

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION

JOHN R. SWIFT and
BARBARA SWIFT,

Plaintiffs,

CIVIL ACTION NO.
CV-97-AR-2430-E

MONSANTO COMPANY, INC.,
et al.,

Defendants.

DEPOSITION OF BETH RUSERT

Taken on behalf of the Plaintiffs

July 7, 1999

KRIEGSHAUSER REPORTING & VIDEO
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2 IN THE UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF ALABAMA
4 EASTERN DIVISION

5 JOHN R. SWIFT and
6 BARBARA SWIFT,

7 Plaintiffs,

8 CIVIL ACTION NO.

9 VS. CV-97-AR-2430-E

10 MONSANTO COMPANY, INC.,

11 et al.,

12 Defendants.

13 Deposition of BETH RUSERT, produced,
14 sworn, and examined on behalf of the
15 Plaintiffs on July 7, 1999, between the hours
16 of nine o'clock in the forenoon and five
17 o'clock in the afternoon of that day, at the
18 Ritz-Carlton Hotel, 100 Carondelet Plaza, St.
19 Louis, MO 63105, before Sheila L. Ford, a
20 Registered Professional Reporter and Notary
21 Public within and for the State of Missouri.
22
23

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

2 The Plaintiffs were represented by
 3 Donald R. Stewart, Esq., P. O. Box 2274, 1131
 4 Leighton Avenue, Anniston, Alabama 36202; and
 5 Ellen B. Malow, Esq., of the law firm of
 6 Kasowitz, Benson, Torres & Friedman, L.L.P.,
 7 700 Louisiana Street, Suite 2200, Houston,
 8 Texas 77002.

9 The Defendant was represented by
 10 Adam Peck, Esq., of the law firm of Lightfoot,
 11 Franklin & White, L.L.C., The Clark Building,
 12 400 20th Street North, Birmingham, Alabama
 13 35203-2300.

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2 IT IS STIPULATED AND AGREED by the

3 parties, through their respective counsel,

4 that the deposition of BETH RUSERT, may be

5 taken before Sheila L. Ford, CSR, RPR, as

6 Commissioner and Notary Public in the State of

7 Missouri, on July 7, 1999, at 9:30 a.m.

8

9

10 IT IS STIPULATED AND AGREED that it shall

11 not be necessary for any objections to be made

12 by counsel to any questions except as to form

13 or leading questions and that counsel may make

14 objections and assign grounds at the time of

15 trial or at the time said deposition if

16 offered in evidence or prior thereto.

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19 IT IS STIPULATED AND AGREED that notice

20 of filing by the commissioner is waived.

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3 BETH RUSERT,

4 of lawful age, produced, sworn, and examined

5 on behalf of the Plaintiffs, deposes and says:

6

7 [Rusert Exhibit Number One

8 was marked.]

9

10 DIRECT-EXAMINATION

11 QUESTIONS BY MS. MALOW:

12 Q. Will you tell us your name, please?

13 A. Beth Rusert.

14 Q. Mrs. Rusert, my name is Ellen Malow.

15 And I, along with Donald Stewart,

16 represent the --

17 MR. PECK: Are we under the usual

18 stipulations?

19 MS. MALOW: We are under the usual

20 stipulations.

21 Q. (By Ms. Malow) Mrs. Rusert, my name is

22 Ellen Malow. I represent the plaintiffs

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1 Solutia. Do you understand that?

2 A. Yes.

3 Q. Have you ever given a deposition before?

4 A. No.

5 Q. Let me tell you a few things that might
6 help the process go smoother for both of
7 us. Make sure you answer out loud so
8 the court reporter can get it down. She
9 can't get down a nod of the head or --

10 A. Right.

11 Q. -- abbreviated response. Will you do
12 that for me?

13 A. Yes.

14 Q. If I ever ask you a question that you
15 don't understand, please let me know
16 that, and I will be happy to repeat it
17 or rephrase it for you.

18 A. Okay.

19 Q. You understand that you're under an oath
20 to tell the truth and that the penalties
21 of perjury apply?

22 A. Yes.

23 Q. If at any time you need to take a break,

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1 talk to your lawyer, do whatever, let us
2 know. We'll be happy to do that. Okay?

3 A. Okay.

4 Q. One other thing. This is the hardest
5 one. If you would, let me get my whole
6 question out before you answer, and I'll
7 try and give you the same respect and
8 let you get your whole answer out before
9 I ask another question.

10 A. Okay.

11 Q. The court reporter can only take down
12 one at a time. Okay?

13 A. Okay.

14 Q. Where do you presently work?

15 A. Solutia.

16 Q. That's in St. Louis, Missouri?

17 A. Yes.

18 Q. How long have you -- Have you been with
19 Solutia since the spin-off?

20 A. Yes.

21 Q. Were you with Monsanto before that?

22 A. Yes.

23 Q. When did you begin with Monsanto?

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1 A. 1990.

2 Q. What was your position when you went to
3 work for Monsanto in 1990?

4 A. I was managing editor of the Monsanto
5 Magazine.

6 Q. And what is the Monsanto Magazine
7 publication?

8 A. It was a quarterly employee magazine.

9 Q. Was it an in-house publication only?

10 A. In-house.

11 Q. What sort of topics were covered --

12 A. I take that back. Let me think. I
13 think it also went to some headhunters
14 who maybe asked to be on it, as well as
15 retirees.

16 Q. What types of topics were in that
17 magazine?

18 A. All kinds of employee issues and current
19 activities. Could be acquisitions; it

20 could be divestitures. You know,
21 benefits topics, human resource type
22 topics.
23 Q. Any environmental issues?

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1 A. Probably so.
2 Q. You have in front of you what we have
3 marked as Exhibit One to your deposition
4 today. Have you seen Exhibit One
5 before?
6 A. Yes.
7 Q. When did you first see that notice?
8 A. I think the end of last week it was
9 faxed to me.
10 Q. Did you make any efforts to determine if
11 there were any documents that you had in
12 your files that were responsive to
13 Exhibit Number One?
14 A. Yes. I went through to make sure I
15 didn't still have anything in my
16 possession.
17 Q. Did you locate any documents in your
18 possession that were responsive to

19 Exhibit Number One?
20 A. One document. My community advisory
21 panel file. I found documents
22 referencing Michael Elliott.
23 Q. Who is Michael Elliott?

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1 A. He's an external consultant. And one of
2 the things he does is help establish
3 community advisory panels.
4 Q. Would you tell me what a community
5 advisory panel is?
6 A. That's a group of people that are --
7 It's a diverse group of people who are
8 put together to develop a two-way
9 dialogue between a business, usually,
10 and people who live in the community.
11 For example, it could be between Solutia
12 and community members who live around
13 one of our plants.
14 Q. Are you the person with Solutia that had
15 contacted Mr. Elliott in regard to
16 setting up a community advisory panel?
17 A. No, I'm not.

18 Q. Who initially contacted Mr. Elliott?
19 A. I can't say for certain. I think it was
20 Diane Herndon.
21 Q. Why is it that you have this document
22 from Mr. Elliott on the community
23 advisory panel?

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1 A. Because Diane gave me files when we
2 transferred responsibilities after the
3 spin. And that was a document that I
4 had put in my community advisory panel
5 file instead of my Anniston file.
6 Q. Why do you have a separate community
7 advisory panel file set up?
8 A. Because Solutia has a large number of
9 plants that have community advisory
10 panels. So I keep a folder to reference
11 those potential resources as we identify
12 locations that we would like to have a
13 community advisory panel.
14 Q. And that document that you found in the
15 community advisory panel file, was that
16 the only document that dealt with

17 community advisory panels for Anniston?

18 A. Yes.

19 MR. PECK: That's one of the

20 documents I gave you last

21 night.

22 MS. MALOW: Yeah. I'm trying to

23 see where it went.

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1 Q. (By Ms. Malow) We have been provided

2 with numerous documents by counsel for

3 the defendant. Have you had an

4 opportunity to review any of those

5 documents?

6 A. There's very few things that I have

7 looked at.

8 Q. Let's do it this way. Tell me every

9 document that you have looked at to get

10 ready for this deposition.

11 A. I read one on a release as a refresher

12 on the benzene spill that happened at

13 the Anniston plant.

14 Q. That was a 1992 incident where there was

15 an OSHA fine?

16 A. No. Can't be '92 because I wasn't
17 working on it then. Had to be '94.
18 Q. Well, the spill itself happened in '92.
19 A. But the actual fine was in '94. Yes.
20 That's it. That's right.
21 [Discussion held off the
22 record.]
23 Q. (By Ms. Malow) So you looked at a

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1 document regarding the notice of
2 violation and the settlement that was
3 reached with EPA regarding a benzene
4 spill?
5 A. It was a position statement and a Q&A.
6 Q. And what other documents did you look at
7 other than the ones pertaining to the
8 benzene release?
9 A. Let's see. Adam also showed me a study
10 by Dr. Renee Kimbrough that came out
11 recently.
12 Q. Are you talking about that GE-funded
13 recent study on PCB health effects?
14 A. Right.

15 Q. Had you seen that Kimbrough study at any
16 time before Mr. Peck showed it to you?
17 A. No. I had not.
18 Q. Have you ever had any contact at any
19 time with Dr. Kimbrough?
20 A. No. Not that I recall, anyway.
21 Q. Have you ever heard of her name before
22 Mr. Peck showed it to you --
23 A. Yes.

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1 MR. PECK: Remember to let her
2 finish.
3 MS. MALOW: I knew it would
4 happen.
5 THE WITNESS: Sorry.
6 Q. (By Ms. Malow) What reference had you
7 heard to Dr. Kimbrough prior to time
8 Mr. Peck showed you this study?
9 A. Other studies that she has conducted on
10 PCBs and other topics.
11 Q. Who have you discussed those studies
12 with?
13 A. You know, I can't remember specifically.

14 I could generalize for you. Certainly
15 environmental folks in our company,
16 lawyers. Beyond that, I can't really --
17 Q. How about Dr. Kaley? Have you ever had
18 any discussions with him about --
19 A. Yes. Certainly.
20 Q. Tell me about the discussion you and
21 Dr. Kaley have had regarding Renee
22 Kimbrough's studies on PCBs.
23 A. It's hard to remember specifics because

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1 it's been a while since I have worked on
2 this.
3 Q. Just your best general recollection.
4 A. In general, he would just describe the
5 results of her studies and what she's
6 determined to date, at the time,
7 whatever study was released, as well as
8 historical studies.
9 Q. And tell me what the reason was that you
10 and Dr. Kaley were discussing the
11 different health studies on PCBs.
12 A. Just in monitoring what's been found as

13 far as potential long term health
14 effects.
15 Q. And why did you have an interest in
16 knowing the potential long term health
17 effects of PCBs?
18 A. Because Monsanto used to manufacture
19 PCBs. We naturally want to know.
20 Q. Why do you naturally want to know since
21 Monsanto manufactured PCBs what their
22 health effects are long term?
23 A. We monitor the health effects from all

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1 the products that -- potential long term
2 health effects of all products that we
3 manufacture.
4 Q. Because you have responsibilities --
5 A. Right.
6 Q. -- for the health effects those might
7 cause on people who are exposed to them,
8 right?
9 MR. PECK: Object to the form.
10 Q. (By Ms. Malow) You can answer.
11 A. Sure.

12 Q. We got into this because I was asking
13 you about what documents you looked at
14 to get ready for the deposition. I now
15 understand from you that you have looked
16 at some documents regarding the benzene
17 release in the '92 time frame, the
18 position statement, questions and
19 answers, the recent study by
20 Dr. Kimbrough. What other documents did
21 you look at?

22 A. That's it.

23 Q. Did you look in fact at the documents

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1 from Bourne Elliott & Associates that
2 you had found?

3 A. All I did was hand that file over. I
4 said, oh, here's one from Elliott, and
5 handed it over.

6 MS. MALOW: Mark that.

7 [Rusert Exhibit Number Two
8 was marked.]

9 Q. (By Ms. Malow) Mrs. Rusert, if you
10 would, look at Exhibit Two and tell me

11 if that is a document that you located
12 in your file on CAPs.
13 A. Yes.
14 Q. So Exhibit Two is what you provided to
15 Mr. Peck in response to the notice of
16 deposition?
17 A. Yes.
18 Q. And that Exhibit Two is the only
19 document that you were able to locate
20 within any of your files? Is that
21 accurate.
22 A. That's accurate.
23 Q. Okay. And it's also accurate, although

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1 you handed Mr. Peck Exhibit Two, you
2 didn't actually read Exhibit Two?
3 A. No.
4 Q. And you have indicated that Diane
5 Herndon was the initial contact with
6 Michael Elliott, right?
7 A. Yes. I believe so.
8 Q. I'm not sure. Did you tell me, did you
9 ever have any contact yourself with

10 Mr. Elliott or anyone else at Bourne
11 Elliott & Associates?
12 A. I don't think I did. It's possible that
13 I have called him, not for Anniston, per
14 se, but for other plants. But I can't
15 recall for sure.
16 Q. How many plants have CAPs set up? Let's
17 talk about presently.
18 A. Several.
19 Q. Let's do it this way. How many total
20 plants are there? Let's talk about
21 Solutia right now.
22 A. Solutia total number of plants. I'm not
23 sure I can do it without adding them up

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1 in my head. Let me think about this. I
2 think it's twelve in the United States,
3 plus the Columbia site, which is not
4 really a plant anymore. And then two in
5 Europe.
6 Q. And do you know out of those twelve
7 approximately how many of those
8 presently have a CAP, if any?

9 A. Several of them do.

10 Q. You think we're talking two or three?

11 A. No. Hold on. At least half, more than

12 half. More than half of them do.

13 Q. Did the Anniston facility ever have a

14 CAP put in place?

15 A. No.

16 Q. Why not?

17 A. Not to the best of my knowledge.

18 Initially, when we first started

19 looking into it -- It takes a while to

20 establish a community advisory panel.

21 And the most ideal way to do it is to

22 use an outside person to identify people

23 for it so you get a good diversified

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1 cross section of the community. And

2 honestly, by the time the process -- As

3 that process evolved, I did hand it over

4 and looked at it a couple of different

5 times. But by the time we got to the

6 point where we would have perhaps done

7 something, there was litigation

8 involved, and it was no longer -- we no
9 longer had the ability to be able to
10 contact people freely in the community.

11 Q. Isn't the purpose of a CAP to prevent
12 litigation?

13 MR. PECK: Object to the form of
14 the question.

15 MS. MALOW: You can answer. He's
16 just making objections for
17 the record.

18 MR. PECK: Yeah.

19 MS. MALOW: Unless he instructs
20 you not to answer, you can
21 answer.

22 MR. PECK: Right.

23 A. No. The purpose of a CAP is to have

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1 dialogue with your community and keep an
2 open relationship with them.

3 Q. (By Ms. Malow) But is a CAP used when
4 you have got a potential environmental
5 situation, for example, when you have
6 PCB contamination? Would that be a type

7 of situation where you might want to get
8 a CAP involved?
9 A. Get them involved?
10 Q. Get a CAP set up? Try and have a
11 dialogue between the community about
12 that environmental issue?
13 A. Actually, it's our objective to have a
14 CAP at as many of our sites as possible
15 where it's reasonable to do so, where
16 the community is large enough and where
17 we feel like it's difficult because of
18 size -- I don't even necessarily mean
19 metropolitan, but relatively big enough
20 that it's hard to have good two-way
21 dialogue. So actually we are never
22 driven to develop a CAP because of any
23 issue. The objective is to have those

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1 relationships in place all along and be
2 able to communicate what we're doing at
3 our plant openly long before there's
4 ever a problem. Not knowing, of course,
5 being able to read ahead whether there

6 will be a problem or not.

7 Q. Why do you want to establish a two-way

8 dialogue between the plant and the

9 community?

10 A. So we get to know them and they get to

11 know us, if they have questions about

12 what we do. Manufacturing facilities

13 are difficult to understand unless

14 you're in them, no matter what they are,

15 unless you work there. And it's a good

16 opportunity for us to tell people what

17 we do and what we make and about our

18 safety programs and about our

19 interaction. It's also an excellent

20 opportunity for us to hear what kind of

21 things -- how they think that would be

22 good for us to enter in the community

23 because we are members of the community.

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1 Q. But isn't it what it really comes down

2 to, the perception that the community

3 has about the company? Isn't that

4 really what it's about?

5 A. I wouldn't say that it's just -- No. It
6 really isn't just about what the
7 perception is. We hope that through
8 that interaction that they will have a
9 good perception of us, naturally. But
10 it's actually much more, so that we have
11 a chance to hear what they're thinking
12 about us, their concerns, and being able
13 to address them. Because we find
14 typically if you have that dialogue you
15 can address most people's concerns and
16 prevent any kinds of things that could
17 be -- you know, happening in a
18 manufacturing facility as far as issues.
19 Q. But the truth of the matter,
20 Mrs. Rusert, is that you want to be
21 considered a good corporate citizen?
22 A. That's true.
23 Q. And the reason you want to be considered

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1 a good corporate citizen is because when
2 you go to trial, you want to be sure
3 that the people to whom you're talking

4 view you in that light. Isn't that
5 right?
6 A. It's not our business to go to trial.
7 Q. I understand that. But it's important
8 to you that when you're in trial you can
9 tap on the fact that you have given
10 donations to the community and that
11 you're a good corporate citizen,
12 correct?

13 MR. PECK: Object to form.

14 A. But that's not why we have a CAP, and
15 it's not why we have dialogue, by any
16 stretch of the imagination. Our
17 employees work. We have a business. If
18 you look at our environmental report, we
19 have environmental commitments, and it's
20 our objective to earn the right to
21 operate. We do not believe we have a
22 god-given right to be there. We have to
23 earn that right. And we have to do that

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1 every single day with our actions and
2 what we do and say and how responsible

3 we are in that community. So a
4 community advisory panel is just one and
5 not the only mechanism to help us do a
6 better job of earning our right to
7 operate.

8 Q. (By Ms. Malow) Don't the community
9 action panel brochures and information
10 packages specifically talk about the
11 fact that it's importance is due to the
12 fact that litigation is proliferating or
13 growing?

14 MR. PECK: Object to the form.

15 A. I'm not familiar with that.

16 Q. (By Ms. Malow) And are you telling me
17 that in all of your experience in
18 dealing with community action -- is it
19 panels?

20 A. Yes. Community advisory panels.

21 Q. Community advisory panels, that you have
22 never heard any of these consultants
23 tell you that one of the benefits from

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1 it deals with litigation?

2 A. I can honestly say I don't recall that
3 being a part of the conversation.
4 Q. So you mentioned -- I asked you why it
5 was that the CAP was not established in
6 Anniston, and you indicated it took a
7 while to establish and by the time it
8 had been mulled over, litigation had
9 started and it couldn't happen. Isn't
10 that right?

11 A. Well, it became challenging to find
12 people in the immediate community that
13 we would want that would make the most
14 -- that would be the best people for the
15 community advisory panel that we could
16 have for participants.

17 Q. Tell me what your role was with respect
18 to trying to establish a CAP for the
19 Anniston area.

20 A. My role specifically was just in
21 discussions with the plant manager at
22 the time.

23 Q. Which was who?

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1 A. Jack Mayausky.

2 Q. Tell me what the date was you first had

3 discussion with Jack Mayausky about the

4 CAP?

5 A. It was probably around the fall or late

6 summer of '94.

7 Q. What was it that triggered you to

8 discuss setting up a CAP with

9 Mr. Mayausky?

10 A. Just the fact that he's a new site

11 manager. And community advisor came up

12 because they were being increasingly

13 used by our company and the chemical

14 industry itself. And it seemed like it

15 would make good sense to establish a CAP

16 and allow him as the new site manager to

17 get to know people that way.

18 Q. How many times did you and Mr. Mayausky

19 have discussions about a CAP?

20 A. I'm not really sure how many times you

21 could say. It was sort of an ongoing

22 conversation until I was no longer on

23 that site.

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1 Q. Which was when?

2 A. I left that responsibility in the winter

3 of '95, I think, in February.

4 Q. Why did you leave that position at that

5 time?

6 A. Because we changed the way we were put

7 together. We went to a shared business

8 services concept. And my

9 responsibilities were changed.

10 Q. What did your responsibilities become in

11 February of '95?

12 A. Well, for a brief time I was employee

13 communications. At that time I was at

14 bed rest with a pregnancy. And during

15 that time then they asked if I would

16 join environmental communications. And

17 that is what I did ultimately when I

18 came back from my maternity leave.

19 Q. Which was when?

20 A. I think right around the 4th of July.

21 Q. What year?

22 A. '95.

23 Q. And how long did you stay in the

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1 environmental communications?

2 A. Two years, up until the spin-off of the

3 chemical businesses to become Solutia.

4 Q. And once it became Solutia, what title

5 did you then hold?

6 A. My title now is public affairs director.

7 Q. And?

8 A. And with those responsibilities are both

9 public relations, community relations,

10 as well as state government affairs.

11 Q. Are you and Mr. Cahill peers in the

12 corporate structure, or is one of you

13 boss of the other?

14 A. No. Peers.

15 Q. You're laterally at the same level?

16 A. I don't honestly know what level he's

17 at. He's in environmental group. I'm

18 public affairs group. So we're not in

19 the same group.

20 Q. I believe he testified y'all were in the

21 same group? That's how --

22 MR. PECK: Kevin Cahill?

23 THE WITNESS: Kevin Cahill? I

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1 thought you said Kaley.

2 MS. MALOW: No.

3 A. Kevin Cahill. We are in the same group.

4 And yes, we are lateral. We are peers.

5 I apologize.

6 Q. (By Ms. Malow) That's fine. I said

7 their names backwards throughout his

8 deposition. Let me back up because we

9 started to get a little bit of history

10 on you. And you had told me that you

11 had begun working at Monsanto 1990 as

12 managing editor of Monsanto Magazine,

13 right?

14 A. Right.

15 Q. Let's back up and get the rest of that

16 background.

17 A. Okay.

18 Q. Is that magazine still published?

19 A. I don't know. I don't think they

20 publish it any longer, no.

21 Q. How long did you hold that position as

22 managing editor?

23 A. Two years.

1 Q. Who was your supervisor at that time?

2 A. Cathy Heine.

3 Q. And I had asked you if sometimes that

4 magazine had any environmental issues.

5 Did you have responsibility for actually

6 doing any of the investigation for the

7 articles, or was it simply an editing

8 position?

9 A. No. I also looked for story ideas.

10 Q. Did you during that two years that you

11 held the position as managing editor do

12 any investigation for story ideas on

13 environmental issues?

14 A. I don't recall doing that, no.

15 Q. Tell me what the next position was you

16 held at Monsanto.

17 A. I became editor of a publication called

18 Commentary Magazine, which was for the

19 Chemical Group. That was also an

20 employee publication.

21 Q. Was that a publication that was only

22 distributed in-house?

23 A. I believe so. I was trying to remember

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1 -- it may have gone to some chemical

2 retirees as well. But it was considered

3 an internal document.

4 Q. So it wouldn't go to groups like CMA or

5 anything like that?

6 A. We may have sent them on a monthly basis

7 to, like, CMA. I can't recall, to be

8 honest.

9 Q. What type articles were in Commentary

10 Magazine?

11 A. Stories similar to Monsanto Magazine,

12 but very targeted to the Chemical Group.

13 New businesses talking about products,

14 talking about programs at the time, like

15 Total Quality was really in. We had a

16 lot of Total Quality, those kinds of

17 stories.

18 Q. Were there ever environmental articles

19 in Commentary Magazine?

20 A. I don't recall ever doing one during the

21 time I worked on it.

22 Q. Let me back up. When you were working

23 as managing editor of Monsanto Magazine,

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1 did you ever have any familiarity with

2 PCBs?

3 A. No.

4 Q. How about in your role as editor of

5 Commentary Magazine?

6 A. No.

7 Q. How long were you editor of Commentary?

8 A. Less than a year.

9 Q. And then what's the next position you

10 held?

11 A. I moved to Decatur, Alabama, where I

12 worked as the plant communicator for the

13 Decatur plant.

14 Q. What is a plant communicator?

15 A. Responsibility for internal and external

16 communications, both employees as well

17 as community and media.

18 Q. Was there a similar person who had that

19 job for Anniston at that time?

20 A. I don't believe so.

21 Q. Why is it that that type of position was

- 22 set out for the Decatur facility?
- 23 A. Because Decatur was a large plant. A

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- 1 few of the large plants had those
- 2 positions.
- 3 Q. And you were actually on site at the
- 4 plant?
- 5 A. That's right.
- 6 Q. How long?
- 7 A. For fifteen months.
- 8 Q. Who were some of the contacts that you
- 9 made with the press during the time that
- 10 you were in that role at Decatur?
- 11 A. Who were the contacts?
- 12 Q. Yes. What people did you interface with
- 13 with the press?
- 14 A. It would have been all local media, like
- 15 folks from -- reporter from the Decatur
- 16 Daily. I'm trying to remember. There
- 17 was one guy I worked with most often.
- 18 His first name was Jay, but I don't
- 19 recall his last name.
- 20 Q. Did you ever deal with anybody at a more

21 state-wide level at that time?
22 A. Not for media, really. There may have
23 been some interaction with the

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1 Huntsville paper.
2 Q. How about with politicians? Were you
3 having any interaction with politicians?
4 A. Very, very little. Actually, before I
5 left that plant I was just beginning to
6 get a little bit into state politics.
7 But I really didn't know any state
8 politicians. Someone I really knew was
9 Tommy Carter, who actually used to work
10 at the Monsanto plant. And I replaced
11 his position when I came down there.
12 Q. You said there was some contact sort of
13 at the tail end with politicians. What
14 kind of contact was that?
15 A. I went to, like, an Alachem legislative
16 reception, I recall. Besides that, I
17 don't remember too much else.
18 Q. Alachem is the Alabama Chemical
19 Association?

20 A. Right.
21 Q. And that's made up of companies such as
22 Monsanto and Solutia that are chemical
23 manufacturers?

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1 A. Yes.
2 Q. Did you have anyone in particular you
3 dealt with at Alachem?
4 A. Yeah. I just don't remember. I'm
5 trying to remember the guy's name. I'm
6 not sure I can recall. But a very
7 limited basis, though. I wasn't, you
8 know, real active with Alachem myself.
9 Q. During your time either at the Decatur
10 facility or at any other time you have
11 been with Monsanto or Solutia, have you
12 received documents from Alachem
13 regarding legislation and the importance
14 to the chemical industry?
15 A. Yes.
16 Q. Do you recall anything specifically from
17 Alachem regarding tort reform
18 legislation?

19 A. Probably -- I'm sure I have received
20 something on that.
21 Q. Did you have any involvement with
22 respect to tort reform legislation or
23 the position that was taken by Monsanto

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1 or Solutia on that issue?
2 A. No.
3 Q. In your role as the plant communicator
4 at Decatur, we talked about some contact
5 with local media, a little bit of
6 contact with politicians. What other
7 external communication contacts did you
8 have in that role?
9 A. Local community members, just different
10 people whom I interacted with through
11 either philanthropic activities or
12 through people I would meet when I was
13 out in the community. A number of those
14 relationships were established through
15 philanthropic contributions.
16 Q. Is this around the '94 time frame that
17 you're out there?

- 18 A. Let me think here. '93 to '94. Yes.
- 19 Q. How big was the Decatur facility at that
- 20 time?
- 21 A. Over a thousand employees.
- 22 Q. Do you know what its philanthropic
- 23 budget was during that time frame?

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- 1 A. I believe it was over a \$180,000,
- 2 something like that.
- 3 Q. How was it determined how much each
- 4 facility would get for philanthropic
- 5 giving?
- 6 A. I don't really know because at that time
- 7 I was not involved in that process.
- 8 They just told me, here's what you're
- 9 getting. And I would use it, spend it.
- 10 Q. So unlike the smaller facilities such as
- 11 Anniston, where the plant manager
- 12 decides how to allocate the
- 13 philanthropic funds, in this case, you
- 14 would be the one as the plant
- 15 communicator who would determine how to
- 16 spend the funds?

17 A. The plant manager and I did that
18 together.
19 Q. Who was the plant manager there?
20 A. Peter Clark.
21 Q. And why is it that you went from being
22 the editor of Commentary Magazine to
23 working at Decatur?

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1 A. Because my position was eliminated, and
2 I had two job offers. And one of them
3 was in Decatur.
4 Q. What was the other one?
5 A. Plant in St. Louis.
6 Q. Solutia or Monsanto?
7 A. With Monsanto.
8 Q. And then where did you go after you left
9 Decatur?
10 A. Back to St. Louis.
11 Q. In what role?
12 A. Community relations role.
13 Q. What was the name of the actual group
14 you were in?
15 A. It was in the Chemical Group.

16 Q. Was it called community relations?
17 A. Well, it was the public affairs
18 organization.
19 Q. Was it public and government affairs?
20 A. Yes, together.
21 Q. And your role in that department was
22 what?
23 A. There I was responsible for community

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1 relations and environmental
2 communications for certain plant sites.
3 Q. Which ones?
4 A. I'll do my best to recall.
5 Q. Let me ask you this: Was Alabama one of
6 them at that time?
7 A. Yeah. I had all three plants in
8 Alabama.
9 Q. What other areas did you have?
10 A. Pensacola, Florida. I'm pretty sure I
11 talked with Bayou, Texas.
12 Q. In Alvin?
13 A. In Alvin, right. Augusta, Georgia, and
14 Delaware River Plant in New Jersey, and

15 Bridgeport, New Jersey.
16 Q. Any others? Did you have Illinois?
17 A. No.
18 Q. Who had that at that time, if you know?
19 A. I believe it was Kevin Cahill.
20 Q. And give me an example of what your
21 daily responsibilities would have been
22 back in '94 with respect to community
23 relations and environmental

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1 communications for those facilities.
2 A. Well, no day looks alike.
3 Q. Just a general thumbnail sketch of your
4 responsibilities.
5 A. Okay. Responsible for, you know,
6 helping the site establish their
7 community outreach programs, responsible
8 for ensuring that would continue -- like
9 I said, even back then we were working
10 to continue to earn our right to
11 operate, so establishing programs and
12 relationships according to that. If
13 there were a particular issue, like a

14 safety issue or environmental concern
15 that arose, I would help communicate
16 that internally and externally.
17 Q. Let's say, for example, there's a spill
18 at a plant. Are you involved in making
19 sure that there's an appropriate press
20 release dealing with that issue?
21 A. If it were one of my sites, yes, I would
22 help with that.
23 Q. What else?

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1 A. I mean, generally that's the kind of
2 stuff we do.
3 Q. And was it -- was Alabama completely
4 your jurisdiction back in that '94 time
5 frame?
6 A. Yes.
7 Q. When is the first time that you ever
8 went to the Anniston facility?
9 A. Probably I would assume in '94, when I
10 started working with it.
11 Q. Who had Alabama before you did?
12 A. Beth Vanderbeck was her name.

13 Q. Where is -- is it Vanderbeck?
14 A. Vanderbeck.
15 Q. Where is Ms. Vanderbeck working now?
16 A. At home with her children, best of my
17 knowledge.
18 Q. When did she leave Monsanto?
19 A. When I joined -- when I came up to that
20 position approximately March/April '94.
21 Q. And at that time is that when she
22 decided to stay home with the kids?
23 A. Right. That's how I ended up taking

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1 that job.
2 Q. Do you know how long Ms. Vanderbeck had
3 that position?
4 A. Probably about two years.
5 Q. Who was her predecessor?
6 A. I couldn't tell you. I can't remember
7 anymore for sure.
8 Q. Who did you report to when you were in
9 that role in the community relations
10 area?
11 A. Loren Wassell.

- 12 Q. How do you spell her last name?
- 13 A. Him.
- 14 Q. Oh, Loren?
- 15 A. L-O-R-E-N. W-A-S-S-E-L-L.
- 16 Q. Is Loren Wassell still with Solutia or
- 17 Monsanto?
- 18 A. Yes.
- 19 Q. What role?
- 20 A. He has a similar job to mine at Solutia.
- 21 Q. So did he get demoted?
- 22 A. No.
- 23 Q. Because you reported to him at that

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- 1 point?
- 2 A. Right.
- 3 Q. And he has been promoted up to his level
- 4 now?
- 5 A. Right, something close to that.
- 6 Q. Which is what?
- 7 A. My responsibilities now, you're asking
- 8 me?
- 9 Q. Yeah.
- 10 A. Public -- community relations and

11 environmental communications and state
12 government affairs.
13 Q. How is that different than what you were
14 doing in '94?
15 A. I was not responsible for state
16 government affairs.
17 Q. That additional responsibility is now in
18 your area?
19 A. Right.
20 Q. Let's back up. Beth Vanderbeck, when
21 she left the company, did you and her
22 sit down and get together so you could
23 get up to speed on the different

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1 facilities? How did you learn the job?
2 A. Well, usually you just dive in. But I
3 don't recall. We may have spent a
4 little bit of time transitioning things.
5 I would assume we would. Sounds like
6 how she was leaving the job. I can't
7 recall.
8 Q. Let me ask it this way: How did you
9 come to have knowledge about the

10 Anniston facility?

11 A. Just started working with it, working

12 with the plant.

13 Q. Were you given any sort of background or

14 historical documents about the Anniston

15 site?

16 A. No. I mean, I'm sure there were some

17 files that I was given at the time we

18 transferred jobs.

19 Q. That's what I was -- What were you given

20 that you looked at to get up to speed in

21 Anniston?

22 A. I don't recall specifically what I had.

23 Q. Where would it be now, whatever you were

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1 given at that time?

2 A. Where would it be?

3 Q. Uh-huh (indicating yes).

4 A. If we still had it, whatever it was I

5 had, it would probably be in the same

6 box as the stuff they just copied

7 yesterday. Because that was all -- has

8 been transferred from one person to the

9 next. We just move the whole files
10 through each plant when we switch
11 plants.
12 Q. Did you come to know what it was that
13 had been manufactured at the Anniston
14 site over the course of time?
15 A. Yes.
16 Q. How did you learn that?
17 A. The site manager told me, told me about
18 it. Also, I did get some background
19 from Bob Kaley. He gave me the history
20 on the plant.
21 Q. What history did Bob Kaley relate to you
22 about the plant, as best you can recall?
23 A. You know, the manufacture of PCBs and

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1 some of the other products that have
2 been manufactured.
3 Q. Parathion?
4 A. Yes.
5 Q. Did he tell you why it was that they
6 stopped manufacturing PCBs?
7 A. Yes.

8 Q. Why did he tell you the reason was?
9 A. Persistence in the environment.
10 Q. Meaning they stay in the environment
11 over a long period of time?
12 A. Yes.
13 Q. What is the problem with that?
14 MR. PECK: Object to the form.
15 MS. MALOW: You can answer.
16 Q. (By Ms. Malow) Why is that bad?
17 MR. PECK: Same objection.
18 A. Just because you don't want anything to
19 persist that long. I don't have an
20 answer for that, to be honest with you.
21 Q. (By Ms. Malow) Did he explain to you
22 that the EPA had banned the use of PCBs?
23 A. Yes.

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1 Q. Did he tell you when that happened?
2 A. Yes.
3 Q. When?
4 A. I'm not -- I know it was in the '70s,
5 late '70s, I believe.
6 Q. Did he tell you how long it was that

7 Monsanto knew that PCBs were persistent
8 in the environment?

9 MR. PECK: Object to the form of
10 the question.

11 A. I believe he did, yes.

12 Q. (By Ms. Malow) What did he tell you?

13 MR. PECK: Object to the form.

14 A. I believe that we started -- we stopped
15 manufacture in the early '70s, I think
16 it was, in Anniston. It was right
17 around that time that we had solid
18 evidence that there was persistence in
19 the environment, around the same time we
20 stopped manufacturing. Also, as I
21 recall, there is an agreement with the
22 EPA that we would do some manufacturing
23 until they found a suitable replacement

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1 because they did their job very, very
2 well. And so that we agreed to
3 manufacture for a little bit longer than
4 we would have intended to. But I don't
5 recall -- I can't recall the specific

6 time frames on that.

7 Q. Mrs. Rusert, in answering that question

8 you said that there wasn't really solid

9 evidence until around the same time that

10 you stopped manufacturing PCBs, about

11 their persistency in the environment.

12 How about just any evidence that they

13 had this characteristic of being

14 persistent in the environment. When did

15 Dr. Kaley tell you that Monsanto knew

16 that?

17 MR. PECK: Object to the form.

18 A. I don't recall. I don't remember that.

19 Q. (By Ms. Malow) Have you ever learned

20 during any of your time at Monsanto or

21 Solutia that prior to the time that

22 Monsanto stopped manufacturing PCBs that

23 they were aware that PCBs were

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1 persistent in characteristic?

2 MR. PECK: Object to form.

3 A. No. In fact, what I learned was as soon

4 as we had a hint that there was a

5 problem, we began to phase out that
6 production. Our timing actually -- we
7 stopped manufacturing before the EPA
8 even required that we -- that PCBs no
9 longer be used.

10 Q. (By Ms. Malow) Did Dr. Kaley share with
11 you the history of the relationship that
12 Monsanto had with IBT, a lab that was
13 used to conduct some tests on toxicity
14 issues of PCBs?

15 MR. PECK: Object to the form of
16 the question.

17 A. I don't recall that.

18 Q. (By Ms. Malow) Have you ever heard of a
19 company called IBT?

20 A. It's not ringing any bells for me.

21 Q. Have you ever heard of accusations that
22 Monsanto had falsified data regarding
23 PCBs?

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1 MR. PECK: Object to the form of
2 the question.

3 A. No.

4 Q. (By Ms. Malow) Did Mr. Kaley ever share
5 with you any historical documents that
6 showed that back in the '30s and '40s
7 and '50s there were problems associated
8 with PCBs?

9 MR. PECK: Object to form.

10 A. No.

11 Q. (By Ms. Malow) So all you did is rely
12 on what Dr. Kaley told you verbally?

13 A. For the most part. I did see, as I
14 referenced earlier, some studies by
15 Dr. Kimbrough and perhaps some others.

16 But I don't remember specifically who
17 authored them, but some more recent
18 study that had been done, nothing as far
19 back as the '30s. I don't recall seeing
20 any studies from then.

21 Q. What's the earliest date of a study on
22 PCBs that you can recall being shown?

23 A. I'd be guessing here. But I would guess

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1 probably a study from the '70s.

2 Q. Okay. Were you ever informed about the

3 fact that the attorney general's office
4 had conducted an investigation in the
5 1980s regarding PCB contamination of
6 Snow Creek?

7 MR. PECK: Object to the form of
8 the question.

9 A. I probably did see that, I would assume,
10 given the nature of my job.

11 Q. (By Ms. Malow) In what context did you
12 see that?

13 MR. PECK: Object to the form.

14 A. Very likely Bob Kaley sent to me a copy
15 or gave me a copy to look at.

16 Q. (By Ms. Malow) Do you recall when it
17 was that you first learned there had
18 been such an investigation in the '80s?

19 MR. PECK: Object to form.

20 A. Probably in '94.

21 Q. (By Ms. Malow) Other than Dr. Kaley,
22 has there been anyone else that has
23 shared with you -- Again, back in '94,

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1 when you first took over this position,

2 has there been anyone else who has
3 shared with you information about PCBs?
4 A. Yes.
5 Q. Who else?
6 A. Mike Newport.
7 MR. PECK: To the extent -- Don't
8 disclose -- Mike Newport's an
9 attorney.
10 Don't disclose any
11 communication with you and
12 in-house counsel. You can
13 identify them as having
14 occurred, but don't disclose
15 the content of them, as
16 they're privileged.
17 THE WITNESS: Okay.
18 Q. (By Ms. Malow) Is that a lawyer?
19 A. In-house attorney.
20 Q. Anyone other than attorneys, either
21 in-house at Monsanto or outside counsel?
22 A. I don't believe so.
23 Q. Did Dr. Kaley ever share with you any

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1 negative information about PCBs, that
2 is, that they -- other than the fact
3 that they're persistent? Did he share
4 with you any negative information about
5 health affects attributable to PCBs?

6 MR. PECK: Objection to form.

7 A. No.

8 Q. (By Ms. Malow) Did he talk to you at
9 all about chloracne?

10 MR. PECK: Object to form.

11 A. Yes. So actually, yes, I did know about
12 chloracne.

13 Q. (By Ms. Malow) Did he tell you in what
14 context they had had problems with
15 workers who had been exposed to PCBs
16 that developed chloracne?

17 MR. PECK: Object to the form.

18 A. I'm not sure I quite understand your
19 question.

20 Q. (By Ms. Malow) I'll rephrase it. Tell
21 me what Dr. Kaley told you about
22 chloracne.

23 MR. PECK: Object to form.

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1 A. Just at certain levels -- I can't tell
2 you what they are. I can't recall if I
3 knew that PCBs can cause chloracne and
4 that once the PCB exposure is removed,
5 chloracne also goes away.

6 Q. (By Ms. Malow) Did he talk with you at
7 all about any animal studies regarding
8 cancer associated with PCB exposure?

9 MR. PECK: Object to the form.

10 A. May have. I don't recall.

11 Q. (By Ms. Malow) Did he tell you anything
12 about birth defects?

13 MR. PECK: Object to the form of
14 the question.

15 A. I don't recall that.

16 Q. (By Ms. Malow) How about hearing
17 disabilities?

18 MR. PECK: Object to form.

19 A. I believe I read some studies that
20 referenced that possibility. Beyond
21 that, I can't tell you any more.

22 Q. (By Ms. Malow) Was Mayausky plant
23 manager in '94?

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1 A. Bill Defer was the first couple of
2 months, and Jack Mayausky came on board.

3 Q. Tell me about your initial contact with
4 Bill Defer when you took over this role
5 in the community relations department in
6 '94?

7 A. Actually it was more just like I am with
8 all the other site managers. You
9 introduce yourself and find out what the
10 plant makes, what they're doing there
11 and what kind of community outreach
12 they're doing. Of course, running down
13 any potential concerns, issues of the
14 site, that kind of thing.

15 Q. At the time you took over that position
16 in 1994, were there any potential
17 concerns that Mr. Defer identified for
18 you?

19 A. I'm sure he mentioned that they were
20 manufacturing PCBs in our conversation.
21 And I'm not -- I would think he probably
22 also mentioned some of the on-site PCB
23 levels they had found.

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1 Q. Did he and you discuss any out site PCB
2 migration?

3 A. He probably did

4 MR. PECK: Object to the form.

5 A. They probably -- We probably did near
6 the end of his tenure because that was
7 when we first started discussing it,
8 around that time frame.

9 Q. (By Ms. Malow) When is the first time
10 that you learned there were PCBs outside
11 of the Anniston facility?

12 A. I'm not sure I can tell you exactly
13 when. I know it was during the time
14 that I was working on it. So sometime
15 between April '94, and certainly
16 sometime in that up until the end of the
17 year. Sometime before August or
18 September, I would say of '94, I had
19 learned that there were studies going
20 on.

21 Q. What was your understanding as to how
22 widespread the contamination was off
23 site?

1 MR. PECK: Object to the form. No
2 foundation.

3 A. We had no idea at that time. There were
4 no results back to tell us anything.

5 Q. (By Ms. Malow) What studies were being
6 done at that time?

7 MR. PECK: Object to the form of
8 the question. Go ahead.

9 A. The studies were being done just on
10 whether the water run-off was -- had
11 left any PCBs off site.

12 Q. (By Ms. Malow) And was that being done
13 by Monsanto?

14 A. No.

15 Q. Who was doing that?

16 A. I believe it was ADEM.

17 Q. Have you had any direct contact with
18 anyone at ADEM any time?

19 A. No.

20 Q. How about anybody with EPA?

21 A. No.

22 Q. I know you said that you were aware of
23 an EPA issue regarding a benzine spill

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1 in '92 but you didn't have any direct

2 dealings with EPA officials --

3 A. No. Usually we don't.

4 Q. Who does?

5 A. It would be the environmental folks who

6 work in the environmental department.

7 Q. Like Michael Pierle?

8 A. Perhaps. Or probably someone who has

9 responsibility for that plant, or even

10 more likely the plant environmental

11 person.

12 Q. As we sit here right now in 1999, do you

13 know what the extent of the PCB

14 contamination is that's off site?

15 MR. PECK: Object to form. No

16 foundation.

17 A. No.

18 Q. (By Ms. Malow) Do you know anything

19 about levels that have been found in the

20 neighborhood?

21 A. No specifics.

22 Q. Did Mr. Defer inform you about the fact

23 that in 1993 Alabama Power Company had

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1 found high levels of PCBs on property

2 that had been owned by Monsanto?

3 MR. PECK: Object to the form.

4 A. That's actually what I was trying to

5 reference earlier. I just couldn't

6 remember specifics.

7 Q. (By Ms. Malow) What part are you trying

8 to reference?

9 A. The fact that there had been some found

10 on that property which we then

11 repurchased.

12 Q. What did he tell you specifically about

13 the Alabama Power incident?

14 MR. PECK: Object to the form.

15 A. Pretty much what you stated, that levels

16 had been found on the Alabama Power

17 property and that we agreed to

18 repurchase that property from them.

19 Q. (By Ms. Malow) What was your

20 understanding why it was that Monsanto

21 agreed to repurchase that property?

22 A. Because we would be responsible for the
23 cleanup of it.

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1 Q. Were you told that if Monsanto took the
2 property back that it could be handled
3 through ADEM as opposed to EPA?

4 A. No.

5 MR. PECK: Object to form.

6 Q. (By Ms. Malow) But there was no
7 question that it was Monsanto PCB
8 materials and that you guys had
9 responsibility for that?

10 A. None. No question that I was aware of.

11 Q. Do you know anything regarding the
12 actual transaction as far as settlement
13 between Alabama Power and Monsanto for
14 the swap?

15 A. No.

16 Q. Other than Mr. Defer, has anyone else
17 talked to you about the Alabama property
18 issue?

19 A. Not that I recall.

20 Q. Did you actually make a site visit to

21 meet Mr. Defer?
22 A. No. I don't think I did go down there
23 before he left that position. I did go

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1 down there once Jack was in place.
2 Q. And have you already told me about what
3 Jack informed you with respect to the
4 history of the facility, or did you gain
5 that from Mr. Defer?
6 A. More so from Bill because he had been
7 there.
8 Q. What conversations, if any, did you have
9 with Mr. Mayausky in that regard?
10 A. Regarding the history?
11 Q. Right. Or PCB issues.
12 A. It would have just been in conversations
13 about what's happened in the past and,
14 you know, just in assessing the
15 situation.
16 Q. Did you and Mr. Mayausky work together
17 on the property purchase program?
18 A. No.
19 Q. Who was involved from St. Louis on that

20 issue?
21 A. Diane Herndon.
22 Q. Let me go back and finish up the history
23 of your employment there. We had

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1 reached the point of 1994 where you were
2 in this role in community relations.
3 How long did you stay in that position?
4 A. Until we went to shared services.
5 Q. When you went to share services, who
6 then had responsibility for Alabama?
7 A. Diane Herndon.
8 Q. Diane had responsibility for Alabama
9 from when to when?
10 A. For about two years.
11 Q. You think, like, '94 to '96 or '95?
12 A. No. '95, around '95 to '97.
13 Q. Okay. Once the company spun off into
14 Solutia, did it again then go to
15 Mr. Cahill?
16 A. No. It went back to me.
17 Q. Went back to you?
18 A. Yes.

19 Q. Was that September 1st?
20 A. No. We kind of transitioned it, so
21 somewhere between May and June of '97.
22 Q. So prior to the spin, you got it back?
23 A. Because what we did is we ran as --

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1 officially as separate companies
2 beginning April of '97, even though it
3 wasn't official from the public
4 perspective until September. So we
5 acted like two separate companies, even
6 though we weren't, beginning in April.
7 Q. So let me make sure I have your history
8 with respect to Anniston. You would
9 have had it from '94 to '95. And then
10 again in about May or June of '97?
11 A. Yeah. Until about February of '98.
12 Then Kevin took it.
13 Q. And is February '98 when you went on
14 maternity leave?
15 A. No.
16 Q. Or am I missing that time frame?
17 A. No. Maternity leave was in '95 when

18 Diane took it. There was a transition
19 time in there when I was on maternity
20 leave.
21 Q. That's what I want to make sure I have.
22 A. So in February of '95 I was on bed rest.
23 Q. That was when Diane had it?

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1 A. Diane started taking it then because we
2 had switched to a different --
3 Q. Shared services?
4 A. Shared services.
5 Q. Then why is it that you stopped having
6 responsibility for Alabama in February
7 of '98?
8 A. It was a resourcing issue. I had too
9 many projects, so we switched. I took
10 Chocolate Bayou in Alvin, Texas, and he
11 took the plants in Alabama.
12 Q. He, meaning Kevin Cahill?
13 A. Kevin Cahill.
14 Q. So you guys just swapped. You got
15 Chocolate Bayou; in exchange he got the
16 Alabama three facilities?

17 A. Right. Plus, there were a number of
18 other responsibilities I had outside of
19 plant community relations that I needed
20 more time.

21 Q. Isn't Chocolate Bayou a pretty large
22 facility?

23 A. Yes.

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1 Q. Is it larger than Decatur?

2 A. No. It's actually smaller.

3 Q. How many employees are at Chocolate
4 Bayou?

5 A. I think it's somewhere around 600.

6 Q. How many in Decatur?

7 A. Still around 1000, I believe, not
8 counting contractors.

9 Q. All right. Then in February of '98 what
10 was your title at that time?

11 A. Same department. Same title.

12 Q. Has that remained the same with the
13 addition of now having government
14 affairs?

15 A. Right.

16 Q. Do I now have your full work history?

17 A. Yeah.

18 MS. MALOW: Let's take a break.

19 [A break was taken.]

20 Q. I had asked you earlier about Exhibit

21 One, whether you had done anything to

22 look for documents. And you had told me

23 that the only thing you were able to

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1 locate is what we have marked as Exhibit

2 Two?

3 A. Right.

4 Q. I do want to ask you about some

5 categories of documents on Exhibit One.

6 Specifically are you aware of any

7 documents regarding meetings with EPA,

8 federal state officials or ATSDR?

9 A. No.

10 Q. In your time at Monsanto and Solutia

11 have you ever -- I asked you about ADEM

12 and EPA. Have you had on about ATSDR?

13 A. No.

14 Q. How about with any state officials in

15 Alabama other than what we talked about
16 at Decatur?
17 A. No.
18 Q. How about Federal officials?
19 A. No.
20 Q. Have you ever arranged for any meeting
21 to take place between EPA and some other
22 person, such as plant personnel?
23 A. No.

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1 Q. Have you ever arranged for any similar
2 meetings with respect to any state
3 agency or regulatory agency?
4 A. No.
5 Q. Are you aware of any such meetings that
6 have taken place between any regulators
7 and plant personnel in Anniston?
8 A. I mean, I can't answer that, I don't
9 know.
10 Q. For example, let me tell you this and
11 see if this rings a bell: Mike Foresman
12 has already testified at a similar case.
13 But he had meetings that he participated

14 in and there were representatives of
15 ADEM and EPA. Are you aware of any
16 other meetings?

17 MR. PECK: Object to the form.

18 A. At the time when I was working on
19 Anniston, I'm sure there were some
20 meetings. I just wasn't involved in
21 them. I can't tell you any specific
22 reference to them.

23 Q. (By Ms. Malow) In your role in

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1 community relations, have you provided
2 any briefing pieces to any news media
3 contacts?

4 A. Yes.

5 Q. Tell me about that.

6 MR. PECK: You mean with regard to
7 Anniston?

8 MS. MALOW: Let's deal with
9 Anniston.

10 A. Well, I'm not sure other than that
11 position paper we talked about with the
12 benzine spill. I don't recall that

13 there were -- and even that wasn't
14 anything I provided to the newspaper.
15 That was a position statement used
16 internally if we were contacted by the
17 media. I didn't deliver that to the
18 media.
19 Q. (By Ms. Malow) When you said yes to
20 providing briefing pieces to media
21 contact, what did you have in your mind?
22 A. For other plants we provided
23 announcements on expansion projects and,

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1 you know, just depends on what the
2 subject matter is. That's something
3 that comes to mind because I'm working
4 on that in Florida.
5 Q. Have you had any contact with any
6 reporters at The Anniston Star at any
7 time?
8 A. Yes.
9 Q. Who?
10 A. I'm trying to remember his name. I
11 would say it was more of have they had

12 contact with us than I necessarily had
13 contact with them.
14 Q. What contact was there between you and
15 any reporter at The Anniston Star?
16 A. Typically anything I would have done, it
17 would have been setting up interviews
18 with the site manager, that kind of
19 thing. I typically didn't do the
20 interviewing because I wasn't at the
21 plant.
22 Q. So you would be the liaison between the
23 reporter and site manager?

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1 A. Yes.
2 Q. Would you help prepare the site manager
3 for that interview process?
4 A. If they requested it.
5 Q. Do you have any -- Were there times
6 where you did help prepare a site
7 manager in Anniston?
8 A. I don't really recall any, but I can't
9 say for sure.
10 Q. Do you know a reporter named Jonathan

11 Lifland?

12 A. No. I don't think so.

13 Q. About how Elizabeth Solo?

14 A. I recognize her name, but I didn't have

15 any interaction with her.

16 Q. Have you received information regarding

17 ADEM updates?

18 A. Very likely.

19 Q. In fact you had been provided with some

20 information from the Alabama Chemical

21 Association regarding ADEM environmental

22 updates in 1993 and '94, correct?

23 A. I'm sure that's true. That's pretty

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1 common in all states we work in.

2 Q. What was your interest in knowing about

3 John Smith, who was the ADEM chief at

4 that time?

5 MR. PECK: Object to the form.

6 A. I don't know. I don't recall any

7 particular interests.

8 Q. (By Ms. Malow) Well, why was it that

9 you asked Alabama Chemical Association

10 to send you information about ADEM?

11 A. I don't know. I don't remember why I

12 would have done that. I'm sure at the

13 time there was a reason, but I don't

14 remember what it is.

15 Q. Have you ever had any contact with any

16 Wall Street Journal reporters regarding

17 the Anniston facility?

18 A. No.

19 Q. Do you know a reporter named Carrick

20 Mollenkamp?

21 A. No.

22 Q. In trying to find documents responsive

23 to Exhibit One, did you have any

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1 conversations with Diane Herndon

2 regarding what files she had in her

3 possession?

4 A. No. Because to the best of my knowledge

5 she transferred all those files to me.

6 Q. So after you got back to Alabama in May

7 of '97, you then received Diane's files?

8 A. Yes.

9 Q. And then when you relinquished Alabama
10 to Mr. Cahill in February of '98, those
11 files on Alabama would have gone to
12 Mr. Cahill?

13 A. Yes.

14 Q. And those files could have been in
15 Mr. Cahill's possession from February of
16 '98 through the present?

17 MR. PECK: Object to the form.

18 Q. (By Ms. Malow) Correct?

19 A. That's correct.

20 Q. Do you know of a reporter named Rick
21 Bragg?

22 A. I don't know him.

23 Q. Have you heard of him?

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1 A. I have heard of him.

2 Q. What context?

3 A. He's a reporter.

4 Q. That's all you know?

5 A. I believe he's from The New York Times.

6 Q. How do you know that?

7 A. He has done some stories. I know he did

8 a story on the Anniston --

9 Q. What story did he do?

10 A. I can't even remember specifically what

11 it was about. I just know it pertained

12 to the Anniston plant.

13 Q. Who from Monsanto or Solutia had contact

14 with Mr. Bragg regarding that story?

15 MR. PECK: Object to the form.

16 A. I believe it was Diane Herndon.

17 Q. (By Ms. Malow) Do you remember when

18 that story came out?

19 A. No, I don't.

20 Q. Did Diane tell you anything about her

21 dealings with Mr. Bragg?

22 A. Not really.

23 Q. How about generally --

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1 A. No. I just knew at the time there was a

2 story being worked on by him, but I

3 didn't know anything about, you know,

4 who -- relationship or interaction with

5 him.

6 Q. Do you know who he interviewed?

7 A. No.

8 Q. Do you know about any meeting that

9 Mr. Bragg had in Birmingham with people

10 that worked at the Monsanto plant?

11 MR. PECK: Object to the form of

12 the question.

13 A. No.

14 Q. (By Ms. Malow) Did you work anywhere

15 before you went to Monsanto in 1990?

16 A. Yes.

17 Q. Where?

18 A. Webster University -- several places.

19 You want me --

20 Q. Why don't you give me a brief history?

21 Where did you go to school?

22 A. I got my undergraduate degree at

23 Valparaiso University.

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1 Q. Where is that located?

2 A. Northern Indiana.

3 MR. PECK: She's obviously not a

4 basketball fan.

5 MS. MALOW: No. Just a Rockets

6 fan, not college ball.

7 Q. (By Ms. Malow) What year did you

8 graduate from college?

9 A. '84.

10 Q. What was your degree in?

11 A. Journalism.

12 Q. And then did you have any education

13 beyond college?

14 A. Yes. I have a master's in marketing

15 from Webster University.

16 Q. Webster? Where is that located?

17 A. Here in St. Louis.

18 Q. What year did you get that master's?

19 A. '93, I believe.

20 Q. Then you said you did some work at

21 Webster after school, after you got your

22 master's?

23 A. It would be easiest for me to go

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1 chronologically.

2 Q. That's fine.

3 A. After I graduated, I worked at the

4 Lafayette Journal and Courier Newspaper.

5 Q. What role did you --
6 A. Advertising. Then I worked at Purdue
7 University for the school of mechanical
8 engineering doing PR for them mostly
9 intern and alumnae. Then I moved to St.
10 Louis and worked for Missouri Goodwill
11 Industries doing PR for them. Then I
12 went to Webster University doing some of
13 their external newsletters and
14 communications and events.
15 Q. You had media training?
16 A. Yes.
17 Q. From whom?
18 A. Monsanto, through Monsanto.
19 Q. Was that paid for by Monsanto when you
20 came on?
21 A. Since I have been employed with them,
22 yes, when it pertained to my job.
23 Q. Right. But they provided you with the

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1 media training at their expense?
2 A. Yes.
3 Q. Who was the company that put you through

4 the media training? Was it Ryan &
5 Associates?
6 A. No. It was Motion Masters.
7 Q. When did you receive that media
8 training?
9 A. In -- I think it was '94.
10 Q. Is that something that you just had
11 once, or is it something you have
12 periodically?
13 A. I have had specific media training once.
14 I have had -- I have provided media
15 training where I have participated at
16 other times.
17 Q. Who have you provided media training to?
18 A. What that means, I have set it up for
19 different people, and I participated in
20 that process in helping with putting
21 that together.
22 Q. Have you done that with anybody at the
23 Anniston facility?

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1 A. I don't recall doing that.
2 Q. Do you know how long there has been a

3 public relations department at Monsanto?

4 A. I don't know how long. I have no idea.

5 Q. You don't have a history of when they

6 began having a PR department?

7 A. No.

8 Q. We have been provided with a lot of

9 historical documents regarding press

10 clippings that date back to the '60s and

11 '70s. Do you know -- Have you been

12 shown those documents? I'm talking

13 specifically about press clippings on

14 PCBs that date back in the '70s.

15 A. I don't know if I saw those or not.

16 Q. Is there a file within the public

17 relations department of Solutia, or

18 formerly Monsanto, regarding PCBs?

19 A. No.

20 Q. That you're aware of?

21 A. Not that I'm aware of.

22 Q. Is it broken out instead in terms of

23 site, specific site?

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1 A. Yes.

2 Q. So each site receives any press
3 clippings from the clipping service that
4 pertains to that site? Is that the way
5 it works?
6 A. Right.
7 Q. We had talked before about your contact
8 with Bill Defer, and one of the things
9 you mentioned that you do is you talk
10 about community outreach. Do you recall
11 what sort of community outreach programs
12 were in place, if any, back in the '94
13 time frame?

14 MR. PECK: In Anniston?

15 MS. MALOW: In Anniston. Yeah.

16 A. Well, I wouldn't say -- call it -- Most
17 of the site outreach are in the
18 programs. It's standard routine
19 outreach that we do. We interact with
20 leaders in the community. We interact
21 with philanthropic agencies that we
22 identified are appropriate to give to
23 based on the needs in the community.

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1 Typically we have historically had,
2 since I have been involved, a community
3 relation plan, and that's what we work
4 from. But it's not an outreach program,
5 per se.

6 Q. (By Ms. Malow) Do you know when it was
7 that a community relation plan was
8 established at the Anniston site?

9 A. What do you mean? The first time?

10 Q. Yes.

11 A. I don't know the first time.

12 Q. Do you know what community relation plan
13 was in place, if there was one, in '94
14 when you took over that responsibility?

15 A. Each year we update the community
16 relations plan. There are plans
17 annually.

18 Q. Are those written plans?

19 A. Yes.

20 Q. Are those plans maintained, copies of
21 those plans?

22 A. Yeah.

23 Q. Where would those be kept?

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1 A. Just depends on the person who's
2 managing it. Sometimes they're called
3 community relation plans, and sometimes
4 they're in the plant file. It depends
5 on the person managing.

6 Q. How did you maintain it for Anniston or
7 Alabama?

8 A. Typically I maintained mine in the file
9 that went with the plant.

10 Q. So if we have the entire Anniston file,
11 we would have any community relations
12 plans?

13 MR. PECK: Object to the form of
14 the question.

15 A. The ones that I did -- Maybe. But I
16 didn't manage those files. Once they
17 were out of my hands, what they did with
18 them -- Whether they kept those or not,
19 I can't say.

20 Q. (By Ms. Malow) And I don't remember
21 seeing the written community relations
22 plan.

23 MS. MALOW: Have you seen --

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1 MR. PECK: I have seen at least

2 one in there.

3 MR. STEWART: One in there.

4 MR. PECK: I have seen a couple in

5 the file. I don't know.

6 MS. MALOW: There may be others?

7 MR. PECK: I don't know of any

8 others. To the extent we

9 have them, they're in there,

10 as far as I'm aware.

11 Q. (By Ms. Malow) What I'm trying to

12 figure out now, though, is do you recall

13 what the community relation plan was

14 that was in place when you got that

15 responsibility and before in Anniston?

16 A. I don't remember exactly what was in it.

17 Q. Who decides what a community relation

18 plan should be for a particular

19 facility?

20 A. It's usually worked out with the person

21 who has my responsibilities and the site

22 manager.

23 Q. It's a team cooperative effort?

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1 A. It's a team, right.

2 Q. It has nothing to do -- For example,

3 Solutia had a fund.

4 A. It does. We do tie our philanthropic

5 contributions to community relations

6 plan.

7 Q. Have you ever been on the board of the

8 Solutia Fund?

9 A. No.

10 Q. Have you ever been on the board of the

11 Monsanto Fund?

12 A. No.

13 Q. Are you familiar with the amount of

14 monies that have been allocated to the

15 Anniston site during the time that you

16 have had responsibility for them?

17 A. When I had responsibilities, I was

18 familiar with it, yes.

19 Q. Let's talk about the last time that you

20 had responsibility, which would have

21 been -- let's say '97, early '98. Do

22 you know what the philanthropic budget

23 was at that time for Anniston?

1 A. I don't recall exactly what it was. It

2 would have been the 40 to 60 range,

3 thousand. I don't recall exactly.

4 Q. And what is your understanding of how

5 that number is determined?

6 A. Depends on whether you're talking about

7 Monsanto or Solutia.

8 Q. Let's talk about Monsanto first. Then

9 we can deal with when you had it in '94.

10 Do you remember what the budget was for

11 Anniston in '94?

12 A. It was lower. I don't remember exactly,

13 but I know it was less than that.

14 Q. We were provided with a document last

15 night from Mr. Peck that has Fund

16 Budgets by Location. It seems to

17 indicate that in 1997 the Anniston plant

18 was 60,000. Does that sound right?

19 A. That sounds right.

20 Q. And in '94 it indicates \$24,800?

21 A. I was thinking it might have been in the

22 20s. I know it went up.

23 Q. Have you reviewed or looked at the Fund

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1 Budgets by Location?

2 A. Not for a while.

3 Q. Is that a document that you would be

4 copied on?

5 A. Yes.

6 Q. And how often are those put out?

7 A. Usually we -- once a year we

8 reevaluate.

9 Q. Who prepares the Fund Budgets by

10 Location document?

11 A. Who manages that document?

12 Q. Who issues the Fund Budgets by Location?

13 MR. PECK: You mean Solutia Fund?

14 MS. MALOW: Yeah.

15 Q. (By Ms. Malow) Who generates this fund

16 budget?

17 A. Keeps track of what -- I guess maybe

18 Janet Ryan. I mean Janet Striker, who

19 is our person that actually writes the

20 checks -- when we request them.

21 [Rusert Exhibit Number Three

22 was marked.]

23 Q. (By Ms. Malow) Just so the record is

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1 clear, what I handed you before to look
2 at, what we have now looked at, Rusert
3 Exhibit Three, which is the Fund Budgets
4 by Location, looks like they go from '94
5 through '99. Is that accurate?

6 A. Yes.

7 Q. And you did not look at this document
8 before the deposition?

9 A. I glanced at it; I didn't look at it in
10 any detail.

11 Q. Are there any other documents that you
12 glanced at that we haven't covered?

13 A. I don't recall. No.

14 Q. What are the factors that go into
15 determining how much is budgeted to a
16 particular facility?

17 A. Well, I mean, if you're talking from
18 Monsanto, I was not a part of that.

19 Q. Let's talk Solutia, then.

20 A. For Solutia, we look at -- There's three
21 areas that we look at as far as needs in

22 the community. We look at environmental
23 stewardship opportunities. We look at

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1 science education needs. And we look at
2 community infrastructure. And we
3 determine what the need is in that
4 community. And that helps us assess
5 what we should be doing.

6 Q. Can you tell me why it is that the
7 budget for the Anniston plant doubled
8 between '94 and '97?

9 A. I mean, I didn't have it in that whole
10 time frame. I know that when I was in
11 there in '94 we did get an increase
12 because we felt they were reasonably
13 low. In their ability to do things,
14 there was a lot of need for education
15 resources in that community. It's a
16 community we draw employment from, and
17 we really wanted to be able to
18 contribute in improving that.

19 Q. Exhibit Three, which is the Fund Budgets
20 by Location, indicates that in 1999 that

21 the Anniston plant had a budget of
22 \$189,310. Are you aware of that?
23 A. No.

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1 Q. Do you know why it is that the budget
2 actually tripled from 1997 to 1999?

3 A. No. I was not part of that
4 decision-making process.

5 Q. Who would know the answer to that
6 question?

7 A. Kevin Cahill probably would know because
8 he was the one that works with that
9 plant.

10 Q. Well, Mr. Cahill didn't seem to know
11 what the budget was.

12 MR. PECK: Object to the form of
13 the question, if that's a
14 question.

15 MS. MALOW: I don't think that was
16 a question. That was just
17 commentary.

18 Q. (By Ms. Malow) Are you aware that the
19 Anniston plant received more money than

20 any other plant in 1999, other than the
21 fund in the St. Louis headquarters?
22 A. No.
23 Q. Does that seem surprising to you, based

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1 on the fact that there are only ninety
2 employees in the facility?
3 A. It's not done by number of employees.
4 That wouldn't be a reference or rational
5 for that.
6 Q. Does it seem strange to you, based on
7 fact that it's in a fairly small
8 community?
9 A. I can't really comment on how those
10 decisions were made.
11 Q. There's a portion at the bottom that has
12 three things. Has "matching," plus
13 "fund," plus "plans." Do you know what
14 those each stand for the -- what the
15 matching stands for?
16 MR. PECK: I'm showing her.
17 A. I can't say for sure. It may reference
18 United Way.

19 Q. (By Ms. Malow) For example, if you'll
20 look at the 1997 one, which is a few
21 pages down, there's a matching of over 2
22 million dollars?
23 A. Would be my guess it's United Way, the

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1 companies would match. That's changed,
2 one, because that was under Monsanto.
3 But I don't know specifically what's
4 different about it. You'd actually have
5 to talk to someone who works on the
6 funds to know for sure.
7 Q. Would that be Christy Beckman?
8 A. Yes.
9 Q. What about the monies that are under the
10 part that says "Plants"? Do you know
11 what that means or stands for?
12 A. I believe that's money allocated to all
13 our plants through Solutia Fund or
14 Monsanto Fund.
15 Q. There's a category that says "Fund" with
16 dollar amounts. And there's a number of
17 plants --

18 A. I don't know.
19 Q. I'm trying to figure out what the
20 differences were.
21 A. I don't know what the difference is.
22 Q. Do you have knowledge regarding why it
23 was that the -- Let me back up.

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1 The Fund Budgets by Location, is
2 that dealing with philanthropic monies?
3 A. Yes.
4 Q. Are there other monies besides
5 philanthropic monies that are allocated
6 to each of the plants?
7 A. Other monies for what?
8 Q. Anything. I mean, how about for
9 community relations?
10 A. Not -- No. Usually community relations
11 money is budgeted in St. Louis. And
12 it's in a lump that's not usually for
13 one particular plant.
14 Q. What, if there's a specific program such
15 as Solutia Education Connection Program,
16 would that be separate money?

17 A. I don't know how they set that program
18 up.
19 Q. Do you have an understanding why it is
20 that the Fund Budgets by Location
21 increased from 1.7 million dollars in
22 1995 to over 11 million dollars in 1996?
23 A. No, I don't.

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1 Q. Seem like a significant jump to you?
2 A. I don't know. It's under Monsanto, so I
3 don't know anything about that at all.
4 Q. We were talking before about the written
5 community relations plans. What issues
6 drive that community relations plan?
7 What types of issues?
8 A. Well, I wouldn't say they're necessarily
9 issues. They could be activities at
10 plants; expansions, for example. Any
11 number of factors that would be
12 affecting employees as well as the
13 community.
14 Q. What are some of the factors that go
15 into establishing a community relations

16 plan?
17 A. Well, we look at what the current --
18 what the plant is currently doing, if
19 they're expanding, if they're growing,
20 or what products they make, the level of
21 knowledge in the community. In a
22 particular sense, since we have spun off
23 from Monsanto, there's a real lack of

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1 awareness of the name "Solutia." So we
2 have tried to evaluate that recognition
3 in the community and target our
4 philanthropic and any outreach plans
5 accordingly.

6 Q. Is that true even today, that Solutia is
7 still having difficulties in terms of
8 name recognition in the community?

9 A. Yes.

10 MR. PECK: Only recently have we
11 got you guys to use that
12 name.

13 MS. MALOW: It takes us a while to
14 catch on.

15 Q. (By Ms. Malow) Do you know of a
16 consulting firm named Fleishman Hillard?
17 A. Yes.
18 Q. What is your knowledge regarding
19 Fleishman Hillard's involvement in
20 Monsanto or Solutia?
21 A. We have used them on and off for
22 different programs and projects.
23 Q. Have you specifically had any direct

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1 contact with any persons at Fleishman
2 Hillard?
3 A. Yes.
4 Q. Who's your contact?
5 A. I worked with a man named Bob Pearce.
6 Q. What did you and Mr. Pearce work on
7 together?
8 A. We worked on the community relation plan
9 for expansion that's going on in
10 Pensacola, Florida.
11 Q. How many years to your knowledge has
12 Fleishman Hillard been retained by
13 Monsanto or Solutia?

14 MR. PECK: Object to the form.
15 A. I don't know how long. But it's not
16 been years, like in year after year.
17 Q. (By Ms. Malow) Did you know of them in
18 1990 having some work that they did for
19 Monsanto?
20 A. I don't know if they did any in '90.
21 Q. When is your first contact with them?
22 A. Personally?
23 Q. Yes.

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1 A. I did some work with them when I was
2 doing environmental communications in
3 the shared services. I don't recall
4 what the project was.
5 Q. Have you had any dealings with Fleishman
6 Hillard regarding the Anniston facility?
7 A. No, I have not.
8 Q. Do you know of any person with Solutia
9 or Monsanto that has worked with
10 Fleishman Hillard regarding the Anniston
11 facility?
12 A. No.

13 Q. What type of company is Fleishman
14 Hillard? Is it an outside public
15 relations firm?
16 A. Yes.
17 Q. Has Fleishman Hillard to your knowledge
18 been used regarding jury consulting type
19 issues?
20 MR. PECK: Object to the form.
21 A. I really don't know.
22 Q. (By Ms. Malow) Have you ever hired an
23 outside PR firm to do any work regarding

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1 any of the Alabama facilities?
2 A. Have I hired them actually?
3 Q. Yes.
4 A. I was instrumental in finding Steve
5 Bradley.
6 Q. Tell me how that came about that you
7 found Mr. Bradley.
8 A. At the time, as I just mentioned, we had
9 recently spun off from Monsanto to form
10 Solutia. And we knew we had the name
11 recognition issue. And Alabama was a

12 very important state to us with the
13 manufacturing station there. And a lot
14 of employees -- and at the same time we
15 were generating quite a bit of media
16 attention in various parts of the states
17 from Anniston. So we felt it became
18 important to really work at our
19 community -- look at the community
20 outreach programs and reevaluate -- and
21 make sure we are doing the right thing,
22 given that most people were not familiar
23 with Solutia.

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1 Q. How is it you came to find Mr. Bradley?
2 A. I believe I got his name through Alabama
3 Power.
4 Q. Who at Alabama Power gave you
5 Mr. Bradley's name?
6 A. I don't remember who it was.
7 Q. Why is it that -- How is it that you
8 were talking to Alabama Power about this
9 issue?
10 A. It wasn't that I was -- I'm not sure

11 what issue -- We thought they might know
12 someone locally in the area that could
13 help us.
14 Q. What was your relationship with Alabama
15 Power at that time?
16 A. I didn't have a relation.
17 Q. Monsanto did?
18 A. Someone had suggested that. And I don't
19 recall who any more. So I tried that.
20 Q. You don't remember who it was that told
21 you to call Alabama Power?
22 A. Not at all.
23 Q. Do you remember if it was someone in St.

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1 Louis or someone at the site?
2 A. It was probably someone at the site, but
3 it would be speculation.
4 Q. We wouldn't want you to do that.
5 A. No.
6 Q. Your lawyer would get upset.
7 Did Warren Lightfoot refer
8 Bradley-Townsend to you guys?
9 A. I know we got their name -- was from the

10 Alabama Power folks.

11 Q. There is a document --

12 MS. MALOW: Just so we know, this

13 is one of the documents you

14 gave us last night. And we

15 can't read that document.

16 Looks like it has a reference

17 name. It says "Warren"

18 something. We would ask for

19 that document to be produced

20 in a readable form.

21 MR. PECK: That might be her

22 writing.

23 MR. STEWART: We have got -- you

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1 have got originals of the

2 documents.

3 MR. PECK: I don't have them with

4 me right now. I'm trying to

5 expedite things. I'll look

6 for the original document.

7 MR. STEWART: If you have -- I

8 thought you had them.

9 MR. PECK: No, no. I sent them
10 back. I've got enough
11 problems without carrying --
12 [Rusert Exhibit Number Four
13 was marked.]
14 Q. (By Ms. Malow) Mrs. Rusert, we have now
15 marked as Exhibit Four to your
16 deposition a document that appears to be
17 a fax that was sent to you from Alan
18 Faust on January 7th of 1998 regarding
19 Bradley-Townsend Public Affairs firm.
20 Do you recall -- Do you recall receiving
21 that from Mr. Faust?
22 A. As I see it, I do.
23 Q. And does that ring a bell that perhaps

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1 Mr. Faust had been the person today that
2 told you to call Alabama Power?
3 A. He might have been.
4 Q. There appears to be some handwritten
5 notes at the bottom that says "referred
6 by" and it's difficult to read. Is that
7 your handwriting?

8 A. It is mine, yeah.

9 Q. But you can't --

10 A. Well --

11 Q. Says "Warren?" Is that what it says?

12 A. Could be Warren. Because it seems like

13 there was -- when we got the name, we

14 got Steve Bradley's name from Alabama

15 Power, that we looked for other people

16 -- references, and that may have been

17 that Warren Lightfoot did some checking

18 as well. I don't really know. I don't

19 remember. Looks like "Samuel"

20 something.

21 Q. Looks like David?

22 A. Looks like it might be "Samuel." It's

23 impossible to tell.

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1 Q. There's a fax line at the top that has

2 Kaley's name on it. Do you know why

3 that is?

4 A. No, I don't.

5 Q. Do you recall any conversations with

6 Dr. Kaley regarding the Bradley-Townsend

7 Public Affairs firm?

8 A. When we were evaluating a possible

9 candidate for that, I'm pretty sure he

10 was involved.

11 Q. Who all was involved in evaluating

12 possible candidates for public --

13 outside public affairs role?

14 A. I can't recall everybody, but I know the

15 plant manager was involved.

16 Q. Which at that time would have been Blake

17 Hamilton?

18 A. Yes.

19 Q. And you believe Dr. Kaley, yourself.

20 Anybody else?

21 A. Alan Faust. Those are the ones I know

22 for sure.

23 Q. Were there other references that you

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1 were given besides the Bradley-Townsend

2 firm for an outside public relations

3 consultant?

4 A. Probably were. I don't recall who they

5 were.

6 Q. Did you interview Mr. Bradley before you
7 hired him?
8 A. Yes.
9 Q. Was that in person or on the phone?
10 A. I did it by phone.
11 Q. And do you remember when in time that
12 would have been? This document, which
13 is Exhibit Four, was dated January 7th
14 of '98. Do you know if it was before or
15 after that time that you talked to him
16 on the phone?
17 A. I believe it was before that.
18 Q. Tell me as best you can recall about
19 that conversation, what you said and
20 what he said.
21 A. I know -- Boy. I don't know if I can
22 recall that conversation.
23 Q. Just your general recollection is fine.

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1 A. I would have talked about that we have
2 three plants in Alabama, that we have a
3 new name and Solutia -- we used to be
4 part of Monsanto. I certainly would

5 have mentioned that we're getting a lot
6 of media attention over the Anniston
7 plant and that with that attention we
8 were generating media interest. And we
9 wanted to evaluate our community
10 outreach programs across the state,
11 particularly in the communities where we
12 do operate. And we wanted someone who
13 professionally could help us evaluate
14 those programs and make recommendations.

15 Q. When you're talking about media
16 attention pertaining to Anniston, are
17 you talking about media attention on
18 PCBs?

19 A. I would assume that -- I don't remember
20 all what was being generated at the
21 time. I remember there was a lot of it.
22 I'm sure that's part of it.

23 Q. Are you telling the jury that the media

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1 attention was not primarily focused on
2 PCBs?

3 MR. PECK: Object to the form.

4 A. I'm sure there was lots of it.

5 Q. Wasn't that the real issue, Mrs. Rusert,

6 as far as media attention at that time?

7 A. That was the biggest issue out of

8 Anniston, yes.

9 Q. And there was a concern on the part of

10 Solutia that that media attention was

11 generating negative publicity for the

12 Anniston site, correct?

13 A. For the company.

14 Q. Right. Including their representation

15 in Anniston?

16 MR. PECK: Object to the form of

17 the question.

18 A. Across the state. That's why we were

19 concerned and looked at the whole state.

20 And like I said, it's a big presence for

21 us in that state.

22 Q. (By Ms. Malow) And the main reason you

23 wanted an outside consultant was because

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1 you wanted to try to turn around that

2 negative publicity, correct?

3 A. No. The main reason we wanted a
4 consultant was to evaluate our community
5 outreach programs so we could look and
6 see if we were doing a good job, if we
7 needed to reevaluate and if we're
8 reaching people in developing
9 relationships and that there is a clear
10 understanding of who Solutia is.

11 Q. But with respect to this -- the issue
12 that you said was the biggest issue for
13 Anniston, that is, that there was
14 negative publicity about PCBs, that was
15 something you wanted to turn and put in
16 a positive light?

17 MR. PECK: Object to the form,
18 mischaracterizes her
19 testimony.

20 Q. (By Ms. Malow) You can answer.

21 A. We were not -- by no means was this, the
22 hiring of Steve Bradley, to do --
23 pertaining to that media interest by the

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1 media. It really had to do with our

2 community outreach effort and our need
3 to make sure we are approaching that
4 outreach appropriately. It wasn't
5 focused on the media.

6 Q. I understand that community outreach was
7 one of the issues that you addressed
8 with Mr. Bradley, but the truth is,
9 Mrs. Rusert, one of the other issues
10 that you addressed with Mr. Bradley was
11 the fact that there was a large amount
12 of negative publicity that was being
13 generated about the Anniston site
14 regarding PCBs, right?

15 MR. PECK: Object to the form.

16 A. I did talk about we were getting a lot
17 of media attention, yes.

18 Q. (By Ms. Malow) And that was a concern
19 to the company, as you have already
20 testified?

21 A. Sure.

22 Q. And that was something that the company
23 wanted to fix?

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1 MR. PECK: Object to the form of
2 the question.
3 Q. (By Ms. Malow) Right?
4 A. That we wanted to fix the media
5 attention?
6 Q. Right.
7 A. That's not why we hired Mr. Bradley,
8 which was the context of the
9 conversation.
10 Q. I understand that Mr. Bradley was hired
11 for several reasons, correct?
12 A. The primary one being -- and really the
13 reason that we wanted to find somebody
14 was to evaluate our outreach programs.
15 Q. But at the same time you wanted to
16 evaluate the community outreach, there
17 was negative publicity being generated
18 effectively about the Anniston site that
19 you have already testified impacted the
20 reputation of Solutia in the entire
21 State of Alabama?
22 A. Right.
23 MR. PECK: Okay, guys. I have got

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1 a clear copy. My copy's
2 clear enough to read it.
3 MS. MALOW: Is it Warren
4 Lightfoot?
5 MR. PECK: Yes.
6 MR. STEWART: Let the record
7 reflect contrary to what I
8 was previously told, Mr. Peck
9 did have a copy.
10 MR. PECK: No. My -- I have a
11 copy. My copy is better than
12 your copy.
13 MR. STEWART: That was our point.
14 Q. (By Ms. Malow) Now that Mr. Peck has --
15 If you want --
16 MR. PECK: Let me just say, you
17 can read -- If you can read
18 that, any communication you
19 might have had with Warren
20 Lightfoot or Samuel Franklin
21 would be privilege. But you
22 can tell him what that says.
23 A. You mean say --

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1 Q. (By Ms. Malow) Identify what that says.
2 A. Warren Lightfoot and Samuel Franklin.
3 Q. What we're talking about is, so the
4 record is clear, Exhibit Four, page two,
5 which had your handwritten notes that
6 the Bradley-Townsend Public Affairs firm
7 had been referred by Warren Lightfoot
8 and Samuel H. Franklin. Is that
9 accurate?
10 A. That's what it states here.
11 Q. Who is Samuel Franklin?
12 MR. PECK: He's our partner.
13 Q. (By Ms. Malow) Now, you told me before
14 that you did have a recollection that it
15 was an Alabama Power representative that
16 had referred Bradley-Townsend Public
17 Affairs to Solutia?
18 A. Right.
19 Q. Do you know how it is that that
20 information jives with this handwritten
21 note about Mr. Lightfoot and
22 Mr. Franklin referring --
23 A. I don't remember the details. It would

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1 be my guess that we also ran the name by

2 Lightfoot, Franklin.

3 Q. At the time Lightfoot, Franklin was

4 representing Solutia in various

5 litigation?

6 A. Yes.

7 MS. MALOW: Let's take a break.

8 [A lunch break was taken.]

9 Q. (By Ms. Malow) Before we broke for

10 lunch, we were talking about Solutia

11 retaining Bradley-Townsend Public

12 Affairs. I want to back up in that

13 area. Okay?

14 A. Okay.

15 Q. You had told me that there was a

16 referral from the Alabama Power Company;

17 you couldn't remember the person. And

18 I'm a little unclear as to why it is

19 that Alabama Power was involved in that

20 referral process. Can you explain that

21 to me?

22 A. We just used them as a resource for

23 possible ideas of either firms or

1 individuals who -- people that they
2 thought were good for community outreach
3 type activities.

4 Q. And why was it that Alabama Power was
5 tapped for that resource?

6 A. Because I'm assuming someone knew people
7 at Alabama Power and thought they might
8 know for -- I can't recall, but there
9 may have been others we called too. I
10 just know that we were able to get a
11 name from them. I just don't remember.

12 Q. Do you have any people at Alabama Power
13 that you have ever dealt with?

14 A. No.

15 Q. You started to talk about your initial
16 interviewing of Mr. Bradley. You told
17 me that it was on the telephone and that
18 you had explained to him that there were
19 three facilities and the name
20 recognition issue, community outreach,
21 media attention on PCBs. Do you recall
22 approximately how long that initial call
23 lasted?

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1 A. I don't remember. No.

2 Q. After that call, did you provide

3 Mr. Bradley with any sort of documents

4 regarding the Alabama facilities?

5 A. I don't really recall that either, to be

6 honest.

7 Q. Mr. Bradley had testified that he was

8 given some historical information. Do

9 you know who would have provided that to

10 him?

11 A. Probably me. I just don't remember.

12 Q. I may have had --

13 A. It wouldn't be uncommon for me to give

14 the background. I couldn't tell you

15 what it was or if I in --

16 Q. If you did something like that, would

17 there be a transmittal letter sending it

18 on to Mr. Bradley under your signature?

19 A. Possibly.

20 Q. Would that be the type of document you

21 would keep a copy of in your file?

22 A. I might. Very likely at the time I

23 would have. Whether it was retained or

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1 not in those files later on, I couldn't

2 say.

3 Q. What was the next contact that you had

4 with Mr. Bradley after that first phone

5 call?

6 A. I'm not sure what else -- I know I would

7 have talked to him again at some point

8 because I ultimately decided that we

9 should retain him.

10 Q. When in time was it after that first

11 phone call that you decided to retain

12 him?

13 A. Based on what you have there, I would

14 say it was probably in January.

15 Q. Of 1998?

16 A. But I can't remember for sure.

17 Q. Do you think it was a few weeks after

18 that first phone call, or within a

19 month?

20 A. A reasonable amount of time.

21 Q. Did you explain to Mr. Bradley either in

22 that first phone call or in later
23 discussions what image that you were

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1 seeking for him to help Solutia obtain
2 in the community?
3 A. No. We never talked about image, that I
4 can recall anyway.
5 Q. His correspondence to you regarding his
6 public affairs firm, which we have
7 marked as Exhibit Four, has several
8 different types of services that they
9 offer to their clients, including things
10 like media relation, crisis
11 communication, PR legislative relations,
12 et cetera. What specifically did you
13 ask Mr. Bradley to do as far as services
14 that he was going to provide to Solutia?
15 And if you want to take a look at this
16 list on Exhibit Four?
17 A. Consistent with what I said before, what
18 we would be retaining him for was to
19 help evaluate our outreach in the three
20 different communities where we were

21 doing business -- operating plants.
22 Q. So would that fall -- under what
23 umbrella would that fall, public

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1 relations or community relations?
2 A. Probably community relations, but I
3 don't really see that as a listing, per
4 se. Because they kind of overlap some
5 -- a number of these areas, depending on
6 different audiences that you decide that
7 you need to reach in any given
8 community. They're not always
9 identical.
10 Q. Did Mr. Bradley discuss with you needing
11 to survey the community before he could
12 make recommendations on what type of
13 community program should be instituted?
14 A. I don't remember if he did or not.
15 Q. While I'm looking for this, will you
16 tell me what further contact you had
17 with Mr. Bradley after you made a
18 decision to retain his firm?
19 A. Well, I would assume if -- it was very

20 little, because in February I was no
21 longer working on that project.
22 Q. Okay.
23 A. It's the time frame I was off that.

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1 Q. Did you ever meet Mr. Bradley in person?
2 A. I did not. So essentially I was
3 instrumental in helping identifying and
4 selecting him. And after that, I was no
5 longer working on that -- with that
6 plan, any of those plans in Alabama.
7 Q. Would Mr. Cahill have then taken on the
8 communications with Mr. Bradley after
9 you stopped having responsibility?
10 A. No. Let me think here. Yes. At that
11 point it would be Kevin that would have
12 taken it on.
13 Q. Do you recall any discussions with
14 Mr. Bradley regarding a community
15 assessment for Solutia that he was going
16 to do?
17 A. I don't recall.
18 Q. And the reason I keep going back to that

19 is when we took Mr. Bradley's
20 deposition, he had indicated that he had
21 been asked to do a community assessment
22 for Solutia. And he had also indicated
23 that his initial conversations had been

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1 with you. And I'm trying to determine
2 from your perspective if you remember
3 any of that about community assessment?
4 A. I don't really remember the specifics of
5 what we were talking about at that time.
6 You know, I barely can remember going
7 through the process of hiring him. It's
8 been long enough ago.

9 Q. Are you familiar with community
10 assessments?

11 A. I think so.

12 Q. What would that be?

13 A. Well, I'd have to interpret what I
14 think, if we're talking about community
15 survey of -- what is, you know, going on
16 in the community. And I'm not really
17 sure. I guess I can't really say for

18 sure what a community assessment is in
19 that context because I don't have the
20 context of the rest of the conversation.
21 Q. Well, he testified that the assessment
22 would be talking to community leaders to
23 find out their perception of Solutia.

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1 Would that make sense to you as to what
2 a community assessment would entail?
3 A. It's possible.
4 MR. PECK: Object to the form of
5 the question.
6 Q. (By Ms. Malow) We talked about the fact
7 that on Exhibit Four Mr. Lightfoot and
8 Mr. Franklin are listed as referral
9 sources. Did you have any conversations
10 --
11 MS. MALOW: And before you object,
12 let me get through the whole
13 question so you know what I'm
14 asking.
15 Q. (By Ms. Malow) I don't want to know
16 about anything other than factual

17 discussions that you had with either
18 Mr. Franklin or Mr. Lightfoot regarding
19 any issue pertaining to PCBs.

20 MR. PECK: I --

21 MS. MALOW: I'm not looking to get
22 into anything privileged.

23 But if it was factual

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1 information such as history
2 on the plant, things of that
3 nature, I think that's
4 discoverable.

5 MR. PECK: I don't think it's
6 discoverable. I'll let her
7 tell me whether or not she
8 had one so we don't make a
9 big issue of it. Let me take
10 her out a minute.

11 MS. MALOW: Okay.

12 [Discussion held off the
13 record.]

14 MR. PECK: I disagree with your
15 interpretation of privilege,

16 but she didn't have any
17 discussions with him.
18 A. I had no discussions, right.
19 Q. (By Ms. Malow) Good. We'll move on.
20 Just so I'm clear, you didn't
21 personally have any conversation with
22 anybody at Alabama Power regarding
23 retaining Mr. Bradley?

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1 A. Not that I recall.
2 Q. Have we now covered all the
3 conversations that you have had with
4 Mr. Bradley regarding his retention as
5 an outside PR consultant?
6 A. As best as I can remember, yes.
7 MR. STEWART: Good midwestern
8 statement.
9 THE WITNESS: It's the truth.
10 MR. STEWART: I'm talking about
11 the way of phrasing it.
12 THE WITNESS: That would be
13 accurate. Good assessment.
14 Q. (By Ms. Malow) We talked a little bit

15 about your trips to the actual Anniston
16 site. I wanted to get back to that
17 issue because my understanding was with
18 Bill Defer -- if I remember correctly,
19 and correct me if I'm wrong -- that was
20 on the phone or was that --
21 A. No. I believe I just talked with him
22 primarily on the phone.
23 Q. Right. When Mayausky came on board, you

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1 actually did make a trip out to the
2 site?
3 A. Yes.
4 Q. How many other visits have you made to
5 the Anniston facility?
6 A. I don't remember.
7 Q. Do you think it's more than ten?
8 A. Probably not.
9 Q. Can you remember any of the other times
10 or purposes that you went out to the
11 site besides that initial one with Jack?
12 A. When Blake Hamilton came on board.
13 Q. Tell me about that. Who went besides

14 yourself?

15 A. Just me.

16 Q. What was the purpose of that visit?

17 A. He was a new site manager.

18 Q. That's typical protocol to go out and

19 meet the site manager and find out what

20 they're doing in the community, how

21 things are going at the plant?

22 A. Yes.

23 Q. Did you do -- Was that just a one day

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1 visit?

2 A. As far as I remember. I don't remember

3 for sure.

4 Q. Do you remember what year that was?

5 A. It was around probably June or July of

6 '97, sometime in '97 when Blake came on.

7 Q. What other visits do you recall to

8 Anniston?

9 A. I know there were other visits. I can't

10 specifically recall the time frames. I

11 do remember a visit with Alan Faust and

12 Blake at some point.

13 Q. What was the purpose of that trip?
14 A. I'm sure it was to discuss issues at the
15 Anniston plant, but I do not remember
16 the specific purpose.
17 Q. Was that dealing with remediation
18 issues?
19 A. It could have been; I just can't recall.
20 Q. What experience -- not experience, but
21 what involvement did you have with
22 respect to remediation issues at the
23 Anniston site?

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1 A. All of my involvement would be around
2 the community outreach.
3 Q. Have you ever assisted in preparing any
4 talking points for any of the plant
5 representatives at Anniston?
6 A. No.
7 Q. Have you assisted at the Anniston
8 facility in drafting any letters to the
9 editor?
10 A. I don't recall doing that.
11 Q. Have you assisted in the drafting of any

12 speeches that have been given by any of
13 the plant personnel at Anniston?
14 A. No.
15 Q. Have you been in attendance at any
16 community activity or function in
17 Anniston?
18 A. I don't think so.
19 Wait; wait. I'm just remembering
20 something that would kind of be a
21 community -- one of their VP started --
22 I think it was when they were
23 recertified, I believe. I did attend a

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1 function that was at the plant site that
2 had the community --
3 Q. That was OSHA? ISO?
4 A. No. It was their voluntary protection
5 program, safety program for OSHA.
6 Q. And that was a function held at the site
7 itself?
8 A. Yes. On the plant grounds.
9 Q. Anyone else from St. Louis come for
10 that?

11 A. There were --
12 Q. A lot of people?
13 A. A lot of people.
14 Q. Have you ever put together any sort of
15 tours of the site for any members of the
16 press?
17 A. No.
18 Q. I asked you earlier about contact with
19 reporters in The Anniston Star. Have
20 you ever had any contact with any
21 reporters with the Birmingham paper?
22 A. I don't remember doing it.
23 Q. How about with any radio or TV personnel

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1 in the Alabama area, in Alabama?
2 A. I don't think so.
3 Q. Have there been any articles that were
4 written that you have been responsible
5 for getting in the paper regarding the
6 Anniston site?
7 A. I don't think so. I don't recall
8 specifically on that, though.
9 Q. Have you been involved at all with

10 regard to articles that were selected
11 for use in Monsanto's motion to change
12 venues in litigation that's pending?

13 A. You'd have to -- I'm not sure what
14 you're even asking either.

15 Q. Are you familiar with the fact that
16 Monsanto or Solutia has tried to move
17 the location of a lawsuit?

18 A. No.

19 Q. So you didn't have assistance in picking
20 articles regarding that issue?

21 A. No.

22 Q. Do you know who would have?

23 A. No, I don't.

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1 Q. Are you familiar with the lawsuit
2 involving the people that live around
3 the lake?

4 A. A little bit.

5 Q. What is your familiarity with that
6 lawsuit?

7 A. That there are people who live around
8 the lake that are in a class action

9 suit.

10 Q. Are you familiar with the fact that the
11 case settled?

12 A. A little bit.

13 Q. What have you been told about the terms
14 of that settlement?

15 A. I know nothing about the terms; I just
16 know the case settled.

17 Q. Other than conversations with lawyers
18 about that settlement, have you had any
19 conversation with anyone else at Solutia
20 about the settlement?

21 A. No.

22 Q. Have you had conversations with Diane
23 Herndon regarding the Anniston facility?

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1 A. Any time frame?

2 Q. Yeah.

3 A. Yes.

4 Q. When is the last time you and Diane
5 spoke about the Anniston site?

6 A. Probably while I was still working with
7 the plant.

8 Q. Back in '98?

9 A. Yeah.

10 Q. Early '98?

11 A. Sometime in '98. Actually it was more

12 like '97, but perhaps '98.

13 Q. Do you recall what it was that you

14 discussed with her at that time?

15 A. No, I don't.

16 Q. What would be a reason that you and

17 Diane would need to confer about the

18 Anniston site?

19 A. It would just be a matter if I had a

20 question about something she had worked

21 on, some historical thing.

22 Q. Do you recall any specific historical

23 question that you had?

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1 A. No, I don't.

2 Q. Are you aware that Kevin Cahill has

3 given his deposition in this case?

4 A. Yes.

5 Q. Did you talk with Mr. Cahill about his

6 deposition?

7 A. No, other than just saying that he had
8 gone through his deposition.
9 Q. Did Mr. Cahill let you know any of the
10 types of questions that would be asked
11 of you?
12 A. No, he did not.
13 Q. Have you ever read his deposition?
14 A. No.
15 Q. Other than Mr. Bradley, did you have any
16 contact with anybody else at
17 Bradley-Townsend Public Affairs firm?
18 A. No, not that I remember.
19 Q. Are you familiar with contributions that
20 the Anniston site has made to any
21 charities?
22 A. I had some familiarity when I was
23 working with the plant.

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1 Q. What was your familiarity in that
2 regard?
3 A. That we made some contributions to some
4 organizations. For example, I
5 definitely remember we did do something

6 with the -- I think it was the Natural
7 Science Museum they have there.
8 Q. Do you remember what the contribution
9 was?

10 A. No. I don't even remember the amount.

11 Q. I believe that Mr. Cahill had testified
12 that the annual budget for philanthropic
13 activities was reviewed by you. Is that
14 accurate?

15 MR. PECK: Object to the form.

16 A. You mean each year?

17 Q. (By Ms. Malow) Yes.

18 A. Yeah.

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

21 A. At one point it was. I'm no longer
22 responsible for that plant.

23 Q. (By Ms. Malow) At the time that you had

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1 responsibility for the plant, was one of
2 your functions to review the annual
3 budget?

4 A. Right. And also I should further

5 explain that we at one point had a
6 regional concept where -- and we still
7 have that; it's just not as in play as
8 it was. And I was responsible for the
9 southeast, which of course included
10 those three Alabama plants. So those
11 plants' would also come to me in
12 addition to Kevin.

13 Q. When you say there was a "regional
14 concept," what do you mean by that?

15 A. Meaning that we had three regions of the
16 United States and Canada and Europe that
17 we broke the three of us into to cover
18 those sites. And all of them were
19 manufacturing sites in those regions.
20 One is the southeast; one was west; and
21 one was northeast.

22 Q. And you had southeastern region?

23 A. Right.

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1 Q. What time frame did you have that?

2 A. I really still have it. It's not

3 functioning quite the same way as it

4 once was.

5 Q. And in that role, and having the
6 southeast region, you would review the
7 annual budget for philanthropic giving?

8 A. Yes. For the plants that were located
9 in the southeast.

10 Q. What were you reviewing the budget for?

11 A. Making sure that the philanthropic
12 activities met the three criteria I
13 mentioned earlier.

14 Q. The themes that we talked about, like
15 environmental stewardship, or
16 education --

17 A. And science education.

18 Q. And was there a certain percentage of
19 the budget that was supposed to be
20 allocated to each of those themes, or
21 was it each of those three themes were
22 supposed to be met?

23 A. Neither of the above. We looked for

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1 opportunity in the area based on needs
2 in the community and whether or not

3 there was something that fit that
4 criteria that would be a good match for
5 us.

6 Q. Was there ever a situation with the
7 Anniston facility that you felt that
8 money was being expended that you
9 thought were not meeting those themes?

10 A. No.

11 Q. I had asked you before about the
12 property purchase program. And I
13 believe you didn't have any involvement
14 in that. How about the door-to-door
15 aspect where Jack Mayausky went out to
16 visit with the neighborhood? Were you
17 involved with that?

18 A. No.

19 Q. When you told me at the very beginning
20 that when you were looking for documents
21 in response to the notice of deposition
22 and document request, that you had found
23 what we have now marked as Exhibit Two,

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1 the Bourne Elliott Associates

2 information on community assessment, you
3 had told me that there were other --
4 that there was a file that would have
5 things because CAPs were not unusual.

6 Right?

7 A. Yes.

8 Q. Was the file that you found this in
9 empty other than Exhibit Two?

10 A. No.

11 Q. What else was in that file?

12 A. Other information could be articles
13 about community advisory panels.
14 There's other consultants from other
15 parts of the United States in there, who
16 either facilitate or have helped put
17 together community advisory panels.

18 Q. Did you give us all those?

19 MR. PECK: No. Because they don't
20 have anything to do with
21 Anniston or Alabama. This
22 was the only one to do
23 with --

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1 MS. MALOW: We would request that
2 those be produced. We can
3 decide later if it's
4 admissible. But it's
5 certainly relevant.

6 MR. PECK: I don't think it was
7 asked for. If it was asked
8 for, it would have been
9 produced. I'll take your
10 request under consideration.
11 I haven't seen the document.

12 MS. MALOW: Okay.

13 Q. (By Ms. Malow) Are you familiar with
14 the fact that other than Bourne Elliott
15 Associates there have been additional
16 consulting firms that have sent
17 information to Solutia regarding CAPs?

18 A. Yes.

19 Q. And I'm talking specifically for
20 Anniston.

21 A. Yes.

22 Q. Do you know where those documents were
23 maintained?

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1 A. I'm not sure if I have them in that file
2 or if Kevin has them. I don't remember
3 where they have been transferred.
4 Q. We have been provided by counsel for the
5 defendant with those other documents,
6 which included a company called -- Was
7 it Meridian? Meridian. There was also
8 a Prudential organization that did CAPs.
9 Are you familiar with either of those?
10 A. Prudential I'm familiar with.
11 Q. Have you had contact specifically with
12 Prudential regarding a community
13 advisory panel?
14 MR. PECK: For Anniston.
15 Q. (By Ms. Malow) For Anniston.
16 A. Yes.
17 MR. PECK: For Anniston?
18 THE WITNESS: Yes.
19 Q. (By Ms. Malow) Tell me about that.
20 A. I was looking at whether or not we could
21 do a community advisory panel for a
22 number of plants, Decatur; Anniston; and
23 Augusta, Georgia, specifically. We were

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1 looking at the possibility of whether we
2 might be able to reduce our costs by
3 having one firm help get three different
4 community advisory panels started up.
5 And I had a couple of different -- maybe
6 three, I think, different firms give us
7 quotes.

8 Q. Yount?

9 A. I don't recall that.

10 Q. The quotes you got from were from
11 Prudential. Who else?

12 A. I'm not sure I remember the others. It
13 might have been Ann Green was one of
14 them. She does --

15 Q. Does she have her own firm?

16 A. Yes. Ann Green Associates.

17 Q. Where are they based, or is she based?

18 A. I don't remember. It's somewhere on the
19 East Coast.

20 Q. Who was your contact at Prudential?

21 A. John -- I don't remember his last name.

22 I don't remember.

23 Q. I might be able to refresh --

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1 A. I think it was John.

2 Q. We'll look for it. Ann Green and who
3 else?

4 A. Associates. And I don't remember the
5 third.

6 Q. Okay. And did you in fact choose one of
7 those --

8 A. No.

9 Q. -- entities?

10 A. No.

11 Q. Why not?

12 A. Because we didn't really get enough cost
13 efficiency. And we couldn't really
14 afford with our current budgets to do
15 that approach to a CAP at any of those
16 facilities.

17 Q. We talked about the fact that a CAP was
18 not set up in Anniston. Did you
19 subsequently set up a CAP at Decatur or
20 Augusta?

21 A. I did not, no.

22 Q. Do you know if there was one set up?

23 A. Augusta does not have one. Decatur just

1 set one up this year.

2 Q. That's the first time they have had a

3 CAP?

4 A. No, it's not. They had had another CAP

5 previously that had become inactive.

6 Q. What is the general life span of a CAP?

7 A. It depends on how it's managed.

8 Q. Well, the one that existed before

9 Decatur, for how long was that in place?

10 A. It was either '87 or '89 when it was

11 first set up.

12 Q. And when did it go out?

13 A. It fizzled out. When I worked there, it

14 was still in existence, although it was

15 not really active. I don't know if it

16 ever formally disbanded. It just sort

17 of trickled off.

18 Q. Are you familiar with a lawsuit against

19 the Monsanto plant in Triana?

20 A. No.

21 Q. The question I asked you before about

22 the Prudential Community Interaction

23 Consulting bid on the CAP, would that

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1 have come from -- Well, there's no name
2 on here. Let me get this marked and see
3 if you have seen this before.

4 [Rusert Exhibit Number Five
5 was marked.]

6 A. I don't know if I have seen --

7 Q. (By Ms. Malow) What's it marked, so we
8 can identify it for the record?

9 A. Five.

10 Q. So Exhibit Five, which is the Prudential
11 Community Interaction Consulting Plan on
12 CAPs, you don't know if you have seen it
13 before?

14 A. I'm not sure if I have seen that
15 document.

16 Q. Okay. There was a document in front of
17 it -- I don't know if it's related to it
18 or not -- but it deals with PCB inquiry
19 referral updates. And you were copied
20 on this. Let's get these marked.

21 [Rusert Exhibit Number Six
22 was marked.]

23 A. What are you asking me?

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1 Q. (By Ms. Malow) I'm asking you did you
2 receive Exhibit Six?

3 A. I'm sure I did, because it has my name
4 on it.

5 Q. Do you know if that has anything
6 whatsoever to do with Exhibit Five?

7 A. No.

8 Q. They may have just been next to each
9 other.

10 A. No. I think they were just community
11 relationships.

12 MR. PECK: I suspect the original
13 was not on both sides of the
14 sheet. I think it was a
15 copying mistake.

16 Q. (By Ms. Malow) It indicates on here
17 that there is a primary contact for all
18 PCB inquiries, which is Dr. Robert
19 Kaley. And there is a secondary contact
20 for press, radio, TV, and media, as
21 being Diane Herndon. And the date of

22 this memo is April 2nd of '97. And my
23 question for you is have you ever been

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1 the PCB contact for press, radio, TV,
2 and media inquiries?
3 A. When we spun off, I would have been for
4 the Anniston plant. I don't know if we
5 had it designated by topic during the
6 time frame I worked on the Anniston
7 plant.
8 Q. Well, April 2nd of '97 -- I think,
9 according to your testimony, you said
10 around May or June is when you got it
11 back?
12 A. Which is why Diane would still have it
13 here, because she was still working on
14 it.
15 Q. Right. Do you recall after you would
16 have filled in for Diane, receiving any
17 press, radio, TV or media inquiries with
18 respect to any PCB issue?
19 A. I don't recall that.
20 Q. Okay. Let me ask you about some of

21 these people that were copied on this
22 memo, if you could tell me. Christy
23 Beckmann, I have heard her name before.

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1 She's still with Solutia, right?
2 A. Right.
3 Q. Who is S. Bollinger?
4 A. I don't know who that is.
5 Q. L. A. Carroll?
6 A. I don't know that either.
7 Q. B. W. Eley is Bruce Eley?
8 A. Yes.
9 Q. A. Faust, Alan Faust?
10 A. Yes.
11 Q. Who is K. Fernandez?
12 A. I don't know who he is. I recognize his
13 name, but --
14 Q. Mike Foresman, we have deposed him. I
15 know who he is. Who is B. J. Gilhousen?
16 Gilhousen?
17 A. Internal attorney.
18 Q. D. Jaffe?
19 A. He is -- He was our medical director.

- 20 Q. Where is he now?
- 21 A. Monsanto, as far as I know.
- 22 Q. How about L. P. Kramer?
- 23 A. That may have been Laura Kramer, who was

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- 1 -- I don't know. She is transportation
- 2 more recently. I don't know what her
- 3 role was during that time frame.
- 4 Q. How about K. D. Lowrance?
- 5 A. I recognize his name; I don't know him.
- 6 Q. How about L. J. O'Neill?
- 7 A. Larry O'Neill.
- 8 Q. Who's Larry O'Neill?
- 9 A. He was in public affairs. He was
- 10 actually at the time of that spin, which
- 11 was that time frame, Larry was my boss
- 12 and Diane's boss.
- 13 Q. Where is Larry now?
- 14 A. Retired from Monsanto.
- 15 Q. Is he still in the St. Louis area?
- 16 A. Yeah. Best of my knowledge.
- 17 Q. And the woman who was your predecessor,
- 18 the other Beth, is she until in St.

19 Louis, to the best of your knowledge --
20 A. Best of my knowledge.
21 Q. Mike Pierle we know. Who is D. K.
22 Rector?
23 A. Oh. That's Denise, I would bet. She's

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1 his secretary.
2 Q. Is that Michael Pierle's secretary?
3 A. No. It's Bob Kaley's secretary. Or she
4 was.
5 Q. How about P. D. Richardson?
6 A. I recognize the name. I'm not sure who
7 that is.
8 Q. Of course, you're B. L. Rusert?
9 A. Right.
10 Q. The last one is L. W. Wassell?
11 A. Loren Wassell. We talked about her.
12 MR. PECK: Him.
13 MS. MALOW: I'm going to get that
14 right before the end of the
15 day.
16 Q. (By Ms. Malow) And there is actually
17 one other one this memo was directed to.

18 I know who Tom Biltline is. Who is A.
19 L. Engelberg?
20 A. Engelberg was over the whole public
21 affairs organization for Monsanto.
22 Q. Is he still with the company?
23 A. He's with Monsanto.

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1 Q. Okay. Moving right along, have you had
2 any familiarity or responsibility for
3 the Sauget facility?
4 A. No.
5 Q. In reviewing what we have marked before
6 as Exhibit Three, Fund Budgets by
7 Location, it appears that the Decatur
8 facility had the exact same budget for
9 1994, 1995, and 1996 of 115,000. During
10 that same time frame the Anniston
11 facility jumped from \$24,800 to 54,575.
12 Then it jumped again to 72,400. Can you
13 explain to me why it is that the Decatur
14 fund remained the same during that three
15 year time frame and the Anniston number
16 -- well, I guess it more than tripled?

17 A. Let me see the numbers real quick.
18 MR. PECK: '94 through '97 or --
19 MS. MALOW: '94 through '96.
20 A. I can't explain the whole time frame
21 because I wasn't working on it the whole
22 time frame.
23 Q. (By Ms. Malow) How about the time frame

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1 that you would have been working on it?
2 A. One time frame -- one jump that I knew
3 had been made that I referenced earlier
4 was during my first stint working with
5 the Anniston plant. The reason it did
6 increase is we did a project with that
7 museum I referenced. And there was an
8 opportunity because the museum was
9 expanding, and we wanted to be able to
10 make that contribution to science
11 education to the Anniston community.
12 Q. So it was requested that additional
13 funds be provided to the Anniston site
14 for that contribution to be made?
15 A. Exactly. And I believe that actually

16 was like a multi-year commitment, if I
17 recall correctly.
18 Q. We were also provided by Mr. Peck with
19 the Public and Government Affairs/Market
20 Services 1999 budget.
21 MS. MALOW: Go ahead and get this
22 one marked.
23 [Rusert Exhibit Number Seven

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1 was marked.]
2 Q. (By Ms. Malow) What is that? Exhibit
3 Seven?
4 A. Seven.
5 Q. So Seven, just to identify for the
6 record, is the Solutia public affairs
7 budget; is that right?
8 A. Yes.
9 Q. On there, there were a couple of items I
10 was going to ask you what would fall
11 within the title of it. For example, it
12 has "consulting." Do you know what
13 would be covered under the "consulting"
14 heading?

15 A. No.

16 Q. How about "outside services"?

17 A. No.

18 Q. Who would be the person that would be

19 able to answer that question for me?

20 A. Christy Beckman.

21 Q. How about under "legal expenses"? Do

22 you know what would fall within that?

23 A. No. Other than legal expenses. I don't

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1 know specifically.

2 Q. Right. How about media? Do you know

3 what that encompasses?

4 A. No.

5 Q. The documents that you found for

6 Mr. Peck in that file from Bourne

7 Elliott Associates, which we have marked

8 as Exhibit Two, do you know where the

9 work product is that was generated by

10 the Bourne Elliott group?

11 A. No.

12 Q. Do you know if any work product was

13 generated by them?

14 A. No.

15 MR. PECK: Well, I was going to
16 tell you, there is a second
17 copy of this that has
18 something else attached to
19 it.

20 MS. MALOW: Where is that one?

21 MR. PECK: -- which is in the
22 other documents that were
23 produced today.

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1 MS. MALOW: Really?

2 MR. PECK: That copy --

3 MS. MALOW: Do you have that one?

4 MR. PECK: I'm telling you, the
5 only thing that I recall
6 seeing attached to that that
7 wasn't attached to this is a
8 list of contact people. But
9 that's the only thing I know
10 that ever came out of that.
11 I think it got shut down.
12 That was not under Beth's

13 watch.

14 MS. MALOW: That was Diane? We'll

15 talk about that later. We'll

16 cover it with Diane.

17 Q. (By Ms. Malow) Do you know, though,

18 just from your experience with community

19 assessment what a stakeholder interview

20 is?

21 A. I mean, I don't know --

22 Q. Who would be a stakeholder? Would that

23 be a resident of the community?

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1 A. It could be a resident of the community.

2 It could be community leaders. It could

3 be employees. All those are considered

4 stakeholders.

5 Q. What are they a stakeholder in?

6 A. I'm not sure. It's just a term that's

7 used. I don't know -- Maybe it's not

8 the best one, but it's a term that's

9 used. It's really members of the

10 audience, people that you interact with.

11 Q. You may not have the answers to these

12 questions. I'm just going to run
13 through them real quick. Do you know
14 who Bourne Elliott Associates
15 interviewed?
16 A. No.
17 Q. Do you know on what topics people were
18 interviewed?
19 A. No.
20 Q. Do you know why the program was stopped?
21 A. No.
22 Q. There's a note from Michael Elliott, the
23 principle, to Ms. Herndon that says, "As

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1 we discussed on February 21, we will not
2 proceed with formation of the Community
3 Advisory Panel until such time as the
4 issues associated with PCBs can be
5 addressed within the context of a panel
6 or until such issues become less
7 relevant to the functioning of a panel."

8 Do you understand what that
9 statement means?

10 MR. PECK: Objection to the form.

11 A. I could draw my conclusions, but I don't
12 know if it's appropriate, because I
13 don't really know --
14 Q. (By Ms. Malow) Why don't you take a
15 look --
16 A. -- the situation.
17 Q. -- at it and tell me what conclusions
18 you would draw just based on your
19 experience in community relations,
20 Mrs. Rusert.
21 MR. PECK: Object to the form of
22 the question. No foundation.
23 A. My conclusions would be from that is

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1 that meaning the community members who
2 would have potentially be involved in a
3 panel, we weren't able to talk to them
4 because they were suing us, or there was
5 litigation involved. So it wouldn't be
6 appropriate to establish a panel when
7 many of the folks you would normally
8 participate in a panel would be
9 inaccessible to us. Or if they were,

10 one of the things they would want to ask
11 questions about wouldn't be able to be
12 addressed because of the litigation.
13 Q. (By Ms. Malow) Okay. Do you know who
14 referred Bourne Elliott to Solutia?
15 A. No.
16 Q. I had asked you about a conversation
17 that you had with Kevin regarding the
18 fact that he had been deposed. Have you
19 and Kevin had any discussions regarding
20 any issues pertaining to PCBs?
21 A. Not that I recall. One thing, though, I
22 should say is when we first transferred
23 the file, naturally we had a

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1 conversation about the plant. So I'm
2 sure there were conversations then about
3 PCBs. But since then we have had no
4 reason to talk about it.
5 Q. Right. And I think that triggers for me
6 some of the testimony he gave, which was
7 that when he did take over, he and you
8 visited the Anniston site. Can you

9 recall what you guys discussed at that
10 time?
11 A. I don't remember the specifics, but any
12 time you transfer files, you try to get
13 people up to speed on what the current
14 events are that are happening.
15 Q. So specifically with respect to the PCB
16 issue, do you remember any of the
17 discussions that you had with him to get
18 him up to speed on what the issues were
19 at that time?
20 A. I really don't recall the specific
21 conversations.
22 Q. Do you have any recollection of the
23 general conversation about that issue?

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1 A. Just that we would have talked about
2 that we were working on community
3 outreach in the Anniston community and
4 some of the activities that Blake
5 Hamilton and I would have discussed.
6 Q. How about the topic that you had
7 mentioned to me earlier that you had

8 discussed with Mr. Bradley, that is,
9 that there had been negative publicity
10 about the Anniston facility regarding
11 PCB issues?

12 A. I would have shared all news clips with
13 Kevin. So he would have seen that. And
14 I would have also related to him the
15 conversations I had had with Mr. Bradley
16 as well.

17 Q. Did you have some involvement with a
18 company called the Adams Research --
19 Adams Research, Inc.?

20 A. I have had involvement with them, yes.

21 Q. Tell me about that involvement.

22 A. They have historically done community
23 surveys for us at all of our sites in

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1 the United States. About every three to
2 five years we have a community survey
3 done, give or take that time frame, at
4 our different facilities to assess
5 community knowledge about our company
6 and awareness.

7 Q. And did you work with them in connection
8 with the survey that they did or any
9 survey that they did for the Anniston
10 site?
11 A. Yes.
12 Q. How many times? Was it just one survey
13 that you worked with them on?
14 A. One survey.
15 Q. Do you remember the year of that one?
16 A. I think that --
17 Q. Was it '95?
18 A. Yeah. End of '94 or '95 time frame.
19 MS. MALOW: Go ahead and mark this
20 big thick thing.
21 [Rusert Exhibit Number Eight
22 was marked.]
23 Q. (By Ms. Malow) You have now in front of

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1 you what's been marked as Exhibit Eight,
2 which is an Adams Research community
3 survey dated January of 1995. Have you
4 seen that document before?
5 A. Yes.

6 Q. Is that the work product of Adams
7 Research that you had requested them to
8 perform on Anniston?
9 A. Yes.
10 Q. Who was your contact at Adams Research
11 for this survey?
12 A. Bill Adams.
13 Q. Have you had Mr. Adams perform a survey
14 at another facility before in the past?
15 A. Yes.
16 Q. Which facility had Mr. Adams done work
17 for you on before?
18 A. A number of them. I'll do my best to
19 recall some that he has done. Decatur.
20 Pensacola. I believe I have had him do
21 the Bayou.
22 Q. Chocolate Bayou?
23 A. Chocolate Bayou. Sorry. Augusta. I

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1 also think I may have had him do
2 Delaware River. And Greenwood.
3 Q. I read -- Believe it or not, I actually
4 read that document. And it indicates

5 that there had been a previous survey
6 done in 1989. And you had just told me
7 that it's sort of the company practice
8 to try and get a survey at least three
9 to five years. Do you know whether or
10 not there were any surveys done between
11 '89 and '95?

12 A. I don't know if there were. Some plants
13 have had more than others, for no other
14 reason that I can tell you why other
15 than whoever was running it at the time
16 decided whether or not it was time for a
17 survey.

18 Q. Do you know what entity performed a
19 survey prior to the one done by Adams
20 Research in '89 on the Anniston site?

21 A. I don't know.

22 Q. Had you previously seen -- Strike that.

23 Had you seen the '89 survey

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1 results?

2 A. I don't recall. I think they're
3 referenced to some degree, or whatever

4 the most recent survey was --

5 Q. They were compared. Right.

6 As we sit here now -- Let me ask

7 you this: When was the last time you

8 saw Exhibit Eight until I just handed it

9 to you before today?

10 A. I think I saw it at a glance yesterday,

11 but I didn't look at --

12 Q. And I had thought I asked you earlier to

13 tell me every document that you looked

14 at to get ready. I know you can't

15 remember everything. But I really would

16 like to get your best recollection of

17 everything that you have looked at.

18 Does that jog for you any other things

19 that you looked at to get ready?

20 A. No. Until we see them again, it's hard

21 to recall. But I didn't open this

22 document. It was just a matter that it

23 was there along with other things. I

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1 didn't see, see.

2 Q. You didn't actually read or review --

3 A. No.

4 Q. -- Exhibit Eight?

5 A. I did not, no.

6 Q. So before yesterday when you were just

7 shown the cover page to it, when is the

8 last time you read Exhibit Eight? Would

9 it have been back in '95?

10 A. Very likely in '95, yes.

11 Q. As we sit here now, without reading it

12 in its entirety, do you remember what

13 the general findings were of that

14 survey?

15 A. Not too much about it, no.

16 Q. Do you remember whether or not it

17 indicated that there were some negative

18 aspects to the community's perception of

19 Solutia, or that the community had a

20 negative perception of Solutia?

21 MR. PECK: Object to the form.

22 A. Yes. I do remember that there was

23 concern about odor, which has been a

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1 historical concern, based on what the

2 plant used to make.

3 Q. (By Ms. Malow) And which product did

4 the plant used to manufacture generated

5 that odor?

6 A. You said it.

7 Q. Parathion?

8 A. That's the one I recall that they said

9 had the odor.

10 Q. And even as late as '95 the community

11 survey that was performed by Adams

12 Research indicated that there was some

13 concern amongst the residents of the

14 community that there was still an odor

15 problem?

16 A. Memories are long on things like that,

17 yes.

18 Q. I recall also that there were some

19 concerns listed in his survey about

20 pollution issues. Do you remember that

21 as well?

22 MR. PECK: Object to the form.

23 A. I don't remember the specifics. That's

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1 a normal question for community surveys.

2 Q. (By Ms. Malow) When you initially

3 started working with the Adams Research

4 group, did they formulate the surveys,

5 or was that something that you prepared,

6 or was it a joint effort?

7 A. You're talking about my own experience?

8 Q. Yes, ma'am.

9 A. They really formulated the questions.

10 And then they do run them by me to make

11 sure there's nothing missing that we

12 want to ask about.

13 Q. Were there any specific questions that

14 you requested be asked of the community

15 members with respect to the Anniston

16 facility for this '95 survey?

17 A. Not that I recall.

18 Q. Do you think that the survey that was

19 conducted in '95 was a fairly standard

20 survey that had been done at some of the

21 other sites?

22 A. Yes.

23 Q. Based on the findings that were provided

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1 to you by Adams Research group, what was
2 done by Solutia?

3 A. I don't know specifically, because then
4 from that point forward it wasn't my
5 responsibility.

6 Q. That's when you went to shared services?

7 A. Yes.

8 Q. So I have to ask Diane that?

9 A. You have to ask Diane.

10 Q. So your involvement would be limited to
11 you called Bill and you told him you
12 needed a community survey; he did it;
13 you got the findings. And then you
14 don't have any more information?

15 A. Exactly.

16 MS. MALOW: I'm going to have to
17 take another little break.

18 [A break was taken.]

19 Q. (By Ms. Malow) We talked before about
20 this benzene spill that happened at the
21 Anniston site in 1992 and that there was
22 some EPA fine that was issued as a
23 result of that later. Right?

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1 A. Right.

2 Q. Do you remember that? Are you familiar

3 with any other violations or enforcement

4 actions or other regulatory problems

5 that the Anniston site has had other

6 than that benzene spill?

7 A. No.

8 Q. Are you familiar with Environmental

9 Guidance Corporation, David Roberson?

10 A. Yes.

11 Q. Tell me what interaction you have had

12 with Environmental Guidance.

13 A. I hired him as the lobbyist for us for

14 the State of Alabama.

15 Q. When did you -- Is it Roberson or

16 Roberson?

17 A. Roberson.

18 Q. When did you hire Mr. Roberson?

19 A. Between my second tenure working with

20 the Anniston plant. So sometime in '97.

21 I think late '97.

22 Q. This would have been sometime after the

23 spin-off?

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1 A. Yes. At the end of the year '97.

2 Q. And why is it that his company

3 Environmental -- is it Environmental

4 Guidance --

5 A. Corporation. I think it is.

6 Q. Why was Environmental Guidance hired?

7 A. Because he had an excellent track record

8 as a lobbyist and knowledgeable of a lot

9 of folks in Alabama.

10 Q. Why is it that Solutia retains lobbyists

11 to assist them?

12 A. Any number of business reasons. It

13 could be tax issues; it could be

14 environmental issues; it could be any of

15 the factors that we might want someone

16 to help watch the legislation that's

17 coming through. It might not even be --

18 "issues" perhaps is the wrong word.

19 It's legislation that is coming through

20 the pipeline that might be of concern to

21 how we can do business in any given

22 state where we have somebody.

23 Q. Is Mr. Roberson someone you felt was

1 well connected that could help to
2 establish whatever position was in the
3 best business interests of Solutia?

4 A. We felt he was knowledgeable and knew
5 the players well enough that he would be
6 able to represent our position well,
7 yes.

8 Q. Who referred you to Mr. Roberson?

9 A. Actually, as I recall, it was the
10 gentleman who was directing Alachem who
11 recommended him. We also had someone at
12 the Decatur plant who had interacted
13 with him, whose name is Bob Lawyer.

14 Q. Bob who?

15 A. Lawyer.

16 Q. Lawyer?

17 A. Yeah. Lawyer was actually his last
18 name. He was very active in Alachem at
19 that time. I believe that some of the
20 folks at the Anniston plant had
21 interacted with him. He just was known
22 by several people and came highly
23 recommended. I can't name off every

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1 one. I had a number of recommendations
2 for him.

3 Q. You mentioned that the gentleman
4 directing Alachem -- who was that at
5 that time?

6 A. I'm not sure. For some reason I think
7 it might be Mike Fowler, is his name.
8 But I'm not sure I have got that right.

9 Q. We won't hold you to it.

10 A. It would be hard to check it. But I
11 don't remember for sure.

12 Q. And the people at the Anniston plant
13 that had familiarity with Roberson, who
14 were those people?

15 A. I don't remember who it was at the
16 plant. I remember in Anniston there was
17 at least one person that had interacted
18 with him.

19 Q. Are you the one that actually signed the
20 contract with David Roberson?

21 A. I believe so.

22 Q. Do you still in your role today have any

23 contact with Environmental Guidance?

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1 A. Actually, I do now.

2 Q. Okay. While you were -- while you had
3 responsibility for Alabama, tell me what
4 legislation Environmental Guidance
5 worked on for you guys?

6 A. When I retained him, it was near the end
7 of the year, so session was not in place
8 then. And it came -- session started
9 about the same time I rolled off the
10 Anniston plant. So you'd really have to
11 ask Kevin that.

12 Q. So you cannot recall any specific issues
13 that he worked on?

14 A. No. Because at that time there was no
15 legislation being -- that was active at
16 that moment. Because it was a pretty
17 short period of time we worked together
18 then.

19 MS. MALOW: Let's go ahead and get
20 marked as number Nine the
21 contract.

22 [Rusert Exhibit Number Nine
23 was marked.]

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1 Q. (By Ms. Malow) Exhibit Nine has been
2 marked, which is -- looks like a couple
3 of different contracts between Solutia
4 and Environmental Guidance Corporation.
5 I believe the first one is the one that
6 has your signature. Can you confirm
7 that?

8 A. Yes.

9 Q. And that one covered what time frame,
10 Mrs. Rusert?

11 A. That would have been January 1999
12 through -- usually it goes through
13 December 31st. 1999. Well, 1998. I
14 take that back. January 1998 through
15 December 31st, 1998.

16 Q. And that would make sense because you
17 gave it up in February '98?

18 A. Right. They did that for the '99
19 contract. That got scratched out.

20 Q. And is the next one executed by

21 Mr. Cahill?
22 A. Actually, the next one is signed by
23 Glenn Ruskin, who is our vice president

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1 of governmental affairs.
2 MR. PECK: It's not really signed
3 by him.
4 A. It's not signed by anyone, according to
5 this. It's just got a --
6 Q. (By Ms. Malow) It's got a blank for him
7 to sign, but he didn't sign it.
8 A. Apparently not. Actually -- You know
9 what? This is not -- This isn't even
10 the next one. This is a sample contract
11 for the North Carolina lobbyist that I
12 retained, although Glenn's on the
13 signature.
14 Q. Why is that?
15 A. Because we were updating -- The first
16 year we used whatever contracts we had
17 been using and by -- because we were
18 just getting off the ground as a
19 company. So in '98 we started -- we

20 worked with our attorneys and developed
21 Solutia lobbyist agreements. And I had
22 retained more lobbyists than others from
23 other projects I was on. So they used

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1 one of my contracts.

2 Q. Okay.

3 A. So actually, you don't even have the
4 updated one.

5 Q. Probably because Kevin didn't bring it
6 to his depo. That's another issue.

7 A. He may not have it in his file.

8 MR. PECK: You have the entire
9 Kevin file.

10 MR. STEWART: We've got the other
11 documents. It's over here.

12 A. Because Glenn's the signature on that,
13 and he is now the signature on all the
14 contracts.

15 MR. STEWART: But it doesn't have
16 Mrs. Rusert's name on it, and
17 it doesn't apply to the time
18 she was there.

19 MS. MALOW: Right.
20 A. Right.
21 Q. (By Ms. Malow) Let me ask you this: On
22 the one you did sign there is a section
23 7, which is called "Indemnification and

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1 Insurance" that talks about the fact
2 that Environmental Guidance agrees to
3 indemnify and hold Solutia harmless. Do
4 you know why that language is in there?
5 A. I have no idea. You have to ask one of
6 our attorneys.
7 Q. I doubt they would talk to me.
8 A. I don't understand those contracts, all
9 that legal stuff.
10 Q. How about the confidentiality provision?
11 Do you know why it is you needed a
12 confidentiality provision with
13 Environmental Guidance Corporation?
14 A. I can't answer specifically what is the
15 intention of the contract.
16 Q. I'm not asking for intent; I'm asking in
17 terms of your role as being a government

18 affairs specialist for Solutia, why is
19 it that you would want to keep
20 confidential the work that was being
21 done by a lobbyist group?
22 A. Well --
23 MR. PECK: Object to the form of

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1 the question. Go ahead. Object to the
2 form of the question.
3 A. I can give you an example now of
4 something that would be an example that
5 would be relevant for me. I work on --
6 most lobbyists I retain are for
7 particular business. And if they don't
8 maintain confidentiality, we have a
9 problem with our competition and
10 competitiveness.
11 Q. (By Ms. Malow) Did you actually meet
12 Mr. Roberson?
13 A. Yes. I have met him.
14 Q. How many times have you met him?
15 A. Two or three.
16 Q. Do you remember any of the specifics?

17 A. One of them, I met him at an Alachem

18 meeting.

19 Q. Do you regularly attend Alachem?

20 A. No. That was an annual meeting, big

21 meeting that a few of us went.

22 Q. Why did you attend that annual meeting?

23 A. Because I wanted to -- one, I wanted to

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1 meet David. And also because I thought

2 it was an opportunity to better

3 understand the subjects that Alachem was

4 working on in the State of Alabama.

5 Q. What subjects were addressed at the

6 Alachem meeting?

7 A. I don't remember.

8 Q. What subjects do you recall them working

9 on during that time frame?

10 A. Nothing comes to my mind as sticking

11 out. I don't have any reference to

12 recall for you.

13 Q. Somewhere in this stack of documents

14 there was something I referenced earlier

15 that came to you from Alachem regarding

16 ADEM. Do you remember any of that as
17 being a project that they were working
18 on?

19 A. No, not really.

20 Q. Let me show it to you and perhaps it
21 will refresh your recollection.

22 [Rusert Exhibit Number Ten
23 was marked.]

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1 Q. (By Ms. Malow) We have now marked as
2 Exhibit Ten a fax that looks like it was
3 sent to you by a lady, Cindi Brock with
4 Alachem, regarding some information on
5 the new head of the Alabama Department
6 of Environmental Management. Does any
7 of that ring a bell with you?

8 A. You're going to have to ask me the
9 question again.

10 Q. What I'm trying to figure out is whether
11 Exhibit Ten, which is some information
12 that was sent to you by Cindi Brock at
13 Alachem regarding ADEM, was one of the
14 issues that was important to you that

15 Alachem was working on?
16 A. I can't recall that it was. I don't
17 know that a new director is even an
18 issue; it's just a point of interest.
19 Q. Why is it a point of interest as to who
20 the new director is for ADEM?
21 A. Any time -- We always work closely in
22 all the states that have manufacturing
23 facilities with environmental

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1 organizations of the state. So it's
2 perfectly logical to be interested in a
3 new director of one of the environmental
4 organizations for Alabama.
5 Q. (By Ms. Malow) Right. And Solutia --
6 and before it was Solutia, Monsanto had
7 a very long-standing, close relationship
8 with ADEM. Isn't that your
9 understanding?
10 MR. PECK: Object to the form.
11 A. I can't really answer that because I
12 didn't have the relationship.
13 Q. Right. But you have learned through

14 your work at Monsanto and Solutia that
15 there is a relationship that existed
16 both when it was Monsanto and Solutia at
17 the Anniston site with ADEM?
18 A. They interact, naturally, like any
19 business in the State of Alabama that's
20 regulated by ADEM. Beyond that I don't
21 know that -- I don't know what the
22 relationship is like.
23 Q. And Monsanto or Solutia has an interest

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1 in knowing who's in charge of that
2 regulatory body?
3 A. In any given case, yes, in the state we
4 would want to know -- we would be
5 interested in who's running the
6 environmental regulatory organization.
7 Q. There was also a document that indicated
8 that David Roberson had been informed of
9 the lake settlement. Are you familiar
10 with that?
11 A. No.
12 Q. Did you relay anything to him regarding

13 the lake settlement?

14 A. No.

15 Q. Do you know what involvement if any he

16 had with respect to the lake settlement?

17 A. I have no idea.

18 Q. Who would have had that contact with

19 him? Would that be Kevin now?

20 A. Yes.

21 MS. MALOW: And, Adam, just for

22 the record, the document I'm

23 talking about was a fax. And

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1 apparently it was a two-page

2 fax, and we were not provided

3 with page two of that fax.

4 A. There --

5 MR. PECK: There is no page two.

6 I saw that. It's just not in

7 the file.

8 MR. STEWART: Just missing?

9 MR. PECK: I think it's a mistake

10 in the fax. I had the file,

11 and it wasn't there.

12 MS. MALOW: Well, again, I would
13 just ask that the fax be
14 searched for.
15 MR. PECK: It was searched for,
16 and it doesn't exist.
17 MR. STEWART: Maybe you'll find it
18 in those Illinois documents.
19 MS. MALOW: You never know.
20 MR. PECK: The document is
21 self-contained. It looks
22 like -- I know what document
23 you're talking about, because

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1 I went through the same
2 concern you had. Thought
3 there could be a second page.
4 But there isn't one in the
5 file, and the document is
6 self-contained, so.
7 Q. (By Ms. Malow) Are you familiar with
8 the surgeon general, David Satcher?
9 A. No.
10 Q. There were some documents that were

11 provided to us that had been gathered on
12 Dr. David Satcher, surgeon general. Do
13 you know why those articles were pulled?
14 A. No. I don't think so. I don't recall
15 what reason.
16 Q. Do you know of any contact that -- Well,
17 some of these were actually directed to
18 you from someone named Bryan Young at
19 Monsanto. Who is Mr. Young?
20 A. I don't even remember who that is.
21 Q. It's Bryan S. Young, MIO, are the
22 initials that follow. It says, "Beth, I
23 got this bio at CDC WWW site on David

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1 Satcher." Does that ring a bell?
2 A. Yeah. If I can see it.
3 Q. Sure.
4 [Rusert Exhibit Number Eleven
5 was marked.]
6 Q. (By Ms. Malow) Just for the record, we
7 have handed you now Exhibit Eleven,
8 which looks like it's an e-mail. Looks
9 like it's --

10 A. Right. Regarding David A. Satcher.
11 Q. Do you know Mr. Young?
12 A. Apparently I did. But I don't know who
13 that is any longer. I don't have any
14 recollection of who he is.
15 Q. Why don't you take a few minutes and
16 thumb through that and see if any of it
17 starts to jog your memory.
18 [Discussion held off the
19 record.]
20 Q. (By Ms. Malow) Mrs. Rusert, have you
21 now had a chance to look through briefly
22 Exhibit Eleven?
23 A. Yes.

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1 Q. Does it jog any memory bells?
2 A. I remember seeing it. I remember
3 receiving this material.
4 Q. Why is it that you were being provided
5 with information on David Satcher?
6 A. Well, based on the note in here, he was
7 in the -- and the information, he was a
8 candidate for surgeon general, and he's

9 from Alabama, Anniston, Alabama.

10 Q. So the mere fact that he had formerly
11 resided in Anniston made it of interest
12 to you?

13 A. Apparently so.

14 Q. Is there any other interest that you had
15 about Mr. Satcher being considered for
16 that position?

17 A. Not that I can recall.

18 Q. Do you know whether Mr. Roberson or any
19 other lobbyist has had any contact with
20 David Satcher regarding any of the PCB
21 issues?

22 A. I'm not aware of it.

23 Q. Are you aware of any contact of any

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1 lobbyist with David Satcher?

2 A. I'm not aware of that.

3 Q. How about by Dr. Kaley? Has he had any
4 contacts with David Satcher?

5 A. You'll have to ask Dr. Kaley.

6 Q. You're not aware of any?

7 A. I'm not aware of it.

8 MS. MALOW: One more of these
9 things.
10 [Rusert Exhibit Number Twelve
11 was marked.]
12 MR. STEWART: While she's looking
13 at that, Adam, we had a
14 document that you had
15 provided to us that is
16 clearly not legible. That's
17 what I had reference to in
18 the telephone call this
19 morning. If you have got the
20 original of that document,
21 we'd like to see it.
22 MR. PECK: I don't remember this
23 document at all.

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1 MR. STEWART: We certainly don't
2 want to give up the one we've
3 got. But it came from the
4 documents you provided to --
5 MR. PECK: Was it stuff this
6 morning or last night?

7 MS. MALOW: That was this morning.

8 MR. PECK: I'll see if I can find

9 it in my pile, and we can

10 mark it.

11 MR. STEWART: If your copy is

12 legible, we'd just like to

13 have copy of it.

14 MR. PECK: My copy may be more

15 legible than your copy.

16 MS. MALOW: Off the record.

17 [Discussion held off the

18 record.]

19 Q. (By Ms. Malow) Have you now looked at

20 -- Have you seen Exhibit Twelve before?

21 A. Yes.

22 Q. Can you identify for the record what

23 Exhibit Twelve is?

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1 A. It's a proposal for Solutia from

2 Bradley-Townsend Public Affairs.

3 Q. When was that document provided to you?

4 A. I don't have the exact time frame.

5 Q. Would it have been after your initial

6 call with Steve Bradley?

7 A. Yes.

8 Q. Would it have been before you actually

9 retained him?

10 A. Yes.

11 Q. Can I take a look at it? I don't have

12 another copy.

13 In Exhibit Twelve the proposal

14 discusses several phases or parts of a

15 project that are anticipated, including

16 research assessment of data, recommended

17 courses of action, media relations.

18 Strategy development. Do you know

19 whether or not this proposal was put in

20 motion?

21 A. No, I don't.

22 Q. In the media relations section do you

23 know what media contacts were made by

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1 Mr. Bradley?

2 A. No.

3 Q. Did you personally make any media

4 contact in connection with this

5 proposal?

6 A. No.

7 Q. Would Kevin Cahill have been one that

8 would have been handling that aspect?

9 A. Yes.

10 Q. Would Diane Herndon have any role in

11 that regard?

12 A. No. Because if you look at the timing,

13 Kevin was the one who was working with

14 them when he was retained.

15 Q. It has a part here about does Solutia

16 have a plan to place positive media

17 stories. At the time that you retained

18 Mr. Bradley was there such a plan in

19 place by Solutia to place positive media

20 stories?

21 A. No.

22 Q. Do you know what plan was put in motion

23 to place positive media stories?

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1 A. No.

2 Q. Do you know what key reporters were

3 identified?

4 A. No.

5 Q. We talked earlier about the fact that

6 you had recently seen the Renee

7 Kimbrough study that was funded by GE.

8 Did you have any involvement at all with

9 having that story covered in the press?

10 A. No.

11 Q. Who did?

12 MR. PECK: Object to the form of

13 the question.

14 A. I don't know.

15 MS. MALOW: Let's go ahead and

16 break here. We're going to

17 reconvene based on the

18 discussions we had previously

19 with the court.

20

21 (DEPOSITION CONTINUED.)

22

23

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1

NOTARIAL CERTIFICATE

2

3 I, SHEILA L. FORD, a Registered
4 Professional Reporter and duly commissioned
5 Notary Public within and for the State of
6 Missouri, do hereby certify that there came
7 before me at the Ritz-Carlton Hotel, 100
8 Carondelet Plaza, St. Louis, MO 63105,

9 BETH RUSERT,

10 who was by me first duly sworn to testify to
11 the truth and nothing but the truth of all
12 knowledge touching and concerning the matters
13 in controversy in this cause; that the witness
14 was thereupon examined under oath and said
15 examination was reduced to writing by me; and
16 that the signature of the witness was waived
17 by agreement of witness and all parties, and
18 that this deposition is a true and correct
19 record of the testimony given by the witness.

20 I further certify that I am neither
21 attorney nor counsel for nor related nor
22 employed by any of the parties to the action
23 in which this deposition is taken; further,
24 that I am not a relative or employee of any
25 attorney or counsel employed by the parties
26 hereto or financially interested in this
27 action.

28 IN WITNESS WHEREOF, I have hereunto set
29 my hand and seal this the 20th of July 1999.

30 My commission expires: March 13, 2002

31

32 _____
33 Sheila L. Ford
34 Notary Public

35

36

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