. '51. And I know that's a long time ago, even longer than most of what we've been talking about, Mr. Papageorge, but are you able to give me any indication of where you first got that message?
A. I don't know that there's any one speech, or one seminar or anything where it shows up; it's sort of built into the fabric of the running of the plant. You always try to sell what you have, rather than give it away.
Q. And in all parts of Monsanto with which you had experience, that was the case?
A. That's – yes, sir, that's my understanding.

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Q. I realize there are plants you can't speak for but at least the ones you knew about, that was the case?
A. Yes.
Q. Were there always these two concerns, economical – economic and environmental, behind the desirability of finding markets for these unwanted substances, as far back as you worked at Monsanto?
A. Well, I would suggest that in '51, the environmental consideration, because of the state of the understanding that existed at the time, was not couched in that word, "environment," but the, but the thought was that we certainly couldn't dump it along the highway shoulders or midnight dump it into the local river or anything like that, so an environmental consideration was underlying, but as the environmental regulations and all were, and the public was becoming more understanding of environmental issues, that, of course, did impact Monsanto's thinking more and more, so it really eventually reached the point where it was more important than the economic factor when it came to these co-product, by-product streams.
Q. Did you ever have any discussions on the subject of whether Monsanto could have any continuing potential

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liability for materials or chemicals that it sold to another? And actually, Mr. Papageorge, let me narrow this question. I want to focus specifically on this issue of co-products and by-products that Monsanto did not want to market as one of its own but wanted to find a market, you know, for some other refiner or processor to use. Were you ever part of any discussions concerning whether Monsanto was at risk if that customer to which it sold the co-product or by-product handled it improperly?
MR. SARFATTI: Objection; vague.
A. I was never a participant in such a discussion. I just was not. All of the arrangements that were in place were ongoing when I arrived on the scene, and they were all perceived to be, those that were still ongoing were perceived to be responsible customers, so I was never a member of any group that discussed this.
Q. Mr. Papageorge, do you recall an event that I've seen described as the Kepone incident?
A. I remember the Kepone, but I'm having difficulty remembering the specifics.
Q. Actually, let me back up, Mr. Papageorge. I'll get to the Kepone incident, I promise, but I forgot to ask

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you a couple of other things.
Were you ever on the Styrene Technical Committee of the Manufacturing Chemists Association?
A. Styrene Technical Committee, no; I just don't remember that.
MR. HUGHES: Well, let me try and find a document and show it to you, to see if that helps us.
This will be marked as Papageorge 29, a one-page document, a letter dated February 9, 1978, from Tom K. Smith to William J. Driver.
(Papageorge Deposition Exhibit 29 marked for identification.)
(Witness peruses said document.)
BY MR. HUGHES:
Q. Having had a chance to review Exhibit 29, Mr. Papageorge, you know I didn't just pull that out of the air. Does this refresh your recollection at all as having been a representative on the Styrene Technical Committee of the Manufacturing Chemists Association?
A. This memorandum certainly indicates that, sir, but I don't recall ever attending a meeting of that committee. I don't even know how I got on it. I may have

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inherited, because of structure or changes within Monsanto and someone was trying to correct the record. I –
MR. HUGHES: That's fine. You can put that exhibit aside, then. We won't waste anymore time on it.
Let me have marked as Papageorge Exhibit 30 a document dated July 8, 1974, from H. M. Keating, production CBY 1701321 to 1701339.
(Papageorge Deposition Exhibit 30 marked for identification.)
(Witness peruses said document.)
BY MR. HUGHES:
Q. Now, Mr. Papageorge, your name does not appear on or anywhere in this document, but I do have a couple of questions I would like to ask you about it. Let me know when you've had a sufficient chance to go through it to familiarize yourself with it.
MR. SARFATTI: It looks like it's about 15 pages. You say familiarize yourself, but I mean, in what respect?
MR. HUGHES: The actually – All right, maybe I should just go to some questions and Mr. Keating – Mr. Keating, he's the author – Mr. Papageorge –
A. He's a good man.

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Q. I've met him. He's a good man.
Mr. Papageorge, if, in response to any of my questions, you feel a need to read the document, then you just let me know; okay?
A. I'll try.
Q. You knew Mr. Keating, I take it?
A. Certainly.
Q. Okay. At some point, he was one of your staff members; correct?
A. That is correct.
Q. When you initially became DEO, he was one of your staff members?
A. That is correct.
Q. Am I right that pretty soon after you became DEO, his activities concentrated on workplace health?

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A. Correct.
Q. Were you aware that prior to your becoming DEO, Mr. Keating had been involved in environmental control matters?
A. Yes, sir.
Q. What did you know about Mr. Keating's background? Let me give you a date. In 1977, when you took over as DEO,

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what did you know about Mr. Keating's background in the area of environmental control?
A. Mr. Keating's assignment prior to 1977 was in the area of environmental matters, and he was associated with, I believe at the time, it was called a Monsanto Plastics Division, or Plastics Company, or some such designation, which included plants such as Texas City and plants such as Springfield, Massachusetts, Addyston, Ohio, and so on.
Q. Did you – I'm sorry, were you finished?
A. Yes.
Q. Okay. Did you understand that even prior to the creation of the environmental policy staff in 1977, there was a Corporate Environmental Control Committee?
A. No, I was not associated or aware of such a committee. I just don't remember.
Q. You didn't know of its existence?
A. That's right. It just, it doesn't ring any bell.
Q. Okay, I take it, then, that certainly means you did not know whether or not Mr. Keating was a member of such a committee.
A. That's true.
Q. Did you have any understanding as to what duties

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Mr. Keating had, as far as environmental matters were concerned, before 1977?
A. I could only guess at them.
Q. Okay. When you say you can only guess, would it truly just be a guess? There would be no basis for it at all?
A. That's true.
Q. I'm not really interested in your guesses. If you could turn to page – well, page 3 of this exhibit, there's a document that's entitled "Draft Environmental Control Committee Goals"?
A. I see it.
Q. And then I'm most interested in the numbered paragraph 3 of this two-page summary, but please feel free to read what you believe is necessary.
(Witness peruses said document.)
A. Well, I have reviewed it.
Q. You've reviewed that numbered paragraph 3?
A. Yes, sir.
Q. Okay.
Which operating company were you with as of July 1974?

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A. I believe, at the time, it was called – I am confused with my dates. I believe it was Monsanto Industrial Chemicals Company or its predecessor, the Organic Chemicals Division of Monsanto Chemical Company.
Q. Okay, and at that time, you were a Manager of Product Acceptability; correct?
A. Correct.
Q. Okay. Were you aware of anyone within the operating company that you were assigned to who was designated as a representative for environmental matters to the corporation?
A. No, sir, I don't believe the companies I was involved with were even related to this committee that's referred to in this document.
Q. Okay, this committee is referred to as a Corporate Environmental Control Committee.
A. I understand that, but I don't remember any individual that – I was not aware, nor was I told or informed of representatives representing the company operating unit I was involved with as being assigned to the – to communicate and be involved with the corporate committee. I don't know that.

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Q. Okay. That's what I was asking.
You have now reviewed the numbered paragraph 3, and I realize, of course, Mr. Papageorge, you cannot look into the mind of Mr. Keating, but my question is whether you had been aware of any concerns expressed within the operating company to which you were assigned concerning disposal facilities and practices not only for materials disposed of, but also ones sold for any purpose.
A. What about it? I mean –
Q. Whether you had heard concerns expressed within your operating company about residues sold for any purpose.
A. Well –
MR. SARFATTI: You want to specify a time?
MR. HUGHES: July '74.
MR. SARFATTI: And anytime before that?
MR. HUGHES: July '74 to the time you became DEO in 1977.
A. (Continuing) Certainly, I've heard and was involved in discussions of specific materials, and really, they amounted to reviews of the practice in place at the time and whether that practice ought to be continued, or discontinued, or improved in some fashion to meet the

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evolving environmental concerns.
BY MR. HUGHES:
Q. This is while you were Manager of Product Acceptability?
A. Yes, sir.
Q. Okay. What practices did you just – were you referring to in your last answer?
A. The practice I have, the example that comes to mind is the selling of a by-product for use in the open market for some application was considered and considered not to be appropriate, and the decision made not to sell it for that. That's the kind of thing that went on.
Q. And you actually participated in discussions like that?
A. In the one I have in mind, yes, sir.
Q. What is the specific discussion you have in mind?
A. This was with reference to the material I had mentioned earlier that resulted from the polychlorinated biphenyls that was sold under the trade name Montar, M-o-n-t-a-r, for use in many plastic applications where color was no object, because this material was black, like roofing tars, and floor tiles, and so on. I remember that,

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and I offer that as an example of the kind of discussion that took place here.
Q. Were you a participant in discussions on this subject in addition to the one about Montar?
A. Which subject?
Q. You are giving Montar as an example of an – a situation you are aware of where there were reports of concerns where you were selling a residue or by-product, right?
A. Correct.
Q. Were there any other instances that you were aware of before you became DEO?
A. Gosh, they don't come to mind. That doesn't mean there weren't, it doesn't mean there were. I just don't remember anymore. They don't stand out in my thoughts, here.
Q. With whom did you have the discussion concerning Montar?
A. I don't recall the individuals but I recall the functions represented: Research people, marketing people, Medical Department people. That represents the group.
Q. Can you tell me who first raised the question

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within that operating company about whether it should cease selling Montar?
A. Oh, God, there were so many people, I just don't know who first brought it up, but –
Q. Can you tell us the reasons that were discussed as to why the company should consider ceasing the sale of

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Montar?
A. Well, in this case, it was definitely related to the situation where PCBs were found in the environment, there were PCBs in this by-product, and since it was used on outdoor installations, the entry into the environment is, was perceived to be fairly easy. We didn't want it to get into the environment, so the decision was made not to sell it.
Q. The review you recall being made was what, exactly?
A. I just gave a few examples. It ended up as an ingredient in roofing tar, or roofing tile. It ended up in some caulking materials. It ended up in some asphalt ceiling compounds, it ended up in floor tile.
Q. Now, those final products were not Monsanto products; correct?

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A. That's correct.
Q. Monsanto sold this Montar to other companies that then manufactured the final products.
A. Correct.
Q. Okay. Were there any individuals from the Monsanto Legal Department involved in these discussions concerning Montar?
A. Yes.
Q. Who was involved from the Legal Department?
A. Let's see. This was – that would have to be Phocian Park, for certain, and I have forgotten who the attorney was that was assigned to the operating unit. There was – there was – Mr. Park represented the corporate legal group, and there was another attorney representing the operating unit. I have forgotten who he is, who he was.
Q. Approximately when was it that there were these discussions concerning Montar?
A. 1970.
Q. I'm sorry, I thought you said it was while you were Manager of Product Acceptability.
A. Well –
Q. So – is that right?

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A. The title at the time was Manager, Product – Environmental Control, but the job was the same. The title changed.
MR. HUGHES: You did explain that to us. I apologize.
This is – I would be moving on to another exhibit, and my esteemed colleague is looking at his watch, so why don't we break for now, as agreed earlier?
MR. SARFATTI: I do want to make one comment on the record before you break, and it has to do with a matter that was brought up initially. I don't know if either of you were here when it was brought up by Mr. Manta at the very beginning of Mr. Papageorge's examination. It had to do with the location of this deposition in St. Louis.
THE WITNESS: Oh.
MR. SARFATTI: And the one matter I want to –
MR. HUGHES: I was going to ask a couple of questions on that. Do you want me to do it?
MR. SARFATTI: I just want to raise the point that wasn't inquired into which I think is highly germane, which is the health emergency situation that led to the change.

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MR. HUGHES: I'll ask a couple of questions on that because I meant to do that.
BY MR. HUGHES:
Q. Mr. Papageorge, at the beginning of the deposition – and I was here – you were asked some questions concerning the scheduled location for the deposition. Do you recall that?
A. I do.
Q. And you at that time mentioned that there had been some personal issues that arose, and I don't want to get into personal things you don't want to reveal, but could you tell us for the record, to the extent you feel comfortable, what those matters were?
A. I'm not ashamed of anything. I have a wife who suffers from – and I hope say say this, pronounce it correctly – blepharospasms, b-l-e-p-h-a-r-o-m-a. This means the eyelids close on her unexpectedly, and she's been undergoing treatment for over a year, trying to find the cause and trying to come up with a correction. The current treatment is to innoculate the nerves around the eyes with this botulism toxin, which is really a nerve killer, so the nerves are inactive so the eyelids don't automatically

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close.
Now, with that condition and to the point where she cannot force them open until they're ready to open, she cannot drive, to do the many things required around the house. In the meantime I have with us an 88-year-old mother-in-law who needs –
MR. SARFATTI: Do you need anymore?
MR. HUGHES: Yes. Actually, I need to ask one more question when you get done.
A. (Continuing) She needs, unfortunately, many trips to the emergency nature, unpredictable, and she's got a retina problem and et cetera, so –
BY MR. HUGHES:
Q. Mr. Papageorge, that's plenty on that subject. My next question is whether these facts existed a month ago. Has anything changed in the last month as to these facts that made you want to stay in St. Louis, as I can understand?
A. Well, the mother-in-law's retina problem is fairly recent. The ophthalmologist saw something there that hasn't quite taken place but they want to catch it very closely, and when it happens, it means an immediate trip to

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repair that retina before it's finally and fully damaged.
My wife's eye problem, the recent treatment started about two months ago, and it's a trial and error in terms of where the injection is made, and how much, and how frequently, so –
Q. So am I right that anytime in the last two months, you would have preferred to have the deposition in St. Louis for these reasons?
A. Well, a deposition which takes this period of time, certainly.
Q. Okay.
A. But I was under a false impression also that I might be involved with maybe a day and a half or so at a trial. Well, a day and a half, I might be able to arrange around it, but I found arranging around four or five days was unfeasible, really.
MR. SARFATTI: There's one with question I want to ask if you don't want to ask it –
MR. HUGHES: Go ahead.
MR. SARFATTI: – and that is, did this health situation reach a further stage on account of an appointment that either your wife or your mother-in-law had with her

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physician last week?
THE WITNESS: That really brought it to the head. On Thursday the 7th, I had to take both of them to their respective eye doctors and both of them said, "I may need to see you tomorrow," or "Monday," or whatever.
MR. HUGHES: Okay.
THE WITNESS: So I had to stay close to home on Thursday following the 7th. Therefore, arriving in Delaware on the 11th was extremely difficult on me.
MR. HUGHES: Let's stop, because Steve needs to go to the airport.
Off the record.
(Whereupon, at 4:15 p.m., the deposition was recessed.)

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COMES NOW THE WITNESS, WILLIAM B. PAPAGEORGE, and having read the foregoing transcript of the deposition taken on the 13th, 14th and 15th days of January, 1993, acknowledges by signature hereto that it is a true and accurate transcript of the testimony given on the date hereinabove mentioned.

WILLIAM B. PAPAGEORGE

Subscribed and sworn to before me this day of , 1993.

My Commission expires:

Notary Public

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STATE OF MISSOURI)
SS:)
CITY OF ST. LOUIS)

I J. Bryan Jordan, notary public in and for the State of Missouri, duly commissioned, qualified and authorized to administer oaths and to certify depositions, do hereby certify that pursuant to agreement in the civil cause now pending and undetermined in the Superior Court of the State of Delaware, in and for New Castle County, I was attended at the Adam's Mark Hotel, in the City of St. Louis, State of Missouri, by the aforesaid witness and by the aforesaid attorneys, on the 13th, 14th and 15th days of January, 1993.

The said witness, being of sound mind and being by me first carefully examined and duly cautioned and sworn to testify the truth, the whole truth, and nothing but the truth in the case aforesaid, thereupon testified as is shown in the foregoing transcript, said testimony being by me reported in shorthand and caused to be transcribed into typewriting, and that the foregoing pages correctly set forth the testimony of the aforementioned witness, together with the questions propounded by counsel and remarks and

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objections thereto, and is in all respects a full, true, correct and complete transcript of the questions propounded to and the answers given by said witness; that signature of the deponent was not waived by agreement of counsel.

I further certify that I am not of counsel or attorney for either of the parties to said suit, not related to nor interested in any of the parties or their attorneys.

Witness my hand and notarial seal at St. Louis, Missouri, this day of , 1993.

My commission expires July 20, 1994.

J. Bryan Jordan
Notary Public in and for the
State of Missouri

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Look-See Concordance Report

- - -

2,010 UNIQUE WORDS
386 NOISE WORDS
22,122 TOTAL WORDS

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J ıry 13-15, 1993
CORRECTIONS TO DEPOSITION _ William B. Papageorge

Page	Line	Correction:
47	12	Initially it consisted of two individuals, Harry
50	1	Talking with wstomers' people and talking with
61	14	Well, for me and my team, really, not to me
91	1	don't know what conditions must exist underneath that plant
151	11	monitored activities, I served as a prod where necessary
154	10	Papageorge. And the next name would have been squiggled to
158	19	a situation where I might say I better look for this
163	6	spilling all over the place. These were not the big spills
163	7	that would be the result of a catastrophic failure or a fire or
241	13	old site; there are wastes under its surface; it was
277	13	You used the word 'aware'. I do not recall any
319	22	information base on questionable
328	12	Your question is -- What does he do? He worries
346	2	well be the North 80 is the proper designation
370	9	but either one of those would have been a likely source of
444	18	That's what I understood, yes, sir.
476	15	suffers from -- and I hope I say this, pronounce it
476	16	correctly -- blepharospasms, b-L-e-p-h-a-r-o-s-p-a-s-m-s. Thi
477	11	trips of an emergency nature, unpredictable, and she's got

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