

1 PROTECTED MATERIAL
2 - CONFIDENTIAL -
3 - PURSUANT TO PROTECTIVE ORDER -
4 UNITED STATES OF AMERICA
5 BEFORE THE
6 FEDERAL ENERGY REGULATORY COMMISSION
7 ----- X
8 In the Matter of: : Docket Nos. RP91-203-000
9 TENNESSEE GAS PIPELINE : RP92-132-000
10 COMPANY : (Phase II - PCB Issues)
11 ----- X

12
13 Wednesday, January 18, 1995
14 St. Louis, Missouri

15 Deposition of William B. Papageorge, a witness
16 herein, called for examination by counsel for Tennessee Gas
17 Pipeline Company, pursuant to subpoena, at the law offices of
18 Thompson & Mitchell, One Mercantile Center, St. Louis, MO
19 63101, commencing at 10:00 a.m., before Debra M. Musielak, a
20 certified court reporter in and for the State of Missouri.
21
22

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PROCEEDINGS

1
2
3 MR. KERN: would you please swear the witness?
4 (Witness sworn.)
5 MR. KERN: Mr. Papageorge, my name is Robert
6 Kern and I'm representing Tennessee Gas Pipeline Company.
7 This deposition is being taken pursuant to a subpoena issued
8 by Judge Silverstein in the matter styled Tennessee Gas
9 Pipeline Company, Docket Nos. RP-91-203 and RP-92-132, Phase
10 II PCB issues. This proceeding is pending before the Federal
11 Energy Regulatory Commission. In that proceeding, Tennessee
12 is seeking to recover from its customers the costs associated
13 with the assessment and remediation of PCBs at its national
14 gas compressor station sites arising from its historic use of
15 PCB containing Pydraul, and in starting air compressors. In
16 the proceeding today certain Tennessee customers have
17 introduced Monsanto form letters as exhibits to their
18 testimony, and a letter from a Monsanto attorney Mr.
19 Bistline?
20 MR. CARNEY: Bistline.
21 MR. KERN: Assistant General Counsel in
22 litigation contending that these general form letters were

1 APPEARANCES
2 ON BEHALF OF TENNESSEE GAS PIPELINE:
3 Wright & Talisman, P.C.
4 By: Mr. Robert G. Kern
5 & Ms. Staci Leonard, Paralegal
6 1200 G Street, N.W. Suite 600
7 Washington, D.C. 20005
8 ON BEHALF OF THE WITNESS:
9 Husch & Eppenger
10 By: Mr. Thomas H. Carney
11 & Ms. Kathleen M. Arndt
12 100 N. Broadway, Suite 1300
13 St. Louis, MO 63102
14 ON BEHALF OF THE JOINT PCB INTERVENORS' GROUP:
15 Schiff, Hardin & Waite
16 By: Mr. Edward J. Finn
17 1101 Connecticut Avenue, N.W.
18 Washington, D.C., 20036
19 ON BEHALF OF TENNESSEE PCB GROUP:
20 Crowell & Moring
21 By: Ms. Ann H. Kim
22 1001 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
ON BEHALF OF PENNSYLVANIA OFFICE OF CONSUMER ADVOCATE:
Ms. Denise Goulet
1425 Shawberry Square
Harrisburg, PA 17120
ON BEHALF OF OHIO OFFICE OF THE CONSUMERS' COUNSEL
Mr. Joseph P. Seriod
77 South High Street, 15th Floor
Columbus, OH 43266

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1 ALSO PRESENT:
2 Hedlund, Hanley & Johns
3 By: Mr. Steven J. Roeder
4 Seals Tower, Suite 5700
5 Chicago, IL 60606
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18 8 2-1-71 letter
19 9 4-1-71 letter
20 10 April, 1972 letter
21 11 8-3-75 letter
22 12 3-4-70 letter and customer list
13
(Exhibits attached. Exhibit 13 confidential)

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1 send to Pydraul customers, including Tennessee Gas Pipeline
2 Company. The subject matter of the deposition today is
3 directed to the issues upon which you may be requested to
4 testify at the hearing before the Federal Energy Regulatory
5 Commission. Those issues specifically are Monsanto's
6 business practices concerning the issue of whether Monsanto
7 actually mailed the letters that were provided by Mr.
8 Bistline, whether Monsanto may not have actually mailed those
9 letters to Tennessee but rather to Tennessee's middleman
10 supplier Petroleum Distributing Company, and various related
11 issues. I do not intend to focus my questions today on
12 information that was provided to Tennessee by various
13 intervenors or other participants in the FERC proceeding that
14 relate to the issue of letters. But, out of an abundance of
15 caution, and given our agreement and the desire that certain
16 information that may come out today be protected, I'm
17 directing the reporter to designate the deposition as
18 protected material pursuant to the protective order that was
19 issued in the FERC proceeding on November 25, 1991, and I am
20 making that order Exhibit 1 to the deposition. We don't have
21 copies. We'll make this Deposition Exhibit No. 2.
22 MR. CARNEY: okay.

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1 MR. KERN: This is a copy of the FERC
2 protective order, and I wanted you to have a copy of it.
3 MR. CARNEY: This is Exhibit 1?
4 MR. KERN: Yes, that's correct. I'm also
5 marking as Deposition Exhibit 2 an agreement that was entered
6 into between Tennessee Gas Pipeline Company and Miss Denise
7 Goulet, attorney for the Commonwealth of Pennsylvania Office
8 of Consumer Advocate and Monsanto Company, non-party to the
9 FERC proceeding. This agreement will be adhered to, however,
10 it is subject to the overriding authority of the Judge to
11 assess any claims of confidentiality.
12 MR. CARNEY: With regard to Exhibit 2, I
13 assume there's no objection by any of the attorneys here to
14 being bound by the protective order? I think I just had
15 listed the attorney for Tennessee Gas, Miss Goulet the
16 attorney for the Commonwealth of Pennsylvania Office of
17 Consumer Advocate, and Jennifer Waters, Counsel for Tennessee
18 PCB customer Group. But, those people I think have signed
19 Exhibit 2, or attorneys representing those entities. But, I
20 assume everybody else that's here is in accord with that.
21 MR. ROEDER: well, I've never seen it. For
22 the record, I mean, I'm appearing here as an also present,

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1 but, obviously we understand that there is initial litigation
 2 pending between Tennessee Gas and Monsanto, and there is --
 3 MR. CARNEY: Who are you appearing at this
 4 deposition on behalf of?
 5 MR. ROEDER: Well, I'm here on behalf of
 6 Tennessee Gas, but I'm not appearing in that proceeding.
 7 MR. CARNEY: In the FERC proceeding?
 8 MR. ROEDER: That's correct. I'm not
 9 appearing in the FERC proceeding. My only question is, is
 10 some of the information that you now want to have designated
 11 confidential in this proceeding, has it already been provided
 12 in other proceedings where it's not designated confidential?
 13 And what I don't want to have happen is that we've got
 14 conflicting confidentiality orders when something is in fact
 15 not confidential. There is no protective order in the
 16 Kentucky proceeding that is in effect, as I understand it.
 17 And, if this is information which is already produced in that
 18 proceeding, I don't want to get caught up in inconsistent
 19 protective orders. You understand my position?
 20 MR. CARNEY: I do understand it. I'm not
 21 entirely up to speed on the discussions that people in our
 22 respective offices have had with regard to confidentiality

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1 agreements in the litigation in Kentucky, although I know
 2 that any customer list Monsanto's policy is to seek
 3 confidentiality with regard to those. So, I'm confident that
 4 that's been done in the past. Often times, or sometimes, in
 5 the past these customer lists have been excised so that only
 6 the particular customer at issue is on the list, and all the
 7 other customers are off. And that's a little different
 8 situation than an entire customer list which is maybe a half
 9 an inch thick. But, I am confident that we have asked these
 10 lists in a format of the entire list be confidential in all
 11 cases including the one we have in Kentucky.
 12 MR. ROEDER: As I understand --
 13 MR. CARNEY: Just to make it clear, there may
 14 be other documents, for example, the letters that went out
 15 would be a clear example of something that we're not
 16 contending is confidential, they went to hundreds or maybe
 17 even thousands of customers.
 18 MR. ROEDER: Can I propose as that relates to
 19 that proceeding, we can agree to agree? I mean, because I
 20 don't know where the position -- where we are with respect to
 21 the documentary production, and neither do you, and I just
 22 don't want this to somehow inhibit or affect that

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1 proceeding. As long as we have that agreement.
 2 MR. CARNEY: Yeah. What I want to make sure
 3 is in this deposition any documents in the form of customer
 4 lists are protected. If there's a contrary agreement in the
 5 Kentucky case, that would take precedence. I don't think it
 6 will, but...
 7 MR. ROEDER: Fine.
 8 MR. CARNEY: You're not going to be bound by
 9 what you've agreed to here in the Kentucky case if there's a
 10 contrary understanding or agreement there.
 11 MR. ROEDER: All right. Let me get to a
 12 break, I'll have an opportunity to look at the protective
 13 order. Rather than belabor the record anymore, let's get to
 14 it.
 15 MR. FINN: Just to make the record on behalf
 16 of the Joint PCB Intervenor Group, we don't have any problem
 17 with this protective order, provided as Mr. Kern noted, that
 18 it is overall subject to the terms of the protective order in
 19 this proceeding in FERC, such that if the Presiding
 20 Administrative Law Judge determines that this material is not
 21 properly protected, that obviously we would not be continued
 22 to be bound by this protective order. We would expect that

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1 you would have an opportunity at any hearing where that was
 2 at issue to make any argument you would want to make.
 3 MR. CARNEY: And I think the understanding is
 4 that if any of you become aware that that's going to be the
 5 subject matter of a hearing, that I'll be notified so that I
 6 can make my argument.
 7 MR. KERN: Yes, that's correct.
 8 Q. Okay. Can you state your full name?
 9 MR. CARNEY: I guess one other thing that I
 10 think you covered, but I think there is an understanding, and
 11 there's been an exchange of correspondence with regard to the
 12 scope of this deposition. It's been limited -- I didn't
 13 check the transcript of the hearing with what you read,
 14 although it seemed to be consistent, but I think I certainly
 15 have an understanding this will be limited to a fairly narrow
 16 subject area that was mentioned in the transcript of the
 17 hearing with Judge Silverstein.
 18 MR. KERN: That is a correct statement.
 19
 20 WILLIAM B. PAPAGEORGE
 21 of lawful age, being first duly sworn to tell the truth, the
 22 whole truth and nothing but the truth, deposes and says as

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1 follows:
 2 DIRECT EXAMINATION
 3 BY MR. KERN:
 4 Q. Could you state your full name for the record, Mr.
 5 Papageorge?
 6 A. William B. Papageorge.
 7 Q. And can you provide your home address, please?
 8 A. Yes, 321 Pebble Valley Drive, St. Louis, Missouri
 9 63141.
 10 Q. Are you being represented today by Miss Arndt, is
 11 that how you pronounce that?
 12 MS. ARNDT: Well, actually I'm --
 13 Q. And Mr. Carney?
 14 MS. ARNDT: Correct.
 15 Q. Can I get a verbal response from that? Are you
 16 being represented today by Mr. Carney?
 17 A. Yes.
 18 Q. Of Hersch & Eppenberger?
 19 A. Yes.
 20 Q. Are you appearing on behalf of Monsanto or in an
 21 individual capacity?
 22 A. Monsanto.

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1 Q. Okay. Can you --
 2 MR. CARNEY: well, I would just object. That
 3 may be a question that would call for a legal conclusion as
 4 to who he's appearing in behalf of. He was subpoenaed as an
 5 individual, and so I would just object for the record that it
 6 may call for a legal conclusion by a lay witness as to how he
 7 came to be here.
 8 Q. (by Mr. Kern) Okay. Let me ask him some facts.
 9 Did you converse with Monsanto attorneys when you received
 10 the subpoena from the Federal Energy Regulatory Commission?
 11 A. I conversed with attorneys who are not Monsanto
 12 employees but they were working with Monsanto.
 13 Q. And those attorneys, are they with the firm of
 14 Hersch & Eppenberger?
 15 MR. ROEDER: Hush.
 16 Q. Hush. Excuse me, I'm a southern boy.
 17 A. Some of them.
 18 Q. Did you have any discussions regarding whether you
 19 should require Tennessee to obtain a subpoena to obtain your
 20 testimony as opposed to appearing voluntarily?
 21 A. I was not involved with subpoenas.
 22 Q. So, you were just advised as to when to appear?

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1 A. I received a subpoena, and the subpoena informed
2 me as to the date and place at which I was expected to
3 appear.
4 Q. I see. And then you communicated with attorneys
5 from Husch & Eppenberger, is that correct?
6 A. Yes.
7 Q. And, did they -- did you have any communications
8 with any Monsanto employees or with any Monsanto employees
9 prior to your receipt of the subpoena as to whether you would
10 voluntarily appear and provide testimony in this proceeding?
11 A. Yes.
12 Q. And were you instructed to wait until a subpoena
13 was obtained prior to testifying?
14 A. No, I was not given that type of instruction.
15 MS. GOULET: I'm going to lodge an objection.
16 I think you're inquiring into an area of communications
17 between me and Monsanto's attorneys. I'm not sure he's the
18 proper person to answer these questions.
19 MR. KERN: I'm just trying to establish --
20 MS. GOULET: what he knows about the
21 situation, I don't have a problem with you establishing what
22 he knows.

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1 Q. (by Mr. Kern) I haven't asked him for the
2 specifics of any attorney-client communications. I'm just
3 trying to establish some facts, Counsel. So, you did
4 converse with Monsanto employees prior to the receipt of a
5 subpoena, is that correct?
6 A. That's correct.
7 Q. Okay. And did those individuals advise you not to
8 voluntarily testify?
9 MR. CARNEY: I'm going to object. I think
10 it's been asked and answered. I think it's beyond the scope
11 of the deposition. It may invade attorney-client privilege.
12 I tried to give you some latitude on this, but I think you're
13 now straying off the reservation in terms of what we're here
14 for.
15 Q. Okay. I accept the objection on the grounds of
16 privilege, so I'll ask another question. Do you receive any
17 compensation from Monsanto in any form today?
18 A. No.
19 Q. Okay. You receive no monetary compensation from
20 Monsanto?
21 A. If I understand you, you used the word
22 compensation, that means a payment for a service performed or

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1 duty performed?
2 Q. That's one way to view that.
3 A. I do not receive any from Monsanto.
4 Q. Okay. Are you a retired employee of Monsanto?
5 A. I am.
6 Q. So, you receive retirement benefits?
7 A. Yes.
8 Q. But you're not a consultant or -- you're not
9 acting in a consultant capacity at this time, is that
10 correct?
11 A. I do serve as a consultant, but not to Monsanto.
12 Q. Okay. Well, I guess what I'm really trying to get
13 at here, is whether Monsanto is representing -- Monsanto's
14 attorneys are representing you in their capacity as Monsanto
15 attorneys, or whether they are representing you in your
16 individual capacity as Mr. William B. Papageorge?
17 MR. CARNEY: I'm going to object to that. I
18 think that would call for speculation of this witness. I
19 think the witness has indicated I am representing him in this
20 deposition.
21 MR. KERN: Okay. Do you also represent
22 Monsanto?

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1 MR. CARNEY: As you know, yes.
2 MR. KERN: Okay.
3 MR. CARNEY: Not in this case, because
4 Monsanto is not a party to it.
5 Q. Let me ask this question and then I'll drop this.
6 Who are paying for your attorneys?
7 A. I don't know.
8 MR. CARNEY: I'm going to object. Calls for
9 speculation.
10 Q. Okay. Well, can you answer the question without
11 speculating? Do you know who is paying your attorneys fees?
12 A. No, I do not know. No.
13 Q. Okay. Let me ask this question, do you own stock
14 in Monsanto Company?
15 A. I do.
16 Q. When did you commence your employment with
17 Monsanto Company?
18 A. November 1951.
19 Q. Okay. Were you continuously employed with
20 Monsanto until your retirement?
21 A. Yes.
22 Q. When did you retire from Monsanto?

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1 A. My last working day was December 31, 1986.
2 Q. Okay. Can you briefly describe for me the
3 positions you have held at Monsanto, and I'm not asking for
4 specifics, but just in a general sense, can you describe for
5 me roughly the positions that you've held?
6 A. I'll try.
7 Q. Okay.
8 A. I will try to do this in chronological sequence.
9 I went from Design Engineering to Manufacturing Supervision,
10 to Maintenance and Construction Supervision, back to
11 supervising the engineering function. Then I was in charge
12 of a multi function department at a plant which included
13 shipping, receiving, waste removal, power distribution, steam
14 generation, those -- that kind of service. I then became
15 a -- went back to manufacturing supervision at a higher
16 level. I was a plant manager at one of Monsanto's plants. I
17 then became involved with environmental issues and as time
18 went on, I also picked up employee workplace health issues
19 until I retired.
20 Q. Okay. When did you begin work in the
21 environmental area?
22 A. January 1970.

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1 Q. I'd like to show you a document that I'm going to
2 mark as Deposition Exhibit No. 3, can you take a moment and
3 review that, please?
4 MR. CARNEY: Let me just object for the record
5 that I think this memo goes beyond the scope of this
6 deposition. I haven't read it. I've just glanced through
7 it. But I don't think it is within the scope of the agreed
8 upon areas of inquiry.
9 MR. KERN: well, I want to establish a
10 background for the letters which were subsequently sent out,
11 and I believe that this is foundational material, and I
12 believe I'm entitled to inquire about it.
13 MR. CARNEY: I don't follow your logic.
14 MR. KERN: well, there's a policy that's
15 stated here. The policy states, "Make the Government, States
16 and Universities prove their case, but avoid as much
17 confrontation as possible." Does that mean that you provide
18 letters one way or another, I mean, the basic -- the letters
19 flow from the basic policies that was established in 1969,
20 and I believe I'm entitled to inquire about it, Counsel.
21 Certainly intend to.
22 MR. CARNEY: well, I disagree that this letter

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1 is dated at a time period prior to when Mr. Papageorge has
2 indicated that he became involved in the environmental
3 function. He is not shown as being copied on the letter.
4 Yet, it does not pertain to the issues that are the subject
5 matter of inquiry in this deposition, so, I'm going to
6 instruct the witness not to answer.
7 MS. GOULET: I'd like to inquire as to where
8 you got this. This is not a document that any of us on the
9 customer side have seen in this proceeding.
10 MR. KERN: I believe --
11 MS. GOULET: It's not been produced in
12 discovery to our side.
13 MR. ROEDER: I believe it was produced in
14 other litigation.
15 MR. FINN: To Tennessee.
16 MS. GOULET: But hasn't been --
17 MR. CARNEY: It's got a Bate numbers TRAN,
18 which is Transwestern. That's a case that was out in
19 California, as I recall. I was not involved in that case.
20 But, I just know from how documents are marked I assume that
21 this document came from that case.
22 MR. ROEDER: For the record, I believe it was

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1 also marked as an exhibit in that trial. If you look at the
2 top right corner, says Transwestern 95.
3 MR. CARNEY: That could very well be. I was
4 not involved in that case, so I'm not familiar with how
5 exhibits were marked. I am familiar with how Monsanto
6 generally marks the Bate stamp number.
7 MR. FINN: We're going to lodge an objection
8 in addition to Tennessee inquiring and presenting documents
9 in this deposition that have not been produced in the FERC
10 proceeding and made available to the intervenors in that
11 case.
12 MR. KERN: As you well know, we objected to
13 providing documents that are in the public files, you made
14 the same type of objections to our data request. This
15 document is from the public files. It's a public document.
16 So, I disagree with your objection. I'm certainly going to
17 attempt to inquire of the witness about this document.
18 Q. (by Mr. Kern) Mr. Papageorge, are you going to
19 accept the instruction of counsel and refuse to answer
20 questions about this document?
21 A. Yes, sir.
22 Q. Okay. Did you review any documents prior to this

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1 deposition?
2 A. You mean for this purpose?
3 Q. Yes.
4 A. Because I reviewed --
5 Q. Yes.
6 A. -- many many documents, sir.
7 Q. Let me make it a little clearer. I apologize.
8 Did you review documents in preparation for the deposition
9 today?
10 A. Yes, sir.
11 Q. Okay. What documents did you review?
12 A. As I remember, there were copies of Monsanto
13 letters that were sent to its customers of PCB products.
14 There were copies of mailing lists associated with those
15 letters, and there were some Monsanto memoranda at which
16 individuals conveyed information to each other within
17 Monsanto regarding those mailing lists and the letters.
18 Q. Okay. Is there anything else in addition to that
19 that you can recall?
20 A. No.
21 Q. Okay. And, did you have any discussions about
22 those documents in preparation for this deposition with

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1 anyone at Monsanto Company that is not an attorney?
2 A. No, sir.
3 Q. Okay. Just want to state on the record that to
4 the extent that Mr. Papageorge is instructed not to answer
5 and is accepting the instruction of his counsel to that
6 regard, that we're reserving our right to quash any subpoena
7 that he be required to testify at the FERC proceeding.
8 MS. GOULET: Can you say that again?
9 (Statement reread by the Reporter.)
10 Q. (by Mr. Kern) Mr. Papageorge, I have marked as
11 Deposition Exhibit 4 a document, and I'd ask you to review
12 that, sir.
13 A. I have reviewed the document.
14 Q. Mr. Papageorge, have you ever seen this document
15 before, sir?
16 A. Yes.
17 Q. Did you see this document on or about the time
18 that it was prepared?
19 A. As best as I recall, I did, yes, sir.
20 Q. Did you participate in discussions regarding the
21 wording in this document?
22 A. I saw a rough draft and was in a position to make

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1 some comments. Today I don't recall what my comments were.
2 Q. Did you edit the letter in any way, shape or form?
3 A. Well, that was the purpose of my comments to the
4 author of the report.
5 Q. Did you make your comments to the author of the
6 report in writing? Did you write on a draft?
7 A. No, sir.
8 Q. So, you communicated orally with the -- with Mr.
9 N. T. Johnson, is that correct?
10 A. That's correct.
11 Q. Now, Mr. N. T. Johnson is -- is that Norman
12 Johnson?
13 A. Yes.
14 Q. Okay. Was Mr. Johnson responsible for insuring
15 that the letter that's referenced here on February 9 was
16 mailed out to Pydraul customers?
17 A. Yes, sir.
18 Q. Can I turn your attention to the second paragraph
19 of the letter, sir? It says, "Our fluids mailing list is
20 inadequate, and since we are required to send this letter to
21 all customers, a mail list was generated here from our
22 accounts receivable customer list. By using this list, we

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1 avoid sending a letter to each "shipped to location" of the
2 gas transmission companies for example." And that's the end
3 of the paragraph. My question, sir, is were you aware that
4 the fluid mailing list for Pydraul customers was inadequate?
5 A. I was aware of a list that existed in January of
6 1970 used by that marketing group for their normal business
7 communications. It was inadequate in terms of covering PCB
8 customers current and past.
9 Q. Thank you, Mr. Papageorge. It says here the list
10 was generated from our accounts receivable customer list. If
11 a customer, sir, had ceased purchases from Monsanto, for
12 example, in 1968, and did not have accounts receivable
13 existing with Monsanto Company, is it possible, sir, that
14 that company would not be on the list that you identified?
15 A. Anything is possible, sir. It's highly unlikely
16 for this purpose.
17 Q. Well, let me just be more specific then, because I
18 want to extract what specific knowledge you have. Were there
19 discussions about the inadequacy of the mailing list at the
20 time that this internal memoranda was generated?
21 A. There were discussions about a list that existed
22 at the beginning of this program. This does not mean that

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1 the list finally used was the same list.
 2 Q. And that's fine. But let me ask you a different
 3 question. You say a mail list was generated from our
 4 accounts receivable customer list. Did you review the
 5 accounts receivable customer list?
 6 A. I personally did not.
 7 Q. Okay. Did you inquire as to anyone about what
 8 accounts receivables were being used in order to generate the
 9 memoranda -- memorandum, excuse me.
 10 MR. CARNEY: I may be able to cut this short,
 11 because I have the list that was used. If you want to
 12 eliminate any doubt about what the list contained and who is
 13 on the list, I do have it.
 14 MR. KERN: I'd like to -- would you produce
 15 it?
 16 MR. CARNEY: I have it here. I've got one
 17 copy that's in blank, and I've got one copy that's got a
 18 cover memo and the rest -- it's a one-page memo dated March
 19 4, 1970, and the rest of it is just a listing.
 20 MR. KERN: Could you read my original question
 21 to Mr. Papageorge? I want to make sure I get an answer to
 22 that.

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1 (Question reread by the Reporter.)
 2 A. Will you help me with the definition of what
 3 accounts receivable were reviewed?
 4 Q. Let me try and be more specific. If I was
 5 generating a list, and I was using my accounts receivables to
 6 do that, I would go to accounting and say give me a list of
 7 all of our accounts receivable, identify all the people that
 8 owe us money for Pydraul AC, did you do anything like that?
 9 A. It was done. I didn't do it, it was done.
 10 Q. Now, what specifically do you know about that?
 11 Did Mr. Johnson tell you I went down to the Accounting
 12 Department and asked them to provide me with a list of
 13 accounts receivables?
 14 A. Mr. Johnson informed me that he used all of the
 15 services available within Monsanto to get together an
 16 up-to-date customer list. That included individuals, and I
 17 don't know whether it's accounting people or customer service
 18 people who looked at accounts receivable, the "bill to"
 19 address. They looked at "shipped to" addresses and tried to
 20 consolidate the two, so there is no needless repetition.
 21 Those two major lists available in the home office of
 22 Monsanto served as the basis for what I'm going to call a

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1 first draft mailing list, and it was tied in to products that
 2 contained PCBs.
 3 Q. And my specific question, and maybe you've already
 4 answered this, but let me just make sure I'm getting an
 5 accurate answer. The accounts receivable customer list would
 6 reflect in my view current accounts, people that owed the
 7 company money, is that correct?
 8 A. No, not in my definition. No, sir.
 9 Q. Okay. Let's reach a meeting of the minds here on
 10 what we're talking about here. How do you interpret the
 11 words accounts receivable? What does that mean to you?
 12 A. That means to me an entity and a mailing address
 13 to which an invoice was mailed for the payment of a shipment
 14 of material.
 15 Q. Okay.
 16 A. And, this would go back to the beginning of time
 17 to the earliest period when Monsanto first started invoicing
 18 its customers. In this instance, it went back three years,
 19 which is the time period that the Accounts Receivable
 20 Department kept records, so that would cover the years '67,
 21 '68 and '69, and pick up a few shipments in January of 1970.
 22 Q. Okay. Now, why was the mailing list inadequate,

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1 are you aware?
 2 MR. CARNEY: Well, I'm going to object. It
 3 may cause this witness to speculate what was inside the mind
 4 of Mr. Johnson as to what he thought the inadequacy meant
 5 other than what's in the letter.
 6 Q. Okay. Let me just ask Mr. Papageorge if he has an
 7 understanding independent of what Mr. Johnson --
 8 MR. CARNEY: He may. I'm just calling his
 9 attention -- it may cause him to speculate as to what
 10 somebody else meant by a word.
 11 MR. KERN: Certainly don't want any
 12 speculation.
 13 MR. CARNEY: If he knows, that's fine.
 14 Q. Mr. Papageorge, did you have discussions with Mr.
 15 Johnson about why the mailing list was inadequate?
 16 A. Yes, I did.
 17 Q. Okay. Can you please explain, or please tell me,
 18 sir, what the substance of those conversations was?
 19 A. I'll try to recall them.
 20 Q. Thank you, sir.
 21 A. The inadequacies described to me by Mr. Johnson
 22 included such things as it did not include past purchasers of

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1 PCB products. And he wanted to make sure he picked those up.
 2 It included customers that had yet to buy PCBs -- let me
 3 correct that, potential customers, people on a mailing list
 4 that would receive brochures and literature regarding our
 5 products in hopes they would try them and eventually become
 6 customers. So, we had those two extremes, old customers
 7 inactive and potential new customers, along with current
 8 customers for the year 1969, 1970, so, for the purposes of
 9 this mailing, that list was considered to be inadequate.
 10 Q. So, it might not have picked up some past
 11 purchasers. Would it have picked up purchasers in 1968?
 12 MR. CARNEY: which list are you talking about
 13 now?
 14 Q. I'm talking about the list that's referenced in
 15 this document, fluids mailing list?
 16 A. This list and this memorandum of February 4, 1970
 17 did not go back to '68, '67.
 18 Q. Thank you, Mr. Papageorge.
 19 MR. CARNEY: I'm going to object to the
 20 question because I think it -- it's unclear as to what list
 21 you're talking about, and it may call for this witness to
 22 speculate as to what list Mr. Johnson was referring to.

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1 Because I think the witness mentioned earlier in his
 2 testimony that the accounts receivable list did go back three
 3 years.
 4 MR. KERN: Well, you're testifying now for Mr.
 5 Papageorge, and the record will be what the record will be.
 6 Your objection is noted on the record.
 7 MR. CARNEY: well, it's because your question
 8 was deficient.
 9 MR. KERN: You didn't object to form, now
 10 you're objecting to form, and I accept that.
 11 MR. CARNEY: It was vague and ambiguous and
 12 misleading, also irrelevant, because I don't think this list
 13 that's referred to was ever used in a mailing.
 14 MR. KERN: well, that's argumentative. I
 15 mean, we can argue about this all day. I'm trying to get
 16 facts here. I understand that you're a pro, let me just
 17 converse with the witness and you can make your objections as
 18 you deem it appropriate.
 19 MR. CARNEY: That's what I plan on doing.
 20 MR. KERN: You're certainly entitled to do
 21 that, and that's fine.
 22 Q. (by Mr. Kern) Okay. Mr. Papageorge, could you

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1 turn your attention to the fourth paragraph of the letter,
2 sir?

3 A. I have it.
4 Q. Okay. Could you review that paragraph, sir?
5 A. I've reviewed it.
6 Q. Okay. Let me ask a question first about the
7 individuals that are listed as being recipients of the
8 letter. Were these individuals marketing individuals?
9 A. Yes.
10 Q. Um, it says in the fourth paragraph, Mr.
11 Papageorge, "We realize that most of your contacts will not
12 receive the letter. This is both good and bad.
13 Unfortunately we have no alternative. Complete lists will be
14 retained of all companies receiving the letter and should you
15 decide you want to send this letter," and that's underscored,
16 "to certain specific people, you must send us a list of
17 names. We would prefer you not send additional copies--one
18 is enough." Now, did you realize -- did you have discussions
19 at the time this letter was being developed in which you
20 consciously determined that most of the marketing
21 individuals' contacts would not receive this letter?
22 MR. CARNEY: I'm going to object because I

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1 think the question is vague and ambiguous. May call for
2 speculation. And, I don't know what you mean by the word
3 contacts. Are you talking about the individual within the
4 company in terms of the person, the individual marketing
5 person had a specific contact within the company, is that
6 what you're using the word contact to mean?
7 Q. Let's make that a standard. You've been deposed a
8 number of times, I'm sure you've heard this many times. If
9 you don't understand my question, you'll tell me, right, so I
10 can clarify it?
11 A. Well, yes, but keep in mind that I may have an
12 understanding that may not match your understanding because
13 of word definitions and so on, so...
14 Q. Okay, well --
15 A. We could still be far apart.
16 Q. If you and I are talking and you don't understand
17 something that I'm saying, would you please let me know so
18 that I can try to clarify the record and my question?
19 A. I'll try, yes.
20 MR. KERN: Now read back the original
21 question.
22 (Question reread by the Reporter.)

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1 MR. CARNEY: I'm going to make the same
2 objection I did to the question when it was proffered the
3 first time, and, again, you're taking some words from a memo
4 that wasn't written by this witness, and then you're asking a
5 question using the word contacts, and I still would say that
6 your question is vague and ambiguous as to what you mean by
7 the word contacts in your question.
8 MR. KERN: Are we going to have a long
9 colloquy back and forth on every question that I ask? I
10 mean, I understand that objections to form are appropriate.
11 I understand that sometimes questions are vague and we need
12 to have a discussion on the record. But, are we going to
13 have a continuing colloquy, because if we are I'm going to
14 have to lean over the table and have very serious disputes
15 with you, because I think it's very inappropriate for you to
16 engage in colloquy during the deposition. If Mr. Papageorge
17 doesn't understand my question, he can tell me that, and I
18 will rephrase my question. I mean, basically you're coaching
19 the witness. It's very clear.
20 MR. FINN: I'm going to add an objection that
21 the question is complex. There are at least two or three
22 questions embedded in it. That's an objection as to form. I

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1 think you should cure it in your question and ask a single
2 question one at a time.
3 MR. KERN: You're objecting because it's a
4 compound question?
5 MR. FINN: Yes.
6 Q. All right. Now, do you have the question in mind,
7 or do we have to go back through this again?
8 A. I believe I have it in mind.
9 Q. Okay. Can you answer the question, Mr.
10 Papageorge?
11 A. I could give you an answer, sir, but at this point
12 in time, I am not -- I do not recall the reference there
13 about most of your contacts will not receive the letter. I
14 just -- it doesn't make sense to me at this point in time
15 when I know the purposes of all this, so I cannot help you
16 with that particular reference.
17 Q. Do you remember any conversations at all about
18 whether particular customers of Monsanto might not receive
19 these letters in this time frame?
20 A. Yes, sir.
21 MR. CARNEY: I'm going to object to that.
22 That mischaracterizes totally his testimony.

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1 MR. KERN: He just answered the question.
2 MR. CARNEY: He said all the customers going
3 back three years did get the --
4 MR. KERN: That's your version of what your
5 story is. I understand that. I'm asking Mr. Papageorge what
6 the facts are.
7 MR. CARNEY: That's not my version, that's Mr.
8 Papageorge's testimony that he's clearly stated on the
9 record. So you're mischaracterizing his testimony by saying
10 did you have an understanding that customers didn't get it.
11 They all got it. Every single one of them. And that's what
12 he said.
13 MR. KERN: That's your testimony.
14 MR. CARNEY: That's not my testimony. I
15 haven't testified. I'm not under oath, and -- just a minute,
16 let me finish. I am not testifying in this case. I'm not
17 under oath. I'm not testifying. I am making objections
18 where I think they are appropriate.
19 MR. KERN: Well, it's very clear to me that
20 you're coaching the witness and you're trying to shape his
21 testimony, and I think that's grossly inappropriate. And I
22 want the record to reflect that is, as it obviously will.

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1 And, we'll just see where we wind up today. I mean obviously
2 I can't stop you from doing this, so I'm going to go ahead
3 and try to continue to ask questions of Mr. Papageorge. You
4 can continue to object. We'll let the record reflect what
5 it's going to reflect. But, you know, we may have to have --
6 we might have to do the deposition again after I take it to
7 the Judge and show him what's going on. And I will
8 resubpoena him if it's necessary. Because it's clear that
9 you're coaching him.
10 MR. CARNEY: I don't think it's useful for me
11 to get into a dialogue concerning your accusations about my
12 objections and my conduct. I don't think that serves any
13 purpose, other than just to delay this deposition. I'm going
14 to make the objection as I see fit, and you can ask your
15 questions. If you ask good questions, there won't be
16 objections. If I think they are defective, and many of them
17 have been, then I will continue to make those objections.
18 MR. KERN: I have no problem with you
19 objecting as to the form of my questions.
20 MR. CARNEY: Why don't you ask a question?
21 MR. KERN: I'm going to, but I want to have a
22 two-minute break.

1 MR. ROEDER: Let's take a two-minute break.
 2 (Following a break, proceedings
 3 continued as follows.)
 4 A. Can I try to clarify some of the comments I made
 5 previously, because I sense when we talked earlier about
 6 understandings, I sense, for example, the use of the word
 7 contacts may well be interpreted as customers, and that could
 8 be two different things entirely. There could be one
 9 customer with 15 contacts related to that customer. Now,
 10 when we talk about lists, keep in mind, this letter or
 11 memorandum we're looking at is attempting to describe the
 12 ongoing process of putting together a new list to take care
 13 of a special mailing that hadn't been done before. So, when
 14 Mr. Johnson refers to our fluids mailing list, he's talking
 15 about the day-to-day current business mailing list, not the
 16 special mailing list that was being worked on. To put
 17 together that list, he starts with his initial list and went
 18 to accounts receivable, and as you note there he talks about
 19 two women working two weeks to put a list together. Still,
 20 that list wasn't perceived to be a complete list. The field
 21 people that are listed as recipients during this memorandum
 22 were then pulled in to have an opportunity to review the list

1 Q. Well, you sent the letter to the Director of
 2 Purchases, did you get many responses when you sent the
 3 letter out?
 4 A. What kinds of responses, sir?
 5 Q. Well, there's a reference here to a letter dated
 6 February 9th, when you sent that letter out, did you get a
 7 lot of responses back from the Directors of Purchases of
 8 these various companies?
 9 A. We got many. I don't have any comment. We got a
 10 lot of inquiry.
 11 Q. Did you get an inquiry from Tennessee Gas Pipeline
 12 Company?
 13 A. Not to my knowledge.
 14 Q. You have no personal knowledge whether Tennessee
 15 Gas Pipeline Company inquired or sent you a response to the
 16 February 9, 1970 letter that's referenced here?
 17 A. That is correct.
 18 Q. Now, why is it both good and bad that most --
 19 well, strike that. Explain to me how you define the term
 20 contacts in this paragraph.
 21 MR. CARNEY: You want his understanding?
 22 Q. Yes. I want your understanding of the term

1 as it existed on February 4, and add to that any others that
 2 they had on their list back at their district office. So --
 3 Q. Mr. Papageorge, did you discuss this testimony
 4 with your counsel during the break we just took?
 5 MR. CARNEY: I'm going to object. That would
 6 call for invasion of the attorney-client privilege.
 7 MR. KERN: The fact that he communicated with
 8 you is not attorney-client privilege. I'm not asking him to
 9 disclose the substance of any conversations that you had, I'm
 10 asking him whether he communicated with you about this
 11 document.
 12 MR. CARNEY: I'm going to stand on that
 13 instruction.
 14 MR. KERN: Are you instructing the witness not
 15 to answer?
 16 MR. CARNEY: Yes, I am.
 17 Q. Are you going to accept the advice of your
 18 attorney and not answer the question?
 19 A. Yes.
 20 Q. Now, I'm going to ask you again, did you have any
 21 communications with your attorney during the break we just
 22 took?

1 contacts.
 2 A. I think the best way I can describe that is to use
 3 an example, if I may. For example, a local power company has
 4 transformers that use PCB containing fluids, and our field
 5 representative has them on his list, an entity to call upon
 6 every now and then. The transformers of that power company
 7 could be serviced by the manufacturers of those transformers,
 8 be it a Westinghouse or General Electric or any -- any of the
 9 other transformer manufacturers. So, the General Electrics
 10 of the power distribution world order the PCB containing
 11 product and ship it to this power distribution entity, and
 12 General Electric sends a crew to service that transformer, so
 13 we have a situation where General Electric is a customer and
 14 the power company is a contact for our sales representative
 15 to encourage buying more transformers that use Monsanto's
 16 product. That's his objective.
 17 Q. So, the contacts that would not receive the letter
 18 would be customers of the utility that you just described,
 19 or --
 20 A. That's an example.
 21 MR. CARNEY: I would object. That
 22 mischaracterizes the testimony.

1 A. We had communications.
 2 Q. Okay. Let me ask you a simple question. On the
 3 second paragraph of this letter you say, "By using this list,
 4 we avoid sending a letter to each "Shipped to Location" of
 5 the gas transmission companies for example." Why did you not
 6 want to send a letter to the "Shipped to Locations," isn't
 7 that where the people were that needed the information?
 8 MR. CARNEY: I'm going to object to the
 9 question as to form. I think it's vague and ambiguous. May
 10 call for speculation.
 11 A: The intent of this particular letter was to get it
 12 as high up in the customer's organization as we could so that
 13 it would receive the proper attention. We were hesitant to
 14 send it out to many many locations, and this reference to gas
 15 transmission companies is only one of many many examples
 16 where the "Shipped to Location" would not have been in any
 17 position to understand the seriousness of the subject,
 18 ordinary workers that work on transformers, for example, and
 19 so on, and we wanted to make sure that the right people in
 20 each company got the information so that they, if necessary,
 21 asked more questions of us or put the right resources to work
 22 to cope with the problem.

1 Q. That would be an example, is that correct?
 2 A. Yes, sir.
 3 Q. Okay. Now, what about General Electric, for
 4 example, as a recipient of a letter, would General Electric
 5 be a contact behind which there would be other individuals
 6 that might not receive the information? Am I being clear in
 7 my question?
 8 MR. CARNEY: well, I'm not clear in your
 9 question.
 10 Q. Strike that question.
 11 MR. CARNEY: Okay.
 12 Q. I'll withdraw it. Start over. You state that
 13 most of your contacts will not receive the letter, so, that
 14 would be a utility company that buys a product, a
 15 transformer, from a direct customer of yours like General
 16 Electric or Westinghouse?
 17 A. That's an example.
 18 MR. CARNEY: I'm going to object because you
 19 did -- I don't think maybe intentionally, but you say "you
 20 say," and, you know, I think the memo was not written by Mr.
 21 Papageorge.
 22 Q. And I understand your position. I'm just saying,

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1 Mr. Papageorge, what his understanding is of the facts. You
 2 say -- or, excuse me, strike that. In the same fourth
 3 paragraph it says, "Unfortunately we have no alternative."
 4 Do you know what -- why that particular language is in this
 5 document? Did you have any discussions regarding that?
 6 A. We had discussions, of course, but I don't recall
 7 the specifics as it relates to that sentence. I don't know
 8 what Mr. Johnson had in mind today. I don't know.
 9 Q. Okay. So you have no independent recollection
 10 today as to what the substance of the discussions were around
 11 the time this letter was developed as regards to the meaning
 12 of the term "We have no alternative?"
 13 A. That is correct.
 14 Q. And you say, "This is both good and bad." Why
 15 would it be both good and bad that most of the contacts would
 16 not receive the letter? Do you have any independent
 17 knowledge of that?
 18 A. No, there again, you'd have to ask Mr. Johnson.
 19 Q. So, you don't recall any specific discussions with
 20 Mr. Johnson or others at that time period about why it would
 21 be both good and bad that most contacts would not receive the
 22 letter?

1 who actually stuck it in the mail, and you haven't defined
 2 what you mean when you say responsibility, and that's I think
 3 what the witness is having trouble with.
 4 Q. Let me ask the question a different way. What is
 5 your understanding, Mr. Papageorge, of Mr. Johnson's
 6 involvement with mailing of letters relating to Pydraul?
 7 MR. CARNEY: You're saying the actual putting
 8 it in the mail? What do you mean by mailing of letters?
 9 Q. Mailing either in a supervisory capacity, i.e.
 10 supervising secretaries, or --
 11 MR. CARNEY: Setting up the procedure, or, you
 12 know, your question is vague.
 13 Q. Let's take it one at a time then. Overseeing the
 14 secretaries in terms of insuring that the letters get out?
 15 MR. CARNEY: Well, I'm going to object because
 16 you're assuming there were secretaries that were doing it.
 17 MR. KERN: Well, let me -- let's ask Mr.
 18 Papageorge. Let me ask him a question.
 19 MR. CARNEY: I wish you would.
 20 Q. (by Mr. Kern) Mr. Papageorge, are you aware of
 21 who mailed out the Pydraul letters, who actually physically
 22 mailed them out, do you know?

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1 A. I do not.
 2 Q. Okay. Do you know where Mr. Johnson is today?
 3 A. No, I don't.
 4 Q. Have you had any communications with him since the
 5 early 1970s?
 6 A. No, I didn't have any.
 7 Q. Do you know when he left the company?
 8 A. Some time in the '70s. Middle or late '70s, I
 9 don't know exactly when.
 10 Q. Have you had any discussions with anybody at
 11 Monsanto about the circumstances of his departure from
 12 Monsanto?
 13 A. No.
 14 Q. Okay. So, you're not aware of any facts or you've
 15 not heard any communications about why he left the company?
 16 A. That is correct.
 17 Q. Were you close friends with Mr. Johnson?
 18 MR. CARNEY: Objection to the form of the
 19 question, contains undefined terms as to what you mean by
 20 close friends.
 21 MR. FINN: I'm going to object. We're getting
 22 well beyond the scope specified in the subpoena, as well.

1 MR. CARNEY: which letters are you talking
 2 about now? You said letters.
 3 Q. Letters from the period January 1970 through
 4 December 1973.
 5 MR. CARNEY: Well, now it's compound because
 6 you're talking about a period of time, numerous letters.
 7 Q. Let's take one letter, the February 9th, 1970
 8 letter, who was responsible -- or, strike that. You're
 9 having trouble with that. What is your understanding of Mr.
 10 Johnson's involvement in the mailing of the February 9th,
 11 1970 letter that references various substances containing
 12 Aroclors?
 13 MR. CARNEY: Same objection.
 14 A. Mr. Johnson was assigned by his supervisor the
 15 task of making certain that the customers that were buying
 16 the products that Mr. Johnson represented in Monsanto in the
 17 marketing function received a copy of this letter. He was
 18 also responsible to see that the necessary resources were
 19 pulled together, and by that I have in mind such things as
 20 the regular secretaries supplemented by temporary help, if
 21 necessary; scheduling, whether it was weekend work or evening
 22 work. Making certain that all of this was done was Mr.

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1 Q. Let me establish a foundation, please. Who was
 2 responsible for sending out the Pydraul AC letters to
 3 customers in the early 1970s?
 4 MR. CARNEY: I'm going to object to the form
 5 of that question. I think it contains undefined terms as to
 6 what you mean by responsible.
 7 Q. Okay. Can you answer the question, please?
 8 A. I'm having problems with the responsibility
 9 assigned. The responsibility rested with the Director of the
 10 Business Group, and Mr. Johnson was a member of that group,
 11 but two levels below that director.
 12 Q. Uh-huh. So, he went directly -- he didn't have
 13 overall responsibility for insuring the letters went out.
 14 Did he have --
 15 MR. CARNEY: I'm going to object to the
 16 mischaracterization of the testimony, and you continue to not
 17 define the word responsibility. You talking about the top
 18 guy in the company with responsibility, the secretary who
 19 actually did the mailing, Mr. -- Just a minute, Mr.
 20 Papageorge's role in making sure these letters got out?
 21 There were lots of people involved in it, from the top person
 22 with the responsibility to maybe a staff person or secretary

1 Johnson's responsibility as it related to the Pydraul
 2 products containing PCBs.
 3 Q. All right. Thank you, Mr. Papageorge. Now, it
 4 states in this letter that -- again, I'm in the fourth
 5 paragraph on the first page, Mr. Papageorge.
 6 A. I see it.
 7 Q. That, "should you decide you want to send this
 8 letter to certain specific people, you must send us a list of
 9 names." Do you recall any discussions as to the reason why
 10 that language is in this document?
 11 A. I don't know about the language specifically, but
 12 the intent was to make certain that the customers in the
 13 opinion of the field representatives who were involved with
 14 PCBs, whether they were still buying or were past customers,
 15 with PCBs on their property would be on a mailing list and
 16 receive a copy of this letter.
 17 Q. Okay. And then there's a follow-up, "We would
 18 prefer you not send additional copies--one is enough." Do
 19 you have an understanding, sir, as you sit here today of the
 20 reason or the purpose behind that language?
 21 MR. CARNEY: Well, I'm going to object. You
 22 asking what his understanding is, or, you asking what Mr.

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1 Johnson's understanding was?
 2 MR. KERN: Would you reread the question?
 3 (Question reread by the Reporter.)
 4 Q. Would you answer that question, please?
 5 A. I'm speaking for myself at the time. I understood
 6 this to mean that after the field marketing representative
 7 looked over the list and saw that one of his customers
 8 received the letter, that he was discouraged from sending
 9 them a second letter, and the intent there was to avoid
 10 confusion with multiple letters going to the same customer.
 11 Q. Okay. Is this a language that you added into the
 12 letter? I believe you stated earlier that you edited this or
 13 provided comments, is this some language that you might have
 14 recommended for insertion?
 15 A. No, that's not -- no, that would not be something
 16 that I would be involved with, no.
 17 Q. Do you recall any specifics of what language you
 18 suggested be edited or added or deleted from this letter?
 19 A. No, at this point in time, I just -- nothing comes
 20 to mind, no, I just cannot remember.
 21 Q. Okay. Let me introduce another exhibit. I am
 22 marking as Deposition Exhibit 5 internal Monsanto memorandum

1 MR. CARNEY: You may be right. All I can tell
 2 you is that 95 percent plus of the documents in the Kentucky
 3 litigation we produced were produced two or three months ago.
 4 We did have a small production yesterday. I don't know what
 5 was produced yesterday, so I can't speak to that.
 6 MR. ROEDER: My understanding is my associate
 7 went through the box we got yesterday, and if you notice, the
 8 fax legend shows it was faxed at 10:40 last night, so that's
 9 why I'm pretty confident these documents we just received our
 10 copies of them yesterday.
 11 MR. FINN: Mr. Roeder, is the Bates number on
 12 the bottom, the TNGS and a series of numbers, is that from
 13 the Kentucky litigation?
 14 MR. ROEDER: Monsanto did that Bate stamping.
 15 I don't know. There are the people that can tell you.
 16 MR. FINN: Mr. Carney, do you know that the
 17 Bates number on the bottom --
 18 MR. CARNEY: My understanding is that means it
 19 was produced in the Kentucky litigation.
 20 MR. FINN: Thank you.
 21 MS. GOULET: You believe it was late November
 22 that the bulk of the material had been produced?

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1 dated July 30, 1973, and I'd ask you, sir, to review that.
 2 MR. CARNEY: Before you answer, let me take
 3 time to read it.
 4 MS. GOULET: Bob, this document and Deposition
 5 Exhibit No. 4 both bear a marking at the bottom TNGS and then
 6 a series of numbers, can you tell me what TNGS stands for?
 7 MR. KERN: I have no idea.
 8 MS. GOULET: Do you know where you got the
 9 document from?
 10 MR. KERN: Yes, it was provided by Monsanto.
 11 MS. GOULET: Okay. In connection with the
 12 Kentucky proceeding?
 13 MR. KERN: I'd like to confer with Mr. Roeder,
 14 please.
 15 MR. ROEDER: I believe that's correct. I'm
 16 not 100 percent up to date on all of the Monsanto production.
 17 I do know that we just received some documents from Monsanto
 18 yesterday, and some of the documents which we received
 19 yesterday we've tried to use now, if they are appropriate, at
 20 least bring to Mr. Kern's attention, and this could be one of
 21 the documents we got just yesterday.
 22 MR. FINN: Was this document, or No. 4,

1 MS. ARNDT: The production is ongoing at this
 2 point. We're in early discovery in that case.
 3 MR. CARNEY: But we produced --
 4 MS. ARNDT: Hundreds of boxes earlier.
 5 MR. CARNEY: We had a small production
 6 yesterday.
 7 MR. ROEDER: So the record is very clear, the
 8 hundreds of boxes I came down and looked in your offices in
 9 November, almost all of them related to production in prior
 10 cases, and I don't think I saw one document when I was in
 11 your office in November that had a TNGS Bate stamp on it. It
 12 was my understanding those documents were not available at
 13 that time, so all we looked at were production in prior
 14 cases, so I want the record to be very clear.
 15 MR. KERN: Let me make a statement on the
 16 record, too, to the extent there's any suggestion of
 17 impropriety, because that's really upsetting me, quite
 18 frankly. As you well know, we have objected and you have
 19 objected to providing public documents in other cases.
 20 MS. GOULET: Bob, I'm not suggesting it's
 21 impropriety, I'm trying to understand -- this is the first
 22 time we've seen these documents. We're trying to understand

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1 provided to the intervenors in discovery in the FERC
 2 proceeding, Mr. Kern?
 3 MR. KERN: This document was provided by
 4 Monsanto yesterday, I believe.
 5 MR. ROEDER: I don't know. I don't want to
 6 make that representation, I just know --
 7 MR. CARNEY: I doubt it was yesterday. I
 8 would say we produced in my office hundreds of boxes of
 9 documents in the Kentucky litigation. I think we had a very
 10 small production yesterday. I can't say with any certainty,
 11 but my guess would be this was produced months ago in 1994,
 12 towards the end of '94.
 13 MR. ROEDER: So the record is clear, this we
 14 received a copy of yesterday because it was faxed down to you
 15 by my office, if you notice the fax legend on the top. The
 16 same is true of the previous exhibit, if it has a fax legend
 17 on the top, 1-17-95, we received a copy of it yesterday from
 18 Monsanto.
 19 MR. CARNEY: Which one was that, Exhibit 4?
 20 MR. ROEDER: I believe so.
 21 MR. KERN: And it does have the same notation.
 22 I mean, that's my understanding.

1 where they came from.
 2 MR. FINN: I would just add that the fact that
 3 a document is produced in discovery in another case doesn't
 4 make it a publicly available document, and I'm trying to
 5 figure out as well where these documents are from. As well,
 6 this is the first time we've seen them.
 7 MR. ROEDER: I'll state on the record those
 8 two documents I saw for the first time this morning.
 9 MR. KERN: Same here. So, we're all looking
 10 at them fresh.
 11 MR. ROEDER: Except these guys. They probably
 12 saw them before us.
 13 Q. (by Mr. Kern) I gather, Mr. Papageorge, that
 14 you've had the opportunity to review this document, sir?
 15 A. I have, yes, sir.
 16 MR. CARNEY: If you would just give me a
 17 minute, since I have not.
 18 MR. KERN: Certainly. Take your time.
 19 MR. CARNEY: For the record, I just want to
 20 note an objection to the attachment, the August 3, 1973
 21 letter relates to Therminols. There is an August 3, 1973
 22 letter relating to Pydrauls, and I don't know whether there's

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1 been a mistake in the production, whether somebody else
 2 stapled that particular letter there, and I'm not accusing
 3 anybody of stapling something that was inappropriate, all I'm
 4 pointing out is that there is an August 3, 1973 letter that
 5 relates to Pydrauls, and the letter, the August 3, 1973
 6 letter that's attached on Exhibit 5 is not relating to
 7 Pydrauls but Therminols.

8 MR. ROEDER: Just for the record, since this
 9 came from our office, if you'll notice, the TNGS Bates number
 10 is sequential from 8613 to 8615. I think the letter you're
 11 saying does not belong there. It is in fact sequential to
 12 the memorandum.

13 MR. CARNEY: I see it is sequential, but I
 14 don't remember whether it was stapled or not, and just
 15 because it's sequential there may have been the next letter
 16 in the sequence the Pydraul August 3, 1973 letter, and at
 17 this point I just want to note that for the record so there's
 18 no confusion.

19 MR. KERN: Let me ask Mr. Papageorge, maybe he
 20 can clarify this for us.

21 MR. CARNEY: In fact, the memo actually says
 22 attached are copies of three types of letters that were sent

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1 out, so that I think is some clarification.

2 MR. ROEDER: That could very well be.

3 MR. CARNEY: Obviously there was more than one
 4 letter. I just don't want the witness to be confused, or
 5 anybody else to be confused, and it could be there would be a
 6 substitution.

7 MR. ROEDER: I presume we're going to take a
 8 break at lunch. I will call up and see if they can fax the
 9 additional documents here that follow this in sequence that
 10 would go from 8616 and 8617, and perhaps that will clear up
 11 the confusion.

12 MR. CARNEY: Well, it may or may not. All --

13 Q. (by Mr. Kern) Let me ask some questions of Mr.
 14 Papageorge, maybe he can clarify what his understanding of
 15 the document is, since he's identified as being a recipient
 16 of it. Mr. Papageorge, have you had an opportunity, sir, to
 17 review this document?

18 A. Just now, yes.

19 Q. Yes. Okay. Have you ever seen this document
 20 before, sir?

21 A. Yes.

22 Q. Okay. Do you recall seeing this document at the

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1 time -- at or about the time of July 30, 1973?

2 A. As best as I can recall, yes, I vaguely remember
 3 it, uh-huh.

4 Q. Yes, sir. Did you have any editing or review
 5 functions with respect to this particular letter?

6 A. Well, I was in a position to see the rough drafts
 7 that were initially prepared, so I was involved as it was
 8 being developed and put together.

9 Q. Were these letters developed with the input of a
 10 number of different people.

11 MR. CARNEY: Letters or memos?

12 Q. I apologize, excuse me. Withdraw that question.
 13 That was incorrectly stated. Were there a number of
 14 different individuals that were involved in the generation of
 15 these internal Monsanto memoranda?

16 MR. CARNEY: I'm going to object to the
 17 question because you're saying these memos. We're looking at
 18 a memo dated July 30, 1973. I think it's vague as to what
 19 other memos might be included in the question.

20 Q. Okay. Would you reread the question and then I'll
 21 clarify it to being just this particular memoranda?
 22 (Question reread by the Reporter.)

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1 Q. Were there a number of individuals that had input
 2 into the development of this particular internal Monsanto
 3 memorandum dated July 30, 1973?

4 A. Yes, sir.

5 Q. Okay. Who do you recall? Can you identify for me
 6 the individuals who would review or have input into the
 7 language that ultimately is reflected in this July 30, 1973
 8 memorandum?

9 A. Did I hear you correctly say the individual
 10 singular?

11 Q. The individuals.

12 A. Oh, plural. Yes, the individuals listed under cc
 13 at the upper right-hand corner.

14 Q. What position did J. F. Stapleton hold?

15 A. He's a Monsanto director.

16 Q. T. L. Gossage?

17 A. Director of Marketing.

18 Q. W. N. Maddox, his position?

19 A. He was -- I don't recall his official title, but
 20 he was a representative in Monsanto's Customer Services
 21 Department.

22 Q. Okay. The individuals that are reflected in the

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1 "TO:" section of the memorandum, beginning with J. Armentor
 2 and ending with E. Treffner, can you identify those
 3 individuals for me by position?

4 MR. CARNEY: One at a time or by category, if
 5 you can do it generally.

6 Q. Were these individuals marketing individuals?

7 A. Yes.

8 Q. So, this memoranda was related to Monsanto's
 9 decisions regarding notifying customers who bought PCB or
 10 PCT-containing Pydrauls of the FDA regulations that are
 11 reflected, is that correct?

12 MR. CARNEY: Are you saying just Pydrauls?

13 Q. Yes, I am saying Pydrauls now.

14 MR. CARNEY: So, marketing people on Pydrauls?

15 A. It does refer to Pydrauls and Therminols.

16 Q. Let me be more specific. I'm certain I'm not
 17 asking a particularly articulate question, and I apologize.
 18 Can you identify for me which individual in the referenced
 19 "TO:" section of the memorandum who had responsibility for
 20 insuring that any of the proposed memorandum regarding PCB or
 21 PCT-containing Pydrauls would be sent to Tennessee?

22 MR. CARNEY: Read that question back, please.

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1 (Question reread by the Reporter.)

2 MR. CARNEY: I'm going to object to the
 3 question on several grounds. One, I think it contains
 4 undefined terms. It's vague and ambiguous in terms of who
 5 had responsibility. Are you limiting him to the people on
 6 the list of people that the memo went to?

7 Q. Let me re-ask the question. Mr. Papageorge, is
 8 there any individual here that's listed here in the "TO:"
 9 section of this document that had responsibility for insuring
 10 that a PCB or PCT-containing Pydraul letter as proposed in
 11 this memorandum would be sent to Tennessee?

12 MR. CARNEY: I'm going to object on the
 13 grounds it contains undefined terms in terms of what's meant
 14 by responsibility. There could be a number of different
 15 people that would have responsibility in the chain.

16 Q. Okay. Let me ask you this, Mr. Papageorge, can
 17 you define responsibility for me?

18 MR. CARNEY: No, I'm going to object to that,
 19 instruct him not to answer.

20 MR. ROEDER: Why?

21 MR. KERN: Do we have to get a dictionary? He
 22 can answer and tell me what his understanding of the word

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1 responsibility is, and then we'll have a meeting of the minds
2 and we can move forward. Are you instructing the witness not
3 to answer my question?

4 MR. CARNEY: Well, I think the deposition will
5 go faster if you'd just be a little more precise in your
6 questioning so that we would understand and have a clear
7 understanding of what you are asking.

8 MR. KERN: I'm not a big billed lawyer like
9 you, takes me a little longer to get where I want to be.
10 I'll try as hard as I can to ask the questions as best I can
11 and we'll see where we can come out.

12 Q. (by Mr. Kern) Can we reach an understanding as to
13 what responsibility means? Do you have a general
14 understanding as a layman of what that term means?

15 MR. CARNEY: Well, I'm going to object to that
16 question and instruct him not to answer. You can -- you're
17 getting -- it's your responsibility to ask an intelligible
18 question, and I think you need to focus on that.

19 MR. KERN: I'm trying to be really nice about
20 this. You know, we can do this one of two ways. You can
21 continue this and we'll subpoena Mr. Papageorge and take his
22 deposition before a Judge, or, I'll try to continue forward

1 of letters involved.

2 Q. With respect to the letters on heat transfer, were
3 those sent out by registered or certified mail?

4 A. I believe some of them were, as best I recall, but
5 not all of them.

6 Q. How did you determine whether to send a letter out
7 as a registered or certified mail letter?

8 A. I didn't determine --

9 MR. CARNEY: I'm going to object to that.
10 That's overbroad.

11 Q. Did you have any involvement in determining the
12 type of mail service that any particular letter relating to
13 Pydrauls would receive?

14 A. No.

15 Q. And, do you know, sir, who would have had an
16 involvement, an oversight involvement in that particular
17 decision?

18 MR. CARNEY: Object to the form of
19 the question.

20 MR. KERN: Reread that.

21 (Question reread by the Reporter.)

22 Q. Did you understand my question, Mr. Papageorge?

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1 with the deposition and we'll see how we do. Let me try a
2 different tact.

3 MR. CARNEY: Let me say this, I don't think
4 your threats are going to get us anywhere. You can do what
5 you want to do.

6 MR. KERN: Not a threat, obviously.

7 MR. CARNEY: And I'm going to handle this
8 deposition in terms of my role in it the way I do.

9 MR. KERN: Of course.

10 MR. CARNEY: And rather than make these
11 comments back and forth between us, I think it would be more
12 productive, and we would all get out of here sooner, if you
13 just ask your questions.

14 Q. (by Mr. Kern) Okay. Let me try again. Are you
15 going to accept your attorney's instruction not to answer the
16 question?

17 A. Yes.

18 Q. Okay. On Page 2 of this memorandum, Mr.
19 Papageorge, there's a statement in the third, or the second
20 full paragraph, says, "We realize that this letter may reopen
21 old wounds. On the other hand, we don't want any customers
22 caught unawares by the FDA regulations. We never really sent

1 A. I believe I do.

2 Q. Okay, could you answer it, sir?

3 MR. CARNEY: Let me make my objection, because
4 I didn't have time to make it. I'm going to object on
5 several grounds. The question contains undefined terms.
6 It's compound, so I object to it as to form, and it's vague
7 and ambiguous.

8 Q. Would you please answer the question, sir? Do you
9 have it in mind? Could you go back and read the question?

10 MR. CARNEY: One part just to help you along,
11 I'm not sure -- you're referencing some prior testimony as to
12 some decision. I'm not clear in your question as to what
13 decision you're referencing.

14 MR. KERN: Okay. Reread the question.

15 (Question reread by the Reporter.)

16 Q. And I'm talking, sir, about the decision what
17 particular type of mailing service would be utilized for
18 Pydraul letters.

19 A. Pydraul letters, that would rest, of course, with
20 the author of the particular letter.

21 MR. CARNEY: That's why I objected, because
22 you say Pydraul letters and you haven't defined what Pydraul

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1 out as many letters on PCBs to all Pydraul customers as we
2 did on heat transfer." Now, you previously stated, I
3 believe, that you reviewed this memorandum as it was being
4 developed, is that correct?

5 A. Yes, sir.

6 Q. Okay. Do you have an understanding, sir, as to
7 what is meant by the sentence, "We never really sent out as
8 many letters on PCBs to all Pydraul customers as we did on
9 heat transfer"?

10 A. I believe I do.

11 Q. Can you please explain for me your understanding
12 of that sentence?

13 A. The heat transfer application as it related to
14 food processing was a high priority issue with Monsanto. As
15 a result of that high priority, there were many many letters
16 sent to the customer using PCBs in his potato chip fryer or
17 his animal feed sterilizer and so on. And, most of those
18 letters had to do with the steps taken to drain the system,
19 flush it, replace it with other materials, and to convert
20 from a PCB fluid to a non- PCB. As a result of all that
21 activity, there was a lot of correspondence to the heat
22 transfer people, and that's why the difference in the number

1 letters, what type of Pydraul letters. There's, I'm sure,
2 thousands of different Pydraul letters that went out. That's
3 why your question has the defect of not being clear.

4 Q. Okay. Let me just make it clear. Can you tell
5 me, Mr. Papageorge, can you identify for me one particular
6 letter that was sent out that related to Pydraul that -- for
7 example, stated that Pydraul contained PCBs or
8 polychlorinated biphenyls in the early 1970s period? Are you
9 aware of any particular letter like that?

10 MR. CARNEY: Well, I'm going to object. I
11 think it's overbroad. I think you ought to show the witness
12 a letter, and then he can answer it.

13 MR. KERN: Give me the February 9 letter.

14 Q. (by Mr. Kern) Let me back up a minute before I do
15 this. We talked earlier, as I recall, and you said that Mr.
16 Johnson had some involvement in determining who would receive
17 Pydraul letters, or to insure that the letters that were
18 being sent out to Pydraul customers actually were sent out,
19 is that correct?

20 MR. CARNEY: Objection. It's been asked and
21 answered.

22 A. Well, it's correct to the extent you mentioned

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1 Pydraul, but, I think further what I think you mean is PCB
2 containing Pydrauls.

3 Q. Yes. With that clarification?

4 A. Yes, sir.

5 Q. Okay. Now, did you have any conversations with
6 Mr. Johnson about what type of mailing service would be
7 utilized for the Pydraul letters that we just discussed?

8 A. No.

9 MR. CARNEY: Are you talking about the
10 February 9, 1970 letter?

11 Q. Or any letter referencing the fact that Pydraul
12 contained PCBs in the period from January 1970 to December
13 31, 1973?

14 MR. CARNEY: Well, I'm going to object that
15 that question is overbroad, because I think you need to --
16 the letters are the best evidence of what's said, and to ask
17 him a question --

18 MR. KERN: I'm not asking him what was said,
19 I'm asking him what type of mailing service was utilized with
20 the letter.

21 MR. CARNEY: With a letter that mentions PCB?

22 MR. KERN: Pydraul containing PCBs in a

1 MR. CARNEY: That's why I wanted to clarify
2 it. I think you can ask him for what his understanding of
3 what those words are, but asking what Mr. Paton's
4 understanding, that would have him speculate inside Mr.
5 Paton's mind. I think that's rank speculation. I don't
6 think you really want that. Doesn't have a lot of probative
7 value.

8 Q.

9 understanding of what that language means?

10 A. Some of the customers of PCB containing Pydrauls
11 were very upset when Monsanto chose to reformulate. They
12 disagreed with Monsanto's actions. They interpreted them as
13 being an overreaction, and in some ways they were angry at
14 Monsanto, disappointed in Monsanto. And those are the kinds
15 of old wounds that I pictured would be opened.

16 Q. Okay. Did you have any discussions with Mr. Paton
17 regarding what he intended by that sentence?

18 A. Yes.

19 Q. Can you please tell me what that was?

20 A. I could tell you the understanding I was left
21 with. It kind of matched my interpretation of that sentence.

22 Q. Okay. Was there anything that deviated from your

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1 limited period of time. Mr. Papageorge is intimately
2 familiar with those letters.

3 MR. CARNEY: I don't know what letters you're
4 talking about. If you'd be more specific then we won't have
5 a problem. If you don't want to be specific, I'm going to
6 continue to object.

7 MR. KERN: Are you instructing the witness not
8 to answer?

9 MR. CARNEY: No, I'm not.

10 (Question reread by the Reporter.)

11 A. The reason I'm hesitating, it seems to me that
12 some of the Pydraul letters that we've discussed thus far
13 occurred at a time when Mr. Johnson wasn't involved.

14 Q. Okay.

15 A. So --

16 Q. Let's limit it to the period of time when Mr.
17 Johnson was involved.

18 A. Yes.

19 Q. With that clarification, can you answer the
20 question?

21 MR. CARNEY: Same objection as before.

22 A. He is the one that would make the decision on the

1 interpretation or understanding?

2 A. I don't recall any.

3 Q. Okay. Who was Mr. Paton?

4 A. He's a Monsanto employee, and in 1973, he was
5 working on the PCB environmental issues, assisting Mr.
6 Gossage in Marketing.

7 Q. Did he take over the position that Mr. Johnson had
8 previously held?

9 A. I just don't remember his exact title. I don't
10 know.

11 Q. Did he have involvement with the mailing of
12 letters regarding PCB containing Pydrauls in the period
13 around July 30, 1973?

14 A. Yes, he did.

15 Q. Okay. Did he have an involvement with respect to
16 the issues involving the mailing of letters regarding PCB
17 containing Pydrauls earlier to that time?

18 MR. CARNEY: Earlier than July 30, 1973?

19 MR. KERN: Yes, counsel.

20 A. I believe he was involved in '72, but I'm not real
21 certain. I'd have to see some documents to refresh my
22 memory.

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1 type of mailing service to be used.

2 Q. And did you have any discussions with him about
3 what type of mailing service would be used?

4 A. And as I indicated earlier, I did not.

5 Q. Thank you. Mr. Papageorge, do you have an
6 understanding, sir, of what the sentence, and, again, sir,
7 I'm on Page 2, the second full paragraph, says, "We realize
8 that letter may reopen old wounds." Do you have an
9 understanding as to what that language meant at the time that
10 this memorandum was drafted?

11 A. I have an understanding.

12 Q. Could you please tell me what your understanding
13 is, sir?

14 MR. CARNEY: What his understanding is of what
15 Mr. Paton meant, or his understanding of his own
16 understanding of what those words meant?

17 Q. I want to ask it both ways, because you said you
18 were involved in the development of the letter, so let me ask
19 you, what do you think Mr. Paton meant?

20 MR. CARNEY: I'm going to object to that. I
21 think you're asking for speculation.

22 MR. KERN: You opened the door to it, Counsel.

1 Q. Can you identify for me any --

2 MR. CARNEY: I'd like to, while we're at this
3 point, let the record reflect that the attorney for Tennessee
4 Gas has just written a question out for the Tennessee Gas
5 lawyer doing the questioning and, you know, it kind of
6 confirms my concern about this deposition, that there's
7 another purpose to the deposition other than the proceeding
8 that we're involved in, and that's the FERC proceeding, and
9 that is to get discovery for the Tennessee Gas case in
10 Kentucky. And that concerns me that we're using this, or
11 you're using this opportunity to get discovery of an
12 important Monsanto witness in the Kentucky case when there's
13 been no discovery -- deposition discovery permitted in that
14 case. In fact, there was a status conference on that case at
15 one o'clock today where there may be a discovery schedule. I
16 think it is improper to utilize this deposition for that
17 purpose rather than the purpose of the FERC proceeding, which
18 I think is what we should be doing in this deposition.

19 MR. ROEDER: Let me state for the record that
20 this is not intended to be a discovery deposition with regard
21 to the Kentucky case. You are counsel for Monsanto in the
22 Kentucky case. Monsanto, as I understand it, has not been

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1 subpoenaed, yet you are defending Mr. Papageorge at this
 2 deposition. Miss Arndt is an attorney on behalf of Monsanto
 3 in the Kentucky case. It is not, as I understand it,
 4 Tennessee's desire that Mr. Papageorge testify at all in the
 5 FERC proceeding, but based upon the representation that they
 6 wanted him to testify orally, the subpoena issued. Now, to
 7 the extent you are suggesting that this is intended to
 8 subplant any other testimony or discovery in the Tennessee
 9 case, I can assure you that we do not intend it to be that
 10 way. And, I want the record to be very clear. Now, if I
 11 give counsel a note, not a question, it's intended to
 12 accelerate the proceedings so that we can get everything done
 13 real quickly.

14 MR. CARNEY: Well, this is the first time that
 15 you've written out a question and handed it to the Tennessee
 16 Gas lawyer in the FERC proceeding who's doing the
 17 questioning, and I only surmise that the fact that you're
 18 here is for that purpose, and that's been confirmed now for
 19 me. We're getting beyond the scope in several instances of
 20 what was, I thought, a very narrow and limited scope for this
 21 deposition. And, I think it is improper for this to go on.
 22 Just lengthening the deposition. And, it's obvious in my

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1 judgment that that's what's happening here, and --
 2 MR. ROEDER: If I may make one more comment.
 3 The only thing that's lengthened this deposition are
 4 objections that I think are clearly intended to coach the
 5 witness, and are obfuscating and interrupting legitimate
 6 inquiry.

7 MR. KERN: And I think that's absolutely
 8 clear, and we're certainly reserving our right to resubpoena
 9 Mr. Papageorge before a Judge so that we can stop this. Let
 10 me just say that this deposition is going to be used in the
 11 FERC proceeding subject to a protective order, presumably, at
 12 least to some extent. If that's the case, I'm not certain
 13 that it would be used anywhere else.

14 MR. CARNEY: Will you represent it will not be
 15 used?
 16 MR. KERN: Of course not. Of course not.

17 MR. CARNEY: Well, because you know it's going
 18 to be used. Happens to be somewhat disingenuous of you to
 19 make this comment.

20 Let me make this comment, I think, number one,
 21 there ought to be one spokesman for Tennessee Gas, and I
 22 think I've made my comment on the record. I do object to the

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1 characterization of my objections and the personal nature of
 2 that, and I don't think that serves any purpose other than to
 3 delay the deposition. I think you've gone beyond the scope
 4 and you've asked improper questions and now it appears that
 5 there's at least a dual purpose for this deposition.

6 MR. KERN: Are you going to pull Mr.
 7 Papageorge out of the deposition, or can we proceed?
 8 MR. CARNEY: Well, you know, I may do that in
 9 the future, I'll just wait and see what happens.

10 MR. KERN: I'll just again state for the
 11 record that to the extent that happens, and to the extent Mr.
 12 Papageorge is subpoenaed to appear at the FERC proceeding,
 13 that we reserve our right to strike his -- move to strike or
 14 quash the subpoena.

15 MR. FINN: Let me state that if you're -- to
 16 the extent you're asking proper questions, which I don't
 17 think you've been doing, I think you've been going well
 18 beyond the scope and use that as some kind of pretext to
 19 attempt to prevent Mr. Papageorge from appearing at the
 20 hearing subject to a subpoena, that would be strongly
 21 opposed, and is --
 22 MR. KERN: Mr. Finn, the letter says, "We

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1 never really sent out as many letters on PCBs to all Pydraul
 2 customers as we did on heat transfer." That clearly bears on
 3 whether these letters that you allege that Tennessee Gas
 4 Pipeline Company received were actually received. Okay?
 5 So, it's clearly within the scope of what we're here to talk
 6 about.

7 MS. GOULET: I want to clarify something you
 8 said. I don't think we've ever alleged letters have been
 9 received. We have alleged the letters were sent. And, that
 10 is the scope. My understanding --

11 MR. KERN: Are you going to stipulate for the
 12 record Tennessee received those?

13 MS. GOULET: I have no ability to inquire of
 14 Tennessee as to whether they received or not. We've asked
 15 Tennessee. Never said they did not receive. Tennessee has
 16 said we have no record of having received. I think there's a
 17 lot to be read into these words. Our point was to show
 18 whether or not the letters were ever sent, and that is why
 19 we're here today. I would suggest --

20 MR. KERN: You're contending this is not
 21 relevant to that point, Counsel?
 22 MS. GOULET: I haven't said that, but I think

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1 there's a more direct way of getting there. You have been
 2 provided with a mailing list, and I think that we can inquire
 3 of Mr. Papageorge whether or not these letters were ever sent
 4 by Monsanto to Tennessee, and we can cut through a lot of
 5 this.

6 MR. KERN: You're not --
 7 MS. GOULET: That's what I would recommend we
 8 do.

9 MR. KERN: You're not conducting this
 10 deposition, Counsel, I am. I'm going to conduct it for
 11 Tennessee Gas Pipeline Company my way.

12 MS. GOULET: Mr. Kern, you can, and I'm not
 13 suggesting that you do anything other than what you want to
 14 do. What I am suggesting is that the parties are concerned
 15 about how long this is going, that we can cut through some of
 16 the length and go right to the core of the issue.

17 MR. KERN: Mr. Papageorge already testified he
 18 had no involvement in the actual involvement of the Pydraul
 19 letters. So, do we want to --

20 MS. GOULET: I'm --
 21 MR. CARNEY: You've totally mischaracterized.
 22 Q. (by Mr. Kern) Did you put these letters in the

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1 mail, Mr. Papageorge?
 2 A. No, sir. But you said no involvement, there are
 3 many types of involvement involved.

4 Q. What involvement did you have, sir?
 5 MR. CARNEY: In what?
 6 MR. KERN: See.
 7 MR. CARNEY: Just tell me involvement in
 8 what.

9 MR. KERN: What we're just talking about.
 10 MR. CARNEY: You're talking about a specific
 11 letter, or --

12 MR. KERN: See. We know what the letters are,
 13 I mean. . .

14 MR. FINN: No, we don't, Mr. Kern. Your
 15 questions -- I object to the question as being vague, as not
 16 having a proper foundation. The record is not going to be
 17 clear, as you continually say you like it, unless you ask
 18 appropriate questions, and your suggestions that you're going
 19 to attempt to bar Mr. Papageorge from the hearing based on
 20 the fact that you can't get the answers you want to muddled
 21 and compound questions, I'm suggesting that would be opposed
 22 by the intervenors in this case. I think we've had enough

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1 colloquy. I advise you to ask good questions of the witness.
 2 MR. KERN: The Judge is going to decide
 3 whether Mr. Papageorge appears at the hearing, and you can
 4 object to the form of my questions all you want. But the
 5 continual colloquy -- what this is doing is it's going to
 6 disable Tennessee from having an effective deposition of Mr.
 7 Papageorge prior to the hearing, and we'll move to quash a
 8 subpoena to have him attend, or we'll subpoena him before a
 9 Judge and we'll depose him before a Judge. We'll let the
 10 Judge rule on Mr. Carney's objections.
 11 MR. CARNEY: obviously you see some tactic in
 12 doing it the hard way. You have never asked this witness
 13 what his involvement is with regard to the mailing of any
 14 letter that I've heard today.
 15 MR. KERN: I'm asking --
 16 MR. CARNEY: We have the lists that were
 17 actually used for the mailing of some of these letters, the
 18 majority of them, with regard to Pydraul, and you have not
 19 asked him a question about that, which I think would be what
 20 would be in the scope of this deposition. You've been
 21 beating around the bush, and I guess you have some reason for
 22 not being clear and not trying to find out what this witness

1 continued as follows.)
 2 MR. ROEDER: Before we start, I just want to
 3 make a statement. Before we broke, counsel stated on the
 4 record that I had supplied notes of questions to Mr. Kern,
 5 and to the extent I did it I was attempting to cure
 6 objections that had been raised. But, beyond that, it's his
 7 deposition.
 8 MR. CARNEY: Okay.
 9 Q. (by Mr. Kern) Mr. Papageorge, I'd like to show
 10 you a document, sir, and ask you if you can review it?
 11 A. I have scanned the document.
 12 Q. Mr. Papageorge, are you familiar with this
 13 document?
 14 A. Yes, I am.
 15 Q. Is this one of the documents that you contend was
 16 mailed out in the February 1970 period?
 17 A. Yes.
 18 Q. Did you personally put this letter in an envelope
 19 marked with a Tennessee Gas Pipeline Company address and
 20 personally place it in the mailbox?
 21 MR. CARNEY: Objection to form.
 22 A. You mean did I fold it and put it in an envelope

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1 does know. I can't ask your questions for you, but so far
 2 you really haven't gotten to the questions that are very
 3 simple and very easy to ask and germane and within the scope.
 4 Most of them I think have been without the scope.
 5 MR. KERN: In your opinion, right?
 6 MR. CARNEY: In my opinion. And I've been
 7 trying to be very lenient and tolerant of what's going on.
 8 My patience is wearing a little bit thin on it because your
 9 questions are unintelligible sometimes. They are compound.
 10 They are vague.
 11 MR. KERN: All you have to do is object to
 12 form, and Mr. Papageorge can answer it or not, as he
 13 pleases. Can ask me for a clarification. It's clear you're
 14 engaged in obfuscate -- can't even say the word. I think
 15 that's inappropriate. I mean it's going to be clearly
 16 reflected on the record.
 17 MS. GOULET: why don't we have a break for
 18 lunch?
 19 MR. KERN: Can we have a break for lunch?
 20 MS. GOULET: I was going to suggest we take a
 21 lunch break. Perhaps you can go over the question and look
 22 at the nature of what you have. My interest here is in

1 and take it to the mailbox?
 2 Q. With a Tennessee Gas Pipeline Company address on
 3 it?
 4 A. Not I personally, no.
 5 Q. Put it in the mailbox?
 6 A. I did not.
 7 Q. Okay. Going to mark as Deposition Exhibit 7 a
 8 document and ask you to review that, please, sir?
 9 A. I have read the document.
 10 Q. Are you familiar with this document, Mr.
 11 Papageorge?
 12 A. Yes, I am.
 13 Q. Is this a document that Monsanto contends was
 14 mailed to customers in the June 11th, 1970 time period?
 15 A. Yes.
 16 Q. Did you personally put this letter in an envelope
 17 marked with a Tennessee Gas Pipeline Company address and
 18 personally place that letter in the mailbox?
 19 A. I personally, no.
 20 Q. Thank you. I'm marking as Deposition Exhibit 8 a
 21 document. Can you please review that?
 22 A. I have read the document.

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1 making sure that whatever record is developed is a record
 2 that reflects truth in reality, and I think that that is
 3 actually the interest. I think there is a concern and a
 4 problem with respect to the way that the questions are
 5 phrased, and maybe by taking a lunch break we can just maybe
 6 hone in on those questions and we can get like foundations
 7 and definitions and all get on the same wave length.
 8 MR. KERN: It's interesting to me that these
 9 letters, which I contend, suggest that these letters were not
 10 sent, or at least some of the letters were not sent, this is
 11 my opinion, are so troubling to you. You seem to want me not
 12 to question Mr. Papageorge about them. You want me to
 13 question him about the mailing list. That seems the simple
 14 kind of way to do this, let's go to the mailing list, look
 15 for Tennessee Gas Pipeline Company, and it's your opinion
 16 magically that Tennessee got this letter. That's not the way
 17 this case is going to play out, Counsel.
 18 MS. GOULET: I didn't suggest that Tennessee
 19 magically got a letter. I'm suggesting letters were mailed.
 20 MR. KERN: Let's take a break for lunch,
 21 please.
 22 (Following a break, proceedings

1 Q. Is this a document that you contend was mailed by
 2 Monsanto in the August 27th, 1970 time period to customers of
 3 Monsanto?
 4 A. Yes.
 5 Q. Did you personally put this letter in an envelope
 6 marked with a Tennessee Gas Pipeline Company address and
 7 personally place that letter in the mailbox?
 8 A. I did not.
 9 Q. Thank you. I'm marking a document as Deposition
 10 Exhibit No. 9. Can you review that, sir?
 11 A. I have read the document.
 12 Q. Is this a document that you contend was mailed by
 13 Monsanto to its customers in the February 1, 1971 time
 14 period?
 15 A. Yes.
 16 Q. Did you personally put this letter in an envelope
 17 marked with a Tennessee Gas Pipeline Company address and
 18 personally place it in the mailbox?
 19 A. I did not.
 20 Q. I'm marking a document as Deposition Exhibit No.
 21 10, sir. I'd ask you to review it, please.
 22 A. I have read the document.

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1 Q. Is this a document that you contend was mailed to
2 Monsanto customers in the period of April 15th, 1971?
3 A. Yes.
4 Q. Did you personally put this letter in an envelope
5 marked with a Tennessee Gas Pipeline Company address and
6 personally place that letter in the mailbox?
7 A. I did not.
8 Q. Thank you. I'm marking this document as
9 Deposition Exhibit No. 11, could you please review it, sir?
10 A. I have read the document.
11 Q. Mr. Papageorge, is this a letter that you contend
12 was mailed by you to Monsanto's customers in the period April
13 1972, or mailed -- strike that. Do you contend that this
14 letter is a letter that was mailed by Monsanto to its
15 customers in the period around April 1972?
16 A. To its PCB customers, yes.
17 Q. Did you personally put this letter in an envelope
18 marked with a Tennessee Gas Pipeline Company address and
19 personally place that letter in the mailbox?
20 A. I did not.
21 Q. Okay. I'm marking this as Deposition Exhibit No.
22 12, can you please review this, please, sir?

1 Q. Could you tell me what they are?
2 A. They were attached to the February 9, 1970
3 letter. It's Exhibit 6, I think.
4 A. Yes, it's attached to Exhibit 6.
5 Q. Is Chemical Week a publication, do you know?
6 A. Yes, it is.
7 Q. Okay. Are you familiar at all with the -- could
8 you tell me what the date of the Chemical Week reprint is?
9 A. As I remember, it's October 1969. I don't recall
10 the exact -- there, it's on the copy of the article, October
11 -- it's hard to read. It's either 28 or 29. Okay, 29,
12 1969.
13 Q. Are you familiar with the publication Chemical
14 Week?
15 A. Yes.
16 Q. Could you tell me what its general audience is?
17 MR. KERN: I object, this is outside the scope
18 of the deposition.
19 MR. FINN: It's a question about one of the
20 exhibits that you marked and had Mr. Papageorge identify.
21 MR. KERN: You're asking whether he knows who
22 subscribed to the Chemical Week reprints or chemical

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1 A. I have reviewed the document.
2 Q. Mr. Papageorge, is this a document that you
3 contend Monsanto sent to its PCB customers in the period
4 around August 3rd, 1973?
5 A. Its PCB Pydraul customers, yes.
6 Q. Did you personally put this letter in an envelope
7 marked with a Tennessee Gas Pipeline Company address and
8 personally place that letter in the mailbox?
9 A. I did not.
10 Q. Thank you. Mr. Papageorge, there have been, in
11 the FERC proceeding Tennessee has made statements that it
12 purchased PCB containing Pydrauls from a company called
13 Petroleum Distributing Company, a company which was a
14 distributor of PCB, of products, some of which contained
15 PCBs. Did you ever personally contact anyone at Petroleum
16 Distributing Company and ask them if any of the letters that
17 have been identified as Exhibits 6 through 12, and those are
18 the letters that I've just shown you, were mailed to
19 Tennessee Gas Pipeline Company?
20 A. I personally did not.
21 MR. KERN: Okay. I have no further questions.
22 Pass the witness.

1 magazine, what does that have to do with the letters?
2 MR. FINN: I'm asking him if he's aware of the
3 general Chemical Week audience.
4 MR. KERN: I'm asking you what does that have
5 to do with anything that's relevant or at issue here?
6 Q. (by Mr. Finn) My question, stands, Mr.
7 Papageorge.
8 MR. KERN: I subpoenaed the deposition and I'm
9 not going to let it go very far afield. I'll terminate the
10 deposition. If you want to tie it in very quickly, I'll
11 allow you to continue.
12 MR. FINN: I already have. It's a general
13 question about the foundation concerning a document in a
14 document that you marked as an exhibit.
15 MR. KERN: But the issues are very clear here,
16 Mr. Finn, the issues of whether the letters were mailed. You
17 made that point repeatedly. Now, what does what you're
18 asking him have to do with whether the letters were mailed?
19 MR. FINN: The issues -- First of all, you
20 went well beyond the issues that are raised. My question
21 stands. I think it goes -- it is relevant to the exhibits
22 that you entered in this deposition.

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1 CROSS EXAMINATION
2 BY MR. FINN:
3 Q. Mr. Papageorge, my name is Edward Finn, I
4 represent a number of local distribution companies on the
5 Tennessee system. I just have a couple of brief questions
6 for you. Could you refer to what's been marked as Papageorge
7 Deposition Exhibit No. 4, please?
8 A. I have it.
9 Q. My questions just concern the first paragraph of
10 that document. On the first line there's a reference to
11 Aroclors and what looked in the copy like PCGs, could you
12 tell me what PCGs are in that line? Is that a typo?
13 A. That's a typo.
14 Q. Should that be PCBs?
15 A. Yes, sir.
16 Q. Or do you know?
17 A. It's my opinion it should be, yes.
18 Q. Okay. Down in the next sentence there's a
19 reference to the Chemical Week reprints, do you know what the
20 Chemical Week reprints are that are referred to there?
21 A. Yes, I do.

1 MR. CARNEY: Since I gave -- I think this
2 deposition has gone beyond the scope. I think this question
3 probably is beyond the scope, but I'm not going to instruct
4 at this point.
5 A. I don't claim to know Chemical Week's customer
6 list or who subscribes. I can share with you my general
7 understanding of the weekly news magazine that relates to the
8 chemicals and chemical industry. The people who are
9 interested in chemicals and chemical industry would appear to
10 me to be the type of people who would subscribe. I have no
11 other information to offer you.
12 MR. FINN: okay. Thank you. I don't have any
13 other questions.
14 CROSS EXAMINATION
15 BY MS. GOULET:
16 Q. Good afternoon, Mr. Papageorge. My name is Denise
17 Goulet, and I represent the Pennsylvania Office of Consumer
18 Advocate. We are part of the Intervenor Group at the FERC
19 proceeding and represent the retail consumers who ultimately
20 pay for the gas that's moved on Tennessee Gas' pipeline.
21 Early on in your deposition you indicated that your position

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1 with Monsanto in 1970 had something to do with an area of
 2 environmental issues. Do you recall what your exact title
 3 was at that point in time?
 4 A. Manager-Environmental Control.
 5 Q. Was this a position that existed prior to 1970?
 6 A. It did not.
 7 Q. Monsanto created this position in 1970?
 8 A. Yes.
 9 Q. And you were the first manager?
 10 A. With that title, yes.
 11 Q. Did you have any subordinates that worked for you?
 12 A. Other than I shared a secretary. She didn't
 13 report to me administratively, but she did perform duties for
 14 me. Other than that, no one else.
 15 Q. What were your job responsibilities, your criteria
 16 for which your employment was concerned, what did you do in
 17 that context?
 18 A. I'll try to summarize it. I was given the
 19 responsibility for keeping up to date on any information
 20 relating to PCBs and the environment. This included
 21 analytical methods, analysis of samples, presence in samples
 22 in the environment, the uses of PCBs, the handling and

1 MR. CARNEY: I'm going to object to the
 2 question. I think it's overbroad.
 3 MR. KERN: second the objection. Object to
 4 form.
 5 Q. What is the nature of your interaction with Mr.
 6 Johnson in the context of the job duties that you have
 7 described to me in the record here today?
 8 MR. CARNEY: Same objection.
 9 MR. KERN: Object.
 10 A. It was my responsibility to see to it that Mr.
 11 Johnson knew as much about the PCB issue as I did. And in
 12 turn, I encouraged him to pass it on to his team and his
 13 Marketing Department. In turn, I expected from Mr. Johnson
 14 any feedback, any information that he and his team would pick
 15 up to form more information or put more information in my,
 16 what I call, data bank regarding PCBs. So, I looked upon it
 17 as a two-way communications relationship.
 18 Q. One of the topics of discussion from this February
 19 4th, 1970 memo concerned the issue of a mailing list, and I
 20 believe on the record you have described it as a first draft
 21 mailing list. Can you tell me how many drafts of this
 22 mailing list ultimately came into existence?

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1 mishandling of PCBs, the risks involved compared to the
 2 benefits, to communicate worldwide with governmental
 3 entities, university laboratories, governmental -- I
 4 mentioned governmental agencies, industry, customers, anybody
 5 who had any interest at all in PCBs. It was my job to keep
 6 in touch and kind of let the left hand know what the right
 7 was doing.
 8 Q. Within the company or also in the context --
 9 A. Worldwide, within and without.
 10 Q. What was your involvement, your direct
 11 involvement, with respect to the mailing of the letters
 12 designated as Deposition Exhibit Nos. 6, 7, 8, 9, 10, 11 and
 13 12?
 14 A. Direct involvement? I participated in the
 15 drafting of the letters. I participated in discussions
 16 regarding the suitabilities of existing mailing lists and the
 17 updating of these lists. I encouraged early action, as soon
 18 as possible. I was present nights and weekends when the
 19 activity was ongoing. I was able to in essence look over the
 20 shoulder of the people doing the typing and the stuffing of
 21 envelopes and the placing of the envelopes in boxes that were
 22 sent to the mail room. That's the kind of activity that I

1 A. I don't know the exact number really. Initially
 2 there were at least three, and later on there were -- that
 3 list was in turn appended two or three more times, I would
 4 say, and this is an estimate right now because I don't
 5 remember exactly, about a half a dozen times over a, say,
 6 two- or three-year period.
 7 Q. Okay. Earlier today your counsel indicated that
 8 Monsanto had brought with them today a mailing list. That
 9 list was handed to counsel for Tennessee. Do we still have
 10 that here on the table somewhere? Can I see that document?
 11 Are you familiar with this document which purports to be a
 12 list of numerous addresses that bears a cover memo dated
 13 March 4th, 1970?
 14 A. I'm familiar with the document as a whole, not
 15 with each detailed item in it.
 16 Q. Okay. This document as a whole, is this the
 17 mailing-- the ultimate form of the mailing list that came to
 18 be from this first draft that was discussed in Mr. Johnson's
 19 memo?
 20 MR. CARNEY: In terms of at this period of
 21 time?
 22 Q. Yes.

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1 got involved in.
 2 Q. What was your understanding of why Monsanto
 3 created this new job position or title for yourself?
 4 A. Well, the information relating to PCBs in the
 5 environment was being generated so rapidly, and that in turn
 6 created a lot of confusion in terms of communicating between
 7 laboratories, between governmental agencies. Even within
 8 Monsanto there were two business groups involved, two
 9 research groups. They had a hard time themselves knowing,
 10 again, to use the expression the left hand didn't know what
 11 the right might be doing. And it was felt that someone ought
 12 to help coordinate all this, the job was created and I
 13 eventually ended up being assigned that task.
 14 Q. A lot of discussion was reflected in the record
 15 today concerning a Mr. N. T. Johnson and a memo that Mr.
 16 Johnson wrote in February of 1970. Did Mr. Johnson ever
 17 report to you in any formal fashion in the sense of being
 18 someone, an employee over which you had supervision?
 19 A. No.
 20 Q. Did Mr. Johnson work with you in any fashion in
 21 the context of your job responsibilities as you've described
 22 them on the record?

1 A. Yes. This was the list that was finally developed
 2 for the February 1970 mailing list.
 3 Q. Okay. Is this the first draft, or do you know if
 4 this is the first draft or a subsequent draft of the mailing
 5 list?
 6 A. This is the final listing from which the mailings
 7 were made.
 8 Q. I'd like to have this marked as Deposition Exhibit
 9 No. 13. Do you know whether or not that list reflects an
 10 address for Tennessee Gas pipeline?
 11 A. I believe I recall it's listed in there, yes.
 12 Q. You indicated that this was the list that was used
 13 for, I believe, the February 1970 -- February 9th, 1970
 14 letter, do you know whether this is the same list that was
 15 used to mail the other letters that are marked Deposition
 16 Exhibit Nos. 7, 8, 9, 10, 11 and 12?
 17 A. The list was used for, and I'm certain, for the
 18 letters 6, 7, 8. Hmm, I'm not certain about the Exhibits 9
 19 and 10. It could have been, but there was a change in
 20 listing at about that time, and No. 11 was from an expanded
 21 list, an appended list, as well as No. 12 came from the same
 22 list that No. 11 came from. That's my best recollection.

1 I'd have to see --

2 MR. CARNEY: Just for the record, there are
3 some exhibits that might refresh the witness' memory as to,
4 you know, what -- to answer that question. I think all the
5 witness is doing is doing the best job he can from memory.

6 Q. Okay. Do you know whether there were any names
7 that were deleted from this list when the expanded list, or
8 possibly 9 and 10 and definitely 11 and 12 were put together?

9 A. Yeah. There were some deletions, yes.

10 Q. Do you know what the basis for those deletions
11 were, why were they deleted?

12 A. No.

13 MR. CARNEY: Talking about a general policy,
14 because --

15 Q. Whether or not there was a general policy that
16 certain names were to be deleted for some reason?

17 A. I can share with you what I recall. There were
18 some cases where companies went out of business, they didn't
19 exist any longer as an entity to which you could mail
20 anything to. Some companies changed their names and
21 addresses. Some were bought out by other companies and gave
22 us a new address for contacts. I'm sure that's not a

1 CITY OF ST. LOUIS)
2) SS
3 STATE OF MISSOURI)
4
5

6 I, WILLIAM B. PAPAGEORGE, do hereby state that the
7 foregoing statements are true and correct to the best of my
8 knowledge and belief.
9

10
11
12
13
14
15 Subscribed and sworn to before me this ____ day of
16 , 1995.
17

18
19
20
21 NOTARY PUBLIC
22

1 complete list of reasons, but it's a typical kind of thing
2 that happens when you review mailing lists and want to be
3 sure that they are relevant and helpful.

4 Q. Okay. Do you know whether or not Tennessee was
5 deleted from these lists, the additional -- I'm sorry, the
6 expanded list?

7 A. You're saying Tennessee Gas Pipeline as a title?

8 Q. Yes.

9 A. I recall, I forget just which list it was, there
10 was a list in which instead of Tennessee Gas Pipeline
11 Company, there was a reference to the Teneco Company.

12 MR. CARNEY: I'm just going to, for the
13 record, object. I think the lists are the best evidence of
14 what happened. I think the witness, since I've looked at the
15 lists, I think there was a change, or Tennessee Gas wasn't on
16 subsequent lists, and Teneco was, but I think just to be
17 precise, I think the documents are the best evidence.

18 MS. GOULET: Could Monsanto provide those? I
19 guess there was subsequent maybe one, maybe two lists from
20 what I'm understanding from what the witness has said.

21 MR. CARNEY: I'm willing to do that.

22 Q. Okay. You indicated that you were working late

1 STATE OF MISSOURI)
2) SS
3 CITY OF ST. LOUIS)
4

5 I, Debra M. Musielak, Certified Shorthand Reporter
6 within and for the States of Missouri and Illinois, DO HEREBY
7 CERTIFY that pursuant to agreement between the parties, the
8 aforementioned witness came before me at the time and place
9 hereinbefore mentioned, and having been duly sworn to tell
10 the whole truth of his knowledge touching upon the matter in
11 controversy aforesaid; that he was examined on the day, and
12 his examination was taken in shorthand and later reduced to
13 printing; that signature by the witness is not waived and
14 said deposition is herewith returned and filed with the
15 court.

16 IN WITNESS WHEREOF, I have hereunto subscribed my name
17 this ____ day of January, 1995.
18

19
20 Debra M. Musielak, RPR, CM
21
22

1 many nights in which you kind of stood over people's
2 shoulders, watching a lot of processing of the stuffing of
3 the envelopes, is it your understanding that after those
4 envelopes were stuffed that they were put in the mail?

5 A. Yes.

6 MS. GOULET: I have no other questions. I
7 don't know if anyone else does.

8 MS. KIM: I have no questions.

9 MR. KERN: Okay, the deposition is over.

10 Thank you Mr. Papageorge.

11 DEPOSITION ADJOURNED:
12
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22

1 PROTECTED MATERIAL
2 FEDERAL ENERGY REGULATORY COMMISSION
3 In the Matter of January 20, 1995
4 TENNESSEE GAS PIPELINE CO. APPEARANCES
5 No. RP91-203 Tenn Gas Pipeline: Wright
6 RP92-132 (R. Kern)
7 Joint PCB Intervenor: Schiff
8 (E. Finn)
9 Tenn. PCB Group: Crowell
10 (A. Kinn)
11 Monsanto: Hinch (Carney)
12 PA Off. Of Con. Advoc: D. Goulet
13
14 CERTIFICATE OF OFFICER AND STATEMENT OF DEPOSITION CHARGES
15 (See Rule 57.03(a)(2)(a) and Sec. 492.390 RSMo 1985.)
16 Deposition of WILLIAM B. PAPAGEORGE taken January 18, 1995
17 at Thompson & Mitchell, St. Louis, Mo 63101
18 Total number of pages: 102
19
20 Name and address of the person having custody of the original
21 deposition transcript: Wright & Schiffman
22 700 G Street, N.W. Suite 600
Washington, D.C. 20005
(X) For signature:
Tax info re attorney taking deposition:
Attendance of reporter and notary fee: \$ 55.00
Transcription fee, orig. & 1 copy: \$21.30
Exhibit copying charge: 11.54
TOTAL TO BE TAXED IN FAVOR OF TENN. PIPELINE: \$387.84
Tax info re attorneys ordering a copy:
Copy of transcript: \$117 30
Exhibit copying charge: 11 84
TOTAL TO BE TAXED IN FAVOR OF Penns. Advoc.: \$128. 84
TOTAL TO BE TAXED IN FAVOR OF Monsanto: 518. 84
TOTAL TO BE TAXED IN FAVOR OF Tenn. PCB Group: \$128. 84
TOTAL TO BE TAXED IN FAVOR OF Joint Intervenor: \$128. 84
Upon delivery of transcripts, the above charges had not yet
been paid. It is anticipated that all charges will be paid
in the normal course of business.

\$[1] 102:14	71:13 71:18 86:4	77[1] 2:21	28:10 28:16 28:19	79:8 79:9 79:19
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