ORIGINAL

Superior Court of the State of California
For the County of Los Angeles

TRANSWESTERN PIPELINE COMPANY,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	**Case No. BC 026959**
	)	
MONSANTO COMPANY and DOES 1 through 200, inclusive,	)	
	)	
Defendant.	)	

July 8, 1992

Continuation of the deposition of C. L. BRADFORD, taken on behalf of Plaintiff.

GORE REPORTING COMPANY

Boatmen's Tower, Suite 1175 - 100 North Broadway
St. Louis, Missouri 63102
(314) 241-6750

Superior Court of the State of California

For the County of Los Angeles

TRANSWESTERN PIPELINE COMPANY, Plaintiff,	)	
v.	)	No. BC 026959
MONSANTO COMPANY and DOES 1 through 200, inclusive, Defendants.	)	

Deposition of C. L. BRADFORD, taken on behalf of Plaintiff, at the offices of Bryan Cave, 500 North Broadway in the City of St. Louis, State of Missouri, commencing at 8:00 a.m. on the 8th day of July, 1992, before J. Bryan Jordan, certified shorthand reporter and notary public.

HARTOLDMON0039268

APPEARANCES:

FOR THE PLAINTIFF:

Ms. Dana K. Welch
Shearman & Sterling
555 California Street
San Francisco, California 94104
(415) 616-1100

FOR THE DEFENDANTS:

Mr. Donald F. Zimmer, Jr.
Bronson, Bronson & McKinnon
505 Montgomery Street
San Francisco, California 94111-2514
(415) 986-4200

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Whereupon. . .

C. L. BRADFORD,

of sound mind, having been first duly sworn to tell the truth, the whole truth, and nothing but the truth in the case aforesaid, testified upon his oath as follows, to-wit:

EXAMINATION

QUESTIONS BY MS. WELCH:

Q. Okay, good morning, Mr. Bradford. My name is Dana Welch, and I represent Transwestern Pipeline Company, and have you ever had your deposition taken before?

A. Yes.

Q. Okay, so maybe you understand some of the procedures, but let me reiterate them just so that you can have them in mind. First of all, you understand you are under oath, and even though this is a very casual setting, I'm sure that you will treat your testimony as if you were in trial, and that is that you are obligated to tell the truth and to give me your fullest recollection of events that I ask about. I'm going to be asking you a series of questions, and I never mean to confuse you or to obfuscate, but if

you have any questions or don't understand the nature of my question, please ask me and I'll rephrase it. If you answer a question that I ask you, I will assume that you understood the question.

After the deposition is done, the court reporter will prepare a transcript and you will have the opportunity to review that transcript. If you have any changes that you need to make to that transcript, you are certainly able to do so at that time, but I should tell you that if you do make any changes to the transcript, I or another attorney for Transwestern may make comments upon that at the time of trial.

Okay, you told me before that you have been deposed before. Do you recall in what cases you've been deposed?

A. I don't recall the name of the case, no.

Q. Okay, how many times have you been deposed?

A. Once.

Q. And was that in a case by the name of Outboard Marine?

A. It might have been.

Q. Do you recall when that was, approximately?

A. It would have been in the early Eighties.

Q. Okay, Mr. Bradford, can you tell me what your educational background is?

A. I have a B.S. in electrical engineering from St. Louis University, and I have a year of, year and a half of law school at Harvard.

Q. And when did you first come to Monsanto?

A. I believe it was 1962.

Q. Okay, was that directly after you spent a year and a half of law school?

A. No. I had taken two jobs prior to that.

Q. Can you tell me what your jobs were prior to your jobs at Monsanto?

A. I worked for Universal Match Corporation and I worked for Warranty Service Company.

Q. Okay, and what was your job at Universal Match Corporation?

A. I was a sales engineer.

Q. What years did you work there?

A. Probably '60 and '61.

Q. Okay, and how about at Warranty Service Corporation?

A. From '61 until I came to Monsanto.

Q. Okay, what was your first job at Monsanto?

A. I was called an advertising assistant.

Q. What were your job responsibilities?

A. I supported the sales organization by writing brochures, working with advertising agencies, that type of thing.

Q. Okay, did you -- were there any particular products that you were responsible for?

A. I supported the, I think they call it the Specialty Chemicals Group at the time, and so I could have been -- I wasn't responsible for any of the products but I would have supported the marketing managers of, the product supervisors of any of those things in the Specialty Chemicals Group.

Q. What did Specialty Chemical Group encompass at that point?

A. Well, it had food chemicals, like saccharine, it had paper chemicals sold to the paper industry, it had Functional Fluids, I think those were the, the main products that I can recall. Maybe all of them.

Q. What did Functional Fluids include?

A. Functional Fluids included brand names, synthetic fluids like Skydrol, Pydraul and Therminol.

Q. So did that mean that it included products that contained PCBs?

A. That's correct.

Q. Okay, are you familiar with the name Aroclor?

A. Yes.

Q. Did the Functional Fluid Group include products that included aroclors?

A. Yes.

Q. And who did you work with at that point in the, as an advertising assistant?

A. Well, I worked for, reported to Phil Ziegenfuss, Z-i-e-g-e-n-f-u-s-s.

Q. When you came to Monsanto as an advertising assistant, did -- were you involved in any educational programs about the products that you were supporting?

A. Did I try to educate other people?

Q. No, were you involved, or were you involved in any educational efforts by Monsanto about those products?

A. Not that I recall.

Q. How long did you stay as an advertising assistant?

A. I believe it was approximately a year.

Q. And what kinds of brochures did you develop? Let me rephrase that.

Did the kind of brochures you developed, were they oriented to customers?

A. I believe that's a good way to describe it. Most of them would have been oriented to customers.

Q. Okay, did they include technical bulletins?

A. They might have included technical bulletins.

Q. Anything else that they would have

included?

A. No, I don't think so. I think that would pretty much cover the waterfront.

Q. Okay. From whom did you gather information for these technical bulletins at the time you worked as advertising assistant?

A. I would have worked, I would have gotten information from the marketing managers, product supervisors, perhaps research and development.

Q. Do you recall working on any product bulletins or technical bulletins for any of the aroclors?

A. No.

Q. Okay, which product did you -- which products did you work on technical bulletins for?

A. I might have worked on any of them. The only one that I recall working on was a fine chemicals or a food booklet for, I believe it was saccharine.

Q. Okay, that did not include PCBs?

A. No.

Q. Okay. What kind of advertising did you develop for the aroclors in this

time?

A. I don't recall. Any advertising would have been in industrial magazines.

Q. Okay, so you didn't develop any technical bulletins for the aroclors in that time?

A. I didn't say that. I said I don't recall if I did.

Q. In reference to this time period, did you know Roger Hatton?

A. Yes.

Q. From 1962?

A. I don't recall when Roger and I first ran across each other, but it could have been in 1962. Certainly knew him during my career at Monsanto.

Q. Okay, what was his position?

A. I believe Roger had, perhaps, more than one position during the approximately ten years I was there, but the one that I recall him in was as a, like a product supervisor.

Q. Do you recall -- and again, this is in reference to your job as an advertising assistant -- ever talking to Roger Hatton

about the products that he was a supervisor for, or that he worked on?

A. Certainly.

Q. Okay, did you ever talk to Roger Hatton about product OS-81 during this time period, '62 or so?

A. What product was OS-81?

Q. I believe that it was used as a lubricant for gas compressors.

A. Then I probably talked to him about it.

Q. How about have you ever talked to -- did you ever talk to Roger Hatton about MCS 153?

A. Yes.

Q. Okay. Do you know what MCS 153 is?

A. If I recall it correctly, that was a lubricant used for turbines.

Q. And again in reference to your job as advertising assistant, why did you talk to Roger Hatton about these products?

A. Well, pardon me. Let's correct this. I don't recall ever talking to Roger Hatton during this year as advertising

assistant. I'm talking about my ten-year period, so if the question is did I talk to him as an advertising assistant, I'd have to say I don't recall ever talking to Roger when I was an advertising assistant.

Q. How long did you spend as an advertising assistant?

A. One year, approximately.

Q. Okay, and then what was your next job?

A. I was a salesperson.

Q. How long were you a salesperson?

A. Approximately two years.

Q. For what products were you a salesperson?

A. For the Functional Fluids.

Q. Did Functional Fluids include aroclors at this point?

A. Yes.

Q. Okay. Were you were assigned to any particular geographical region?

A. Yes.

Q. What was the geographical region?

A. Roughly, from, like, Colorado south into Texas, and then across Colorado,

Nebraska, Missouri, Southern Illinois, Southern Indiana, and then south to the Gulf and everything below that line or, you know, encompassed by that line.

Q. So more or less the Southwest, or parts of the Southwest?

A. Well, parts of the Midwest, parts of the Southwest, and if you consider Mississippi part of the south, part of the south.

Q. Did you sell all of the Functional Fluids in that region?

A. As I recall it, yes.

Q. And was this from approximately 1963 to 1965?

A. I don't recall. If that's what it works out, perhaps.

Q. Okay, who did you report to?

A. I reported to, first, to Telly Tupper, T-u-p-p-e-r, and second to a Jack Lilly, L-i-l-l-y.

Q. Was Texas Eastern one of your accounts at this point?

A. Yes.

Q. What products did you sell to

Texas Eastern?

A. I believe it was MCS 153.

Q. Who were your contacts at Texas Eastern?

A. Purchasing and Operations.

Q. Who at Purchasing?

A. I don't recall the names of the Purchasing people.

Q. Do you recall the names of the Operations people?

A. I recall a couple of names there. I recall a Buck Jarnigan, and I recall a Walter Woods. Those are the only two that come to mind.

Q. Okay, did you ever visit a gas compressor station during the time that you service Texas Eastern?

A. Yes.

Q. And why did you do that?

A. I lived at one of their stations.

Q. Which station did you live at?

A. Danville, Kentucky.

Q. Why did you live there?

A. That was where my parents were.

Q. So you lived in the town.

A. No, I lived at the station. They had homes for employees on the property and my father worked for the company.

Q. He worked for Texas Eastern?

A. Correct.

Q. What did he do for Texas Eastern?

A. He was what they called an operator at the time he was at Danville.

Q. What did he operate?

A. Turbines, gas compressors.

Q. So you are basically familiar with how a turbine works?

MR. ZIMMER: What do you mean by basically familiar?

A. I'm not knowledgeable on turbines, no.

BY MS. WELCH:

Q. Have you ever seen a gas turbine?

A. Yes.

Q. How long did you live in Danville?

A. Well, my parents lived in Danville from like 1950 to my father's retirement, which I don't recall how -- when that was.

Q. How long did you live there?

A. I never lived there permanently.

I would be there in the summers between school, but I was there in summers, you know, for, my high school years, some of my college years.

Q. So you had seen a gas turbine before you came to Monsanto?

A. I don't know if that's true or not because the gas turbines were not installed when the, that station was built, and I don't recall when they installed the gas turbine relative to when I joined Monsanto.

Q. Okay. Do you recall the first time that you saw a gas turbine operation there?

A. No.

Q. When did you see a gas turbine?

A. Whenever I would go up to the station. It could be anytime during, you know, my visits home.

Q. Okay. Were any of your visits there in your capacity as salesman for Monsanto?

A. No.

Q. Do you know how the MCS 153 was used in the gas turbine?

A. As a lubricant.

Q. Have you ever heard of the term "seal lubricant"?

A. Seal lubricant?

Q. Yes.

A. No.

Q. Have you ever heard of the term "liquid seal"?

A. No.

Q. Okay. Did you consider a gas turbine and compressor a closed system?

MR. ZIMMER: Can you define that for him, please?

MS. WELCH: Well, if he understands what a closed system is. Your understanding.

MR. ZIMMER: It means a lot of different things to a lot of different people.

You don't need to answer until you get some --

A. Could you ask the question again?

MS. WELCH: Can you read it back?

(Record read)

MR. ZIMMER: And don't answer

until she gives you some definition. It lacks foundation.

A. I guess I don't know what closed system is.

BY MS. WELCH:

Q. Have you ever heard of the term "closed system"?

A. No.

Q. While you were at Monsanto you never heard of the term "closed system"?

A. Not that I recall.

Q. Okay. Did you ever hear that a gas turbine and compressor leaked fluid?

A. I don't recall ever hearing that, no.

Q. As a salesman, would you say that it was your practice to learn as much as you could about the operation that you were trying to sell a product to?

A. I was supposed to, but I wasn't very good at that. I usually avoided that.

Q. Why weren't you very good at that?

A. I didn't like the technical side, I wasn't particularly interested in the operational side, so I did whatever -- I

focused on the people.

Q. Did you at some point become sales manager?

A. Yes.

Q. What year did you become sales manager?

A. Well, it would have been, as I recall, it was after the sales job. I was a sales manager on the West Coast.

Q. Okay. As a sales manager, was it your responsibility to try and have the salesmen that worked for you do the best job that they could?

A. Yes.

Q. Okay, and did that include having them learn something about the operation that they were selling to?

A. Supposedly.

Q. Okay, why do you say "supposedly"?

A. Well, because it's hard to know whether they knew it or not.

Q. Okay. Do you think it's important for a salesman to understand the operation that they are selling to?

A. It doesn't hurt anything.

Q. Do you think it helps?

A. I would think so.

Q. Who, in your job as salesman from '63 to '65, who did you work for?

A. Salesman?

Q. Yes, going back to the job of salesman, '65-'65?

A. I worked for Telly Tupper, T-u-p-p-e-r and Jack Lilly, L-i-l-l-y.

Q. And who did you work with? Were there any salesmen that you worked with during this period?

A. No, basically, the sales job was a loner. I mean, you had a territory and you worked alone.

Q. When you became a salesman, did Monsanto offer you any educational training about the kinds of fluids that you were selling?

A. I don't recall.

Q. Did you have responsibility for the Transwestern account during this period?

MR. ZIMMER: Lacks foundation.

A. Can I have -- the Transwestern?

BY MS. WELCH:

Q. Yes.

A. No, not that I know of.

Q. Okay, have you ever heard, before this case, of the Transwestern Pipeline Company?

A. Never.

Q. So I assume from that answer that they were never one of your customers?

MR. ZIMMER: It assumes facts not in evidence that they were a customer.

A. I might have had customers that were buying the fluid that I wouldn't have known about that I didn't call on.

BY MS. WELCH:

Q. Okay.

A. So --

Q. But you never visited Transwestern or a Transwestern gas compressor?

A. No.

Q. During this period '63 to '65, how often did you call on Texas Eastern?

A. I don't recall.

Q. Were they an important customer?

A. Yes.

Q. And why is that?

A. Because they bought products from us.

Q. Which products did they buy?

A. MCS 153.

Q. Did they ever buy any Pydrauls?

A. I don't recall.

Q. Did your dad work as an operator on the gas compressor?

A. Yes.

Q. Okay, was his training in engineering?

A. No.

Q. What was his training?

A. Whatever he had, they gave him. My father had a high school education and was hired as an assistant operator, and they would have give him whatever training he had.

Q. Do you know if, during the period that he worked on the gas compressor in Danville, Texas Eastern used Monsanto's fluid?

A. Yes.

Q. How did you know that?

A. Because that's all they used in their turbines, as far as I knew.

Q. Okay, and did this precede your employment at Monsanto?

A. Did what precede?

Q. The use of the, the fluid in the gas compressors.

A. Probably.

Q. Now I want to separate out your employment at Monsanto from your contact with your father, so I want to talk about your contact with your father.

A. Okay.

Q. Did your father ever tell you that the fluid contained a chemical by the name of polychlorinated biphenyls?

A. No.

Q. Okay, did your father ever tell you that there were any concerns about the fluid in terms of toxicity?

A. No.

Q. Did your father ever tell you that the fluid had a tendency to leak out of the gas compressor?

A. No.

Q. Had you ever heard of PCBs before you came to Monsanto?

A. No.

Q. Had you ever heard the term Aroclor before you came to Monsanto?

A. No.

Q. When did you become sales manager?

A. After I was a salesman.

Q. And you were a salesman about two years?

A. Mm-hmm.

Q. And what were you a sales manager for?

A. Functional Fluids.

Q. For a specific geographical region?

A. Yes.

Q. Which region?

A. I believe they called it the Western region.

Q. And what did that include?

A. I don't recall all that it included. It certainly included California and the West Coast states.

Q. Was Texas Eastern one of your customers at this point?

A. No.

Q. How long did you stay a sales manager in the Western region?

A. I believe it was approximately two years.

Q. So that takes us up to about 1967?

A. Probably.

Q. And did Functional Fluids include the aroclors at this point?

A. Yes.

Q. Okay, what particular products did you sell?

A. There were no customers that I recall on the West Coast.

Q. What other products did you sell on the West Coast, then?

A. We sold Pydrauls, we sold Therminols, and we sold the Skydrols, that I recall.

Q. Do Pydrauls contain PCBs?

A. Some of them did.

Q. How about Therminols?

A. Yes.

Q. And what was the application for Pydrauls?

A. Pydrauls were generally hydraulic

fluids.

Q. How about the application for Therminols?

A. Heat transfer fluids.

Q. Did you ever hear the term "closed system" in reference to either hydraulic fluids or heat transfer fluids?

A. That phrase does not ring a bell to me.

Q. Have you ever heard the term "open system" in reference to those fluids?

A. No.

Q. Earlier you testified that you weren't that interested in the technical side of the business; is that correct?

A. I hesitate to say I wasn't interested. I wasn't as assiduous about or as curious as I could have been. If you look back and say how well did you do a job, you've got strengths and weaknesses and I think one of my weaknesses is, I wasn't as interested in the technical side as I could have been.

Q. Okay. Going back to the '63 to '65 period when you actually had

responsibility for the Texas Eastern account and you were visiting customers, did Texas Eastern ever come to you with any technical problems that you recall?

A. I don't recall any.

Q. Okay. During this period of time, did you meet Roger Hatton or did you have contact with Roger Hatton?

A. Probably.

Q. Why do you say "Probably"?

A. I just don't recall. I don't recall when I met Roger Hatton.

Q. Okay. Do you recall that Roger Hatton worked on MCS 153?

A. I do recall that.

Q. If a customer came to you with a technical problem during this time about the application of a fluid, is there anybody at Monsanto who you would go to with a problem, '63 to '65?

A. Yes.

Q. And who would that person be?

A. Probably would have gone to Dale Smith, maybe Lou Stark, maybe Roger Hatton, maybe Frank Langenfeld, maybe Stan Shaw.

That probably would have been the, the main ones.

Q. Who is Frank Langenfeld?

A. Frank Langenfeld was product supervisor for Skydrol.

Q. Did he have responsibility for any of the other Aroclor products?

A. No.

Q. Excuse me. I should back up. Did Skydrol contain any aroclors?

A. No.

Q. Okay, did he have responsibility for Aroclor products?

A. No.

Q. Okay, who is Stan Shaw?

A. Stan Shaw was like product supervisor for the Therminols.

Q. Okay. Are there any engineering people at Monsanto who you would go to with problems that a customer came to you with? '63 to '65?

A. I'd say that if we had any people with engineering knowledge, as such, it would have been in that list that you are looking at. I don't know what their degrees were or

what their backgrounds were.

Q. Okay, before, you gave me the names of Buck Jarnigan and Walter Woods. Do you recall -- at Texas Eastern. Do you recall when you met either Mr. Jarnigan or Mr. Woods?

A. No.

Q. Do you recall what their positions were?

A. The no.

Q. Did you visit them to make a sale?

A. I'd say I visited more to maintain the sale.

Q. Was Texas Eastern already buying the product when you came to the job in '63?

A. I believe they were.

Q. Okay, when you finished your job as sales manager for the West Coast, what did you do?

A. I believe that I came back to St. Louis as a Marketing Manager for Pydrauls and Skydrols.

Q. Is that in approximately 1967?

A. Somewhere in that, that area. That sounds early. I'm going to say that

somehow in there we've got the time messed up. It seems to me like it was more 1968, something like that, or -- when I came back to St. Louis.

Q. And how long did you stay as Marketing Manager for Pydrauls and Skydrols?

A. I don't recall the exact time on that. At least a year, I would think.

Q. Was Texas Eastern one of your customers at this point?

A. I would not have been directly responsible for a customer at that point in time, but they would have still been a customer of, of the company.

Q. Who did you supervise in this job?

A. As I recall, I supervised Jerry Davidson, Roger Hatton, perhaps, and Frank Langenfeld. Roger may have reported to Frank Langenfeld at that time. I'm not sure.

Q. Did your products include, that you were responsible for include MCS 153 or Turbinol 153 at this point?

A. Yes.

Q. Would you classify those products as a Pydraul?

A. How do you classify Pydrauls?

Q. I'm asking you. I don't know.

A. I would classify it as a Turbinol.

Q. So it's -- you wouldn't put it in the category of Pydrauls?

A. I don't know what the category is. That's what I'm asking you. If you don't know the category, I don't know it.

Q. Well, you said that you were marketing for Pydrauls and Skydrols. You said --

A. I see, it is where -- well, let's say Skydrols, Pydrauls and Turbinols.

Q. Okay, and who did you report to during this period?

A. I believe at that time I reported to Tom Gossage.

Q. What was his position?

A. I think his title was Marketing Manager.

Q. And your title was also Marketing Manager?

A. That doesn't sound right. Maybe -- I don't know what my title was. The way it worked was, there were managers over

product supervisors as I recall that had certain products in the Specialty Chemicals Group, and Tom Gossage would have been the manager for the sales and marketing of all the specialty chemicals. So he would have had several people like myself reporting to him.

Q. Okay, and you were not manager of Specialty Chemicals?

A. No. There were other specialty chemicals.

Q. I see. You were manager of a particular group within Specialty Chemicals?

A. Correct.

Q. Were you manager of the Functional Fluids then?

A. I don't recall. I don't know whether I had all the Functional Fluids or not. I had the Pydrauls and the Skydrols that I recall. I don't think I even had Therminols at that point in time.

Q. But you also testified you had the Turbinols.

A. And the Turbinols, right.

Q. Any other products?

A. I don't recall any.

Q. Do you recall who Mr. Gossage reported to at that time?

A. At one time he reported to Howard Bergen, it might have been Howard Bergen at that time.

Q. How long did you stay as Marketing Manager?

A. I don't really -- I don't recall.

Q. Did you have another job before you left Monsanto?

A. Yes.

Q. Okay, and what was that other job?

A. I changed into a different division, into the Inorganic Chemicals Division. And they had a Specialty Chemicals Group, and I would think the -- whatever the title would be, I was like the Marketing Manager.

Q. Did that include any of the aroclors?

A. No.

Q. When did you leave Monsanto?

A. I believe I left Monsanto in, very early 1973.

Q. Okay. During the entire period that you were in the sales organization at Monsanto, which I guess would be from '63 until you left, did you ever participate in a sales training course?

A. I don't recall any specific ones, no.

Q. Okay, did Monsanto ever sponsor during that entire period any seminars or training courses on the use of aroclors?

A. Probably.

Q. Do you have a specific recollection of them?

A. No, I do not.

Q. Okay, why do you say probably?

A. Well, that was, you know, normally if you've got sales people, you'll be giving them education from time to time.

Q. So it's more a matter of custom and practice than a specific recollection?

A. I don't recall any sales meetings specifically, no.

Q. In the period '63 to '65 first, did you ever hear that the aroclors may be hazardous?

A. I don't recall hearing that, no.

Q. Okay, do you ever recall during this period '63 to '65, do you ever recall hearing that they may cause liver damage?

A. No.

Q. How about that they may cause chloracne?

A. I don't recall. I remember one time hearing that they could cause chloracne if you ate them, but we didn't sell them to eat and I don't recall when I learned that.

Q. Okay, in the period from '65 to '68 or so, do you recall hearing that they caused liver damage?

A. No, I don't recall ever hearing that they caused liver damage.

Q. Do you recall in the period from '65 to '72 hearing that they may be hazardous to wildlife and birds?

A. Somewhere along the line I heard that they made, somebody thought that they might make, that either the aroclors or something like the aroclors might make bird shells soft, making it hard for some birds to raise babies.

Q. Any recollection of when you heard that?

A. No.

Q. Or where you heard it from?

A. I think there was a newspaper article.

Q. Do you recall where that newspaper article was?

A. It was on the West Coast someplace.

Q. Did you ever, do you recall hearing during this period -- well, let's isolate the period, up until 1970, that PCBs may persist in the environment?

MR. ZIMMER: I want to get the period straight because we had --

MS. WELCH: Until 1965, so '62 to 1970, let's say.

MR. ZIMMER: Okay, I'm sorry, what was the question, again?

THE COURT REPORTER:

"Q. Did you ever, do you recall hearing during this period -- well, let's isolate the period, up until 1970, that PCBs may persist in the environment?"

A. I don't recall the phrase "persist in the environment," no.

BY MS. WELCH:

Q. Do you know, did you hear in the period up to 1970 that PCBs had been found in the environment?

A. I was under the impression that PCBs had been around for a long time.

Q. What does that mean to you, had been around for a long time?

A. That you would -- it they had been around for a long time, they were made in Germany before Monsanto ever started making them, that I would assume they would have been found in the environment, but no, I never heard that they were found in the environment.

Q. How about from the period 1970 to 1972; did you hear that they were found in the environment?

A. I believe at that time, there was rumor that they were finding something in the environment that might be our PCBs.

Q. Up until, from '62 to '70, let's be clear on the time period -- did you ever

hear anything from your supervisors in Monsanto about what you should tell customers about PCBs in terms of finding them in the environment?

A. What's the time period?

Q. '62 to '70.

A. I don't recall the time period, but at some point in time, Monsanto became concerned that there might be our product in the environment, and I think at that point in time we were instructed to pass questions on to a Bill Papageorge.

Q. Questions from whom?

A. If you came and said "Gee, tell me about aroclors in the environment," I would say "Well, I'll have Bill Papageorge get in touch with you."

Q. Do you recall if that was prior to 1970?

A. No, I have no idea when that was.

Q. Do you recall why you were told or what was the explanation that Monsanto gave you?

A. Well, the understanding was that it was, there was a lot of conjecture, there

was a lot of research going on, there was a lot of question about facts and that it was a very technical thing and that better than to have twenty people who didn't know anything talking about it or who didn't know the details, to have one person answering the questions.

Q. Have you ever heard of Dr. Kelly?

A. Yes.

Q. Okay, were you ever told to pass questions on to Dr. Kelly?

A. I don't recall that I was.

Q. How about Mr. Elmer Wheeler?

A. I do recall passing questions on to Elmer.

Q. What questions were you asked? Can you recall passing on?

A. There would be questions about anything that had to do with, if you will, health problems.

Q. Let's isolate those problems, those questions. Do you recall any questions that you were asked about health problems relative to PCBs?

A. No, I remember, you know, in

general people would want to know, -- these were used in high pressure systems and they'd want to know, "Gee whiz, what if I splash it on myself, you know? What if I get it in my eyes, you know? What if I get it on my hands, what should I do?" I said, "I'll have Elmer Wheeler get in touch with you."

Q. What kinds of questions did you pass on to Bill Papageorge?

A. I don't recall ever passing any on to him specifically. I just recall that he was to be the recipient of any questions.

Q. Do you recall who told you that Bill Papageorge should be the recipient?

A. No.

Q. Since you left Monsanto, have you ever worked as a consultant for Monsanto?

A. No.

Q. What do you do now?

A. I work for a packaging company.

Q. Is Monsanto paying you for the time that you are spending on this deposition?

A. No.

Q. By the way, did you bring any

documents to this deposition?

A. No.

Q. Were you asked to look for documents that you may have kept for Monsanto?

A. No.

Q. Did you keep any documents from Monsanto when you left?

A. No.

Q. Do you have any documents at your home or at your office from that time period?

A. No.

Q. Earlier you testified that you heard about an article on the West Coast that had something to do with birds and thin eggshells. Did you ever tell any customer about that article?

A. I think it was common knowledge when the article came out. I don't recall that I told anybody, but there was no reason not to tell anybody that I recall.

Q. The question is, do you recall telling anybody?

A. I don't recall telling anybody.

Q. Okay. Do you recall telling

anybody that PCBs had been found in the environment?

A. No.

Q. I'm going to have the court reporter mark this as Plaintiff's Exhibit 377, and I'm giving a copy to counsel for Monsanto.

Exhibit 377 is a two-page document with the identifying stamp TRAN 086238-239 and it's entitled "Pollution Studies" dated March 3rd, 1969, and after it's marked, could you please take a minute to examine it?

A. Sure.

(Plaintiff's Deposition Exhibit 377 marked for identification.)

(Witness peruses said document.)

BY MS. WELCH:

Q. Okay, Mr. Bradford, do you see your name in the upper left-hand corner, here?

A. I do.

Q. Okay, it says, after your name, "Los Angeles."

A. Right.

Q. Were you stationed in Los Angeles at this point?

A. I must have been.

Q. Okay, and was that in your job as sales manager for the West Coast?

A. That would be correct.

Q. Okay. Does this help refresh your recollection about when you left the West Coast or your job in St. Louis?

A. I still don't know when I left.

Q. Are these the -- does this article help refresh your recollection about the newspaper article from California that you heard about?

A. Yes.

Q. Okay. Can you tell me anything more about the newspaper article based on this?

A. No.

Q. Do you recall if you heard about it, the newspaper article, other than through this, this memo from Monsanto?

MR. ZIMMER: Assumes facts not in evidence.

A. I don't recall.

BY MS. WELCH:

Q. Okay. Did you ever hear of Swedish scientists that are referred to here, other than --

A. Not other than this, no.

Q. Okay, have you ever heard of the name Sven Jensen?

A. No.

Q. Okay, did you have any discussion with anybody at Monsanto about the Swedish scientists' findings?

A. Not that I recall.

Q. Did you contact anybody at Monsanto after you received this memo?

A. Not that I recall.

MR. ZIMMER: Lacks foundation, assumes facts not in evidence.

BY MS. WELCH:

Q. Did any customer at this time raise any questions to you about the, either the article on the West Coast or the Swedish scientists?

A. Not that I recall.

Q. Did any pollution authority ever

raise questions to you about what's referred to in this memo?

A. No.

Q. Did you have reporting responsibility to either Mr. Benignus or Mr. Johnson?

A. Yes.

Q. Okay, who were they?

A. Mr. Johnson.

Q. And who -- what was your reporting responsibility to him?

A. He was my boss.

Q. During this period?

A. Yes.

Q. And when did Mr. Gossage become your boss?

A. When I came back to St. Louis.

MS. WELCH: I'd like to have the court reporter mark as Exhibit 378 this document, and I'm giving a copy to counsel for Monsanto. Exhibit 378 is a one-page document with several identifying numbers, but I'm going to use one. TW2-2006668, and it is a, appears to be a letter from -- dated March 9, 1967, to a Mr. C. L. Early from

Walter Woods, and one of the cc:'s to Monsanto people is Larry Bradford, and after it's marked, please take a moment to review this document.

(Plaintiff's Deposition Exhibit 378 marked for identification.)

(Witness peruses said document.)

A. Okay.

BY MS. WELCH:

Q. Okay. Mr. Bradford, who is Mr. Early?

A. He was a project manager in the Development Department, according to this document.

Q. Okay, do you know if Mr. Early is still alive?

A. Is he still with Monsanto?

Q. Is he still alive, do you know?

A. I don't know.

Q. When was the last time you saw him?

A. I don't recall.

Q. Did you work with him during this

period?

A. Apparently so. I don't recall -- I recall Mr. Early, but I don't recall all my workings with him.

Q. Do you know who Mr. J. J. Ball is?

A. No.

Q. How about Mr. C. W. Marvin?

A. No, I don't know either of those gentlemen.

Q. Do you recall the discussions that are referred to in this letter on the first line?

A. No.

Q. Do you recall the meeting in Houston on March 6th, 1967?

A. No.

Q. Do you recall any discussion with Texas Eastern about the replacement of MCS 153 with Pydraul 135?

A. No.

Q. Any recollection of why there was a suggestion or an apparent suggestion that the fluid be replaced?

A. No, I don't recall any specifics at all.

Q. Can you tell me what the difference is between a Pydraul and a Turbinol?

A. No.

Q. Do they have different applications?

A. Yes.

Q. What are the difference in the applications?

MR. ZIMMER: Which Pydraul and which Turbinol are we talking about?

MS. WELCH: As a general group.

A. Pydrauls as a general group were hydraulic fluids. The Turbinol was a lubricant.

BY MS. WELCH:

Q. As a general group, did most Pydrauls contain PCBs during this time period?

A. I believe that's correct, yes.

Q. And the Turbinols, as well, contained PCBs?

A. I believe that's correct.

Q. Okay, do you recall if Monsanto at some point decided to reformulate the

Pydrauls?

A. Yes.

Q. Do you recall knowing why Monsanto decided to reformulate the Pydrauls?

A. I think the -- I recall two reformulations. The first one was to lower the cost. As I recall, the second one was to eliminate the aroclors.

Q. Do you recall when the first reformulation occurred?

A. No.

Q. Do you recall when the second occurred?

A. No.

Q. Do you recall why Monsanto wanted to eliminate the aroclors in the second reformulation?

A. Because there was speculation that -- let me see how to answer that. We were concerned with the controversy over the aroclors and decided to formulate them out if we could.

Q. And what controversy are you referring to?

A. The one that you talked about.

about them being in the environment.

Q. Do you recall if, at the same time, there was the attempt to reformulate the Pydrauls to eliminate the aroclors, there was also an attempt to reformulate the Turbinols to eliminate the aroclors?

A. I don't recall. I assume so.

Q. Why would you assume so?

A. That's a good question. I don't know why.

MR. ZIMMER: She doesn't want you to assume anything, so just tell her what you know.

A. I don't recall, then.

BY MS. WELCH:

Q. But you do recall specifically the reformulation of the Pydrauls?

A. I do.

MS. WELCH: Okay. Can we go off the record for a second?

(Discussion off the record.)

MS. WELCH: Back on the record. Okay, I'd like to have this marked as Exhibit 379. I'm showing a copy to Monsanto's counsel. Exhibit 379 is a document that's

identified with the stamp TRAN 005027 to 28. It's dated January 3rd, 1971. The title of it is "Pydraul meeting January 10th and 11th," and it's from N. T. Johnson, and I note that Mr. Bradford is cc:'d on it.

MS. WELCH: After it's marked, please take a minute to review it.

(Plaintiff's Deposition Exhibit 379 marked for identification.)

(Witness peruses said document.)

A. All right.

BY MS. WELCH:

Q. Did you attend this meeting on January 10th and 11th?

A. I don't recall.

Q. Do you recall seeing this document before?

A. No.

Q. What is NC ester?

A. I don't know.

Q. Do you know what a phosphate ester is?

A. Not really.

Q. Have you ever heard of phosphate ester?

A. Yes.

Q. Okay, in what context did you hear of phosphate ester?

A. Our competitors used to have fluids made with phosphate esters.

Q. And which competitors were those?

A. Well, I believe it might have been Stauffer.

Q. How were you aware of this?

A. They were our competitors.

Q. Did you hear it from customers?

A. I heard it from customers, sure.

Q. Did you hear it from customers during the time period of when you were a salesman 1963 to '65?

A. I'm sure I did.

Q. So you were aware that the phosphate esters were available in '63 to '65?

A. All users were aware of that.

Q. Do you know when the phosphate esters first came into use?

A. No.

Q. Would you characterize the manufacturers of the phosphate esters as your main competitors for the Turbinol market or -- rephrase that -- for the market for lubricants for gas compressors?

A. Well, there was also a competitive fluid called water glycols. I forget, it was one of the oil companies, I think, that made the water glycols.

Q. Were these available during the time period of '63 to '65?

A. Yes.

Q. Referring to this document, the first paragraph, in the last line of the first paragraph which states, "The meeting will provide you with all the details of why the decision and what must be done by each of you over the next six months," do you recall during this time period, and that is the beginning of 1971, the decision to discontinue the old Pydraul formulations?

A. I don't recall the time frame. I recall that there was such a decision.

Q. Do you recall what was told to you about why the decision was made?

A. No.

Q. Was it as you testified earlier, that there was a controversy over the aroclors and they wanted to reformulate the product because of that?

A. I think that was one of the reasons.

Q. Were there any other reasons that were stated to you?

A. Well, yes, we wanted to keep our customers.

Q. And why would you have to reformulate to keep your customers?

A. Because the competitors were making hay out of all these rumors.

Q. How did you know that?

A. I was calling on customers.

Q. Do you recall which customers you heard the rumors from?

A. No.

Q. Do you recall what you heard from your customers?

A. No.

Q. And what rumors are you referring to?

A. The, I guess, the rumors that Aroclor might be persisting in the environment and could cause them problems.

Q. Okay, what is the Industrial Fluids Product Group?

A. I don't recall that particular terminology. The implication, here, is that it would have been the people in St. Louis supporting the Pydrauls, and the Therminols, and Turbinols.

Q. At this time, and that is in 1971, were you back in St. Louis?

A. It would appear that way from this memo, yes.

Q. And Mr. Johnson was not your boss at this point?

A. That's correct.

MS. WELCH: Please mark the next exhibit Exhibit 380. I'm showing a copy to counsel for Monsanto. Exhibit 380 is a two-page document with the identifying -- two identifying markings, but I'm using STR 0061817 to 88. It appears to be a Monsanto memorandum from N. T. Johnson to a number of people, including Mr. Bradford, and it's

dated January 25th, 1971.

(Plaintiff's Deposition Exhibit 380 marked for identification.)

(Witness peruses said document.)

(Discussion off the record and short break.)

THE WITNESS: I have read your document.

BY MS. WELCH:

Q. Do you recall seeing this document?

A. No.

Q. Referring to the first page, I note that there is an arrow over your name.

A. Yes.

Q. Does that mean that it would have been sent to you or comes from your file?

MR. ZIMMER: Calls for speculation.

A. Somebody tried to send it to me, yes.

BY MS. WELCH:

Q. What did the new formulations of

Pydraul consist of?

A. I don't know the formulations.

Q. Do you know if they contained polychlorinated terphenyls?

A. I don't know.

Q. What was the difference between Pydraul A-200 B and Pydraul F-9, Pydraul 312 A?

A. I don't know. There would have been different viscosities. That's the only thing I know for sure.

Q. Do you recall knowing that there was a preference not to ship any new formulations to any customer until the old formulations had been sold out?

A. No.

MS. WELCH: Would you please mark this exhibit as Plaintiff's Exhibit 381? I'm showing a copy to counsel for Monsanto. 381 is a one-page letter dated February 1st, 1971, with a signature of C. L. Bradford, and the identifying mark is TRAN 036871.

(Plaintiff's Deposition Exhibit 381 marked for identification.)

(Witness peruses said document.)

A. Okay.

BY MS. WELCH:

Q. Okay, Mr. Bradford, is that your signature?

A. Yes.

Q. Okay, do you recall writing this letter?

A. No.

Q. But that is your signature?

A. Yes.

Q. How about the handwriting on the left: Is that your handwriting?

A. No.

Q. Do you know whose handwriting that is?

A. No.

Q. How about the, the scrawl on the top? Do you know whose that is?

A. You mean whose handwriting it is?

Q. Yes.

A. No.

Q. It appears to be "N. T." Illegible. Does that bring to mind anybody?

A. Yes.

Q. And who is that?

A. N. T. Johnson.

Q. And do you then know, looking at the handwriting on the left, if that's his handwriting?

A. No.

Q. Okay. Do you remember who asked you to write this letter?

A. I don't know that anybody asked me to write the letter.

Q. Do you remember if it was your decision to write the letter?

MR. ZIMMER: He didn't say that he wrote the letter.

A. I don't recall.

BY MS. WELCH:

Q. Do you recall which customers this letter was sent to?

A. No.

Q. Turning to the line which says, "During the next 60 days, as inventory is depleted in warehouses around the country, the new formulations will be shipped to fill your orders," does that refresh your

recollection that Monsanto wanted to deplete inventory of the old Pydrauls before the new formulations were shipped out?

MR. ZIMMER: Assumes facts not in evidence.

A. No.

BY MS. WELCH:

Q. Do you have any doubt that that was true?

MR. ZIMMER: Argumentative.

A. No.

MS. WELCH: I'd like to have this marked as Exhibit 382. I'm showing a copy to counsel for Monsanto. Exhibit 382 is a three-page document with several identifying stamps, but I'm going to use the one IDS 002326 to 328, and the first two pages consist of addresses, and the last page is a letter dated April 15th, 1971, that appears to be from Mr. Bradford.

(Plaintiff's Deposition Exhibit 382 marked for identification.)

(Witness peruses said document.)

A. All right.

BY MS. WELCH:

Q. Okay, first referring to the list of addressees, were these your customers during this time period?

A. I don't know.

Q. Okay, looking at the list, do you know what product Monsanto was selling to these customers?

A. No.

Q. Was General Electric one of your customers?

A. Yes.

Q. During this time period?

A. Yes.

Q. Did you sell Pydrauls to these, to the General Electric?

A. Yes.

Q. Was it your understanding that the reformulated Pydrauls that were being sold during this time period -- and I'm talking about your understanding as of April 15th, 1971 -- did not contain PCBs?

A. Yes.

Q. First of all, let me back up. Is

that your signature?

A. Yes.

Q. Do you recall sending this letter?

A. No. Well, yes, I do. I do recall this letter.

Q. Did you later find out that this statement in the second paragraph that these fluids did not contain PCBs was a not-true statement?

A. Yes.

Q. Okay, when did you find that out?

A. I don't recall.

Q. How did you find that out?

A. I don't recall that.

Q. Do you recall what the explanation was for why you originally believed that they did not contain PCBs but later found out they did?

A. My understanding was, is that when I was told no, at that point in time, due to measurement, the ability to measure, that there were no PCBs unless you considered down in the parts per million or parts per billion PCBs, and I guess there were in those ranges, but for all practical purposes, it was

considered to be that there were no PCBs in any of our Pydraul fluids, and that was the information that was given to me, and when it was, I guess, later determined that "No" could only refer to absolutely no, not one part in a billion-trillion, that this became untrue.

Q. Do you know what changed about the ability to measure?

A. No.

Q. Any idea about different kind of machinery that was available to Monsanto?

A. No.

Q. Or measuring ability?

A. No.

Q. Any recollection about who told you about this new measurement?

A. No.

Q. With reference to these particular customers or, for that matter, any Pydraul customers, did you have any idea of how hydraulic fluids would escape or could escape into the environment?

MR. ZIMMER: Lacks foundation.

A. I'm not sure if I understand what

you are driving at.

BY MS. WELCH:

Q. Well, I'm referring to the first paragraph of this, this letter, where it says, "Over the last year or so, we have written you several letters concerning polychlorinated biphenyls and have urged that care be taken to prevent the escape of hydraulic fluids containing PCBs into the environment." Were you referring to anything specific when you wrote that?

A. No specific case, no.

Q. Were you referring to the possibility of leaks?

A. I don't recall. Could be.

Q. Did you ever hear of any leaks in the hydraulic equipment?

A. Yes.

Q. And when did you hear of that?

A. I don't recall when I heard of it. I mean hydraulic, for example, almost any hydraulic system, if it's not maintained, over a period of time, will leak.

Q. Is that what you are referring to about the escape of hydraulic fluids into the

environment?

A. I don't know.

Q. Is there any other way that you can think of that they might escape into the environment?

A. Sure. You could just spill them.

Q. Anything else?

A. Spring a leak.

Q. Anything else?

A. You could discard them.

Q. Anything else?

A. I can't think of any other responsibilities offhand.

MS. WELCH: Could I have this marked as Exhibit 383? I'm showing a copy to counsel for Monsanto. This is a two-page document with the identifying stamp of TRAN 005181 to 82, and it appears to be a document from Norman T. Johnson to C. L. Bradford, dated November 24th, 1971.

(Plaintiff's Deposition Exhibit 383 marked for identification.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, Mr. Bradford, does this refer to the second reformulation of Pydrauls?

A. I don't know.

Q. What did the second reformulation involve? Do you know?

A. No.

Q. Was Texas Eastern Transmission at this time a customer for Pydrauls?

A. Yes. Well, it was a customer for Turbinols, or MCS 153, but not the Pydrauls, as far as I know.

Q. Do you have any idea why Texas Eastern Transmission was included on this list about reformulated Pydrauls?

A. No.

Q. Reviewing the other customers, are all of the other customers Pydraul customers or are any of them Turbinol customers?

A. They appear to be Pydraul customers.

Q. Was Turbinol a small part of your business?

A. Yes.

Q. Okay, would you say that it was,

in this time period 1971, that it was more than 25 percent of your business?

A. I don't recall. I don't recall.

Q. Was most of your business Pydraul business?

A. Yes.

MS. WELCH: Please mark this as Exhibit 384. I'm showing a copy to counsel for Monsanto.

Exhibit 384 is a three-page document with the identifying stamp of TRAN 004345 to 47, and it appears to be a document from Roger Hatton to Mr. Bradford, dated May 28th, 1971.

(Plaintiff's Deposition Exhibit 384 marked for identification.)

BY MS. WELCH:

Q. Please take a few minutes to review this document.

A. Okay.

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, Mr. Bradford, did Roger Hatton report to you during this time period, which is May 1971?

A. I believe he did.

Q. Did he regularly write reports to you about his contacts with customers?

A. I don't recall.

Q. Did you have oral reports from Mr. Hatton during this time period?

A. I expect I did.

Q. Do you recall this customer?

A. No.

Q. Do you recall seeing this document before?

A. No.

Q. Okay, what is your understanding of what initial fill is?

A. Initial fill would be like the first time you put oil in your car.

Q. Referring to the second page, here, under the paragraph "Potential," what is your understanding of why the initial fill would be initial to the lubricant usage?

MR. ZIMMER: Calls for speculation and lacks foundation.

A. I, I don't know.

Q. Were you aware that Alberta Gas Trunk Lines was buying lubricant beyond the initial fill?

MR. ZIMMER: Assumes facts not in evidence.

A. No.

BY MS. WELCH:

Q. Were you aware that Texas Eastern bought lubricant beyond initial fill?

A. I don't know that I ever focused on it.

Q. Were you aware that there was continuous purchase of Turbinol during that time?

A. Yes. Yes.

Q. Okay, what did you think that Turbinol was being used for?

MR. ZIMMER: You mean by Texas Eastern, now?

MS. WELCH: Yes.

A. I assumed it was used in their turbines.

BY MS. WELCH:

Q. Where would the initial fill go?

A. I don't know.

Q. Did you have the understanding that some of the Turbinol would leak out of the compressor?

A. I don't recall ever having any -- you mean an agreement, when you say an understanding?

Q. In your mind, your understanding.

A. My assumption is, is that all systems not well maintained will eventually leak.

Q. Why do you say not well maintained?

A. Well, if you buy a new car and you maintain it well, you probably won't see oil in the floor of your garage. If you don't maintain it, sooner or later you are going to see oil on the floor of your garage.

Q. Did you ever hear that the Turbinol was used as a seal in the gas turbine?

A. I don't recall that, no.

Q. Do you recall when Monsanto first started developing a non-PCB turbine lubricant?

A. No.

Q. Looking at the last page under "Recommendation," where Mr. Hatton states, "It will also provide us an alternative if Turbinol 153 must be discontinued due to the PCB situation," at that time, was Monsanto considering withdrawing Turbinol?

A. I don't know.

Q. Do you recall having any discussions with anybody at Monsanto about withdrawing Turbinol?

A. No.

Q. Do you recall having an opinion at this time about the withdrawal of Turbinol?

A. No.

Q. Did anyone else say to you, "We may have to withdraw Turbinol"?

A. I don't recall.

MS. WELCH: Would you mark this as Exhibit 385? I'm showing a copy to counsel for Monsanto. Exhibit 385 is a multipage document with the identifying stamp of TRAN 004391 to 95 dated August 3rd, 1971. It's entitled "Call Report Number 1971-6, General Electric Company," and please take a few

minutes to review this document.

(Plaintiff's Deposition Exhibit 385 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, who is Lee Johnson?

A. I don't remember Lee Johnson.

Q. Do you remember this meeting?

A. No.

Q. What was the status of production of Monsanto's new phosphate esters at this time?

A. I don't recall.

Q. Does this memorandum help refresh your recollection that Monsanto was developing phosphate esters for use in gas turbines at this time?

A. No.

Q. Had Monsanto made a decision at this point to withdraw Turbinol 153 as soon as it received GE's approval for the phosphate esters?

A. I don't know.

Q. Why was it important to obtain GE's approval for the new phosphate esters?

A. Well, they made the equipment, and the users of equipment would want to know that the makers approved of it.

Q. By the users of the equipment, do you mean the customers for the fluids?

A. The customers, right.

Q. Was it a prerequisite for use?

A. Was what a prerequisite for use?

Q. The approval of GE. Or was it just something that they would want to know?

A. I don't think it was a prerequisite. I mean, once you bought the machine, you could put salt water in it if you wanted to.

Q. But it would aid the sale if there was approval?

A. Absolutely.

Q. During the period of time that the Pydrauls were being reformulated, did you visit the manufacturer of hydraulic -- manufacturers of hydraulics to obtain approval for the reformulated high Pydrauls?

A. I did not that I recall.

Q. Were you aware if other people did?

A. I don't recall them visiting them.

Q. Do you recall any other visits or contacts with GE about the approval of the phosphate esters?

A. No.

Q. Who was in charge of developing the phosphate esters?

A. I don't recall.

MS. WELCH: Please mark this as Exhibit 386. I'm showing a copy to counsel for Monsanto. This is a two-page document with identifying stamp TRAN 004966 to 67, dated September 16th, 1971, from Mr. Bradford to Mr. Papageorge.

(Plaintiff's Deposition Exhibit 386 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Is that your signature, Mr.

Bradford?

A. Yes, it is.

Q. Okay, why did you want to wait to approach Texas Eastern until you had received GE's approval for the use of the new NC esters?

A. Because Texas Eastern wouldn't want to use anything that GE didn't approve.

Q. Isn't it true that as of this time, which is September 1971, a decision had been made to withdraw Turbinol 153?

A. I don't know.

MR. ZIMMER: Argumentative and assumes facts not in evidence.

A. I don't know.

BY MS. WELCH:

Q. Who made that decision?

A. What decision?

Q. To withdraw Turbinol 153.

A. I don't know that anybody made the decision.

Q. Do you know that Turbinol 153 was eventually withdrawn?

A. Oh, pardon me. We are talking now into the future, right?

Q. At any time, that's right.

A. Yes, I do know that it was withdrawn.

Q. Do you know who made that decision?

A. No.

Q. Did you make that decision?

A. No.

MS. WELCH: This is Exhibit 387. Exhibit 387 is a two-page document with the identifying stamp of TRAN 085108 to 9. It's a call report dated December 2nd, 1971, authored by Mr. Hatton, and Mr. Bradford is cc:'d on it.

(Plaintiff's Deposition Exhibit 387 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Do you recall what MCS 1122 is?

A. No.

Q. Do you recall that that was the name for one of the new phosphate esters?

A. No.

Q. Do you know if the phosphate esters were commercially available at this time, December 1971?

A. No.

Q. Do you recall when they were first commercially available?

A. No.

Q. Why did Monsanto introduce MCS 1122 to this customer in December 1971?

A. I don't know.

Q. Do you know why it didn't introduce MCS 1122 to Texas Eastern at this time?

A. No.

Q. Do you know what the status of GE's approval of the new phosphate esters was at this time?

A. No.

Q. Who else would know besides you of the status of GE's approval of the phosphate esters?

A. Roger Hatton.

Q. Anyone else?

A. Anyone that Roger told.

Q. Was he the one who was primarily responsible for interfacing with GE?

A. I believe that's correct; on the technical side, yes.

Q. How about any other side?

A. There may have been others calling them on the sales side.

Q. But you did visit with them?

A. I have visited with GE before, yes.

Q. And the document we just looked at before reflected a visit by you to GE? Is that correct?

A. That's what the document reflected, yes.

MS. WELCH: Okay, Exhibit 388, please. 388 is a multipage document with the identifying stamps TRAN 005029 to 32, dated November 17th, 1971, appears to be from Mr. Bradford and N. T. Johnson to T. L. Gossage. Please take a few minutes to review this.

(Plaintiff's Deposition Exhibit 388 marked for identification.)

(Witness peruses said

document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Do you recall authoring this document?

A. No. No, I don't.

Q. Did you work with Mr. Johnson at this time?

A. Yes.

Q. Did you work for Mr. Gossage at this time?

A. Yes.

Q. Do you remember Mr. Gossage's question about what would happen should polychlorinated biphenyls and polychlorinated terphenyls be removed from industrial fluids?

A. No.

Q. What are chlorinated terphenyls?

A. I think they're, instead of two phenols, you have two phenols with chlorine on them.

Q. What discussion led up to this memorandum?

A. I don't recall any discussion.

Q. Was Monsanto's straight phosphate

ester available at this time in November 1971?

A. I don't know.

Q. Do you know what the status of GE's approval was at this time?

A. No.

Q. Do you recall any further discussions with Mr. Gossage on the points raised in this letter?

A. No.

Q. Why did you recommend absorbing the cost of incineration of Turbinol 153?

A. Well, as a salesman, you are -- as I told you earlier, I focused on the people, and if I didn't do that, you had to do that, and you were my customer, you wouldn't like it.

Q. Are you referring to doing the incineration?

A. Right.

Q. Do you know whether Monsanto absorbed the cost of incineration for Texas Eastern?

A. I don't know.

Q. Do you know what happened with

your recommendations?

A. No.

MS. WELCH: This is Exhibit 389; showing a copy to counsel for Monsanto. 389 is a multipage document with the identifying stamp of TRAN 005033 to 49. It appears to be a document from Mr. Bradford and Mr. Davidson to Mr. Gossage, with a number of appendices and attachments, and please take a few minutes to review this document.

(Plaintiff's Deposition Exhibit 389 marked for identification.)

MR. ZIMMER: You want him to read the whole thing?

MS. WELCH: I want him to -- he doesn't have to read the appendices, but the text of the document, yes.

MR. ZIMMER: Okay.

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Do you recall authoring this document?

A. No.

Q. Why were the water glycol fluids available in 1971 and the phosphate esters not?

A. I don't recall. Water glycols were pretty much mixing water and glycol.

Q. Do you know what it's referring to in the second paragraph, where it says, "Resell water glycol fluids"?

A. We didn't make glycol.

Q. Did you resell them?

A. I don't recall that we did.

Q. But do you recall that they were available simply because they were simple to mix?

A. No, I, you know, not being a chemist, but I don't know why they would have been available and not the phosphate esters.

Q. Do you recall what the status of the phosphate ester production was at that time?

A. No.

Q. Do you recall an expectation that they would be available shortly?

A. No.

Q. What is the lower cost oil-phosphate ester blend?

A. Oil costs less than phosphate ester.

Q. Do you know which one was intended to be -- that Turbinol 153 was supposed to be replaced with?

A. No.

Q. Okay, turning to the paragraph that says "Objectives," there are three objectives that are listed in the first sentence. The first is to be out of the PCBs, PCTs by June 30th, 1971; the second, to salvage as large a share of the market as possible to profit; and the third, to be left with zero inventory of current fluids.

I'd like to take those one at a time, and first, how did you intend to achieve the objective of being out of the PCB/PCTs by June 30th, 1972?

A. Well, I think the memo, itself, sort of indicates the plan we would go about.

Q. Can you tell me what your understanding of the plan was?

A. It was to sell no more after June

30th, 1972.

Q. And what would you do between December and June 1972?

A. We'd go to General Motors, as we say here in the next paragraph, then we'd go to Johnson Motors, then we'd have a check point and we would take a look at your Selector I and Selector II accounts, page 3 of the document. Our Selector II accounts, page 3 of the document, we would work with the reclamation company, make sure we had enough capacity, check on whether we could come up with something to compete with Vital 29 fluids, notify our customers that the letter that I had written earlier was in error.

Q. And what letter is that that you are referring to?

A. That's the one that, where we said there were no PCBs, do some advertising.

Q. Advertising of the new products?

A. Advertising to counter the negative effects of reformulation.

Q. What negative effects of reformulation are you talking about?

A. Well, customers don't like being jerked around. They want to buy a product and stay with it.

Q. How about the objective of salvaging as large a share of the market as possible to profit? How did you intend to accomplish that objective?

A. Basically, by carrying off this transition plan as well as possible.

Q. Did it include successfully marketing replacement fluids?

A. Yes.

Q. And how did you intend to be left with zero inventory of current fluids?

A. Well, we would either have had to have sold them or incinerated them: Only thing I can think of to have zero inventory.

Q. Was there the objective of attempting to get rid -- to sell the inventory before there was a movement into the new products?

A. It doesn't say so here. I don't recall.

Q. Do you recall that that was one of the objectives in the Pydraul reformulation?

A. No.

Q. Turning to Page 3, where, under the paragraph "Capacity," what is meant by "Capacity"?

A. Well, from just reading the document, it looks to me like it's the capacity of a new phosphate ester plant.

Q. Where was the phosphate ester plant?

A. I don't know.

Q. Was it being built at this time?

A. I don't know.

Q. Referring to Page 4, under "Field Sales Product Group Relationship," there's a reference here to a meeting in St. Louis that will focus on strategic salesmen and their managers. Do you recall that meeting?

A. No.

Q. And do you have any idea where the meeting was held?

A. No.

Q. I'm going to refer to one of the appendices, but only one, and that is Appendix F at TRAN 005045. The title of Appendix F is "1972 Financial Results."

A. Wait a minute. TRAN -- what is it?

Q. You have it. It's the correct page.

A. I've got 046 on mine.

Q. 45.

A. We've got a different one, then.

MR. ZIMMER: I've got 46, as well. That's Appendix F?

MS. WELCH: Yes.

THE WITNESS: We've got different Appendix F's.

BY MS. WELCH:

Q. There's two of them. The prior one -- there's two Appendix F's.

MR. ZIMMER: Oh, okay, no wonder.

MS. WELCH: Okay.

BY MS. WELCH:

Q. It says "Case 1, 1972 financial results as currently budgeted," and there's a line which says "Turbinol 153" and it talks about a volume of 325,000 pounds, $107,000 and $36,000 gross profit. Was there a projection for sales of Turbinol 153 in 1972?

A. I don't know. I would, I would --

well, you don't want me to assume, so I don't know.

Q. Did you author these appendices?

A. I don't recall authoring them, no.

Q. Was there an inventory of Turbinol 153 at this time?

A. Probably.

Q. Do you know how large that inventory was?

A. No.

Q. Where was the inventory kept?

A. I don't know.

Q. When you say "Probably," what do you base that answer on?

A. What was the question?

Q. Whether there was an inventory of Turbinol 153, and the time is December 1971.

A. Okay, I say "Probably" because if somebody placed an order for this fluid, they won't want to wait for you to make it, they'd want you to ship it.

Q. Do you know how long it takes to make Turbinol 153?

A. No.

Q. Based on your experience with

selling the Turbinol 153, would this be the approximate amount that would be expected to be sold until June 30th, when there would be no more sales, according to this document?

MR. ZIMMER: Calls for speculation.

A. I don't know the answer anyway.

BY MS. WELCH:

Q. Do you know if you were planning to sell Turbinol 153 through June 1972?

MR. ZIMMER: Asked and answered.

THE WITNESS: I'm sorry, what did you say?

MR. ZIMMER: Asked and answered.

THE WITNESS: Oh.

A. So what is the question, again?

MS. WELCH: Please read it back.

THE COURT REPORTER:

"Q. Do you know if you were planning to sell Turbinol 153 through June 1972?"

A. At this time, I think I was, yes.

MS. WELCH: Please mark this as Exhibit 390. I'm showing a copy to counsel for Monsanto. This is a multipage document

with the identifying stamp -- several identifying stamps, but we'll use the one TEX 000797 to 800, and it appears to be a memo with several attachments, but the cover memo says December 15th, 1971, from C. L. Bradford to T. L. Gossage, and "cc:" Roger Hatton, and attached are two memos from Roger Hatton.

(Plaintiff's Deposition Exhibit 390 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Is "pep" the initials of your secretary at this time?

A. I don't recall.

Q. Looking at the first page, it says "CLB/pep." Do you know who would have signed that for you?

A. No.

Q. Do you remember authoring this document?

A. No.

Q. Did you have a secretary who had

the authorization to sign things for you after you had dictated them?

A. I don't recall.

Q. Do you have any doubt that this was a memorandum that you had addressed to Tom Gossage?

MR. ZIMMER: Argumentative.

A. I assume, from looking at it.

BY MS. WELCH:

Q. Look at the marginalia on the second page, when the marginalia says "Hold harmless," now, I assume it says "Change over ASAP. Target June." Is that your handwriting?

A. No.

Q. Do you recognize that handwriting?

A. No.

Q. What does the "Hold harmless" refer to? Do you know?

MR. ZIMMER: Calls for speculation.

A. Well, isn't it in this memo?

BY MS. WELCH:

Q. Okay, what is the hold harmless?

MR. ZIMMER: You mean in the memo,

as opposed to the marginalia that's in handwriting? Right?

BY MS. WELCH:

Q. You can anser.

MR. ZIMMER: No, wait. We need to have that clarified first.

BY MS. WELCH:

Q. What is the "Hold harmless"?

MR. ZIMMER: In the memo, itself, or in the handwriting?

BY MS. WELCH:

Q. What does it refer to in the memo?

A. It refers to, apparently, to a hold harmless agreement with Texas Eastern.

Q. Did you request that Roger Hatton develop this program for the termination of Turbinol 153?

A. No.

Q. Did you ask him to write a memo to you about this?

A. I don't recall.

Q. Do you know what the status of the GE approval at this time was?

A. No.

Q. Okay. Do you know what the status

of the development of replacement fluid was at this time?

A. No.

Q. Referring to the last exhibit, which is Exhibit 389, in the prior exhibit which is dated December 8, 1971, do you agree with me that the phosphate ester was not available in December but would be shortly available, according to this document?

MR. ZIMMER: Argumentative. The document speaks for itself.

A. I don't recall.

BY MS. WELCH:

Q. Well, according to document, please read the second paragraph.

MR. ZIMMER: He's not required to read --

A. My position --

MR. ZIMMER: Wait and answer after I'm done, if you would, please.

THE WITNESS: Okay.

MR. ZIMMER: He's not required to interpret the document for you, Counsel. I mean, if you want to ask him to read a portion of it into the record, that's fine,

but he doesn't have to agree or disagree with you as to what it says.

BY MS. WELCH:

Q. Okay. Well, I'd like you to read to yourself the first paragraph or the second paragraph and see if you disagree with that statement, and specifically, the statement that, "This leaves us with a line of resale water glycol fluids (available now), a straight phosphate ester (available shortly), and a lower cost oil-phosphate ester blend promised for the first quarter of 1972."

A. I agree that that's what the memo says.

Q. How did you plan to deal with the fact that the straight phosphate ester or the replacement was not available as of December 1971 when you went to Texas Eastern?

MR. ZIMMER: Assumes facts not in evidence.

A. I don't know that I knew that it wasn't available. Do you know it wasn't available?

BY MS. WELCH:

Q. Well, according to your own

documents or Monsanto's documents, it wasn't available in December 1971 but it would be available shortly.

A. I suppose I would have handled it on the floor, which is what a salesman does. I don't know.

Q. What do you mean by you would have handled it on the floor?

A. I would have found out what the situation was and tried to answer any questions they had.

Q. Was that a consideration for projected sales of Turbinol 153 through June 1972? And by -- what I mean by was that a consideration, was the fact that the phosphate ester was not available yet?

MR. ZIMMER: It hasn't been established as a fact. He's told you three or four different times he didn't know that.

A. I don't know when it became available.

BY MS. WELCH:

Q. Okay, assuming that it wasn't available in December 1971, would that have been a factor in why you wanted to sell

Turbinol 153 through June 1972?

A. That would have been one of several factors.

Q. And what would be the other factors?

A. That it may not have been yet approved by GE if it were available, that they may not wish to use the fluid if it were available, and if it had been approved by GE.

Q. How about the issue of inventory? Would that have been a factor?

A. In whether to sell it or not?

Q. In whether to continue selling through June 1972.

A. I don't think so, no.

Q. Why not?

A. Our objective was to get out of the business, and I think we were -- we have shown in all these documents in here the willingness -- in fact, the recommendation -- to incinerate, so if we had had it available, I would assume we would have incinerated the inventory to get out as quickly as possible.

Q. Okay, referring back to the last document, again, when we talked about the

objective of, left with zero inventory of our current fluid, you testified that that could mean either sale or incineration; is that correct?

A. That's correct.

Q. Would it have been preferable to Monsanto to sell inventory or to incinerate it?

A. I don't know what Monsanto's position would have been. I would think at this point in time, it would have been preferable to incinerate it.

Q. Okay. Why, then, are there projected sales of Turbinol 153 -- and again referring to the earlier exhibit -- for the first half of 1972?

A. Well, Texas Eastern was -- did not want to convert. They wanted to stick with this fluid.

Q. Did you know that in December 1971?

A. Well, I'd known it -- they kept buying it so I knew, knew it since I'd been calling on them, that they liked this fluid.

Q. Did you ever offer them any

alternative fluid?

A. Well, one of these documents, here, shows we offered them, I think, Pydraul 135, didn't we? Doesn't it show that?

Q. In 1967; is that correct?

A. Okay, so we offered back in 1967, as early as that, an alternative fluid, and they always had the, the phosphate esters available to them from the competitors. So they liked this fluid and they liked it, they wanted to stick with it; they never wanted to convert.

Q. Did you ever offer them, prior to December 1971, this -- you, by "you," I mean Monsanto, did you ever offer them the phosphate esters?

A. No, but our competitors were and that was my job, was to counter our competitors.

MS. WELCH: Okay, why don't we take a break now.

MR. ZIMMER: Okay.

(Recess.)

MS. WELCH: Okay, back on the record.

Please mark this as Exhibit 391. Exhibit 391 is a one-page exhibit with the identifying stamp TRAN 004154, dated January 7th, 1972, from C. L. Bradford to T. L. Gossage, and it's entitled "Turbinol 153 Withdrawal Plan."

(Plaintiff's Deposition Exhibit 391 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, is this your signature?

A. Yes.

Q. Do you recall authoring this document?

A. No.

Q. Why was a hold harmless letter necessary to present to Texas Eastern?

A. I don't recall. I presume somebody told me to present it to them.

Q. Do you recall who told you?

A. No.

Q. Do you recall what the hold

harmless letter was?

A. No.

Q. Do you recall that you had the expectation that the phosphate ester would be ready in June 1972?

A. No.

Q. Do you recall having the expectation that Texas Eastern would accept the hold harmless letter?

A. No, I don't recall such an expectation.

Q. Do you remember anything about the hold harmless letter?

A. No.

Q. Exhibit 392 is a multipage document with the identifying number T 0072726 to 728, and it appears to be a letter from Mr. Bradford to Ted Harrison, dated January 7th, 1972, with an attachment called "Special Undertaking By Purchasers of Lubricants Containing Polychlorinated Biphenyls."

(Plaintiff's Deposition Exhibit 392 marked for identification.)

A. Okay.

BY MS. WELCH:

Q. Okay. Do you recall contacts with Ted Harrison?

A. Not really, no.

Q. Do you remember Ted Harrison?

A. No.

Q. Is this your signature?

A. Yes.

Q. Looking at the initials "pep," does that refresh your recollection about who that might be?

A. No.

Q. Why did you ask Ted Harrison if he wanted you to bring your lawyer with him -- with you?

A. I don't recall. It's a legal document.

Q. And?

A. Well, that's what you have lawyers for. I didn't write this thing.

Q. Do you know who wrote this?

A. No.

Q. Was this the first time that you told anyone at Texas Eastern that you were

withdrawing Turbinol 153?

A. I doubt it.

Q. Why do you doubt it?

A. Well, this doesn't look like the kind of letter that you would send out of the cold.

Q. What other previous contact did you have where you told somebody that you were withdrawing Turbinol 153?

A. I don't recall.

Q. Do you recall if you wrote that you were withdrawing Turbinol 153?

A. I don't recall, no.

Q. Do you recall any oral or verbal statements that you were withdrawing 153?

A. I don't recall any specific ones, no.

Q. Okay, so in fact, you have no recollection of actually having told anybody prior to this time?

MR. ZIMMER: Argumentative.

A. I don't recall telling anybody specifically prior to this time, no.

MS. WELCH: Please mark as Exhibit 393 a document with the identifying stamp of

TEX 000871 to 72. It appears to be a call report authored by D. W. Stegen to Mr. Bradford, dated -- there are several dates, but the first date is January 7th, 1972.

(Plaintiff's Deposition Exhibit 393 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Did Mr. Stegen work for you during this time period?

A. No.

Q. Who did he work for? Do you know?

A. I don't know who he reported to at this time.

Q. Do you have any idea why this was, this memorandum was addressed to you?

A. I believe, because I was the, the Marketing Manager for these fluids at this time.

Q. Do you know what other salesmen besides or what salesmen had responsibility for the Texas Eastern account during this

time period and during the time period, first, in 1972?

A. No. Looks like John Frederiksen had Shreveport, from this document, but I -- that's -- I don't have any -- on my own, I don't have any recollection.

Q. How about, do you know Mr. Carl Clay?

A. Carl Clay?

Q. A salesman.

A. Doesn't ring a bell, no.

Q. Any other salesmen that you recall during the entire period that that you had contact with Texas Eastern that also had responsibility?

A. For sales to Texas Eastern?

Q. Yes.

A. No.

Q. Do you recall this incident of leaking drums?

A. No, I do not recall this.

Q. So I, therefore, take by that that you don't have a recollection of informing Mr. Stegen that he should instruct Texas Eastern to handle this spill in a certain

way?

A. No.

Q. Okay, referring to the second page, there is a reference to a telephone call that you made to Mr. Harrison. Do you recall that telephone call of January 7th, 1972?

A. No.

Q. Do you recall anything --

MR. ZIMMER: I'm not sure the memo indicates when it was made.

MS. WELCH: The memo says the date of the call is January 7th, 1972, and it refers to a telephone call of this morning, so it doesn't take a great big leap of faith to figure out that it was the morning of January 7.

MR. ZIMMER: Well, that's a leap of faith you can make. There's a number of dates on the front of the memo: When it was typed, prepared, et cetera. I just don't want to assume anything, that's all.

BY MS. WELCH:

Q. Do you recall a telephone call to Mr. Harrison at this time?

A. No.

Q. Do you recall anything that Mr. Harrison said to you during this time period, which is the first week in January, about the withdrawal of the Turbinol 153?

A. No.

Q. Do you know whether the replacement products were commercially available at this time, January 1973 -- 1972?

A. No.

Q. Do you know who Joe Kleffner is?

A. No.

MS. WELCH: Please mark this as Exhibit 394, which is a multipage exhibit with several identifying stamps. I will use the one which is TEX 000315 to 17. It's dated February 8th, 1972. It reflects a date of call January 14th, 1972, apparently a call with Texas Eastern. The document is authored by Roger Hatton, and Mr. Bradford is marked as present for Monsanto.

(Plaintiff's Deposition Exhibit 394 marked for identification.)

(Witness peruses said

document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, do you recall this meeting?

A. Yes.

Q. How long did the meeting last?

A. I'm going to say maybe an hour and a half.

Q. Okay, we have been told in a deposition with Roger Hatton that you did primary speaking on behalf of Monsanto with respect to the environmental situation with the PCB-containing Turbinol 153, which is discussed in the second paragraph on Page 2. Do you recall what you said at that time about the environmental situation with the PCB-containing Turbinol 153?

A. No.

Q. Did you say that PCBs persisted in the environment?

A. I'm sure I did.

Q. Did you say that they had been shown to be hazardous to wildlife and birds?

A. I don't think it -- I don't -- I doubt that I had said that, because I don't

think it was proven at that time or I don't know that it's been proven now, but I don't think it had been proven at that time.

Q. Do you recall anything else that you said about the environmental situation with PCB-containing Turbinol 153?

A. I don't recall anything specific, no.

Q. Prior to this meeting on January 14th, 1972, had you ever discussed the issue of persistence in the environment of PCBs with anybody from Texas Eastern?

A. I'm sure I have, but I don't recall specifically what I told them.

Q. Okay, did you do it in writing?

A. I don't recall writing them a letter, no.

Q. Okay, do you recall an oral contact?

A. I had a lot of oral contacts with them.

Q. Where you discussed persistence in the environment?

A. It probably would have been discussed in some of the contacts, yes.

Q. When you say probably, why do you say probably?

A. Well, that would have been a topic of conversation at this point in time, so --

Q. Okay. I'd like to get your most specific recollection of when that occurred, and with whom.

A. I don't recall any specific discussion with anybody at any specific time. I guess the only thing I would add is that it was obviously, from all this memos, it was a hot topic for some time, and one of your responsibilities as a salesperson was to discuss these things with your customers so they'd know what was going on.

MS. WELCH: I'd like to take a minute to turn to another document, and we'll come back to this.

Please mark this as Exhibit 395. This is a multipage document dated October 6th, 1970, and it's Bates stamped TRAN 004304, and the final number is 16, and it's a document that's dated October 6, 1970, from Mr. Papageorge to a number of recipients, and I note here, for the record, that you are not

listed as a recipient, but I would like you to turn your attention to the first paragraph, just general, and just read that paragraph because I'm going to ask you about that paragraph.

(Plaintiff's Deposition Exhibit 395 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Were you aware of Mr. Papageorge's injunction that all, all warnings should be fully documented?

MR. ZIMMER: What do you mean by "injunction"?

MS. WELCH: Or his statement. "Injunction" is used as a legal term. I don't mean that, but his statement that "All warnings to remaining users of PCBs should be fully documented so that they will support the action we have taken in this area should we become involved in legal actions," were you aware of this statement?

A. I don't recall anything directly from Mr. Papageorge, but these previous documents indicate that we were writing letters, letting people know what was going on, so I --

Q. So you were generally aware that the warnings should be documented?

A. I would think so, yes.

Q. I'd like to return to Exhibit 394. Did you keep any notes on this meeting?

A. No.

Q. Do you recall what people from Texas Eastern said at the meeting?

A. They were pretty unhappy that we were withdrawing the fluid and they didn't want it withdrawn, as I recall.

Q. Okay. Did they tell you why they wouldn't sign the hold harmless letter?

A. I don't recall. They probably did. I mean, you know, we were on pretty good communication terms, but I don't recall what they said.

Q. Do you know what the status of GE approval at this time was?

A. No.

MS. WELCH: Let's mark this as Exhibit 396. This is a multipage document with the identifying stamp of TRAN 003540 to 42, dated February 10th, 1972, reflects a call report from General Electric Company, and Mr. Bradford is cc:'d on it. It appears to be authored by Mr. Hatton or Dr. Hatton. Excuse me.

(Plaintiff's Deposition Exhibit 396 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, do you know if this is the first time that GE heard about the withdrawal of Turbinol 153?

A. I don't know.

Q. Did you ever inform GE about the withdrawal of Turbinol 153?

A. I don't recall.

Q. Why did Monsanto go ahead and advise Texas Eastern of the withdrawal of

Turbinol 153 before GE had approved the new fluid?

MR. ZIMMER: Assumes facts not in evidence.

A. I don't know if it was before.

BY MS. WELCH:

Q. Okay, please look under "Details."

A. Mm-hmm.

Q. The first two paragraphs, particularly the second paragraph.

(Witness peruses said document.)

A. Okay.

Q. Okay, and you note above that, "George Wolfe was present for General Electric?

A. Mm-hmm.

Q. Okay, and please note that he requested a sample of the MCS 1223. Does that -- would you agree with me that that reflects that they had not tested or approved the product at the time?

MR. ZIMMER: Argumentative. The document speaks for itself.

A. Well, I would only point out that

this is -- the Steam Turbine Generator Department had nothing to do with the Gas Turbine Group, so I don't know what you would conclude from this.

BY MS. WELCH:

Q. Do you know why you were informing the Medium Steam Turbine Generator Department about the withdrawal of Turbinol 153?

A. I, I don't know exactly why. I would think that Roger went up there, apparently, on these EHC units, just looking at the document, and since they are a part of GE, he took the opportunity to fill them in with what was going on with the rest of the company.

Q. Was Turbinol 153 used in steam turbines?

A. I don't recall, but I don't believe so.

Q. What was an EHC unit?

A. Well, it says here in this document, someplace. Electrohydraulic control system.

Q. And that's different than a gas turbine?

A. Yes, and it's different than a steam turbine.

Q. Do you know what the fluid that was used previously for the steam turbine was?

A. This doesn't indicate that any was used for the steam turbine, only for the EHC unit.

MS. WELCH: Please mark this as Exhibit 397. And this is a two-page document bearing the mark of TRAN 005081 to 82. It's from Mr. Bradford to Mr. Gossage, dated February 3rd, 1972. It is a monthly report of hydraulics and lubricants.

(Plaintiff's Deposition Exhibit 397 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Is that your signature Mr. Bradford?

A. Yes, it is.

Q. Would you agree with me that as of

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this date, which is February 3rd, 1972, that GE had not yet approved the MCS 1223?

A. I would agree this the memo says that they were noncommittal.

Q. Do you know -- What did they tell you whether why they were noncommittal?

A. I don't recall. I can only speculate why they would be noncommittal.

Q. I don't want you to speculate; I just want to know if you heard from anybody.

A. (Witness shakes head in negative manner.) What's the question again, then?

THE COURT REPORTER:

"Q. I don't want you to speculate; I just want to know if you heard from anybody."

A. I don't recall hearing from anybody.

BY MS. WELCH:

Q. Okay, based on the statement, here, that appears to be that GE had not yet committed to the product, in other words --

A. Mm-hmm.

Q. -- I will repeat my question that I asked on the earlier document, which is,

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why did you decide to present the new product to Texas Eastern prior to getting approval from GE?

A. I presume because GE wouldn't commit.

Q. And why did you not wait for GE to commit?

A. I guess because we didn't know when they were going to commit or if they were ever going to commit.

Q. Mr. Bradford, what was Monsanto's position with respect to topping off with the new replacement products? And I should go back. Do you know what I mean by "topping off"?

A. Yes.

Q. What's your interpretation of "topping off"?

A. You put a new fluid on top of an old fluid.

Q. What was Monsanto's position during this time period?

A. The position on --

Q. Topping off with, with new fluids.

A. Well, our -- we didn't take a

position on it. That was up to the user, as I recall.

Q. So you didn't tell them not to top off?

A. We didn't feel like we were qualified to tell them how to run their operations.

MS. WELCH: This is document 398. Exhibit 398, which is a several-page document with the identifying stamp of TRAN 004427 to 29, reflects a call report, the date of call, 2/4/72. It appears to be authored by Mr. Frederiksen to Mr. Bradford.

(Plaintiff's Deposition Exhibit 398 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Do you remember Roger Hatton ever telling you about anything about his decision with Texas Eastern about topping off?

A. No.

Q. Do you recall any other

discussions with anyone else about the issue of topping off?

A. No.

Q. Do you know if the substitute fluid, the MCS 1223, was available at this time in February 1972?

A. I don't know. This memo indicates that it wasn't.

Q. It was not?

A. But it indicates it's going to take four or five weeks after order to deliver.

Q. Is that an unusual amount of time for delivery?

A. I don't know.

Q. Well, if there's an inventory on hand for a product, how long does it take for delivery?

A. Well, you probably wouldn't inventory a product that no one had ever ordered yet.

Q. So you would wait until there was an order and then you would produce according to order?

A. For a brand new product, yes.

Q. If a product had been in production and there was an inventory, how long does it take to order it and to have it delivered?

A. I'd say a matter of a few days, at the most.

MS. WELCH: This is Exhibit 399. It's a multipage document with the identifying stamp of TRAN 003179 to 83, and it's from J. H. Davidson to Mr. Bradford, dated December 22nd, 1971, entitled "1972 Forecast."

(Plaintiff's Deposition Exhibit 399 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Please turn to the page that's stamped 003181, which says "1972 Sales Forecast" --

A. Mm-hmm.

Q. -- and turn your attention to the line which says "Turbinol 153."

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A. Okay.

Q. And there's a sales forecast out through June.

A. Mm-hmm.

MR. ZIMMER: Through May, I believe.

MS. WELCH: Through May. There's an indication that nothing is forecast for June, but June is listed.

BY MS. WELCH:

Q. How did Monsanto expect to fill these orders? Was there an inventory on hand?

MR. ZIMMER: Lacks foundation.

A. I don't know.

BY MS. WELCH:

Q. Do you know if Monsanto was still producing Turbinol 153 as of December 1971?

A. I don't know.

Q. Do you know who would know if production was still occurring?

A. I would think whoever was running the plant that it was made in would know.

Q. Do you know which plant was making it?

A. No.

Q. Mr. Bradford, do you know the composition of Turbinol 153 off the top of your head?

A. No.

Q. Have you ever heard of an Aroclor by the name of 1242, 1232?

A. Mm-hmm. Yes.

MS. WELCH: This is Exhibit 400. Okay, this is a multipage document that's identified with the stamp TRAN 001300 to 12 and it's entitled, "Organic Chemical Division Research Report, MCS 153 Transfer Report," and I just want to turn your attention to, as soon as you get a copy of, your own copy of the document, to one item in this document.

THE WITNESS: Okay.

(Plaintiff's Deposition Exhibit 400 marked for identification.)

THE WITNESS: All right.

BY MS. WELCH:

Q. Okay, it's the page which is stamped TRAN 001304, and under "Introduction" --

A. Okay.

Q. -- there is a statement which says, "MCS 153 is a shear stable functional fluid having the following formulation," and includes 1232 to 1242. Would you agree with me that MCS 153 is composed of those chemicals?

MR. ZIMMER: He's already told you he doesn't know what it was composed of, so why does he have to agree or disagree with you about that? I mean the document speaks for itself.

BY MS. WELCH:

Q. Does this refresh your recollection about the composition of MCS 153?

A. This is the first time I've ever known what it was made of.

Q. It wasn't important to your function as a salesman to know what it was composed of?

A. No.

Q. Okay.

MS. WELCH: This is Exhibit 401.

(Plaintiff's Deposition

Exhibit 401 marked for identification.)

MS. WELCH: This is a one-page document with the identifying figure of TRAN 004419. It's a letter to Mrs. O. W. Wade from Roger Hatton, and Mr. Bradford is cc:'d on here.

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Do you know where that one-gallon no-charge sample was coming from if Monsanto had discontinued this product?

A. No. We might have borrowed it from Texas Eastern.

Q. Why do you say that?

A. Well, you are saying where might it have come from. I'm just speculating that might be one place. They had some.

Q. Okay, do you know if there was still an inventory at Monsanto at this time?

A. No.

Q. Do you have any idea if there was still production at this time?

A. No.

Q. Okay.

MS. WELCH: Can we go off the record?

MR. ZIMMER: Sure.

(Discussion off the record.)

BY MS. WELCH:

Q. Okay, Mr. Bradford, are you aware that during the same time that Monsanto was reformulating withdrawing Pydrauls in 1971, it was still actively promoting and selling Turbinol 153?

MR. ZIMMER: Assumes facts not in evidence.

A. Say that again?

THE COURT REPORTER:

"Q. Okay, Mr. Bradford, are you aware that during the same time that Monsanto was reformulating withdrawing Pydrauls in 1971, it was still actively promoting and selling Turbinol 153?"

A. No, I wasn't aware of that, still not aware of that.

BY MS. WELCH:

Q. Okay. Will you agree with me that

Monsanto was reformulating and withdrawing Pydrauls or PCBs from Pydrauls in 1971?

A. I don't recall the timing, as we said earlier.

Q. Okay, let's look back at the earlier Pydraul withdrawal documents or reformulation documents, and specifically Exhibit 381, which is a February 1st, 1971, letter that you wrote to various customers.

A. Mm-hmm.

Q. Okay.

MR. ZIMMER: Now, are you asking him to deduce from that letter that something is true or not? Because he's --

MS. WELCH: I will ask him a question in a minute. I just want him to look at that exhibit.

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. I just want to refresh your recollection that the Pydraul reformulation program was occurring in early 1971. Does this help refresh your recollection?

A. No.

Q. Okay. Do you recall that there was a reformulation and withdrawal of PCBs from the product?

A. Yes.

Q. Okay. Do you have any doubt that this letter is part of that reformulation and retracton of PCBs from Pydrauls?

MR. ZIMMER: Argumentative.

A. I mean, you know, the letter speaks for itself. I don't -- I'm not questioning the letter.

BY MS. WELCH:

Q. Okay, and the letter is -- will you agree with me that the letter is a letter advising customers of the reformulation of the Pydrauls to exclude PCBs?

A. Let's see, here. It would appear that way, yes.

Q. Okay, and even though when you have testified earlier that you later found out that these reformulations included PCBs, at the time you believed that the reformulation did not include PCBs.

A. That is correct.

Q. So the intent was to reformulate Pydrauls to exclude PCBs at this time?

A. Correct.

Q. And specifically, what the letter reflects is a concern with finding PCBs in the environment. Is that correct?

A. That is correct.

Q. Okay.

A. But I might add that I don't conclude from this that we weren't working at the same time on the MCS 153.

Q. Okay, well, let's look at some documents.

A. Okay.

MS. WELCH: Exhibit 402 is a two-page document with a Bates stamp 004404 to 05, dated February 26, 1971, addressed to Solar Division, International Harvester, from a Mr. Bevacqua, B-e-v-a-c-q-u-a. You can probably help we with that pronunciation.

A. Bev-AWK-wa.

MS. WELCH: Thank you, sir.

(Plaintiff's Deposition Exhibit 402 marked for identification.)

BY MS. WELCH:

Q. Please take a minute to review this document.

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, did you ever hear of a customer by the name of Solar?

A. I don't recall him, no.

Q. Okay, who is Mr. Bevacqua?

A. He was a salesperson on the West Coast.

Q. Did he report to you?

A. Yes.

Q. Okay, would you agree with me that this letter represents an attempt to sell Turbinol 153?

A. Excuse me. At the time -- go back to your original question. At the time this was written, this would indicate that I was in St. Louis. He did report to me at one time, so I don't know. At this time, it wouldn't appear that he was reporting directly to me.

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Q. Okay.

A. And so --

MR. ZIMMER: And I'll object to the second question as argumentative.

THE WITNESS: I didn't hear the second question.

MS. WELCH: Please read the second question.

THE COURT REPORTER:

"Q. Okay, would you agree with me that this letter represents an attempt to sell Turbinol 153?"

MR. ZIMMER: And the document speaks for itself.

A. I mean, all I know is what the document says.

BY MS. WELCH:

Q. Is there anything in the document which talks about a reformulation of MCS 153 or Turbinol 153?

MR. ZIMMER: Same objection.

A. I don't see anything in the document to that.

BY MS. WELCH:

Q. Are you aware of whether Mr.

Bevacqua or anyone else informed Solar that there might be a withdrawal of Turbinol 153 during this time period?

A. I am not aware of it. But I mean, I thought the question was that whether we were reformulating Turbinol 153 at this time. This doesn't indicate that we were not reformulating.

Q. No, I think my question was, the earlier way that I framed it was, were you aware that you were actively promoting and selling Turbinol 153 during the same period that you were withdrawing PCB-containing Pydrauls.

A. Okay.

Q. And maybe if you misunderstood my earlier question, you can now answer that.

A. No, I don't think I misunderstood your earlier question.

Q. Okay.

MS. WELCH: This is Exhibit 403. This is a two-page document with the identifying stamp at the bottom of SCAL 000180 to 81, and it appears to be a call report authored by Mr. Frederiksen about a

call made on June 28th, 1971. It's addressed to Mr. Bradford in St. Louis, and it's a call report with Texas Eastern Gas Transmission.

(Plaintiff's Deposition Exhibit 403 marked for identification.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay. Did you discuss with either Carl Clay or John Frederiksen the possibility of any discontent from Texas Eastern with 153, Turbinol 153?

A. I don't know who Carl Clay was. I don't recall him. I don't recall having any such discussion with Frederiksen.

Q. Okay. Did Mr. Frederiksen tell you anything more than is reflected here about the conversation with Mr. Woods about the possible reformulation of Turbinol 153?

A. I don't know --

MR. ZIMMER: Assumes facts not in evidence.

BY MS. WELCH:

Q. Go ahead.

A. I don't recall any discussions

with Frederiksen on the subject.

Q. Okay. Did you have any discussions with Mr. Frederiksen about telling Texas Eastern that Turbinol 153 might be withdrawn because of the PCB problem at this time in June 1971?

A. I don't recall any discussions with Frederiksen.

MS. WELCH: Can we take a couple of minute break? I want to look at a document.

MR. ZIMMER: Sure.

(Recess)

MS. WELCH: Back on the record.

I'd like to have this marked as Exhibit 404. This is a two-page document with the identifying stamp of 005113 to 14, from Mr. Bradford to Mr. Gossage, dated October 6, 1971. Please take a minute to review this.

(Plaintiff's Deposition Exhibit 404 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, Mr. Bradford, is this your signature?

A. Yes.

Q. And is this a document that you prepared in the normal course of business?

A. Yes.

Q. And at or near the time of the date of October 6th, 1971?

A. I don't recall that.

Q. Okay. Did you normally, as part of your job function, prepare monthly reports on sales of hydraulics and lubricants?

A. Yes.

Q. Okay, turning your attention to the line, two lines, one that says Columbia Gulf Transmission, Houston, Texas, and the next, Solar Engineering, please read those to yourself, not out loud.

(Witness peruses said document.)

A. Okay.

Q. Does this refresh your recollection that as of October 1971, you

were still selling Turbinol 153 to customers?

A. No.

Q. Okay, do you have any doubt that you were selling, that what this document says is accurate?

A. No.

MS. WELCH: This is Exhibit 405. It's a one-page document with the identifying stamp of SCAL 000182, call report of a call dated July 1st, 1971, customer, Texas Eastern Transmission Corporation, and it's from Don Stegen to Mr. Bradford.

(Plaintiff's Deposition Exhibit 405 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay. Did I ask you if you knew Don Stegen? I know you told me he didn't work for you, but do you know him?

A. Yes.

Q. Did you instruct or have any discussions with Don Stegen about telling

Texas Eastern that Turbinol 153 may be withdrawn because of the PCB problem, at this time?

A. I don't recall.

Q. Do you recall any discussions with Mr. Stegen about his discussions with Fletcher and Harrison about the history of Turbinol 153?

A. No.

Q. Do you know anything about the history of development of Turbinol 153?

A. No.

Q. Were you aware around this time that Turbinol 153 was being marketed to new customers, including the Tennessee Valley Authority?

A. I don't recall.

MS. WELCH: Please mark this as Exhibit 406.

(Plaintiff's Deposition Exhibit 406 marked for identification.)

MS. WELCH: This is a one-page document with the identifying stamp of TRAN 004410. It's a call report dated June 2nd,

1971, to Mr. Bradford. It appears to be the salesman is Carl Clay, and it's about a call report with the TVA.

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Do you recall any discussions with Mr. Clay or anyone else about marketing Turbinol 153 to TVA in June 1971?

A. No.

Q. Do you recall seeing this document?

A. No.

MS. WELCH: Please mark this as Exhibit 407. It's a one-page document with the identifying figure of TRAN 004359, and it appears to be a call report dated August 26th, or August 23rd, sometime around there, 1972. It's partially obliterated but appears to be Columbia Gulf, and it's a report from Don Stegen to Mr. Bradford.

MR. ZIMMER: You may have misspoken.

A. I think it's '71. Not '72.

MS. WELCH: '71. You are right. I'm sorry.

MR. ZIMMER: That's all right.

(Plaintiff's Deposition Exhibit 407 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay. Do you remember the customer, Columbia Gulf?

A. No, not really.

Q. Were you aware that Turbinol 153 was being marketed to Columbia Gulf in August 1971?

A. No.

MR. ZIMMER: Assumes facts not in evidence.

BY MS. WELCH:

Q. You weren't aware or you don't recall being aware?

A. I don't recall that it was being done.

MS. WELCH: This is Exhibit 408.

It's a one-page document bearing the stamp TRAN 004401, reflecting a call report to Solar, date of call September 16th, 1971, from Mr. Bevacqua to Mr. Bradford.

(Plaintiff's Deposition Exhibit 408 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay. Does this refresh your recollection that Turbinol 153 was being sold to new customers in September 1971?

A. No.

Q. Do you have any doubt that what this document says is accurate?

MR. ZIMMER: Argumentative, lacks foundation.

A. Well, to the extent that Bevacqua was believable, you know, I --

Q. Do you have any doubts as to his credibility?

A. When he worked for me, at times I had to question him a bit, but I don't know

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that this would be one of them.

Q. Did you have doubts about the credibility of the salesmen who were selling to Texas Eastern and still selling Turbinol 153 during this time period?

A. Not particularly, no.

Q. How about doubts about the salesmen who were selling to Columbia Gulf?

A. I -- who was selling to Columbia Gulf?

Q. Well, let's look at the last document. Mr. Stegen.

A. No.

Q. No doubts about his credibility?

A. No.

Q. Would Mr. Stegen have acted in direct contradiction to the orders of Monsanto if Monsanto had said, "We're not going to sell this fluid anymore," would Mr. -- as far as you know --

MR. ZIMMER: Calls for speculation.

BY MS. WELCH:

Q. -- would Mr. Stegen have acted in direct contradiction to those orders?

A. I would assume that he would not.

Q. How about Mr. Bevacqua?

A. I assume that he would not, either.

MS. WELCH: We'll do one more document and take a break.

This is Exhibit 409. This is a two-page document bearing the stamp 004354 to 55. This is a call report of a call dated September 30th, 1971, to Columbia Gulf transmission, authored by D. W. Stegen, addressed to Mr. Bradford.

(Plaintiff's Deposition Exhibit 409 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, do you remember that there was a problem with the loss of fluid at Columbia Gulf?

A. No.

Q. Were you aware that there was a leakage of Turbinol into Columbia Gulf's

pipeline?

MR. ZIMMER: Calls for speculation and assumes facts not in evidence.

A. I don't know that there was leakage.

BY MS. WELCH:

Q. Do you recall any discussions with Mr. Stegen regarding the situation with Columbia Gulf at this time?

A. No.

Q. Did you tell Mr. Stegen, or do you know if Mr. Stegen told Columbia Gulf that there might be a replacement product available for Turbinol 153 shortly?

A. I don't know what he told them about that.

MS. WELCH: Let's just do this one last document and I'll finish.

Okay, this is a one-page document with the identifying market of TRAN 004377. It's Exhibit 410, and it is a document that appears to be from Mr. Bradford to Mr. Stegen, dated October 12th, 1971.

(Plaintiff's Deposition Exhibit 410 marked for

identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay. What did you mean when you wrote in this document that the economics have been severely damaged?

MR. ZIMMER: Lacks foundation.

A. I would guess what I meant was that we were reformulating to get the aroclors out and that would raise the cost of them. That's the only explanation I can think of.

BY MS. WELCH:

Q. Did you tell Don Stegen to inform Columbia Gulf, at this point to inform Columbia Gulf that the product was being reformulated?

A. I don't recall what I told him.

Q. Do you recall telling him or any other salesman that the Turbinol 153 might be withdrawn because of the problems with PCBs?

A. I don't recall what I told him.

Q. Do you think it's fair to say that

as of October 1971, Turbinol 153 was still being actively sold?

A. This memo would indicate that it was.

Q. Do you know why Monsanto was still actively selling Turbinol 153 at the same time that it was withdrawing other PCB-containing products, including Pydrauls?

A. No.

Q. Do you have any idea of who might have made the decision to still sell Turbinol 153 while Pydrauls were being withdrawn?

A. No.

Q. Okay, did any questions -- do you remember any questions in your mind about the fact that one product was being withdrawn while another one was being sold?

A. I don't remember any questions, no.

MS. WELCH: Okay, why don't we take a lunch break and break until about 1:00, a little after 1:00.

THE WITNESS: That's fine.

(Luncheon recess from 12:00 o'clock to 1:03.)

MS. WELCH: Please mark this as Exhibit 411.

Back on the record after lunch.

I'll show you a copy, too, Counsel for Monsanto.

(Plaintiff's Deposition Exhibit 411 marked for identification.)

MS. WELCH: Exhibit 411 is a one-page document with the identifying stamp, TRAN 004358, and it appears to be a call report. Date of call, October 20th, 1971; customer name, Columbia Gulf Transmission. The salesman who wrote the report appears to be Mr. Stegen and is addressed to Mr. Bradford.

(Witness peruses said document.)

MS. WELCH: Please take a minute to review this document.

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

A. Okay.

Q. Okay, Mr. Bradford, as a Marketing Manager in 1971, was one of your tasks to review the contacts that salesmen had with customers?

A. I don't know exactly what you mean by "review the contacts."

Q. Well, let me put it this way. Did you normally receive call reports based on customer visits?

A. Yes, I did.

Q. And earlier you testified that Mr. Stegen was not a direct report to you. Do you have any idea why these Columbia Gulf Transmission reports are addressed to you?

A. I think because I was the Marketing Manager for the product involved here.

Q. And the product involved was Turbinol 153?

A. Correct.

Q. Did you market that in a specific geographic region during this period?

In other words, were you the Marketing Manager for Turbinol 153 everywhere in the country, or was it in a specific geographical region?

A. No, it would have been everywhere in the country.

Q. Okay. So this was a kind of document that you received in the normal course of business?

A. That's correct.

Q. Do you have any recollection of Columbia Gulf threatening to terminate Monsanto's Turbinol 153 during this time period?

A. No.

Q. Do you know, turning to the last paragraph where Mr. Stegen states, "I presented a contract to Brunson for 1972 quoting bulk prices." Do you have any idea why, in October 1971, bulk prices for 1971 were still being quoted?

MR. ZIMMER: Bulk prices for what?

MS. WELCH: For Turbinol 153.

MR. ZIMMER: The question lacks foundation and assumes facts not in evidence,

calls for speculation.

A. No, I -- this is my handwriting here, and I, I may have been asking the same question when I say, "Roger, let's discuss."

BY MS. WELCH:

Q. Okay, what question is that?

A. The question you just asked.

Q. Are you speculating as to what you --

A. Yes. I say "may have been."

Q. But this is your handwriting at the bottom?

A. This is my handwriting.

Q. So that would indicate you did review the document when it came in?

A. That would indicate that, yes.

Q. Okay.

MS. WELCH: Please mark this as Exhibit 412.

(Plaintiff's Deposition Exhibit 412 marked for identification.)

MS. WELCH: This is a one-page document with the identifying stamp of TRAN 004385. It appears to be a call report from

Don Stegen based on a call on October 26, 1971, the customer account -- customer name is El Paso Natural Gas and it's addressed to Mr. Bradford.

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay. Have you ever seen this document before?

A. Not that I recall.

Q. Okay, was El Paso Natural Gas one of your customers?

A. I don't recall.

Q. If they had been considering purchasing Turbinol 153, would they have become one of your customers?

A. Yes.

Q. Did you have any discussions at this time with Don Stegen or Roger Hatton about the development of phosphate ester?

A. I don't recall.

Q. Okay, do you have any idea or do you have any recollection of any other discussions with any of your salesmen about

the development of phosphate ester during this time period which is October 1971?

A. I don't recall.

Q. And again, I have the same question I had before. Do you have any idea why Turbinol 153 was being sold as late as October 1971, given the withdrawal or the reformulation withdrawal of Pydraul?

A. No.

MS. WELCH: Please mark as Exhibit 413 this document, which is a multipage document with the identifying stamp of TRAN 004380 through 4383. It appears to be a call report dated November 9th, 1971, based on a call on November 4th, 1971, authored by Roger Hatton and Mr. Bradford is noted as being present for Monsanto at this particular call.

(Plaintiff's Deposition Exhibit 413 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay. Do you recall this meeting?

A. No.

Q. Did you know about the loss of Turbinol 153 through the compressor seals?

A. No.

Q. Do you remember any discussions with either Mr. -- Dr. Hatton or Mr. Stegen about this issue?

A. No.

Q. Did you give Columbia Gulf Transmission Company at around this time any environmental warnings about PCBs?

A. Probably, but I don't know.

Q. Okay, why do you say probably?

A. Well, because we're talking about November 1971, and PCBs at that point in time were appearing to be an environmental problem.

Q. Is there anywhere in the document that this is documented that you see? I haven't found anything.

MR. ZIMMER: The document speaks for itself. You want him to review it and find whether something is in writing to that effect? Is that what you are asking?

MS. WELCH: Yes, I want to see if

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there's anything to that effect in writing in this document. That's -- let's take a moment to review.

MR. ZIMMER: This isn't a test, and you can review the document yourself. Why don't you ask him whether he remembers writing anything to Columbia Gulf about environmental --

MS. WELCH: I'll phrase the questions myself.

MR. ZIMMER: I don't want him to review this, and he's not your expert. He's not going to go back over it line for line and see if there's anything in here about that.

BY MS. WELCH:

Q. In your experience, Mr. Bradford, was Dr. Hatton a careful person?

A. In my experience, Dr. Hatton would have told them that there were problems with PCBs, if that's your question.

Q. Okay, in your experience, did Dr. Hatton generally document accurately what occurred at meetings?

A. Whatever he documented would have

been accurate, but it doesn't necessarily follow that he documented everything that was said.

Q. Okay, turning to -- let's turn back to a call report that we discussed earlier, which was Exhibit 394, which is a call report based on a visit to Texas Eastern of January 14th, 1972. We discussed for some time the question of the environmental disclosures that were given at this meeting. Do you recall that?

A. Mm-hmm. (Nods head in affirmative manner).

Q. And you recall that you had given those disclosures at this particular meeting and Dr. Hatton discussed those in this document?

A. Mm-hmm. Yes.

Q. Do you have any reason to believe that if the same kinds of environmental warnings had been given on November 9th, 1971, Dr. Hatton would not have recorded them in this document, the later document, Exhibit 413?

MR. ZIMMER: Please, Counsel.

He's not going to answer that. That hopelessly calls for speculation about what Dr. Hatton would have done. You've already deposed Dr. Hatton, and I'm not going to have this witness guess as to whether if Dr. Hatton recorded something in one place, whether that follows that he would do it somewhere else.

MS. WELCH: I asked him based on his experience with Dr. Hatton.

MR. ZIMMER: And he's not going to answer it.

MS. WELCH: Are you instructing him not to answer?

MR. ZIMMER: You're darn right I am. That's just a ridiculous question.

MS. WELCH: Are you not going to answer the question, based on that instruction?

Is that a privilege, that it's a ridiculous question? Because as far as I know, under California law, the only way that you can instruct a witness is if it's a privileged, I'm asking for privileged material.

MR. ZIMMER: Talk to the judge about it, then.

BY MS. WELCH:

Q. Are you going to answer the question?

A. I will follow my lawyer's instructions.

MS. WELCH: Okay, I want that question marked for the record, please.

MR. ZIMMER: If you want to ask him fair questions, he'll answer any of those that you have, but that's just beyond the pale.

BY MS. WELCH:

Q. Do you have any recollection of what eventually happened with the Columbia Gulf account?

A. No.

Q. Any recollection of whether they ever adopted the Monsanto phosphate ester substitute?

A. No.

MS. WELCH: This is Exhibit 414. This is a one-page document with the identifying figure of TRAN 003230, and it

appears to be a memo from Roger Hatton to Mr. Bradford, dated November 15th, 1971.

(Plaintiff's Deposition Exhibit 414 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Mr. Bradford, what is the approved list?

A. I don't recall, you know, the definition of the approved list.

Q. Do you have any idea why Turbinol 153 was being sold to customers not on the approved list? For instance, Solar, and attempts to sell to TVA?

MR. ZIMMER: Assumes facts not in evidence that it was being sold to Solar or anyone else.

A. I don't recall seeing anything that says it was ever sold to those customers.

BY MS. WELCH:

Q. Well, we looked at some documents

earlier showing attempts to sell to those customers.

A. Well, that's not the same as a sale. I might attempt to sell you a car, but if you don't buy one, I've never sold you one.

Q. Do you know why there were attempts to sell to customers that were not on the approved list?

MR. ZIMMER: Same objections.

A. I don't recall.

MS. WELCH: Okay, please mark this as Exhibit 415. This is a multipage document bearing the stamp TRAN 004396, dated December 6, 1971, a call report to Ingersoll Rand this document appears to be authored by Dr. Hatton and Mr. Bradford is cc:'d on it.

(Plaintiff's Deposition Exhibit 415 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay. Do you recall receiving

this call report?

A. No.

Q. Do you recall any discussions with Dr. Hatton about his contacts at Ingersoll Rand?

A. No.

Q. Okay. Does this refresh your recollection about the leakage of the Turbinol into the pipeline at Columbia Gulf?

MR. ZIMMER: Assumes facts not in evidence.

A. No.

BY MS. WELCH:

Q. Do you have any idea why a product, Turbinol 153, which is being shortly withdrawn, is still being promoted as of this date?

MR. ZIMMER: Lacks foundation, mischaracterizes the document, assumes facts not in evidence.

A. If it was still being sold, I don't know why.

MS. WELCH: Please mark this as Exhibit 416.

(Plaintiff's Deposition

Exhibit 416 marked for identification.)

MS. WELCH: Exhibit 416 is a one-page -- or two-page document, excuse me, with the identifying figure TW2-2003414 and 15. It bears a date July 17, 1967, from Larry Bradford to Bill Hartman of Texas Eastern Transmission.

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, is this your signature?

A. Yes.

Q. Do you recall selling Pydraul AC to Texas Eastern for use in their air compressors?

A. No.

Q. So your primary experience or the experience that you recall with Texas Eastern is solely with MCS 153 and Turbinol?

A. That's correct.

Q. Do you have any recollection of this meeting in Shreveport on July 25th?

A. No.

MS. WELCH: Please mark this as Exhibit 417. This is a two-page document with the identifying figures of TRAN 004408 and 09, dated June 4, 1971. It appears to be authored by a C. L. Clay and it's addressed to a C. L. Bradford.

(Plaintiff's Deposition Exhibit 417 marked for identification.)

(Witness peruses said document.)

MS. WELCH: I'm just going to ask you about the paragraph under Turbinol 153, if you'd like to turn your attention to that.

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, turning your attention to the line which says, "Apparently, all the major components, the turbine, the compressors, and the generator are fed from one central fluid reservoir," does that have any meaning to you in terms of the workings of the turbine and compressor? I mean,

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independent mean it?

A. Independent of what?

Q. Independent of just reading what it says, and the words --

A. I think I know what it means, but I have no additional meaning than what it says here.

Q. So you have no additional understanding of the lubricating system of the compressor, other than what's reflected in here, other than what you read here?

A. Well, I mean, I have a mental image of what it looks like, but I -- this says it, as far as I know.

Q. Is the mental image, based on your recollection or based upon reading this document?

A. Based on reading this document.

Q. Do you recall receiving this document?

A. No.

MS. WELCH: This is document 418. This is a three-page document with the identifying figure of TRAN 009766 to 9765. This somehow goes backwards. Maybe it's just

stapled wrongly, but I'm going to ask you about the first page, which is dated April 12th, 1967, appears to be a letter from Larry Bradford to C. F. Fain.

(Plaintiff's Deposition Exhibit 418 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, do you know if Mr. Fain was at Texas Eastern?

A. It doesn't ring a bell with me.

Q. Okay. Do you know if a Mr. Sponseller was at Texas Eastern?

A. That doesn't ring a bell, either.

Q. How about Bellaire, Texas, was that one of the Texas Eastern sites?

A. I don't know.

Q. Are you familiar with Cellulube liquid or Cellulube fluid?

A. Cellulube?

Q. It's at the bottom of the first page.

A. As I recall, Cellulube was a competitive product.

Q. A straight phosphate ester?

A. That's what it says here. I wouldn't have known otherwise.

MS. WELCH: This is Exhibit 419. It bears several identifying stamps, but I'm going to use the TRAN 003826 to 27.

(Plaintiff's Deposition Exhibit 419 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, have you ever seen this document before?

A. I don't recall it.

Q. Okay. Do you recognize the handwriting at the top?

A. No. I don't.

Q. Any knowledge about who the author of this document is?

A. No.

Q. All right, you didn't author it?

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A. I didn't say that. I might have.

Q. Why do you say that you might have? Is this information that would be within your realm of responsibility?

A. Yes.

Q. Okay. In other words, you would know what the sales of Turbinol 153 were to date?

A. Yes.

Q. How about the last paragraph: Would you know that "Any Turbinol 153 that might possibly leak past seals into the gas stream is removed with other liquids in regularly-installed pipeline knock-out traps," was that within the realm of your job responsibilities, and therefore, your knowledge?

A. It wasn't in line with my job responsibilities, but I would have known that.

Q. How would you have known that?

A. Because of my familiarity with it on a personal basis.

Q. Based on the experience with your father?

A. Mm-hmm. (Nods head in affirmative manner).

Q. So did you know that the Turbinol 153 did escape past the seals?

A. No.

Q. What did you know that is in this sentence?

A. What I know was that anything that gets in the pipeline stays in the pipeline and can be collected. They have traps to collect anything that gets in the pipeline, so --

Q. How did you -- I'm sorry.

A. I was just going to say, so that I knew.

Q. Okay. What else did you know about the operation of the Turbinol in the pipeline or the lubricant in the --

A. I didn't know there was any in the pipeline.

MR. ZIMMER: Thank you for pointing that out.

BY MS. WELCH:

Q. What else did you know about the -- I misspoke -- the operation of the

Turbinol in the gas compressor?

A. Well, I knew it served as a lubricant, I knew it was fire resistant, and I knew it worked, it worked well because it had worked well for a number of years.

Q. Okay, had you ever heard, from your father or from your experience at Monsanto, that Turbinol or any other kind of lubricant that was used had leaked into the pipeline?

A. I don't recall, you know, learning that specifically, no.

Q. How did you know about the existence of traps, then?

A. Well, because there was a trap at Danville where my father and I lived.

Q. And did you know that it had collected some of the lubricants?

A. No. I didn't know what it had collected.

Q. Did you know the function of the trap was at that time?

A. Mm-hmm. (Nods head in affirmative manner).

Q. And what was the function of the

trap?

A. It was the function of the traps to take out anything that, any foreign materials that got into the pipeline.

Q. And what would that include besides the lubricant?

A. Water, perhaps.

MR. ZIMMER: Calls for speculation that it included the lubricant. He hasn't said that it did, so once again, assuming facts not in evidence.

A. As I say, I don't know what was in there, but I always assumed that water would be the main ingredient that they would be cleaning out.

BY MS. WELCH:

Q. Did your father ever tell you that the lubricant had leaked --

A. No.

Q. -- into the pipeline?

A. No.

MR. ZIMMER: Asked and answered for the third time.

BY MS. WELCH:

Q. Okay, how about the sentence,

"Major leaks would be quickly detected, since low lubricant level automatically shuts the turbine down," was that within the realm of your experience?

A. No. I don't, I don't recall knowing that at the time. I don't recall not knowing it. I could have known it and forgotten.

Q. Turning to the first paragraph, were you aware that, as this document says, that there were several serious fires that led to a large gas transmission company deciding to use a fire resistant lubricant?

A. If I knew that, somebody would have told me that secondhand. I didn't know that personally.

Q. Based on your best estimate, do you think that you were the author of this document?

A. I think I probably was.

Q. And why do you say that?

A. These scratch-outs, here, look sort of like the mess I make, and the wording is very consistent with my thought patterns.

Q. What about it? What about the

wording? Just that it's -- your kind of language?

A. Looks like something I could have written. I mean, sometimes you pick up something and you may know everything that's in it, but you say, "Hey, that's not my, my writing. I wouldn't have written it that way." I'm saying this is something that I could have written.

Q. What is the statement, "Gas turbine lubricant systems are closed loop" mean?

A. Well, I'd forgotten a -- I guess my image of a closed loop system is where fluid is recirculated. For example, your lubricant system in your car is a closed loop. It pumps to your engine, comes back through your filter, back to the reservoir, pumps back to your engine. It's just going in a circle and if you properly maintain it, that's where it stays.

Q. Okay.

A. That would be a closed loop system.

Q. Okay, but as we discussed before,

would you agree that there's always the possibility of leaks even in a closed loop system?

MR. ZIMMER: Wait. I don't think we discussed that before. That mischaracterized his testimony, so it lacks foundation.

A. I guess I don't recall discussing that, either.

BY MS. WELCH:

Q. Would you agree that even a so-called closed loop system faces the possibility of leaks?

MR. ZIMMER: In what way?

A. I'd say that, you know, for example, if you were driving your car and you have a car wreck, your closed loop system will leak. Everything else will leak.

BY MS. WELCH:

Q. Well, assuming that you may have written this memo, because that's your best estimate, where did you get the information that Turbinol 153 might possibly leak past seals?

A. I don't recall.

Q. Do you think it might have come from the experience with Columbia Gulf?

A. It could have come from anyplace.

Q. Did anyone, to your recollection, ever tell you that Turbinol 153 had leaked past the seals?

A. I don't recall anybody telling me that.

Q. Where did you find out, again based on your estimate that you wrote this document -- that the low lubricant level automatically shuts the turbine down?

A. I don't know, somebody would have, would have told me that because I don't, even today, I don't have an image of a low level, but it doesn't surprise me. It's just like in your automobile, you get the red light or if you've got an oil gauge, it'll show you if you are low on oil. So it only makes sense.

Q. Again, based on your estimate that you wrote this document, do you know why you wrote this document?

A. No. I don't.

Q. Okay.

A. If you believe it, though, it

answers a lot of your questions about why the company would continue to sell it.

Q. And what's that?

A. Well, we believed the ease with which Turbinol 153 can be controlled, the safety it brings to hazardous pipeline operations, and the dependability and reliability of continued gas supply more than justify our continuing to supply Turbinol 153. If you believe it's in a closed loop system and if it does happen to leak, it can be collected. What's the hazard?

Q. Okay. Are you familiar with the development of MCS 1016?

A. No.

Q. Did you have any responsibility for dielectrics or transformers?

A. Yes.

Q. Okay, were transformers considered closed loop systems?

A. I wouldn't think so. It wouldn't be my definition, but it wouldn't be an open system, either.

Q. Okay, why wouldn't it be a closed system?

A. I didn't say it wasn't a closed system. You said a closed loop system, and I said would not be a closed loop system, in my mind.

Q. Why wouldn't it be an open system?

A. Because it's closed.

Q. And what's your definition of closed?

A. Well, you put it in a transformer and you seal it, and that's the end of that.

Q. Okay. Were you aware that as early as 1970, that Monsanto was developing a, an alternative to highly-chlorinated PCB for use in the transformers?

A. I don't recall.

Q. You --

A. I don't recall that I was aware.

Q. Okay, are you aware that MCS -- if I use the word MCS 1016, would that refresh your recollection about that development?

A. No, I don't know what MCS 1016 was.

MS. WELCH: I just happen to have a document. Surprise, surprise.

THE WITNESS: Let's see, I learned

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what was in Turbinol, now I guess I'll learn what 1016 is.

MS. WELCH: Okay, mark this as Exhibit 420, and this is a document which is a one-page document, TRAN 066446. It appears to be from Mr. Gossage to Mr. Johnson, and Mr. Bradford appears to be cc:'d, dated January 25th, 1971.

(Plaintiff's Deposition Exhibit 420 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Does that help refresh your recollection in any way about MCS 1016?

A. No.

MS. WELCH: This is Exhibit 421, and this is a two-page document with a couple of identifying stamps, but I'm going to use the most logical, which is 0002088 to 89, and it is dated February 19, 1971, from D. R. Pogue, and Mr. Bradford is one of the people who is noted it was sent to.

(Plaintiff's Deposition Exhibit 421 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, first of all, who is Mr. Pogue?

A. Don Pogue was a salesperson at one time, and I seem to recall that when we got down to this point in time, that he had been given the responsibility for this reclamation issue, but I'm not totally clear on that, but he was, I know, a salesperson at one time in the fluids business.

Q. Okay. Do you know if reclamation was ever proposed to Texas Eastern?

A. I don't recall that it was.

Q. Do you know if there was any proposed reclamation of any other used Turbinol from any other customers?

A. Now, are you -- when you say reclamation, as opposed to incineration, or are you including both, too?

Q. No, I'm not including incineration within reclamation.

A. I don't recall that there was ever any plan to reclaim the Turbinols, no.

Q. Do you know why there was no plan to reclaim them?

A. Well, I don't -- I don't know for sure, but it just doesn't make sense to me that you would withdraw it and not sell it and then reclaim it. You would be committing the same sin. What's the difference whether I sell you an original PCB-containing fluid for a reclaimed PCB-containing fluid?

Q. What's your understanding of what reclamation meant?

A. It meant cleaning it up and getting the dirt out of it.

Q. And then reselling it?

A. I don't know. We had a -- see, this -- let me see, here. See, I don't know what the thinking was at this point in time, but reclaiming normally, in my mind, means that you clean it up, yes, for a customer and give it back to him.

Q. I see. How about incineration?

Was incineration ever offered to Texas Eastern?

A. I don't know that it was ever offered to them, no.

Q. Okay.

A. But I don't know that it wasn't offered to them.

MS. WELCH: 422 this is a one-page document dated February 14, 1972, from Howard Bergen to Tom Gossage, and Mr. Bradford is cc:'d on here. The identifying stamp, amongst others, but I'll use this one, is 0002740C.

(Plaintiff's Deposition Exhibit 422 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay. Does this refresh your recollection about whether incineration was offered to Texas Eastern?

A. No.

Q. I see, here, that the Pydrauls are

mentioned and Therminols are mentioned.

A. Mm-hmm.

Q. Do you know if that's an all-inclusive list, or were there other products for which incineration was offered?

A. I don't know, but I don't recall other products that had PCBs in them.

Q. For instance, we know about the Turbinols that's not included in this memo.

A. I think that Howard would have, would have included Turbinol, in his mind, when he used the word "Pydraul," although, you know, we closer to business might have have done that.

Q. How about the ascarols (Phonetic)?

A. No, the ascarols he would not have thought of as a Pydraul.

Q. But did the ascarols include PCBs?

A. Yes.

Q. Okay, and that's not included in this memo?

A. No, but the ascarols were the dielectric fluids, so these were interchangeable, I think, in Howard's mind, so --

Q. What here is a dielectric fluid?

A. He says, in sentence one of paragraph 2, he has Therminol, quote, "Therminol FR's and the dielectric fluids," end quote, period.

Q. Why do you think that or why did you say that the Turbinol would have been included in the Pydraul classification?

A. I don't know that it would. I'm guessing that that's Howard would have included it.

Q. Why do you say that?

A. I think at times, when the people would speak of the Pydrauls, they would include Turbinol as one of them, and at times they might not. In this particular case, I would think that Howard would have included it.

Q. Why do people do that?

A. Well, I think they thought that the Pydrauls and the Turbinol had some common properties. They were both -- one was designed specifically as a lubricant, one -- both of them had to be good lubricants, however, as an example.

Q. Were there any other PCB fluids that are not included? We have to put the ascarols, and you said there were dielectric fluids. Are there any that I'm forgetting about? How about Inerteen? Was that also a dielectric fluid?

A. Gee, I don't even remember what Inerteen was. In fact, that doesn't even ring a bell.

Q. Okay.

MS. WELCH: This is Exhibit 423. Exhibit 423 is a one-page document Bates stamped TRAN 067279, from R. A. Garcia to N. T. Johnson and C. L. Bradford, dated January 29, 1971.

(Plaintiff's Deposition Exhibit 423 marked for identification.)

BY MS. WELCH:

Q. I just have one question on this document, and that is, who is Mr. Garcia?

A. Mr. Garcia was a salesperson.

Q. Did he report to you?

A. I don't recall that Raleigh ever reported to me, no.

Q. Did he have responsibility for, as far as you know, for the Texas Eastern account at any time?

A. I don't recall that he did, no.

Q. What was his area of responsibility?

A. I don't recall where Raleigh was stationed, but I believe that in whatever area he was stationed, he would have had the industrial fluids.

Q. Did industrial fluids include Turbinol?

A. Yes.

Q. Did he ever take your place as Marketing Manager?

A. I don't know who took my place when I left the job. I can't recall.

Q. And that was in 1972?

A. I don't recall exactly the date.

Q. But I think earlier you testified you left Monsanto in --

A. In early '73.

Q. In early '73, okay, and were you Marketing Manager up to the end?

A. No.

Q. You testified you went over to the Inorganic Division; is that correct?

A. That's correct.

MS. WELCH: This is Exhibit 424. 424 is a one-page document dated February 12th, 1971, from Roger Hatton to a Mr. Coperton at Westinghouse Electric Corporation, and Mr. Bradford is bcc:'d.

(Plaintiff's Deposition Exhibit 424 marked for identification.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, what is an O/FF-23 bulletin?

A. I'm guessing that it had a -- it was just the way you would designate a bulletin; like you are doing here on these exhibits, you are marking them, so if you referred, if you had twenty or thirty bulletins in your marketing department, you would go to it by number, as opposed to name.

Q. Okay, do you know if it referred to the technical bulletin?

A. I'm guessing that that referred to Organic Functional Fluids Bulletin 23, but

I'm guessing. I don't remember what the system was for marking these.

MS. WELCH: Exhibit 425. This is a two-page document with the identifying stamp, amongst others, the one I will use is TRAN 002773 to 74, based on a call report, date, 7/24/72. That's the date of the call.

(Plaintiff's Deposition Exhibit 425 marked for identification.)

(Witness peruses said document.)

MS. WELCH: Okay?

THE WITNESS: Not yet.

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay, I note here first, Mr. Bradford, that unlike the earlier call reports based on visits to Texas Eastern, it is not addressed to you, and I'm wondering whether this was after the time you left as Marketing Manager.

A. Yes, this probably would be, July

of '72, I would have probably been gone at that point in time.

Q. Did Cumming Paton take your place?

A. I don't recall.

Q. Do you recall what position Cumming Paton had while you were at Monsanto?

A. No, I don't. I recall Cumming Paton, but I don't recall what his job was.

Q. Do you recall anybody ever bringing up with you the question of what responsibility would Monsanto take if the EPA told Texas Eastern to stop using Turbinol 153?

A. No.

Q. Does this help refresh your recollection about the date that you left as Marketing Manager?

A. No.

Q. Would it have been sometime prior to this date?

A. It would appear that way from this document, yes.

Q. Do you know whether Monsanto ever offered to flush Texas Eastern's system?

A. No.

Q. Was that anything that was offered, in your knowledge, to other customers of PCB-containing material?

A. Well, we read a document in here earlier that indicated flush fluids, but whether it was offered or whether it was assumed that they would buy them and flush, I don't know.

Q. In your experience, did you ever offer to flush anybody's system?

A. I don't recall.

MS. WELCH: Okay, can we take about a ten-minute break and we're going to be finished. I just have a few follow-up questions.

THE WITNESS: Okay.

MR. ZIMMER: Sure.

(Recess)

MS. WELCH: Okay, we're up to 426? I'd like to introduce this as Exhibit 426. I'm giving one to Monsanto's counsel.

Exhibit 426 is the cover page and the numbered pages from the transcript of the deposition of C. L. Bradford in the United States of America vs. Outboard Marine

Company, dated November 2nd, 1981, and there are just a number of assembled pages, and after it's marked, I'd like to give you the opportunity to review that.

(Plaintiff's Deposition Exhibit 426 marked for identification.)

(Witness peruses said document.)

THE WITNESS: Okay.

BY MS. WELCH:

Q. Okay. Mr. Bradford, this morning you testified that you had been deposed once before.

A. Yes.

Q. Is this the case that you were deposed in?

A. It would appear that way, yes.

Q. Okay, the United States of America vs. Outboard Marine Corporation and Monsanto Company?

A. Mm-hmm.

Q. The date of the deposition was November 2nd, 1981?

A. That's what it says here.

Q. Mr. Bradford, did you testify honestly and truthfully in that deposition?

A. Yes.

Q. Were you under oath in that deposition?

A. I assume so. I don't recall.

Q. This morning, when I asked you whether you knew much about a customer's operations, you testified that you didn't focus on the technical aspects of the customer's operation.

A. Right.

Q. However, I'd like to turn your attention to what is the third page of this exhibit. It's marked in the upper right-hand corner page 16, your answer from lines 8 to 13. Could you please read those into the record?

A. Line 8, "As well, the question wasn't in trying to sell something, the idea is to make it work, so what you really have to learn is about their pumps, about their system about their problems, so that you can answer their questions."

Q. Okay, and further on the next

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page --

MR. ZIMMER: Could we have the question read that that was in response to, please?

MS. WELCH: I asked him to read it into the record.

MR. ZIMMER: No, he read his answer but not the question.

MS. WELCH: Oh, yes, read, you can read the question.

A. Okay.

BY MS. WELCH:

Q. It's 6 and 7.

A. Line 6 says and 7 is, the question, "When you say that customers taught you most of it, what do you mean by that?"

Q. Okay.

MR. ZIMMER: And I think it's also worth noting that this is in reference to Skydrol, as noted by the question above.

BY MS. WELCH:

Q. Did you have a different approach to your customers understanding your customers' needs for Skydrol or your customers' need for Turbinol?

A. For Therminol?

Q. For Turbinol. Excuse me.

A. No, I think this would have applied in both cases.

Q. Okay, and please turn to pages -- I can't see what the page number is, but it's the fifth and sixth pages, which the bottom of the page says, "When you were writing them," and then your answer on the next page was, "I put down information."

A. "I'd put down information that I would want to remember about the account, such as what kind of pumps they had and what kind of seals and packing they had, what they were complaining about and what they were happy about. Perhaps if I wanted it for my own purposes, in that if I wanted it, anything done by somebody in the products group, I would put that in, and request action."

MR. ZIMMER: And this is in response to a question at line 23 of the previous page, "What type of things would you put in a call report?"

BY MS. WELCH:

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Q. Is there some reason why you would focus on the technical aspects of a Skydrol customer's needs versus the technical aspects of a Turbinol customer's needs?

A. Not theoretically. Practically speaking, the Skydrol users seemed to have a lot more technical questions, and therefore, in order to do the job, I might have been forced to learn more or try to learn more about Skydrol usage than Turbinol.

Q. But would you say that as a good salesman and then later as a sales manager, that you would, as you testified here, quote, "really have to learn about their pumps, their system, about their problems" so you can answer their questions?

A. In theory, that is true.

Q. And why do you say "In theory"?

A. Well, as I testified earlier, I didn't do as well as the theory would have called for. I wasn't as inclined to do this as well as perhaps I should have. I did not meet my own standards in terms of understanding -- there's a point back in here where it asks, "Did you" -- this is on the

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page where it says, "Did you rely heavily on Jerry Davidson in running the Pydraul business?" And my answer was, "I'd say that's putting it mildly." What I was saying, there, was that Jerry Davidson did do this extremely well, did know the systems, did have the answers to those questions, and so when they came up, I, being a little lazy, I'd go to Jerry and get the answer.

Q. Okay, turning to the one, two, three, fourth page, where it says, "Was it your responsibility to try and have the salesmen that worked for you do the best job they could," and you answered "Yes," and the next question is:

"And did that include having them learn what they could?"

"A. Yes."

"Q. And did that include having them learn what they could --"

"A. Yes."

"Q. -- about the operation they were selling to?"

"A. Yes."

My question to you is, was part of

your responsibility ensuring that your salesmen understood as thoroughly as possible the operation to which they were selling to?

A. Well, this is the same issue, and that is in theory, they should know all there was possible to know about the, their products and their customers' usage, in theory, and my job was to make sure that they understood what their obligations were and encourage them to learn as much as they could about their customers' usage and the products.

Q. Is it your testimony that you fell down in that responsibility with respect to Turbinol and Texas Eastern?

A. No. No.

Q. What is your testimony about that possibility of your responsibility in terms of Texas Eastern?

MR. ZIMMER: He's given you his testimony on that. You are trying to characterize it now. Are you asking him to repeat what he's already told you?

MS. WELCH: I'm trying to reconcile the two types -- the two

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testimonies in this --

A. I don't understand the reconciliation, the need for reconciliation.

MR. ZIMMER: And there isn't. She can do that back in her office. She's just trying to get to you --

MS. WELCH:

BY MR. ZIMMER:

Q. My question to you is, did you feel that you fell down on your responsibility to find out about the operations of Texas Eastern?

MR. ZIMMER: And he just answered that.

A. My answer is no.

BY MS. WELCH:

Q. Okay, so that, in fact, you did find out everything you needed to know or thought you should know about their operations, how the Turbinol was being used, the possibility for leaks, et cetera?

A. I don't recall feeling at the time that I didn't know what I needed to know about servicing the account.

Q. Okay, and did you feel that your

salesmen also took the time to understand what was needed to service the account?

A. Well, you don't always know what's in someone's mind, but I would -- the reason we had Jerry Davidson, and Roger Hatton, and all these other people around was because none of us were expected to, nor could know all there was to know, so we had -- that's what these sources were for. Otherwise, all you would need would be a salesman who would know everything.

Q. So these were product specialists? Is that what you are saying?

A. Whatever their title were, there were people who -- you know, Roger had a lot of product and usage knowledge. That's the reason he was calling on Westinghouse and these companies. Jerry Davidson, I believe, had been in research before. He knew a lot of those things.

Q. Okay, and was part of their responsibility to understand the particular operation of the customer?

A. It was everybody's responsibility to understand it well enough to serve the

customer, to do the job.

Q. And would that understanding include what the usage of the fluid was for?

A. Well, you'd have to know what they were going to use it for or you couldn't sell them anything.

Q. Would that understanding include why there were continual sales to a closed system? In other words, what happens to the used fluid?

A. I don't know that that would have been a specific issue.

Q. Did it ever occur to you to ask the question of why there were ongoing sales to Texas Eastern, given that it was a so-called closed loop system?

A. No.

Q. Okay, I'd like to turn to the last three pages of this exhibit, which is, the first page of it says, "Did you rely heavily on Jerry Davidson running the Pydraul business"?

A. Yes.

Q. And before you read that, this morning you testified, although there was

testimony to the contrary this afternoon, that you never heard of the term "closed system," I'd like you to -- or that was not a term that was familiar to you.

MR. ZIMMER: Yeah, thank you for correcting the mischaracterization of his testimony.

A. I think I said I don't recall it.

BY MS. WELCH:

Q. Okay, I'd like you to look at or read in the record your answer on lines 15 through 19.

A. Read that for the record?

Q. Yes, please.

A. Okay, line 15, starting with line 15, it says, "Well, a hydraulic system is a closed system. And what you want in that system is your hydraulic fluid and nothing else. It'll usually have a filter in it and other things, and it'll have pumps and such that all" -- "that can all be adversly affected if there's anything in that but hydraulic fluid."

Q. Okay. Does that refresh your recollection of what a closed system is?

A. Yes.

Q. Okay, and can you tell me now what your understanding of what a closed system is?

A. Well, it's -- this definition, here, is as good as any.

Q. Okay. Turning to the next page, where it says, "FURTHER EXAMINATION BY COUNSEL FOR Outboard Marine Corporation BY MS. OLIVER" --

A. Mm-hmm.

Q. -- Miss Oliver asked the following question:

"Mr. Bradford, you testified in response to one of Mr. Featherstone's questions that a hydraulic system was a closed system. You know from your experience, do you not, that hydraulic systems leak hydraulic fluid?"

And your answer was, "Some of them do."

The next question is, "As a matter of fact, that's why additional hydraulic fluid is brought from Monsanto?"

And that was after some colloquy,

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you answer "Yes." My question to you --

MR. ZIMMER: No, he didn't answer "Yes." He said, "That certainly could be one of the reasons."

MS. WELCH: No, he answers, "That certainly could be one of the reasons," and Ms. Oliver then says, "Well, in your experience, that was one of the reasons, isn't it true?" And he answers "Yes."

MR. ZIMMER: Okay.

BY MS. WELCH:

Q. Okay, my question to you is, with respect to Turbinol sales to Texas Eastern, is one of the reasons that Texas Eastern bought additional Turbinol beyond the initial fill was because the system leaked, the turbine system leaked Turbinol?

MR. ZIMMER: Calls for speculation.

A. I don't know, Turbinol was not a hydraulic fluid, so these two are not related.

BY MS. WELCH:

Q. They're not related. I'm just wondering if you had a similar understanding,

as good an understanding of the gas turbines as you seem to of hydraulic systems.

A. I don't recall knowing where the fluid was going in the Turbinol systems.

Q. Okay, I'd like to refer just for one minute back to the document which you thought you had authored, which is 422? At the top, it says "Gas Turbine Fluids -- Turbinol" in handwriting. That one. What number is that?

MR. ZIMMER: 419.

BY MS. WELCH:

Q. 419?

A. Yes.

Q. Turning your attention to the last paragraph -- and this, again, is just based on your best estimate, rather than a positive identification that you wrote it -- the line which says, "Any Turbinol 153 that might possibly leak past seals and into the gas stream is removed with other liquids in regularly-installed pipeline knock-out traps."

A. Mm-hmm.

Q. Do you at this time remember that

you knew that Turbinol 153 might possibly leak past seals?

A. No, I don't recall.

MS. WELCH: Okay. I have no further questions at this time.

THE WITNESS: Okay.

MR. ZIMMER: At this time? Do you expect to some other time?

MS. WELCH: Well, I hope not, but we keep on getting documents which open the possibility of other, other depositions, so at this time, no, based on what we have, but I --

MR. ZIMMER: I just want the record to be clear that you are concluding your examination of Mr. Bradford. You are going to need a court order to come back.

MS. WELCH: Well, there's also the issue of trial depositions which we have not resolved between the parties. Aside from that.

MR. ZIMMER: I just want to make my position clear.

MS. WELCH: Or discovery of any newly discovered evidence, and we can discuss

that at that time.

MR. ZIMMER: I suppose we would.

MS. WELCH: Do you want him to review the deposition and sign it?

MR. ZIMMER: You bet.

MS. WELCH: Okay.

MS. WELCH: You'll get a copy of this and able to make any changes. Your counsel will communicate with you about that.

(Whereupon, at 2:35 p.m., the deposition was concluded.)

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 California, in and for the County of Los Angelesto be used in the trial of said cause in said court, I was attended at the offices of Bryan Cave, in the City of St. Louis, State of Missouri, by the aforesaid witness and by the aforesaid attorneys, on the 8th day of July, 1992.

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 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 22nd day of July, 1992.

My commission expires July 20, 1994.

J. Bryan Jordan

Notary Public in and for the

State of Missouri

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