

MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(City of St. Louis)

GRACE WARDEN, A Minor, et al.,	)	
	)	
Plaintiffs,	)	
	)	Cause No.
vs.	)	022-10635
	)	
THE FLUOR CORPORATION, et al.,	)	
	)	
Defendants.	)	

VIDEO DEPOSITION OF JEFFREY ZELMS
Taken on behalf of the Plaintiffs
September 26, 2006

VOLUME I

Sheryl A. Pautler, CCR 871

MIDWEST LITIGATION SERVICES

www.midwestlitigation.com Phone: 1.800.280.DEPO(3376)

Fax: 314.644.1334

1619d654-58f5-4cd4-9756-e7a77f693dc3

Page 22

1 you were going to go somewhere, you put something on it.
2 But essentially the answer is no. I'm never real good with
3 a computer.

4 Q. Did other people have computers -- Strike
5 that.

6 Do you know if Dan Vornberg had a computer?

7 A. Certainly.

8 Q. And would you and Mr. Vornberg e-mail each
9 other?

10 A. Certainly.

11 Q. Would that have been true also with
12 Mr. Fitzsimmons?

13 A. Yes.

14 Q. Was it general policy for management to have
15 their own computers at Doe Run?

16 A. Can you be more specific when you say their
17 own.

18 Q. Well, to have -- Was it general policy for
19 managers to have the computer that they would use?

20 A. Yes.

21 Q. Do you know if any of these computers were
22 checked for documents related to this case?

23 A. I do not.

24 Q. And if such a check was made, who do you think
25 would be assigned to make that check of the computers?

Page 23

1 A. Well, I would assume it would be under Lou
2 Maruchau's purview.

3 Q. Was anybody other than the people that were
4 under the chief information officer in control of the
5 computers or having access to the backup tapes -- Strike
6 that.

7 If you wanted to see information from a backup
8 tape if something was lost, who would you go to?

9 A. Well, I never did. But I would have gone
10 to -- I don't know what his title was -- but kind of the
11 individual that, if you'll allow me, was responsible for
12 the mechanics of the computer and his name was Ray Settle,
13 S-E-T-T-L-E, I think.

14 Q. Do you know how long he was with the
15 company -- he has been with the company?

16 A. Long time. My duration. Thirty years.

17 Q. Previously we talked about your testimony
18 before the U.S. Congress.

19 A. Uh-huh.

20 Q. Do you remember the specifics related to lead
21 that you testified on behalf of the Lead Industries
22 Association?

23 A. I do not.

24 Q. Did the Lead Industries Association select you
25 as the person to testify?

Page 24

1 A. Yes.

2 Q. And do you know why you were selected?

3 A. I believe at the time, I was chairman of the
4 Lead Industry Association.

5 Q. When were you chairman?

6 A. Late '80s, early '90s, and then again late
7 '90s. Late '90s.

8 Q. Okay. Is that an elected position?

9 A. That's a good question. Well, hell, it must
10 have been. But I don't -- well, sure. It had to be. The
11 board of directors -- I think I remember, you know, there
12 was a nominating committee and somebody came to you and
13 said, we'd like for you to be a candidate. And then I
14 believe the board of directors agreed with the nomination.
15 And then at an annual meeting, it was put to the
16 membership.

17 Q. How many people attend the annual meeting?

18 MR. ROTHSCCHILD: At what time?

19 Q. (By Mr. Smoger) Generally.

20 A. I'm sorry?

21 Q. Generally while you were chairman, how many
22 people would attend the annual meeting?

23 A. A hundred.

24 Q. Do you know how much money on average per year
25 Doe Run gives to the Lead Industry Association?

Page 25

1 A. Well, in latter years, nothing because the LIA
2 ceased to exist. But in the years when it was active, a
3 couple hundred thousand dollars.

4 Q. Per year?

5 A. Per year, yes.

6 Q. When did it cease to exist?

7 A. I'm sorry?

8 Q. When did it cease to exist?

9 A. Late '90s.

10 Q. Were you chairman at the time?

11 A. No. No, I was not.

12 Q. So that responsibility went to somebody else?

13 A. Hey, boats don't sink on my shift.

14 Q. Winding them down is not easy.

15 A. What?

16 Q. Winding them down is not easy.

17 A. I agree with that.

18 Q. So what was -- do you recall what the entire
19 budget for LIA was while you were there, on average?

20 A. Not specifically, but it would have been
21 certainly in excess of a million dollars.

22 Q. Now, were the contributions to the LIA
23 budgeted items at Doe Run?

24 A. Yes. With one exception. If for some reason
25 there was necessity for a special assessment in the course

7 (Pages 22 to 25)

MIDWEST LITIGATION SERVICES

1 of the year, that would not have been a budgeted item
 2 obviously.
 3 Q. How frequently were there special assessments?
 4 A. Not very often.
 5 Q. Who would be in charge of preparing the budget
 6 for that item for Doe Run?
 7 A. Dan Vornberg. And in early days, myself.
 8 Q. You said in early days. So when -- up until
 9 when would you be preparing the budget for the LIA?
 10 A. Well, after the formation of Doe Run in '86,
 11 for the first few years, Dan and I did in it concert. And
 12 then he progressively became the more dominant and would
 13 bring it to me for review.
 14 Q. Where were the expenditures for the LIA kept,
 15 where were those?
 16 A. There was a charge account for the LIA.
 17 Q. And whose office would that be kept in?
 18 A. Well, it was an account that was in the
 19 general ledger. I think it was in my cost center, but I'm
 20 not a hundred percent sure of that.
 21 Q. What was that? It was in?
 22 A. My cost center.
 23 Q. And where was that?
 24 A. You mean physically?
 25 Q. Yes.

1 A. Oh, it was within Doe Run.
 2 Q. Do you know where within Doe Run?
 3 A. You mean physically where it was?
 4 Q. Yeah.
 5 A. I'm not being smart again, but where all of it
 6 was. I mean the accounting department was the shepherd of
 7 the system.
 8 Q. So all of this would have been kept at the
 9 accounting department?
 10 A. Oh, yeah, yeah, yeah.
 11 Q. And would there be duplicate storage for
 12 expenditures for the LIA or would they all just be kept at
 13 the accounting department?
 14 A. You've got to ask me that again.
 15 Q. When you budgeted an item, did you keep
 16 duplicate records for it in a different department that
 17 authorized it or were all the records kept at the
 18 accounting department?
 19 A. Well, when the budget was finalized, there
 20 would be copies of the budget that each department head
 21 would have. So in that sense, there were half a dozen
 22 copies of it in various people's hands. But as a charge
 23 was made against that account, all of those charges went
 24 against whatever with that number was for the LIA and that
 25 got entered into the system. And in that sense, it was

1 centralized.
 2 Q. And that would be entered into the computer
 3 system?
 4 A. Yes.
 5 Q. Who made the decision on how much to
 6 contribute to the LIA?
 7 A. Well, in the final sense, I did. But it was a
 8 collaborative effort as to, you know, what the necessities
 9 were and what obligations we had elsewhere to require
 10 money.
 11 Q. What did the LIA do?
 12 A. Said simply, it was a trade association that
 13 looked at the various activities of the business from
 14 legislation to marketing -- I mean those were the two
 15 dominant. Health and safety of employees.
 16 Q. Did the LIA, to your knowledge, ever fund any
 17 health studies?
 18 A. Well, I'm not sure. The LIA did from time to
 19 time fund studies. Now, you say health studies. And I'm
 20 not a hundred percent sure what you mean when you say a
 21 health study.
 22 Q. Did they ever fund any studies that in any way
 23 discussed lead in human health?
 24 A. To my knowledge, not directly. To my
 25 knowledge, not directly.

1 Q. What studies were funded indirectly?
 2 A. Well, I can remember studies coming out from
 3 other sources. And of course in the -- in the mid '80s and
 4 on, you know, everybody produced a study on lead. And if a
 5 study had -- got enough traction, if you will, and there
 6 was disagreement as to the validity of the study, then I
 7 remember that LIA would -- would participate in hiring a
 8 third party, so-called neutral authority to review the
 9 study and offer an opinion.
 10 Q. Do you remember the names of any of these
 11 third parties that were hired by LIA to offer an opinion?
 12 A. The direct answer is no. No.
 13 Q. Who would hire third parties on behalf of LIA
 14 to offer an opinion?
 15 A. There was a -- there would be a subcommittee
 16 or a committee within LIA whose responsibility was that
 17 area. In this case, let's say environmental. And those
 18 participants of that committee would come from the
 19 membership. And they would source the potentials and in
 20 some cases, it would be discussed at the directors meeting
 21 that, you know, there are these potential firms that could
 22 do it. And the committee would recommend A, instead of B,
 23 and A would be hired.
 24 Q. Do you remember the name of that subcommittee?
 25 A. I do not. I would dumbly say it was the

1 environmental subcommittee, but that's a guess.
 2 Q. Was anybody employed by Doe Run on that
 3 committee?
 4 A. Undoubtedly.
 5 Q. And do you know who that would have been?
 6 A. My assumption would be it was Dan Vornberg.
 7 Q. Anybody else besides Mr. Vornberg who could
 8 have represented Doe Run on that committee?
 9 A. It's possible that at various times, there
 10 were individuals from the divisions that might have been
 11 associated with it. Were they members of the committee? I
 12 don't know.
 13 Q. Who from Doe Run were -- would attend LIA
 14 meetings?
 15 A. Myself, Dan Vornberg, vice president of sales.
 16 And on occasion, general managers of the properties to meet
 17 the rest of the industry.
 18 Q. Would you and Mr. Vornberg travel together to
 19 the meeting?
 20 A. Sometimes, yes; sometimes, no.
 21 Q. And the vice president of sales was?
 22 A. Excuse me. Richard Amistadi, A-M-I-S-T-A-D-I.
 23 Q. And the general manager at Herculeum was?
 24 MR. ROTHSCILD: At what time?
 25 Q. (By Mr. Smoger) Let me take it when you

1 retired.
 2 A. When I retired, it was Gary Hughes.
 3 Q. And who was the general manager before
 4 Mr. Hughes?
 5 A. Clifton Gray.
 6 Q. And before Mr. Gray?
 7 A. John Fitzsimmons. John Fitzsimmons, yeah.
 8 Q. Do you remember what years Mr. Fitzsimmons was
 9 general manager, approximately?
 10 A. '85 or 6 to 95. And I'm relatively sure that
 11 '95 is not accurate, but it's close.
 12 Q. Do you remember Mr. Fitzsimmons ever going to
 13 an LIA meeting with you?
 14 A. Not specifically, but I'm relatively sure he
 15 did.
 16 Q. Same question for Mr. Hughes or Mr. Gray.
 17 A. Gary Hughes only joined us just before my
 18 retirement. So the answer would have been no. By the time
 19 Clifton was manager, LIA didn't exist. So the answer was
 20 no.
 21 Q. What was the date of your retirement?
 22 A. April 1, '06.
 23 Q. Now, did the LIA do lobbying?
 24 A. I'm going to split hairs with you here for a
 25 reason. I don't know if technically it was lobbying within

1 the definition -- the legal definition of what lobbying is.
 2 But lobbying from the standpoint of, you know, did we go to
 3 the Hill and talk to legislators, yes.
 4 Q. Did the LIA hire a professional lobbyist?
 5 A. Again, we hired an individual. Was he under
 6 the legal definition of lobbyist? I'm not sure.
 7 Q. Who was that individual?
 8 A. There were a couple. I can see them. Sorry.
 9 I cannot bring a name. At one point, and I don't know, you
 10 know, the timing of it, but I believe the individual's name
 11 was Bob Carlstrom, C-A-R-L-S-T-R-O-M. And there was
 12 another one, but I don't -- I cannot remember his name.
 13 Q. Did Doe Run hire any lobbyists in Washington?
 14 A. Yes.
 15 Q. When was that?
 16 A. Well, essentially, we had one always. Now,
 17 again, I'm going to quibble in terms of I don't know if
 18 that individual met the legal definition of lobbyist
 19 because I'm not really sure what that definition is. I
 20 know there's some specifics with that word, but he did for
 21 us -- you know, he would visit the offices on the Hill and
 22 if there was some kind of a fund raiser or something in
 23 Washington that, you know, we should have a presence at,
 24 typically he would go for us.
 25 Q. And who was that person?

1 A. Again, Bob Carlstrom.
 2 Q. So he was paid -- was he paid separately by
 3 the LIA and Doe Run?
 4 A. Yes.
 5 Q. How long was he a person that was working on
 6 behalf of Doe Run?
 7 A. Bob actually worked with St. Joe before Doe
 8 Run. So forever.
 9 Q. Does he still -- is he still the person?
 10 A. He did -- he was when I left.
 11 Q. Do you know how much he's paid on average per
 12 year?
 13 A. No.
 14 Q. And who authorizes that expenditure?
 15 A. Well, again, I would have ultimately
 16 authorized it. But his reporting into the company was via
 17 Dan Vornberg, and to some degree, Lou Maruchau.
 18 Q. So basically it would be Mr. Vornberg that
 19 worked out rates and expenditures with him and it would
 20 come to you for approval?
 21 MR. GIANOULAKIS: Well, I'll object to the
 22 form of that question as making an assumption.
 23 A. Dan would present his budget. And I can't
 24 tell you specifically when, but at one point, fees for
 25 Carlstrom would have been in a charge account in my cost

1 center. And I think then in latter years, the cost
2 center -- I mean Dan's cost center held that charge number,
3 and Dan would come and present his budget to me. And
4 within that would be a number for Carlstrom and we would
5 talk about that number. And I would either agree or
6 disagree with that number.

7 Q. (By Mr. Smoger) On average, how much was
8 Mr. Carlstrom paid per year?

9 A. I don't know honestly. I mean, you know, it
10 was tens of thousands of dollars, but I don't know
11 specifically.

12 Q. Can you define what you mean by my cost center
13 or Dan's cost center?

14 A. Yes. We -- there was a -- I say was. I
15 assume it's still there. There was a myriad of cost
16 centers. The purpose being when you were trying to analyze
17 the components of the total -- excuse me -- of the total
18 cost of the company and who was responsible for those
19 costs, those costs were broken up and resided in specific
20 cost centers.

21 And, certainly, every department head would
22 have had a cost center and there were others. And then, of
23 course, that was -- that system was passed down into the
24 operations. Same kind of system in the operations.

25 Q. Would there be some place that would identify

1 the separation or some document that identified the
2 separation of the cost centers?

3 A. Certainly. Cleverly called the cost center
4 report.

5 Q. Okay. And the cost center report was kept
6 where?

7 A. It was in the computer. There were hard
8 copies that were distributed -- came out monthly and were
9 distributed to various people. For instance, I got one.

10 Q. Would you keep a physical copy of it or just
11 review it and toss it?

12 A. I'd review it and toss it. Now, let me
13 clarify that. When I say toss it, I would throw it in the
14 out mail tray. Did Laura keep it? I don't know.

15 Q. But if you wanted to access it again, you
16 could get it off the computer?

17 A. If I wanted to access it again, I hollered at
18 Laura and, miraculously, it would show up.

19 Q. I'm familiar with that same hollering.

20 Did Mr. Vornberg hold any positions with the
21 LIA?

22 A. As an officer?

23 Q. Yes.

24 A. I do not believe Dan ever held an office.

25 Q. Where did the LIA keep its historical records?

1 A. I have to assume in the offices which were in
2 New York. I do not know specifically.

3 Q. Did you ever have occasion to want to look
4 back at things the LIA did before you were chairman?

5 A. No. No. You know, I would ask questions
6 of -- I don't remember what his title was -- the full-time
7 individual that was whatever he was called, the director or
8 the president or whatever. I would ask him, well, do you
9 remember what happened in, you know, "ta-dam." But as far
10 as saying, do we have any records that show that, no.

11 Q. Who was the full-time director?

12 A. His name was Jerome Smith. Jerry Smith.

13 Q. He resided in New York?

14 A. I think it was actually New Jersey. The
15 office was in New York.

16 Q. You guys didn't pay him enough.

17 A. I'm sorry? Oh, we didn't pay him enough.
18 That could be. He frequently told us that, I can tell you
19 that.

20 Q. How long was he the director?

21 A. During my full time of involvement. Well,
22 that's not true. Just before the ending, he retired and
23 another man became -- replaced him, whose name was -- I
24 don't remember. That wasn't his name. I don't remember.

25 Q. Do you know where historical documents of Doe

1 Run are kept?

2 A. Some reside in the basement of Park 270,
3 current offices. Some reside in the -- what I refer to as
4 the vault area in the old Viburnum offices. And there are
5 some in an off-site warehouse somewhere in St. Louis. I do
6 not know where. And the very old -- when I say very old, I
7 mean very old, St. Joe, and I'm not sure if these are
8 records. Let's call them information. Are with the
9 Missouri Geologic Society.

10 Q. Who -- how did they get to the Missouri
11 Geologic Society?

12 A. Well, you -- I need to give you a little
13 background. St. Joe started in 1864. And as you can
14 imagine, in that period of time, the generation of
15 historical information -- I mean now historical, you know,
16 there were mountains of it, if you will, some of which for
17 instance, photographs.

18 And it reached the point -- and this was prior
19 my -- to my direct involvement. But there was a movement
20 from what was called the Old Lead Belt to the New Lead Belt
21 and people said, well, we don't need this stuff anymore.
22 But somebody had the presence of mind to say there's a lot
23 of history here. And the Missouri -- or Missouri
24 Historical Society said, you know, we'll take it.

25 Now, what they have done with it, I don't have

Page 38 1 any idea. The premise was, I'm sure, we're helping to 2 maintain our history. 3 Q. Do you know if those records were open to the 4 public? 5 A. I do not. I personally never seen them, never 6 had anything to do with them. I just know it was done. 7 Q. Do you know who did it? 8 A. No. It would have been in St. Joe, a long 9 time before Doe Run. 10 Q. Now, you said that some are off site in a 11 warehouse in St. Louis. Do you know who would be in charge 12 of that off-site facility? 13 A. I do not. I gather it's a warehouse that 14 stores that kind of stuff, but that's the extent of -- you 15 know, I know periodically, I would hear comments about 16 somebody going to the warehouse to look for stuff. What 17 they were looking for, where they went, I don't know. 18 Q. Would the maintenance of that warehouse be a 19 budgeted item? 20 A. I have no recollection of it being a budgeted 21 item. Obviously somebody must pay for the warehouse 22 storage. I don't know. I don't know. 23 Q. Now, in the -- now, besides the off-site 24 warehouse storage, do you have any idea one way or the 25 other whether the off-site warehouse in St. Louis was	Page 40 1 THE VIDEO TECHNICIAN: We're off the record at 2 10:31. 3 (Whereupon there was a short break.) 4 THE VIDEO TECHNICIAN: We're on the record at 5 10:54. 6 Q. (By Mr. Smoger) The last place that you talked 7 about things being at were you said in the basement of Park 8 270? 9 A. Yes. The St. Louis offices are -- I think 10 it's 1801 Park 270 Drive. 11 Q. And do you know what's stored there? 12 A. No, I do not. 13 Q. And have you had occasion -- Strike that. 14 Do you know if anybody checked that storage 15 area for documents related to this litigation? 16 A. I do not. 17 Q. Did you assign anybody to search for documents 18 related to the litigation? 19 A. I did not. 20 Q. Do you know who searched for documents related 21 to this litigation? 22 A. Well, as I said, the only person that I've 23 been told is the little lady that's a paralegal. 24 Q. And is she somebody that works for your 25 in-house counsel or for Lewis, Rice and Fingersh?
Page 39 1 checked for documents related to this litigation? 2 A. I do not. 3 Q. Now, you also mentioned that there was a vault 4 area in the old Viburnum offices. What records would be 5 kept there? 6 A. When we ran out of room in St. Louis in the 7 current offices, the -- there were certain things that 8 accounting said, you know, we've got to keep these for a 9 thousand years or something. And if you didn't have enough 10 room in the St. Louis office, you put them in a van and you 11 took them to Viburnum. 12 Q. Do you know how much material was at Viburnum? 13 A. I do not. 14 THE VIDEO TECHNICIAN: 30 seconds. 15 Q. (By Mr. Smoger) But that would be an excess 16 site for things you no longer wanted to store in St. Louis? 17 A. Yes. Because we only had X amount of storage 18 space in St. Louis and it would fill up and current stuff 19 was kept in St. Louis and the more distant stuff was moved 20 to Viburnum. 21 Q. So as things filled up in St. Louis, you'd say 22 send it out to Viburnum? 23 A. Yes. 24 MR. SMOGER: We're going to take a short 25 pause.	Page 41 1 A. No. She works for Doe Run. 2 Q. Do you know her name? 3 A. I'm sorry. I don't. 4 Q. How many paralegals work for Doe Run? 5 A. When I left, one. 6 Q. And how many attorneys? 7 A. In-house, one. 8 Q. That wasn't a very good question. But you 9 answered it correctly. 10 A. Okay. 11 Q. That's what I meant to ask. 12 When you testified before congress, was the 13 testimony -- Strike that. 14 When you testified before congress, did you 15 prepare the testimony or was it prepared on your behalf by 16 someone else? 17 A. It was a collaboration. 18 Q. And who would work on the testimony with you? 19 A. The -- the attorney that was involved with LIA 20 and the individual that represented us, if that's the right 21 way to say it, in Washington. 22 Q. And do you know who either of these people 23 were? 24 A. The attorney was Ed Sieger, I believe. That's 25 close. And the other individual would be this man that I

11 (Pages 38 to 41)

MIDWEST LITIGATION SERVICES

www.midwestlitigation.com Phone: 1.800.280.DEPO(3376)

Fax: 314.644.1334

1619d654-58f5-4cd4-9756-e7a77f693dc0

Page 42

1 can't remember his name and/or Bob Carlstrom.
 2 Q. Now, you mentioned certain independent people
 3 would be hired to speak about studies that had come out.
 4 Would those have included studies by Needleman?
 5 A. Yes.
 6 Q. Are you familiar with studies by Needleman?
 7 A. Yes.
 8 Q. And would you know -- would you recall who was
 9 contracted with to look at the right about the Needleman
 10 studies?
 11 A. I don't remember names but there were three
 12 ladies that were -- and I don't know whether they worked
 13 together or they worked separately. But I remember three
 14 women who were -- did the review.
 15 Q. And they would have gotten payment from the
 16 LIA to do this review?
 17 A. Yes. Yes.
 18 Q. Do you know where they were located?
 19 A. I think they were located in Triangle Park,
 20 Raleigh, Durham. Was that North Carolina or South
 21 Carolina? Wherever that is.
 22 Q. Did anyone -- Strike that.
 23 Did Doe Run ever pay for people to look at --
 24 independently to look at health studies?
 25 A. I'm not sure they were health studies. But we

Page 43

1 have hired on occasion people to review data.
 2 Q. And who would they have been; do you remember
 3 any of them?
 4 A. One was a lady, a woman. That helps you a
 5 lot, doesn't it?
 6 Q. You got me halfway there.
 7 A. Terry Bowers. Terry Bowers? Geri Bowers.
 8 Something like that. And others that I don't remember
 9 their names.
 10 Q. And what did Geri Bowers get hired to review?
 11 A. I think in her case, it had to do with
 12 something involving the environmental impact of emissions
 13 at Herculaneum. But unfortunately, I can't remember more
 14 specificity than that.
 15 Q. Was that for in-house use by Doe Run or for
 16 her to publish?
 17 A. No. I think it would have been for in-house
 18 use by Doe Run.
 19 Q. Did Doe Run ever pay for somebody to publish
 20 anything?
 21 A. Not to my recollection.
 22 Q. Is there any organization that succeeded the
 23 LIA?
 24 A. No, not to my knowledge.
 25 Q. Do you know if Dan Vornberg's involved with

Page 44

1 any trade associations currently?
 2 A. Well, I can't speak currently.
 3 Q. Well, as of the time you left?
 4 A. Dan was involved in an international --
 5 unfortunately, I can't tell you the name of it, but it was
 6 an international organization of mining companies. That's
 7 about what I can tell you.
 8 Q. Do you know when that was established?
 9 A. Mid '90s.
 10 Q. Do you know what his position with that
 11 association was?
 12 A. I don't know that he held an office. He was
 13 just our representative to it.
 14 Q. Do you know if he's ever held any offices in
 15 any trade associations?
 16 A. My belief is he has not.
 17 Q. Do you know if anybody else at Doe Run has
 18 held any offices in any trade associations?
 19 A. Richard Amistadi, the vice president of sales,
 20 was an officer in LIA before it ceased to exist.
 21 Q. Who was chair during the demise?
 22 A. I think Dick was, Richard. I think so.
 23 Q. Now, have you ever testified before the EPA?
 24 A. No.
 25 Q. Do you know if anybody has -- from Doe Run has

Page 45

1 testified before the EPA?
 2 A. It's my belief that no one has.
 3 Q. Do you know if Ira Rennert hires any lobbyists
 4 in Washington?
 5 A. I do not know.
 6 Q. Have you ever testified at any administrative
 7 hearings?
 8 A. You've got to help me out there.
 9 Q. Have you ever testified before any
 10 governmental agency, federal or state? And I'm
 11 distinguishing that from the legislatures.
 12 A. No.
 13 Q. Do you know if anybody from Doe Run, including
 14 Mr. Vornberg, has?
 15 A. It's my belief no one has.
 16 Q. Have you ever testified in Missouri at the
 17 legislature?
 18 A. Say that again.
 19 Q. Have you ever appeared before the legislature
 20 in the State of Missouri?
 21 A. No.
 22 Q. So the only government testimony to any
 23 governmental organization that you've ever given are the
 24 three to six times you've testified at U.S. Congress?
 25 A. Yes.

12 (Pages 42 to 45)

MIDWEST LITIGATION SERVICES

1 Q. Do you know if Mr. Vornberg has ever testified
2 before the U.S. Congress?
3 A. I do not know. But I don't believe he has.
4 Q. Anybody else from Doe Run that's ever
5 testified?
6 A. Not to my knowledge.
7 Q. Now, let me go back to your history. Where
8 did you go to school?
9 A. Missouri Steel Mines and Metallurgy.
10 Q. You wanted to do this real early?
11 A. I'm sorry?
12 Q. You wanted to get into this field real early?
13 A. Yes. Yes.
14 Q. And when did you start attending that school?
15 A. 1962.
16 Q. And what was your first job?
17 A. I was a junior engineer, junior mining
18 engineer. Which meant a mining engineer without a degree.
19 Q. And where was that?
20 A. At a mine called Meramec Mining Company in
21 Sullivan, Missouri.
22 Q. And what did they mine for?
23 A. Iron ore.
24 Q. How long did you work for them?
25 A. More than 10, less than 15 years.

1 Q. So that would be until sometime in the '70s?
2 A. Yes, yes.
3 Q. Approximately when in the '70s did you leave
4 there?
5 A. Well, I know that precisely. '77. So I guess
6 that makes it ten years, doesn't it? '67 to '77.
7 Q. Yeah. And what did you do from '62 to '67?
8 A. You name it. I was the junior man on the
9 totem pole and whatever anybody else didn't want to do, I
10 did.
11 Q. Did you have any military service?
12 A. No, I did not.
13 Q. Now, in '77, what did you do?
14 A. Meramec was closed and the ownership reverted
15 to St. Joe and I went to work for St. Joe at Meramec.
16 Q. You said reverted. Was that a subsidiary?
17 A. It was a joint venture with Bethlehem Steel.
18 Q. So at that time -- so then you moved off the
19 joint venture and directly to St. Joe's?
20 A. Yes.
21 Q. And who was your supervisor at St. Joe's?
22 A. The general manager's name was John
23 Schoolcraft. I reported to him.
24 Q. Where was that?
25 A. In Sullivan or outside of Sullivan, Missouri.

1 Q. So you're still doing iron at Meramec at this
2 time?
3 A. Yes. Yes.
4 Q. It's just whatever happened upstairs is what
5 changed it?
6 A. Yes, yes, yes.
7 Q. But your job hasn't changed at all?
8 A. Essentially, no.
9 Q. How long did you continue in that job?
10 A. '79, '80. '79 or '80.
11 Q. And what did you do then?
12 A. I went to or came to St. Louis to the St. Joe
13 corporate offices for corporate exposure.
14 Q. And whose idea was that?
15 A. The president of St. Joe Lead. John Wright
16 was his name.
17 Q. So this was after the zinc and lead had been
18 split apart?
19 A. Yes.
20 Q. So how long did --
21 A. Was I exposed?
22 Q. Yeah. How long were you exposed? I was
23 trying to avoid that.
24 A. I couldn't resist it. I'm sorry, Andy.
25 MR. ROTHCHILD: It's okay.

1 A. Two years. More than a year, less than two
2 years.
3 Q. (By Mr. Smoger) So -- and what was your
4 position? Did you have a position?
5 A. I don't know what it was.
6 Q. You were just being exposed?
7 A. I was being exposed. To my knowledge, I
8 didn't have a position. I had a little closet though that
9 I could go in.
10 Q. You did that a couple years. Then what did
11 you do?
12 A. I'm sorry?
13 Q. Then what did you do after --
14 A. I was sent to Viburnum to the mining division.
15 Q. And how long were you in Viburnum?
16 A. About two years. Was a pattern developing
17 here?
18 Q. So there were -- now we're about to '83?
19 A. That's about right. '82, '83.
20 Q. And what did you do in Viburnum?
21 A. I was assistant general manager.
22 Q. And then from Viburnum?
23 A. I was sent to California.
24 Q. And now we're at Grass Valley?
25 A. We're just below Grass Valley, yes.

1 on those?
 2 A. It's my recollection, yes.
 3 Q. And do you remember who --
 4 A. Excuse me.
 5 Q. -- at Fluor was in that signing process?
 6 A. I don't specifically, but I would -- I'm
 7 pretty sure it would have been Vince Kotney or Les McCraw.
 8 Q. Now, when that signing process occurred, how
 9 would the request for authorization be communicated to
 10 Fluor; would they be faxed to them or how would they get it
 11 to sign off onto it?
 12 A. Well, they would have received a hard copy.
 13 It would -- the official copy would have been -- would not
 14 have been faxed. It would have been mailed to them.
 15 Q. And they would -- but it would be mailed and
 16 they would have a copy?
 17 A. Yes. And they would sign or not sign, you
 18 know, whichever they chose.
 19 Q. Were their signatures required in order to
 20 authorize a budgeted item? Did you have an authority
 21 level?
 22 A. Yes. Yes.
 23 Q. And what was the authority level?
 24 A. I don't remember. It was -- I don't remember.
 25 Q. But above whatever authority level there was,

1 you had to get signatures?
 2 A. Correct. Correct. Correct.
 3 MR. SMOGER: Let's take a short break.
 4 THE VIDEO TECHNICIAN: We're off the record at
 5 11:52.
 6 (Whereupon there was a lunch break.)
 7 THE VIDEO TECHNICIAN: We're on the record at
 8 1:14.
 9 Q. (By Mr. Smoger) I started to ask you about
 10 depositions you were in and I didn't complete asking you.
 11 We talked about the first two which is a worker's comp and
 12 then the second one which is in St. Louis. And the second
 13 one you, at least remember, was while you were still at
 14 Grass Valley. What's the next one you remember after that?
 15 A. I don't remember any details. I just remember
 16 there were others.
 17 Q. Were they related generally about lead?
 18 A. I honestly don't remember. Sorry.
 19 Q. Okay. Do you remember if it involved anybody
 20 that got injured?
 21 A. That doesn't ring a bell. Maybe if you give
 22 me some more, I can.
 23 Q. Well, I don't know what they were, but I'm
 24 just trying to explore. You know, you said three to six
 25 times.

1 A. Yeah. I remember other depositions, but I --
 2 you know, they didn't stick in my mind obviously.
 3 Q. Do you remember the person that was asking you
 4 questions that you couldn't stand so you kept -- stayed in
 5 your memory afterwards?
 6 A. I've met very few people I couldn't stand.
 7 Q. Okay. But you don't remember being involved
 8 in any depositions related to lead contamination from
 9 Herculeaneum?
 10 A. I do not. I'm sorry.
 11 Q. No, don't be sorry. I'm just trying to know
 12 if that happened.
 13 A. No, I don't. I don't remember that.
 14 Q. What was your secretary's last name?
 15 A. When?
 16 Q. Somebody's been down this road before. Did
 17 she ever change it while she was with you?
 18 A. Yes, she did.
 19 Q. And how do you spell it, whatever her name is
 20 now? I'm not going to get into Laurel and Hardy.
 21 A. S-H-A-W.
 22 Q. S-H-A-W. And how -- and before?
 23 A. I'm sorry?
 24 Q. What was her last name before that?
 25 A. M -- Cap, M-C, capital P-E-A-K.

1 Q. Was there one before that?
 2 A. There was, but I didn't know him.
 3 Q. Okay. Now, are you familiar with an
 4 organization which has for its initials I-L-Z-R-O?
 5 A. Yes, sir.
 6 Q. What is that?
 7 A. That's ILZRO.
 8 Q. What does ILZRO stand for?
 9 A. International Lead/Zinc Research Organization.
 10 Q. Have you ever been a member of that?
 11 A. As Doe Run, yes.
 12 Q. Okay. So it's a company membership?
 13 A. Yes.
 14 Q. Did you attend meetings?
 15 A. Probably.
 16 Q. Anybody else from your -- from Doe Run attend
 17 meetings with ILZRO?
 18 A. Yes.
 19 Q. Who would that be?
 20 A. Dan Vornberg, Dick Amistadi -- Richard
 21 Amistadi.
 22 Q. Was that associated in any way with the LIA or
 23 was that entirely separate?
 24 A. It was an entirely separate organization.
 25 Q. What types of things did ILZRO do?

1 A. It was an organization established to, as the
2 name implies, do research work for the lead and zinc
3 industry.
4 Q. What type of research?
5 A. They covered the waterfront. Market
6 development, studies of, for instance, lead acid batteries
7 used for motive power purposes, galvanizing for zinc, that
8 kind of stuff.
9 Q. Did Doe Run contribute money to ILZRO?
10 A. Yes, we did.
11 Q. On average, how much per year?
12 A. Well, again, I can't tell you specifically,
13 but it would have been tens of thousands of dollars a year.
14 Q. Who would write the budgeting request for that
15 money?
16 A. I will tell you it was a collaboration between
17 Dick Amistadi and Dan Vornberg.
18 Q. And that would be something that eventually
19 you'd have to sign off on?
20 A. Yes, sir.
21 Q. Where would documents related to ILZRO be
22 kept?
23 A. In the St. Louis office.
24 Q. And is there a general file or in one of Dick
25 Amistadi's or Dan Vornberg's office?

1 A. I don't know. I assume both.
2 Q. I'm trying to figure out, you know, how the
3 layout of the office is.
4 A. Yeah.
5 Q. Was there a central filing area?
6 A. Yes, there was.
7 Q. And then in addition to a central filing area,
8 did -- each person that had an office there would have
9 their own personal files?
10 A. Yes.
11 Q. Would the central filing area duplicate what
12 was in the offices or was there a system as to what would
13 go where?
14 A. I am of a belief that there was a system, but
15 I don't know what the system was.
16 Q. Would that be up to your secretary for you in
17 terms of where --
18 A. It would have been up to the secretaries. But
19 what got put in the central file area as opposed to the
20 individual file areas, I don't know.
21 Q. How large is the central file area?
22 A. A room this size.
23 Q. Is it all files?
24 A. I've been in the room. I never opened all the
25 drawers. The drawers I saw open had files in them.

1 Q. Well, let me -- yeah. My question was
2 somewhat unfair.
3 Did the entire room circle with file cabinets?
4 A. Yeah. They were on four walls and a bank down
5 the center.
6 Q. And essentially the secretaries took care of
7 what went into the central files?
8 A. Yes.
9 Q. Did you have an office manager for the central
10 file?
11 A. Did not. Didn't believe in them.
12 Q. So it was basically -- well, you had a
13 secretary?
14 A. Yes.
15 Q. Did you share your secretary?
16 A. Early on, no. In -- as I started to
17 transition out, yes.
18 Q. So basically for most of the period that you
19 held your job, you weren't sharing one?
20 A. That's correct.
21 Q. How about Dan Vornberg; did he have a
22 secretary?
23 A. He had a secretary that he shared with Lou
24 Maruchau.
25 Q. And what's the name of that secretary?

1 A. Maria Thompson, I believe.
2 Q. How long was she there?
3 A. I want to tell you five years.
4 Q. And that would be the most recent five years?
5 A. Yes. Yes.
6 Q. Do you know who she replaced?
7 A. I do not remember.
8 Q. Did Dan Vornberg always share a secretary with
9 the in-house counsel?
10 A. That's my belief.
11 Q. Now, these are downtown St. Louis offices,
12 correct?
13 A. Well, West County.
14 Q. West County?
15 A. Yes.
16 Q. Now, in the West County offices, how many
17 people had offices there?
18 A. Less than 30.
19 Q. And about how many secretaries were there for
20 the office, just approximately?
21 A. Half a dozen.
22 Q. So the -- and they would decide and you left
23 it to them to decide on the filing system for everyone?
24 A. Yeah. It's my belief that in this central
25 room, there were kind of assigned areas. You know, you had

Page 82 1 a left-hand corner and I had the right-hand corner and that 2 was the system. 3 Q. Now, you mentioned ILZRO and studies that they 4 did. Did they fund studies? 5 A. Well, the membership funded the studies. 6 Q. Of the organization? 7 A. Yeah. You were a member of ILZRO. You 8 supplied the money for ILZRO to do the stuff. 9 Q. Okay. Would they ask for funding for a 10 specific study or would they just take the money out of 11 their general budget and say, okay, we're going to use this 12 money for this? 13 A. Memory serves me that it was both. 14 Q. Do you know if they did any studies on the 15 health effects of lead? 16 A. I do not know specifically. 17 Q. And who at Doe Run would know that 18 information? 19 A. Dan, Dan Vornberg. 20 Q. Did you ever request a study to be done? 21 A. I did not. 22 Q. And that would be you personally. 23 A. No. 24 Q. Was this an organization that primarily Dan 25 involved himself in, rather than you?	Page 84 1 employment into the early '90s. And now you're reporting 2 directly to Fluor. Were you involved in discussions to 3 sell the -- with Fluor to sell the company; did you 4 participate in that in any way? 5 A. No. Well, let me restate that. There was a 6 period where Fluor had potential customers or buyers come 7 through on quasi due diligence, and of course I would talk 8 to them. 9 Q. Do you know who those buyers were? 10 A. Oh, everybody. 11 Q. Just give me some names. 12 A. Asarco, Cominco. That's the two that 13 immediately come to mind. Maybe Noranda. 14 Q. Now, was documentation regarding the facility 15 presented to these potential buyers? 16 A. Sure. There was a data room. 17 Q. I mean did they get a prospectus and 18 evaluation? 19 A. Oh, yes. 20 Q. Would that have included any costs related to 21 environmental and the state -- the status of the 22 environmental program? 23 A. It certainly would have spoken to the 24 environmental side. Would it have had the specificity to 25 talk about environmental costs? No. No, it would not
Page 83 1 A. Dan and Dick Amistadi. 2 Q. And I make that distinction because I assume 3 that you're -- that you spend most of your time with the 4 LIA to the extent -- 5 A. Certainly if you differentiate in that 6 fashion, yes. Because I was an officer in the LIA. And 7 ILZRO focussed on both lead and zinc. And we had very 8 little zinc involvement. 9 Q. Given that, why -- why were you an active 10 member that gave tens of thousands of dollars to ILZRO? 11 A. Because it was lead/zinc. They did work 12 for -- you know, on the lead side of the program. So we 13 supported it. 14 Q. Do you know a person named Sherry McPeak? 15 A. Sherry McPeak? 16 Q. Somebody who whose last name was McPeak that 17 worked -- 18 A. When Laura was married to Sam, she was a 19 McPeak. 20 Q. Okay. 21 A. But I don't -- maybe he had a sister. I don't 22 know. 23 Q. No. Laura. Okay. Laura was a McPeak when 24 she -- Okay. 25 Now, I've gotten up to around the time of your	Page 85 1 have. 2 Q. Would it talk about potential future 3 environmental liabilities? 4 A. Yes, it would have. 5 Q. Were you involved in preparing this document? 6 A. I would have reviewed it. 7 Q. Who prepared -- who was involved in preparing 8 the document? 9 A. Well, the genesis would have been Fluor. And 10 who there, I don't know. But they would then have sent it 11 to us and said, is there anything here that's wrong. And 12 we would have read it. As I remember those kind of things, 13 typically there weren't any things technically wrong, so 14 you ended up really trying to influence the editorial style 15 which was I mean, you know, a waste of time. 16 Q. I've tried to influence editorial styles. 17 A. We all try. 18 Q. So when you -- they would send this document 19 to you. Would you keep a copy of it or just send your -- 20 A. We would get a final version of it. 21 Q. And do you know where those final versions 22 were kept? 23 A. Wouldn't have a clue. When I got done with 24 it, it went out in the out mail tray and if I ever wanted 25 it again, I hollered.

22 (Pages 82 to 85)

MIDWEST LITIGATION SERVICES

www.midwestlitigation.com Phone: 1.800.280.DEPO(3376)

Fax: 314.644.1334