from Joseph Calandra whose deposition we just heard, president of IBT to George J. Levinsksas whose deposition we will read and summarize later today.

This document is dated August 4, 1975, and it's addressed to the enviromental assessment and toxicology department at Monsanto. Dr. Calandra notes in Paragraph No. 1 of that letter:

"We will amend our statement in the last paragraph on Page 2 of the Aroclor 1254 report" --

Which is the same report that Dr. Francher referred to in the earlier exhibit.

-- "to read: 'Does not appear to be carcinogenic' in place of 'slightly tumorogenic' as requested."

And, Your Honor, we would then read short excerpts from the summary of the deposition of Robert E. Shirley, who was director of personnel at Monsanto.

The witness is Robert E. Shirley

employed by Monsanto for the past 22 years.

Mr. Shirley is manager of the personnel -- manager of personnel for technical staff and is responsible for hiring and firing employees who work on the enviromental policy staff, medicine enviromental health, patent and corporate research staffs.

Mr. Shirley also reviewed merit reward for employees whose conduct benefited Monsanto. Dr. Wright was the toxicology manager of the medicine and enviromental health departments and in 1976 received -- and in 1976 received a cash bonus for forestalling EPA's promulgation for unrealistic regulations to limit discharges of polychlorinated biphenyls.

Dr. Wright subsequently received another merit award and pay raise, all in less than one year. The merit award for the EPA-PCB matter was recommended by Dr. Levinsksas and approved by Dr. Roush.

Subsequently Dr. Wright was indicted and convicted of criminal actions. During the period of time between investigation,

indictment and conviction, Monsanto, one, paid for Dr. Wright's attorneys' fees in the amount of $1,400,000; was still paid to prepare technical safety papers for Monsanto products at regular pay; was eventually given a pay leave of absence through the conclusion of the trial; was terminated in February of 1984, for "engaging in activities detrimental to Monsanto's interest."

With regard to Paul Wright's criminal indictment and the payment of his attorneys' fees, the manager of personnel said -- and I will read the questions if I could get Mr. Henderson to read the answers. It's a very short offer.

(Reading from video deposition)

Q Are you aware that Monsanto paid for Dr. Wright's attorneys' fees?

A Yes.

Q Are you familiar with the amount that Monsanto paid for Dr. Wright's criminal lawyers?

A No, I'm not.

Q Do you know of any other incident since you

have been employed by Monsanto where Monsanto has paid the attorneys' fees for the criminal lawyer hired to represent an individual?

A I'm not, personally.

Q No other incident that you can recall?

A That I recall.

Q When did you first learn that Monsanto had actually hired or paid for the lawyers that represented Dr. Wright in his criminal trial?

A Direct information that I can swear to?

Q Yes.

A I don't know it, yet.

Q When did you first learn about it indirectly?

A In the -- in the last week or so.

Q And you learned for the first time that Monsanto had paid for Dr. Wright's criminal defense sometime during the month of June of 1987?

A Yes.

Q Within the last week or so before your deposition here today?

A That's correct.

Q Did anyone tell you the amount that Monsanto had spent to criminally defend Dr. Wright?

A No, they did not.

(End of reading)

MR. POHL: Regarding the termination of Dr. Wright's employment, Mr. Shirley testified as follows:

(Reading from video deposition)

Q And the actual decision to terminate Dr. Wright was made at a level in the company that was higher than your level; is that correct?

A That's correct.

Q Even though you were the manager of personnel for the technical staff?

A Yes.

Q And would it be fair to say that what happened with regard to hiring a criminal lawyer for Dr. Wright, paying $1,400,000 in connection with Dr. Wright's criminal defense, putting Dr. Wright on a paid leave of absence, all of those were decisions that you either didn't know about or weren't asked about?

A Totally.

Q Is that correct?

A That's correct.

Q With regard to some of those matters, you didn't find out about it until about a week before your deposition?

A Part of what you have just said I have found out now.

Q All right. You didn't know, for example, until I just told you, that your company had paid $1,400,000 to help sustain Dr. Wright's defense fund?

A That's correct.

(End of reading)

MR. POHL: The decisions to pay Dr. Wright's attorneys' fees and paying the leaving of absence occurred at levels higher than Mr. Shirley. Mr. Shirley was not aware of other instances in which Monsanto hired or paid for an employee's criminal attorney?

And this concludes our summary offer from the deposition of Robert E. Shirley.

MR. COURT: Do you have any portion of that you wish to offer, Mr. Shoebotham.

MR. SHOEBOTHAM: Your Honor, we have a very brief offer from this deposition.

Mr. Hunt will read the answers.

MR. SHOEBOTHAM: Beginning at Page 16 of the deposition, line 7.

(Reading from video deposition)

Q Okay. Tell the court and jury what the criteria are at Monsanto for receiving a merit award?

A I'm going to confine my answer to the merit budget that is appropriate to the level of the individual that we are talking about.

Q Sure.

A If that's your intent.

Q And let's, for the purposes of this question, let's assume it's somebody at the level of Paul Wright in the 1970's.

A Dr. Paul Wright was a member of select management within Monsanto. Approximately one third of the managers in select management each year would receive an award that might be as little as a thousand dollars, or as much as six weeks pay for an event that is clearly above and beyond expected performance. This might be unusually good results. It might be something that has saved the company money.

(End of reading)

MR. SHOEBOTHAM: To Page 23, line 11.

(Reading from video deposition)

Q Okay. When you -- when your department receives a document, like Levinsksas Exhibit 30, recommending someone like Paul Wright for a merit award, did you read the text of the document?

A Not usually.

Q Okay. What do you look at on the document?

A I look at the individual's current salary, compare that to the amount requested. Since these all process across my desk, I have a good feel for whether the amount is appropriate. If it is, I pass it through for payroll action.

(End of reading)

MR. SHOEBOTHAM: Go to Page 24, line 9.

(Reading from video deposition)

Q Do you know what Dr. Roush's budget was for merit awards in 1976?

A Not especially. It's based upon the number of people within his unit, their monthly salaries totaled, and a percentage applied to that. It's

a rather small budget.

Q And did anyone else in Dr. Roush's department receive a merit award in 1976 besides Dr. Wright, that you can recall?

A From specific knowledge, I can't answer that. But I can tell you that he had a budget adequate to reward about one third of his people in that employment classification. It would be most unusual for him to have not spent some other dollars.

(End of reading)

MR. POHL: To Page 28, line 1.

(Reading from video deposition)

Q Okay. So, during that same 12-month period -- I may be confused -- did he receive yet another merit award or did he receive just a pay increase?

A It's a normal merit increase. Normally most Monsanto employees are reviewed on an annual basis and might receive a merit increase between 11, 12, 13 months, perhaps longer. And that will be determined by their goals document and the results review that's performed once a year. Now, the results reviews do take place in

February-March of each year.

(End of reading)

MR. SHOEBOTHAM: To Page 31, line 17.

(Reading from video deposition)

Q Okay. What about with regard to the amount of attorneys' fees that were paid to the lawyer who represented Dr. Wright? Would that have come through your department?

A No, it would not.

Q Would the fact that a lawyer was retained to represent Dr. Wright have been a fact that was communicated to your department?

A Not at the time.

Q At any time?

A I have only recently heard that that was the case.

(End of reading)

MR. SHOEBOTHAM: Page 33, line 22.

(Reading from video deposition)

Q Okay. Well, was he on leave for the entire length of his criminal trial?

A I don't know when that started and when it stopped, but my recollection is that he was not on a paid leave more than a few months.

Q Okay. And how many months is a "few"?

A A "few" months, four, six months, perhaps.

(End of reading)

MR. SHOEBOTHAM: To Page 35, line 8.

(Reading from video deposition)

Q Has there ever been another situation that you're familiar at Monsanto where an employee was given a paid leave of absence for a period of months in connection with a criminal trial?

A For a period of time, yes.

Q How long?

A Weeks. Possibly into months. This was probably a longer one.

(End of reading).

MR. SHOEBOTHAM: To line 21.

(Reading from video deposition)

Q Okay. And are you certain that he was only on paid leave of absence for a period of months?

Or could he actually have been on leave of absence for much longer than that?

A No. I'm certain that it was a period of months.

Q Okay. And how did you obtain that knowledge?

A Just being the personnel person responsible for that department, I know when he was there and when he was not there.

(End of reading)

MR. SHOEBOTHAM: To Page 37, line 22.

(Reading from video deposition)

Q What is the function of the reports or forms that Dr. Wright would be doing in this capacity?

A What is the function?

Q Yes. What is their service?

A They are required by law -- but when I say that, I have said about all I know about that.

(End of reading)

MR. SHOEBOTHAM: Page 39, line 20.

(Reading from video deposition)

Q Okay. Did the personnel department. Have to concur in the decision to re-assign Dr. Wright to a different job function, to put him on leave of absence, to hire and pay for criminal attorneys?

A No.

Q Okay.

A I did not have to do that.

Q And to your knowledge, no one else in your department?

A To my knowledge.

(End of reading)

MR. SHOEBOTHAM: Page 42, line 19.

(Reading from video deposition)

Q Did you understand though that the guts of the charge against Dr. Wright with regard to the animal testing was that he participated in the falsifying of test data?

A No, I did not.

Q Would that have been important, or would that have been a consideration to Monsanto in assigning Dr. Wright the task of completing the MSDS forms that pertain to product safety?

A The company policy in dealing with the employees who might have been accused of a crime is that we will await the outcome of that proceeding before taking harsh decisions as to whether the employee is continuing to work or what he is to work with.

Q But at least in Dr. Wright's case, the decision was made that he shouldn't continue in his prior employment, there should be a change in his job function to what you've described as a clerical or technical function?

A My opinion is, that was more and accommodation because of his demands on his time than anything else.

(End of reading)

MR. SHOEBOTHAM: To Page 48, line 23.

(Reading from video deposition)

Q Okay. Who filled in the blank?

A That's not my writing. As I recall, a clerk who has since retired in the -- in the department -- had filled that in.

(End of reading)

MR. SHOEBOTHAM: To line 7.

(Reading from video deposition)

Q Okay. What were the interests of Monsanto that Dr. Wright's activities harmed?

A Well, Dr. Wright had been found guilty of a criminal offense. Employees found guilty of such offenses are normally terminated.

Q Well --

A It's considered detrimental to our -- to our best interest.

Q Well, what type of criminal offense results in an employee's termination at Monsanto?

A Are you look for examples or --

Q Sure.

A -- or what? Any serious charge an employee might have. Forget traffic offenses and that sort of thing. If an employee is found guilty of a crime serious enough to result in serving time, generally that would be reason for discharge.

(End of reading)

MR. SHOEBOTHAM: To Page 51, line 5.

(Reading from video deposition)

Q So, the interest of Monsanto that is referred to in the text of Shirley Exhibit No. 4 is what?

A That's a rather broad statement. My interpretation of, quote, "the interest of Monsanto," close quote, is that as a good citizen company, it's not our intent to employ convicted criminals.

(End of reading)

MR. SHOEBOTHAM: To Page 64, line 8.

(Reading from video deposition)

Q There has been an indication in the depositions that we have taken that nobody asked Dr. Wright any questions whatsoever about his employment at IBT.

A Uh-huh.

Q Do you know or have any knowledge as to why no one at Monsanto would have asked Dr. Wright anything about IBT in connection with his re-employment by Monsanto?

A A short answer is, quote, "no," close quote. However, I would comment to you that he was a prior employee and was a proven asset, when he

left on his good accord. He was seeking to come back. We tend to be less investigative on re-hires than we do on original hires.

(End of reading)

MR. SHOEBOTHAM: To Page 65, line 19.

(Reading from video deposition)

Q In a rehire situation where someone such as Dr. Wright had previously been employed by Monsanto, would the company still want to know from the perspectives of the personnel department the type of job performance that your former employee had achieved while employed by another company?

A That would be good information to have; but I'm personally aware of many situations where we have called and ex-employee who is off working for another company and said, quote, "Hey, we have a spot here that looks great for you. If you are interested, come on down; let's talk about it," close quote. And we have re-hired with a minimum amount of investigation.

Q Have you ever re-hired with absolutely no investigation?

A Yes.

Q Other than in the case of Paul Wright?

A Yes.

(End of reading)

MR. SHOEBOTHAM: Page 71, line 18 -- actually line 20.

(Reading from video deposition)

Q First of all, in the area of merit raise and bonuses that Dr. Wright received that you have discussed with Mr. Pohl with regard to the bonuses, the two bonuses that Dr. Wright received, would that be unusual for an employee of Dr. Wright's level to receive bonuses of that type?

A No, it is not. I mentioned earlier that approximately one third of our managers of that level would receive a bonus at any time that he might have done something deserving.

Q Would that have been true during the 1975 to 1976 time frame?

A Yes. That was the process that was in effect at that time.

Q Okay. So, between '75 and '76, about one

third of the managers at Monsanto who would be at Dr. Wright's level would have received a bonus of that type?

A That's true.

Q Have you yourself received a bonus of that type while you have been employed at Monsanto?

A Yes, I have. Over a period of years, I have received half a dozen such bonuses.

Q Is there anything unusual about Dr. Wright receiving a raise during that same time frame?

A The two programs are independent. The Monsanto employees -- professional and the nontechnical -- are normally reviewed annually. That timing may go longer than a year; it may go less than a year. Most employees receive a 12-month increase. And they do that on a calendar basis. In other words, if -- ideally we would have as many people getting a raise in January as December.

Q So, all of the employees at Dr. Wright's level would have at least been reviewed for a raise during the '75 to '76 time frame?

A Yes. That's true.

Q Let me ask you about the practice at Monsanto concerning an employee who might be

convicted of a crime. Do you recall answering some questions of that type for Mr. Pohl?

A Yes, I do.

Q What is the practice at Monsanto in the event that an employee should be convicted of a crime that is serious enough that the employee might have to go to jail?

A Normally that employee is going to be terminated at that point.

Q Is that the usual practice at Monsanto, that the employee will be terminated at such time that he is convicted?

A Yes, it is.

(End of reading)

MR. SHOEBOTHAM: Page 77, line 6.

(Reading from video deposition)

Q Okay. Have you ever -- have you ever received two merit bonuses within less than 12 months?

A I have received on 12-month anniversaries -- I have on three occasions, but not within the 12 months.

Q Okay. You have never received -- ignoring

pay raises, now, okay?

A Okay.

Q -- you've never received merit awards or merit bonuses over and above pay raises in as close a frequency as those we have talked about today for Paul Wright?

A Yes, I have. Because as I pointed out earlier, the programs are independent of each other, as all Monsanto professional employees -- just to stay with that group of people -- are going to get an annual review for salary increase that is independent of any bonus actions.

(End of reading)

MR. SHOEBOTHAM: Thank you. That concludes our offer, Your Honor.

THE COURT: All right. Who do you have next?

MR. HENDERSON: We have Dr. Caine, Your Honor.

THE COURT: Dr. Caine, come right this way, please. Come this way and come through the gate and stand in front of the bench. Raise your right hand.