

FOSHEE & TURNER COURT REPORTERS

1 IN THE UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF ALABAMA

3 EASTERN DIVISION

4
5 WALTER OWENS, et al.,)

6 Plaintiffs,)

7)

8 vs.) CIVIL ACTION NO.

9) CV-P-440-E

10 MONSANTO COMPANY,)

11 Defendant.)

12
13 DEPOSITION OF: JESSE ABERNATHY

14
15 In accordance with Rule 5 (d) of The

16 Alabama Rules of Civil Procedure, as Amended,

17 effective May 15, 1988, I, TAMMY JENNINGS

18 GREGORY, am hereby delivering to MR. LARRY WRIGHT

19 the original transcript of the oral testimony

20 taken on the 27th day of October, 1999, along

21 with exhibits.

22 Please be advised that this is the same and

23 not retained by the court reporter, nor filed

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1 with the Court.

2 The deposition of Jesse Abernathy was taken
3 before Tammy R. Jennings Gregory, commencing at
4 1:20 P.M. on the 27th day of October, 1999, by
5 the Plaintiffs, at the law offices of Fite &
6 Miller, Anniston, Alabama pursuant to the
7 stipulations set forth herein.

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1 A P P E A R A N C E S

2

3 Appearing For The Plaintiffs:

4 MITHOFF & JACKS, LLP

5 By: Larry Wright, Esquire

6 and Laura Ruth, Esquire

7 111 Congress Avenue, Suite 1010

8 Austin, Texas 78701

9

10 Appearing For The Defendant:

11 LIGHTFOOT, FRANKLIN & WHITE

12 By: Adam Peck, Esquire

13 The Clark Building

14 400 20th Street North

15 Birmingham, Alabama 35203-3200

16

17 SMITH, HELMS, MULLISS & MOORE

18 By: Michael E. Kelly, Esquire

19 300 North Greene Street, Suite 1400

20 Greensboro, North Carolina 27401

21

22 Court Reporter:

23 Tammy R. Jennings Gregory

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12 EXHIBITS

13

14 (No exhibits were offered for identification,

15 admitted, or attached as exhibits hereto.)

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

2

3 IT IS STIPULATED AND AGREED by and
4 between the parties through their respective
5 counsel that the deposition of Jesse Abernathy
6 may be taken before Tammy R. Jennings Gregory, at
7 the law offices of Fite & Miller, Anniston,
8 Alabama on the 27th day of October, 1999.

9

10

11 IT IS FURTHER STIPULATED AND AGREED that
12 the signature to and the reading of the
13 deposition by the witness is waived, the
14 deposition to have the same force and effect as
15 if full compliance had been had with all laws and

16 rules of court relating to the taking of
17 depositions.

18

19

20 IT IS FURTHER STIPULATED AND AGREED that
21 it shall not be necessary for any objections to
22 be made by counsel to any questions, except as to
23 form or leading questions, and that counsel for

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1 the parties may make objections and assign
2 grounds at the time of trial or at the time said
3 deposition is offered in evidence or prior
4 thereto.

5

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7 IT IS FURTHER STIPULATED AND AGREED that
8 the notice of filing of the deposition is waived.

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1 STATE OF ALABAMA, CITY OF ANNISTON,
2 OCTOBER 27, 1999,
3 1:20 P.M.,

4

5 JESSE ABERNATHY,

6 having been first duly sworn, was examined and
7 testified as follows:

8

9 COURT REPORTER: Usual stipulations

10 okay?

11 MR. WRIGHT: Yes.

12 MR. PECK: Yes.

13

14 EXAMINATION BY MR. WRIGHT:

15 Q. Okay. Before we really get started with the
16 deposition, I asked you to look over the same
17 list that I've had the other aroclor workers
18 look over, and it's most recently been marked
19 as Plaintiffs' Exhibit Number 11.

20 And you added some names, and I'm
21 going to read them out. I asked you to go
22 over the list and see if there are people
23 that you remember that worked in the aroclor

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1 department that were not already on the list.

2 And you came up with some, and so
3 let me just read out their names. Charlie
4 Gunnells?

5 A. Gunnells.

6 Q. G-u-n-n-e-l-l-s?

7 A. Uh-huh (indicating yes).

8 Q. And he's deceased?

9 A. Uh-huh (indicating yes).

10 MR. PECK: You have to answer out
11 loud yes.
12 Q. (By Mr. Wright) Number forty-seven is Ray
13 Kimbrell. And is that spelled
14 K-i-m-b-r-e-l-l?
15 A. Yes.
16 Q. And you don't think he's deceased?
17 A. I don't think so. I hadn't heard if he is.
18 Q. Forty-eight is Tommy Patterson, and you don't
19 think he's deceased?
20 A. I don't believe so. As far as I know, he's
21 not.
22 Q. Forty-nine is Barker Curry, and he was a
23 foreman in the department?

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1 A. Right.
2 Q. And he is not deceased either?
3 A. He's ninety-eight. He's not in the best of
4 health, but he's still hanging in.
5 Q. Number fifty is Henry Smith who is deceased?
6 A. Yes.
7 Q. Number fifty-one is Aaron Taylor, and you

8 don't believe he's deceased?

9 A. No.

10 Q. Are you pretty sure about him?

11 A. I'm real sure.

12 Q. Fifty-two is Pete Vaughn, V-a-u-g-h-n, and he

13 is deceased?

14 A. Yes.

15 Q. Fifty-three is Charles Norton, and you don't

16 believe he's deceased?

17 A. No, he's not.

18 Q. Number fifty-four is "Granny" Norton. Granny

19 was his nickname?

20 A. Right.

21 Q. You can't remember his real name?

22 A. Right.

23 Q. But it was not Charles Norton. He's

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1 different from Charles Norton?

2 A. Right.

3 Q. And he is deceased?

4 A. Yes.

5 Q. Okay.

6 MR. PECK: Just for the record, you
7 might want to ask him his name.

8 MR. WRIGHT: Yeah, although I guess
9 she'll put it on there but --

10 Q. Mr. Abernathy, my name is Larry Wright, and
11 I'm representing a group of people in a
12 lawsuit against Monsanto. You understand
13 that, right?

14 A. Yes.

15 Q. Are you still working out at the plant?

16 A. Yes.

17 Q. Okay. All right. Well, we'll get into all
18 that in just a minute. Let me ask you about
19 a few other people and see if this rings any
20 bells.

21 I'll tell you what --

22 MR. WRIGHT: Off the record.

23 (Discussion off the record.)

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1 Q. (By Mr. Wright) Thank you for going through
2 that before we started the deposition. I
3 appreciate it.

4 Have you ever given a deposition

5 before?

6 A. Well, describe deposition. What do you mean

7 by deposition?

8 Q. What we're doing here today with a lawyer

9 asking you questions and a court reporter

10 writing down the answers. Have you ever done

11 that before?

12 A. I've talked to the attorneys, really not a

13 court reporter.

14 Q. Talked to Monsanto's attorneys or other

15 attorneys?

16 A. Other attorneys. Personal business.

17 Q. Oh, okay. Yeah. No, I'm not interested in

18 that. So as far as you recall, you've never

19 been in a room with a court reporter writing

20 down everything that you say and somebody

21 asking you questions?

22 A. No, I haven't.

23 Q. Okay. Let me explain what a deposition is

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1 and make sure you understand it. I think you

2 probably do, but if I put it on the record
3 then we all know that.
4 So you understood that she's
5 writing down everything -- every question
6 that I ask you and every answer you give?
7 A. (Witness nods head.)
8 Q. You understand that?
9 A. Yes, uh-huh (indicating yes).
10 Q. Would you be sure to answer out loud because
11 she's writing down the answers, and they
12 don't like to write down head nods and head
13 shakes and things like that?
14 A. Okay.
15 Q. Okay?
16 A. Okay.
17 Q. Do you need a piece of paper?
18 A. Yeah.
19 Q. Did you just think of another name?
20 A. Uh-huh (indicating yes).
21 Q. Okay.
22 A. Is this good or bad me adding all these
23 names?

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1 MR. PECK: It's fine. They're not
2 going to be real happy with you when they all
3 get deposed, but we won't tell them that's
4 where their name came from.

5 Q. (By Mr. Wright) We'll probably run out of
6 gas before we depose them all. Paul Gray.

7 A. That's something we didn't cover.

8 Q. Paul Gray and Tommy Whaley. Is that
9 W-h-a-l-e-y?

10 A. Yes.

11 Q. Are either of them deceased?

12 A. Both of them are.

13 Q. Okay.

14 A. That was names I just remembered I didn't
15 think was on there.

16 Q. Okay. So fifty-five will be Paul Gray, and
17 he's deceased. And then fifty-six will be
18 Tommy Whaley, and he's deceased also.

19 Q. I'm going to leave this here in front of you
20 in case anymore come to mind.

21 A. I think I'm going to quit thinking.

22 Q. As I was saying, if you answer verbally, she
23 can write it down, so try to remember to do

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1 that, and sometimes we'll have to remind you.

2 Sometimes the way I remind you is

3 I'll just point to the court reporter, and --

4 A. Okay.

5 Q. -- that will remind you to give out a verbal

6 answer.

7 You understand that this testimony

8 is being taken under oath; right?

9 A. Yes.

10 Q. And that the oath is the same oath you would

11 take if you were to testify in front of a

12 Judge and jury in a courtroom?

13 A. Right.

14 Q. You understand that?

15 A. Yes.

16 Q. And that the testimony carries the same force

17 and effect as if you were sitting in front of

18 a Judge and jury?

19 A. Yes.

20 Q. Let me ask you just a couple of things. If I

21 ask you a question that you don't understand,

22 stop me, and I'll try to rephrase it in a way

23 that you do understand. Okay?

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1 A. Okay.

2 Q. You've been pretty good about doing that so
3 far, so I assume that won't be a problem.

4 Only answer a question that you
5 understand though. Okay?

6 A. Okay.

7 Q. Don't try to answer it if you don't
8 understand it. We've got plenty of time, and
9 we'll work it around to both of us are on the
10 same page. Okay?

11 A. Okay.

12 Q. When did you start work for Monsanto?

13 A. May the 8th, 1961.

14 Q. And what was your first job?

15 A. Operation in chlorine plant.

16 Q. In the chlorine plant?

17 A. Chlorine department.

18 Q. How long did you stay in that job?

19 A. Somewhere around three months. I was hired
20 as temporary as vacation relief, and then
21 when vacation was over, there was an opening
22 in the aroclor department, so I transferred

23 over there.

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1 Q. How old were you when you started work?

2 A. Around twenty-two.

3 Q. So you would have started working the aroclor
4 department in 1961?

5 A. About August of '61. Somewhere around
6 August.

7 Q. And how long did you work in the aroclor
8 department?

9 A. I don't remember exactly. I could have
10 checked some records I guess, but somewhere
11 around maybe nine years. Something like
12 that.

13 Q. So you left the aroclor department around
14 1970?

15 A. Something like that. Somewhere around there.

16 Q. Where did you go then?

17 A. Well, I transferred to shipping department
18 warehouse for the day jobs and off most
19 weekends. I never did like shift work too
20 much.

21 Q. Was it the aroclor shipping department?
22 A. Yes. We shipped everything out of the -- at
23 that time, we only had one warehouse. We

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1 shipped everything out of it.
2 Q. And how long did you stay in the shipping
3 department?
4 A. At that time, around five years. I don't
5 remember exact dates or exactly how long.
6 Q. So that would have been from about 1970 to
7 about 1975?
8 A. Something like that.
9 Q. And then where did you go?
10 A. I went to maintenance electrician.
11 Q. And were you working in the south shop or the
12 north shop?
13 A. Most of the time electricians had our own
14 shop, you know, centrally located.
15 Q. Okay.
16 A. Most of the time out of that shop. But most
17 of the time, I worked around the north area,
18 niran department. I'd worked some in aroclor

19 department as maintenance electrician but
20 mostly in the niran area.
21 Q. Okay. Then where did you go?
22 A. I went back to shipping and receiving
23 warehouse.

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1 Q. Do you remember what year that was?
2 A. Not exactly. I don't remember exactly.
3 About '85. Something like that, '84. I
4 don't remember exactly.
5 Q. And how long did you stay in that job?
6 A. I'm still there.
7 Q. Okay. All right. In the shipping
8 department, were you involved in taking stuff
9 to the landfill?
10 A. Yes, that was part of our job sometime.
11 Q. When did they put the TP incinerator over
12 there?
13 A. I don't remember --
14 Q. Was it there when you --
15 A. -- exact date.
16 Q. -- started in '70?

17 A. No, it came later. When I went the second
18 time, they had it, but the exact date, I
19 don't remember.

20 Q. About how long after you started on the
21 shipping department did they put the TP
22 incinerator up?

23 A. If I remember correctly, they installed that

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1 while I was at instrument electrician during
2 the time I was out of the shipping
3 department. And when I came back to the
4 shipping department, they had it up, you
5 know.

6 But the exact year, I don't
7 remember exact dates.

8 Q. So you think they put it up after '75?

9 A. I don't remember exact dates, but seemed like
10 -- I just don't remember exactly when they
11 put that up.

12 Q. Are you sure that it was not there when you
13 started in shipping the first time?

14 A. I just don't believe it was. I don't believe

15 it was.

16 Q. When did they stop using the TP incinerator?

17 A. I don't remember exact dates. I don't

18 remember these dates.

19 Q. Was it in the '80s, in the 1980s?

20 A. I believe it was cause seemed like when I

21 went back to the warehouse, we didn't keep it

22 long after that. I just don't remember exact

23 dates.

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1 Q. Okay. You do remember using it in your

2 second tour in the shipping department?

3 A. I believe that's the only time I used it,

4 that second year.

5 Q. Okay. Can you describe the landfills in 1970

6 when you first started in the shipping

7 department?

8 A. Can I describe it?

9 Q. Yes, sir.

10 A. Well, what they would do is go up there and

11 dig out a trench, pick a good spot and line

12 it and keep it lined best way they could to

13 contain everything we put in there. And the
14 drums we took up were, you know, sealed,
15 fastened up good.

16 And they did all they could to
17 contain the material. And we would take it
18 up and unload it. And the contractor would
19 keep it buried, you know, and cleaned up.

20 Q. Who was the contractor?

21 A. I don't remember those names.

22 Q. Did y'all have any role in burying it, or did
23 you just haul it up there and dump it up out?

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1 A. We just hauled it up and unload it, and it
2 was somebody else's then.

3 Q. When you first started going, did everything
4 go to one hole?

5 A. What they would do is fix one place -- they
6 had different places for different things,
7 and they'd use that one place until it got
8 kind of full, and they'd seal it off and make
9 another one. But they had different areas
10 for different things.

11 Q. In 1970, they did?
12 A. Seemed to me like they did, always had
13 different places for different things, you
14 know.
15 Q. Okay. Which things went together?
16 A. Well, they kept -- best I remember, they kept
17 the sulfur separate, you know, from the other
18 things.
19 Q. Kept the sulfur separate?
20 A. Uh-huh (indicating yes).
21 Q. What else?
22 A. I don't remember exactly how they had that
23 laid out.

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1 Q. Do you remember when the land -- the south
2 landfill had to be moved, the old south
3 landfill had to be moved for the road?
4 A. Huh-uh (indicating no), that was before my
5 time.
6 Q. That was before 1970?
7 A. I don't remember anything about having to
8 move a landfill. I wasn't involved with all

9 that.

10 Q. How would y'all take stuff up to the
11 landfill?

12 A. Well, we had a truck called a stake truck,
13 ton and a half, and we hauled some drums up
14 on it, and then we had another truck called
15 dumpster we took the paper containers, paper,
16 you know, skips, paper skips on. That's
17 mostly the way we did it.

18 Q. What's a skip? I've heard that expression
19 used, and I'm not real clear on it.

20 A. You've probably seen these blue ones that
21 BFI's got sitting around. That's one type
22 skip.

23 We had different types. We have

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1 some similar to that we used and some just
2 open top, you know, maybe half that size that
3 we use.

4 Q. By skip, are you talking about a dumpster?

5 A. Dumpster, yeah, dumpster.

6 Q. And those would be filled with what?

7 A. Mostly the paper and paper and things from
8 the offices and all went in the skips, you
9 know, in most of the skips that we used.

10 Q. Would rags go in there?

11 A. Usually the rags -- if they were not
12 contaminated they would go in there, but
13 anything that was contaminated we usually
14 kept drums for this, and then we got the drum
15 full, we'd just seal it up to contain these
16 items, you know.

17 Q. What jobs did you have in the aroclor
18 department?

19 A. I ran chlorinators, aroclor stills, HB40,
20 load, unloaded, made muriatic acid.

21 Q. There was a question came up in the last
22 deposition, you may be able to answer. Do
23 you remember using therminol in the HB40

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1 process?

2 A. Using therminol in HB40 process?

3 Q. Yeah, I don't mean as an ingredient. I mean
4 in the heat exchanger or heat exchanging

5 process?

6 A. We had these -- I think we had these items to
7 heat and cool, you know, that we used to heat
8 systems, tanks and things.

9 Q. Okay. Did you ever drain that therminol or
10 add to it?

11 A. Usually I think the maintenance did a lot of
12 that.

13 Q. Do you remember them doing it?

14 A. I'll be around, and sometimes we would assist
15 and help with it, you know, and things.

16 Q. What kind of therminol did they put in there?

17 A. It was a liquid therminol, something that
18 would heat good and circulate good.

19 Q. Was it one that was made out of aroclors?

20 A. I don't remember just what all ingredients
21 was in this material.

22 Q. Where would you get the therminol to put in
23 there?

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1 A. There would be some that was made in the
2 plant, some we had in drums or some kind of

3 containers there.

4 Q. What kind of therminol did you make at the
5 plant?

6 A. What kind?

7 Q. Yes, sir.

8 A. We had different kind they called 1248, 1142,
9 1160, 1154. I don't remember just everything
10 that we --

11 Q. Now, is that the therminol or the aroclor? I
12 was asking you what kind of therminol you
13 made at the plant.

14 A. I've heard it called therminol and about
15 everything.

16 Q. Okay.

17 A. About what I heard it called.

18 Q. So for your purposes, therminol and aroclor
19 mean basically the same thing?

20 MR. PECK: Object to the form of
21 the question.

22 Q. (By Mr. Wright) You can answer.

23 MR. PECK: You can answer. I'm

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1 just objecting to the form of the question.

2 I don't think that's what you said, but go
3 ahead.

4 You can have her read it back if
5 I've messed you up entirely or something.

6 When I object to the form of the
7 question, it's just because I think there's
8 something wrong with it, but you still have
9 to answer. Okay?

10 THE WITNESS: Okay.

11 MR. PECK: Try the question again,
12 Larry.

13 Q. (By Mr. Wright) Yeah. In your mind,
14 therminol and aroclors mean basically the
15 same thing and you can use the words
16 interchangeably?

17 A. Well, are you thinking aroclor is solid
18 or --

19 Q. No. Well, I mean, I know that there are
20 solid aroclors, but that's not what I'm
21 thinking for this question.

22 The only reason I asked that is
23 because you said you've heard it called both

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1 things, therminol and aroclor and other
2 things as well. And I assumed you were
3 talking about the stuff you would make in the
4 chlorinators there in the aroclor department.

5 Is that what you were talking about?

6 A. Well, you mentioned therminol.

7 Q. Right. I'm just -- right now I'm just trying
8 to figure out what y'all put in the heat
9 exchangers in the HB40 process.

10 A. Uh-huh (indicating yes). It was a liquid
11 material, the liquid, and you called it
12 therminol or --

13 Q. Right. Was it an aroclor is what I'm asking?

14 A. Was it an aroclor?

15 Q. Yes, sir.

16 A. I don't know what all they called it. You
17 have to talk to a lab specialist, somebody
18 that knows. I don't know what all they
19 called it.

20 MR. PECK: I don't think he knows,
21 Larry.

22 Q. (By Mr. Wright) Well, when you got it to put
23 it in there, either to top it off or switch

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1 it out, what did you put in there?

2 A. But really back in the older days, I didn't
3 hear much about therminol. We just mostly,
4 you know, aroclor.

5 Q. Okay. That's all I'm asking is was the stuff
6 that you put that heat exchanger in the HB40
7 area an aroclor or an aroclor mixture?

8 MR. PECK: Object to the form of
9 the question. No foundation.

10 THE WITNESS: Well, like I say, we
11 didn't hear much about therminol back in the
12 early days. Most all we ever heard was
13 aroclor, you know.

14 Q. (By Mr. Wright) Okay. So when it was time
15 to either add some fluid or replace the fluid
16 in the heat exchangers, you would get some of
17 the aroclor that you made at the plant to put
18 in there?

19 MR. PECK: Object to the form of
20 the question. No foundation.

21 THE WITNESS: Well, one thing back
22 in those days, we didn't have many of the
23 heat exchanges like we got now. We just

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1 didn't have many, so we didn't need much
2 replacement or anything.

3 Usually when they installed it, it
4 just run. And I don't remember draining the
5 system or adding anything to it really.

6 Q. (By Mr. Wright) Well, earlier on, you told
7 me that you would help the maintenance guys
8 do that.

9 A. We didn't do much. We didn't do much.
10 Wasn't much to be done. Just wasn't much to
11 be done.

12 But anything the maintenance did in
13 our department, we helped if we could if they
14 needed us, but I don't know the details about
15 all this. I just don't know.

16 MR. WRIGHT: Let's go off the
17 record for a second.

18 (Discussion off the record.)

19 Q. (By Mr. Wright) We got these names from a
20 fellow a week or two ago of people that he
21 remembered had worked in the aroclor

22 department, and there are a few names that
23 are not on this list that's Plaintiffs'

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1 Exhibit Number 11.

2 I'm going to read the names off,
3 and if you could, I'd like for you to tell me
4 first of all if you remember that they did
5 work in the aroclor department, and then
6 second, of course, if they're deceased.

7 A. Okay.

8 Q. Okay. The first name is William Kennerly.

9 Do you remember him?

10 A. William Kennerly. I believe so. I believe
11 he did work in the aroclor department.

12 Q. Okay. Fred Lackey?

13 A. Fred Lackey?

14 Q. Yeah, Fred Lackey?

15 MR. PECK: Do you want to make sure
16 Kennerly is alive or deceased?

17 Q. (By Mr. Wright) Is Kennerly alive or dead?

18 A. I think he's dead. And Fred Lackey did work
19 there. He was chief operator when I was

20 there.

21 Q. Is he alive or dead?

22 A. He is still alive, but he's in pretty bad

23 health.

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1 Q. Now, there's an L. D. Lackey. Is that the

2 same person?

3 A. L. D. is a nephew, I think, of Fred's.

4 MR. PECK: Is Fred alive or dead?

5 I'm sorry. I missed it.

6 MR. WRIGHT: Fred is alive, but

7 he's in real poor health.

8 THE WITNESS: Uh-huh (indicating

9 yes), he's getting on up pretty old.

10 Q. (By Mr. Wright) Do you know what health

11 problem he's got?

12 A. No. He's getting pretty old. I really don't

13 know.

14 Q. Bill Hughes.

15 MR. WRIGHT: That's the guy we

16 deposed. But he's not on the list, is he?

17 MR. PECK: He wrote the list.

18 MR. WRIGHT: We better put him on
19 the list.

20 THE WITNESS: Bill Hughes did
21 work in aroclor.

22 Q. (By Mr. Wright) Yeah, and he is still alive.

23 A. Uh-huh (indicating yes).

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1 Q. Neil Steen?

2 A. He's dead.

3 Q. Did he work in the aroclor department?

4 A. He did work there.

5 Q. Okay. And the note I have says he died of
6 cancer. Is that your understanding?

7 A. I don't know.

8 Q. Don Robertson?

9 A. Donald Robertson?

10 Q. Uh-huh (indicating yes).

11 A. Don is still working. I don't think he ever
12 worked in the aroclor department much.

13 Q. This says he worked in the flaking
14 operation.

15 A. He may have.

16 Q. Does that ring a bell?

17 A. He may have. I don't know.

18 Q. Okay.

19 MR. PECK: Say he's still working
20 at the plant?

21 THE WITNESS: Still working, yes.

22 Q. (By Mr. Wright) Thomas Bell in the biphenyl
23 department?

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1 A. Bell. Thomas did work. I think he passed
2 away.

3 MR. PECK: Is that Toby or is that
4 different, Thomas Bell?

5 MR. WRIGHT: That's different.

6 Q. Thomas Bell, did he work in the aroclor
7 department?

8 A. I think he did.

9 Q. Okay. And he's passed away?

10 A. I think so.

11 Q. Then J. T. Bell, which I think is Toby, did
12 he work in the aroclor department?

13 A. Toby Bell?

14 Q. Yeah.
15 A. I don't remember him.
16 Q. Okay. I don't think these guys are aroclor
17 because the next guy on the list is J. L.
18 Brown.
19 Jesse Corder. That's probably
20 Jesse Corder, C-o-r-d-e-r. Do you remember
21 Jesse Corder by any chance?
22 A. Corder?
23 Q. Yeah.

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1 A. I don't remember Jesse Corder.
2 Q. Fred Turner?
3 A. He was a laborer. Fred Turner, I remember
4 him. I think he's deceased. I'm not sure.
5 MR. PECK: Was he in aroclor?
6 THE WITNESS: He did work in
7 aroclor some.
8 Q. (By Mr. Wright) Aroclor laborer, and he's
9 deceased, you believe?
10 A. Uh-huh (indicating yes).
11 Q. Right? You believe he's deceased?

12 A. I think so. I believe so.

13 Q. Okay. Thank you.

14 MR. PECK: Did you -- I'm not

15 telling you how to do things, but --

16 MR. WRIGHT: Tell me how to do it.

17 MR. PECK: Were you going to add

18 the names that we determined were in the

19 aroclor to that list so we have a master

20 list?

21 MS. RUTH: Yeah.

22 MR. WRIGHT: What she's gonna do --

23 MS. RUTH: I'm going to bring it up

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1 to Latrice and let her type it all in

2 alphabetical order for us, but I'll leave

3 this here.

4 MR. PECK: I'm sorry. What I

5 meant, are we just going to go ahead and add

6 the five or so new names right now to this?

7 MR. WRIGHT: Do you want to add

8 them to that right now? We're about out of

9 room is the problem.

10 MS. RUTH: Plus they're not really
11 from his memory, but you can.

12 MR. WRIGHT: Yeah, let's do them.
13 I'll write them down. I guess we can go off
14 the record.

15 (Discussion off the record.)

16 Q. (By Mr. Wright) I think I know what you're
17 going to say to this, but let me ask it
18 anyway. What kind of spills and leaks do you
19 remember around the aroclor department?

20 A. Well, one thing about spills and leaks, we
21 tried to keep those as small as we could and
22 get them up as quick as we could. So that's
23 what we always did any kind of spill or leak.

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1 Q. Okay. Well, let me show you something and
2 see if you remember this. Do you remember in
3 November of 1969 a spill of fifteen hundred
4 gallons?

5 A. Goodness. '69?

6 Q. Yeah, I believe it was November the 6th of
7 1969. Does that ring a bell?

8 A. No, it don't. How did this get spilled?
9 Q. I believe they said a pipe busted. Let's
10 see.
11 MR. PECK: He wasn't there.
12 Q. (By Mr. Wright) I wasn't there.
13 A. Where was it?
14 Q. Yeah. The line on the bottom of the number
15 three aroclor still receiver failed.
16 A. Goodness.
17 Q. And fifteen hundred gallons of aroclor 1242
18 went to the sewer. I take it you weren't on
19 duty that day or on that shift in any event?
20 A. I don't remember that.
21 Q. Okay. Just for the record, that's a memo
22 from Bunkey Wright to Bill Papageorge, and
23 it's DSW014093.

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1 Do you remember any other spills
2 like that?
3 A. No, I don't.
4 Q. Okay. I've seen reference in the documents
5 around -- well, actually I think it was on up

6 in 1970 of a four-hundred-gallon spill and
7 then a two-hundred-gallon spill. Do you
8 remember any of those?

9 A. No, I don't. Does it say what it was or when
10 it was?

11 Q. They were aroclors, and I don't have those
12 documents in front of me, so -- I just
13 remember seeing them.

14 A. I don't remember those.

15 Q. So you're saying you don't remember a single
16 big spill in your nine years in aroclor
17 department?

18 A. I don't.

19 Q. Okay. Did you ever examine Snow Creek?

20 A. No, I didn't. I -- no, I didn't.

21 Q. What were you going to say?

22 A. I don't know just who did that, whose job
23 that was to do that. That wasn't, you know,

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1 part of ours.

2 Q. Did you ever have anything to do with the
3 drainage ditch that ran down to the limestone

4 ponds, limestone pits?

5 A. (Witness shakes head.) That wasn't part of

6 our job.

7 Q. Which aroclor, aroclors, do you remember

8 making when you left the aroclor department

9 in 1970?

10 A. We had a solids aroclor we called 5460. I

11 made that. And we had some liquid material

12 1160, 1154, 1142, 1148.

13 Then we had some blends that we

14 made. But exactly all of the names of those,

15 I don't remember just everything.

16 Q. Do you remember any of the blends?

17 A. I don't remember what they called them. I

18 just don't remember.

19 Q. Do you remember what they were blends of?

20 A. They would mix the materials that we had to

21 make different things.

22 Q. Which materials?

23 A. The materials that were made there. Some --

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1 Q. They'd mix the different aroclors, you're

2 saying?

3 A. Right, and make blends, and sometime they
4 would add, you know, just according to
5 whatever they wanted to make, you know.

6 Q. This is one question that I should have asked
7 before, but I don't think I have. What did
8 the aroclors look like, the different
9 aroclors?

10 A. Well, the solids once it got finished and
11 cool, it was kind of a bright dark red color
12 or something like that.

13 Then most of your liquids that were
14 made was dark, maybe towards black, you know.
15 Different colors. All of them wasn't the
16 same thing. Some darker than others; some
17 lighter.

18 Q. That's what I'm asking. Which ones -- for
19 example, what did 1242 look like?

20 A. It was kind of one of the thinner materials
21 that wasn't so very dark, but it still had
22 some coloring in it, you know.

23 Q. What color was it? I mean, what tint? I

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1 guess you're saying it was kind of tinted?

2 A. Right.

3 Q. What tint did it have? Was it yellow or

4 brown or red or green?

5 A. Kind of brown.

6 Q. Okay. Was it kind of like whiskey colored?

7 A. Maybe a little darker than whiskey I've seen.

8 Q. Kind of like ice tea, maybe?

9 A. Maybe.

10 Q. What about 1148?

11 A. It was a little -- well, the higher it got in

12 numbers, the thicker it got and the darker it

13 got, you know.

14 Q. I'm calling it 1148, but what I really want

15 to really ask about is the 1248, the finished

16 aroclors. You understand that; right, even

17 though I said it wrong?

18 A. Yeah.

19 Q. Was your answer for 1242 the ice tea color?

20 A. Yeah. Now 48 would have been a little

21 darker, you know, the way I remember it, the

22 darker or thicker. The higher number you

23 got, the thicker it got.

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1 Q. Did it also get darker the higher you went?

2 A. I believe so.

3 Q. What did 1221 look like?

4 A. It was kind of thin. I remember we made that

5 stuff. It would work off pretty quick, you

6 know, kind of thin and lighter.

7 Q. What did biphenyl look like just out of

8 curiosity?

9 A. Biphenyl?

10 Q. Uh-huh (indicating yes).

11 A. Well, biphenyl once it got finished was a

12 white, kind of white product, you know. You

13 flaked it and everything, and it was white

14 crystal like.

15 Q. Like sugar maybe?

16 A. Yeah.

17 Q. Okay. And then the solid aroclors, you said

18 were dark red --

19 A. (Witness nods head.)

20 Q. -- colored?

21 A. Yes, yes it was.

22 Q. And you remember making which ones in 1970?

23 I'm sorry. I missed that.

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1 A. We made all the different types of material

2 on a chlorinator.

3 Q. Okay. Up until you left --

4 A. Right.

5 Q. -- you were still making the full range of

6 them?

7 A. Right.

8 Q. Okay. What was your understanding of why the

9 aroclor plant shut down?

10 A. Well, I was on vacation. I think I'd --

11 after I'd left the aroclor department, I went

12 to shipping department.

13 And I saw some of the fellows that

14 lived out near us, and they said they heard

15 they'd found some PCBs in turkey food

16 somewhere and they're going to shut it down.

17 That's the first I heard.

18 And they were fixing to expand the

19 department, already had the trailers in and

20 contractors and all. So that was very

21 disheartening.

22 Q. Had they already started the expansion

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1 A. Well, not -- they just, I think, had the
2 plans and the trailers in to get prepared. I
3 don't believe they'd really started on
4 anything as far as the ground work and all.
5 Best I remember they had not.

6 Q. Do you remember what the expansion was going
7 to be?

8 A. One statement I heard was they was going to
9 double the size of the aroclor department.

10 Q. How long after you hearing that about the
11 PCBs in the turkey food was it before the
12 plant actually shut down? And it's my
13 understanding they shut down on liquids first
14 and solids later; is that your understanding?

15 A. I believe that's the way it was.

16 Q. How long was it until they shut down on the
17 liquids from the time you heard that
18 statement until the time they shut it down?

19 A. I don't remember exactly. I don't remember.
20 Just seemed like it wasn't very long though,

21 but I don't remember exactly.
22 Q. Were you involved in taking the plant
23 apart --

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1 A. No.
2 Q. -- the aroclor plant?
3 A. Seemed like they contracted that. They came
4 in and a contractor did most of that.
5 Q. Do you know which contractor it was?
6 A. No.
7 Q. Do you know what they did with the --
8 A. No.
9 Q. -- old pieces of the plant?
10 A. No. See, that was nothing to do with my job.
11 Q. I believe that's all I have. Thank you very
12 much.
13 A. Thank you.
14
15 (Deposition concluded at 2:40 p.m.)
16 FURTHER THE DEPONENT SAITH NOT.
17
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1 C E R T I F I C A T E

2

3 STATE OF ALABAMA)

4 CALHOUN COUNTY)

5

6 I HEREBY CERTIFY that the above and
7 foregoing transcript was taken down by me in
8 stenotype, and the questions and answers thereto
9 were transcribed by means of computer-aided
10 transcription, and that the foregoing represents
11 a true and correct transcript of the testimony
12 given by said witness.

13 I FURTHER CERTIFY that I am neither
14 of counsel, nor of any relation to the parties to
15 the action, nor am I anywise interested in the
16 result of said cause.

17

18

19

20

21 TAMMY R. JENNINGS GREGORY

Notary Public, State of Alabama

22 MY COMMISSION EXPIRES: 9-12-2001

23

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