

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

TRANSWESTERN PIPELINE
COMPANY, a Delaware
corporation

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VERSUS

NO. BC026959

MONSANTO COMPANY, a
Delaware corporation, and
DOES 1 through 200,
inclusive

ORAL DEPOSITION

OF

JEROME H. DAVIDSON

On the 26th day of June, 1992, at 9:31 a.m., the
oral deposition of the above-named witness was taken
at the instance of the Plaintiff, before Maria E.
Mills, Certified Shorthand Reporter in and for the
State of Texas, at the offices of Johnson & Gibbs, 100
Founders Square, Conference Room 3N, in the City of
Dallas, County of Dallas, State of Texas, taken
pursuant to the agreement hereinafter stated on the
record by counsel.

COPY

A P P E A R A N C E S

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(Per agreement of counsel, the exhibits which were originally marked in this deposition as Exhibits TRAN 200 through 214, inclusive, were renumbered as Exhibits TRAN 362 through 376, inclusive, in order to keep the exhibits consecutively marked from deposition to deposition.)

1 P R O C E E D I N G S

2 MS. SIMERLY: The deposition is being
3 taken pursuant to agreement, and that it's being taken
4 under the California Code of Civil Procedure. All
5 objections, except as to the form of the question, are
6 reserved until the time of trial.

7 MR. TALLON: Is that a microphone? Are
8 you recording in addition to --

9 THE COURT REPORTER: Yes.

10 MR. TALLON: Okay. Are you taking this
11 down?

12 THE COURT REPORTER: Yes.

13 MR. TALLON: Would you stop?

14 (Discussion off the record.)

15 JEROME H. DAVIDSON,
16 the witness hereinbefore named, being first duly
17 cautioned and sworn to testify the truth, the whole
18 truth and nothing but the truth, testified under oath
19 as follows:

20 EXAMINATION

21 BY MR. TALLON:

22 Q. State your full name and address for the
23 record, please.

24 A. Jerome H. Davidson, 403 Washington Drive,
25 Arlington, Texas.

1 Q. Mr. Davidson, are you employed?

2 A. Yes, I am.

3 Q. By whom?

4 A. Alcon Laboratories in Fort Worth, Texas.

5 Q. And what is your position with Alcon Labs?

6 A. I'm a field sales manager in the vision
7 care group.

8 Q. Have you ever been employed by Monsanto
9 Company?

10 A. Yes, I have.

11 Q. When did you leave the employ of Monsanto
12 Company?

13 A. 1973.

14 Q. And when did you join Monsanto Company?

15 A. 1965.

16 Q. Are you a college graduate, Mr. Davidson?

17 A. Yes, I am.

18 Q. From what college or university were you
19 graduated?

20 A. University of Iowa.

21 Q. In what year?

22 A. 1965.

23 Q. And what degree do you hold from the
24 University of Iowa?

25 A. Bachelor of Science in chemical

1 engineering.

2 Q. Did you join Monsanto immediately after
3 you concluded your educational career at the
4 University of Iowa?

5 A. Yes, I did.

6 Q. Do you hold any graduate degree?

7 A. No, I don't.

8 Q. When you started work in 1965 with
9 Monsanto, what position or positions did you hold
10 immediately upon beginning employment with them?

11 A. I was a process engineer in the technical
12 services department at the John F. Queeny Plant in St.
13 Louis.

14 Q. And how long did you hold the position of
15 process engineer, approximately?

16 A. Approximately one year.

17 Q. And in 1966 did you change positions?

18 A. Yes, I did.

19 Q. And what position did you assume in 1966?

20 A. I assumed a position in the research and
21 development department as an applications research
22 engineer. I -- that's the best of my recollection of
23 the title.

24 Q. How long did you hold that position?

25 A. It would have been 1966 -- between a year

1 and a half and two years.

2 Q. At the end of a year and a half or two
3 years, did you change positions?

4 A. Yes, I did.

5 Q. And what position did you assume then?

6 A. I became a salesman -- sales
7 representative for Monsanto in Los Angeles.

8 Q. Do you recall the approximate date when
9 you started work in Los Angeles for Monsanto?

10 A. It was the summer of 1968.

11 Q. And for how long did you hold the position
12 as sales representative?

13 A. Just shy of three years.

14 Q. And you changed positions, once again with
15 Monsanto, in about three years or just shy of three
16 years?

17 A. Yes. In 1971 I moved back to St. Louis
18 into the marketing department, same division, same
19 group, as a -- I believe my title was product
20 supervisor.

21 Q. And how long did you hold that position?

22 A. Approximate -- I was in the marketing
23 department approximately two years before I left
24 Monsanto in 1973.

25 Q. So from the time you returned to St. Louis

1 in 1971 until the time you left Monsanto in 1973, you
2 were a product supervisor?

3 A. Yes. Actually, I think the last few
4 months I had a little bit of additional
5 responsibility. I don't recall the -- my -- my best
6 recollection is it was like marketing manager --
7 market manager -- marketing manager, a few months
8 before I left.

9 Q. And did you leave Monsanto for a position
10 at Alcon Labs or for -- or with another entity?

11 A. No, sir, with another company.

12 Q. Since leaving Monsanto in 1973, have you
13 performed any work for Monsanto?

14 A. No, I haven't.

15 Q. Is Alcon Labs, to your knowledge,
16 affiliated in any way with Monsanto?

17 A. No, it is not.

18 Q. Have any of your other employers since
19 1973 been affiliated with Monsanto, to your knowledge?

20 A. No, they have not.

21 Q. Has Alcon Labs -- does Alcon Labs do any
22 contract work for Monsanto?

23 A. No, they do not, to my knowledge.

24 Q. Okay. And have any of your other
25 employers, since leaving Monsanto in 1973, been

1 working on contract or by another mechanism for
2 Monsanto?

3 A. No, not to my knowledge.

4 Q. Okay. When you -- when you referred to
5 yourself as a product supervisor from 1971 through --
6 just about the time you left Monsanto, what product or
7 products were you supervising?

8 A. The Pydraul line of industrial hydraulic
9 fluids.

10 Q. Was Turbinol 153 included within the line
11 of products for which you had responsibility from 1971
12 forward?

13 A. I really don't have any -- I don't have
14 any recollection that Turbinol 153 -- I have been
15 shown a couple of documents with my name on them that
16 indicate that in the last few months that I was
17 employed I either wrote or received memos with that as
18 a subject matter.

19 But, frankly, since it's over 20 years
20 ago, I -- I -- you know, I had no recollection of that
21 at all prior to -- to seeing one or two documents.

22 Q. When in your answer you indicated that you
23 were shown some documents, you're referring to
24 documents shown to you by counsel in anticipation of
25 this deposition?

1 A. Yes, uh-huh.

2 Q. You're not referring to documents that you
3 reviewed in the ordinary course of your business in
4 the last --

5 A. No, I'm not --

6 Q. -- few months?

7 A. -- no.

8 Q. Okay. Do you know what Turbinol 153 is?

9 A. Yes.

10 Q. Do you --

11 A. It's a turbine lubricant. I might not
12 have been able to answer that question, although I
13 probably would have, prior to seeing those one or two
14 documents.

15 Q. Okay. I just want to get a little
16 additional history from you --

17 A. Certainly.

18 Q. -- Mr. Davidson, if you wouldn't mind.

19 When you were a process engineer in the
20 technical services department, to whom did you report,
21 as best you recollect?

22 A. As best I recollect, I had two supervisors
23 during that approximately one year. A gentleman by
24 the name of John Clark and Harvey Schulte.

25 Q. And, to the best of your recollection,

1 what were your responsibilities as a process engineer?

2 A. To -- I was assigned various support
3 projects for the manufacturing plant, as were other
4 members of that department who were engineers, to do a
5 variety of -- of things.

6 I certainly don't recall any of the
7 specifics. But the -- the function of the department
8 was to, for example, study a process in depth to
9 determine what might be done to improve the yield of a
10 product or the efficiency, or to prevent a problem,
11 that type of thing.

12 Q. Did your responsibilities include
13 supporting any particular business unit or units?

14 A. No, they did not.

15 Q. Were you -- was the technical services
16 department by which you were employed supporting the
17 industrial fluids group within Monsanto at that time?

18 A. I really don't recall. But, really,
19 the -- the -- the technical services department was
20 attached to the entire plant, which was a very large
21 plant with probably 1500 to 2,000 employees and there
22 were all kinds of products made in that plant. I
23 don't recall where the functional fluids were made at
24 that time.

25 Q. Were you responsible for technical

1 services or support with respect to any products which
2 you understood to be formulated with polychlorinated
3 biphenyls?

4 A. No, I was not associated with any product
5 formulated with polychlorinated biphenyls at that
6 time.

7 Q. When in your answer you indicated that you
8 weren't associated with any product formulated with
9 polychlorinated biphenyls at that time, did you mean
10 to suggest at a later date you became associated with
11 such products?

12 A. Yes, certainly --

13 Q. What date --

14 A. -- I did.

15 Q. -- approximately?

16 A. When I went into research and development,
17 that was a preparatory assignment in the -- what was
18 called the functional fluids group -- if not then, it
19 was later called the functional fluids group -- to
20 prepare me specifically to go into a field sales
21 position. That was the purpose of the assignment
22 in -- in research and development.

23 Q. You're indicating the applications
24 research engineer post you held beginning in 1966?

25 A. Yes, I am.

1 Q. And how was that position preparatory to a
2 sales position?

3 A. Well, it was within the functional fluids
4 product group in research. And the plan -- and
5 subsequently that plan came to fruition -- was that I
6 would be involved with and do various projects in
7 research and learn the products in that group so that
8 it would enable me to have -- you know, acquire
9 product knowledge in preparation for a sales
10 assignment.

11 Q. In your position as applications research
12 engineer, did you acquire product knowledge in
13 preparation for a sales assignment?

14 A. Yes, I did.

15 Q. And how did you go about doing so?

16 A. Well, I was in what was called the
17 applications research group. And, again, this is over
18 20 years ago.

19 Q. I understand.

20 A. But basically my duties were to execute
21 the projects assigned to me, which principally
22 involved the formulation and testing of industrial
23 hydraulic fluids.

24 Q. In what way does -- did the -- did your
25 work in the applications research group prepare you

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1 for sales?

2 A. Basically, from a product knowledge
3 standpoint, applications knowledge. For example, the
4 Pydraul fluids were used in various industrial
5 applications, the purpose of which -- the
6 functionality of the products was to -- as being
7 industrial hydraulic fluids, was to lubricate various
8 hydraulic equipment. And to do that, the
9 characteristic that made these products unique was the
10 fact they were fire resistant.

11 So I was able to learn the product
12 characteristics that made the products unique and to
13 actually perform the tests that would be typically
14 required, for example, to go to a customer.

15 Q. Uh-huh.

16 A. The customer would ask, you know, what are
17 the characteristics of these fluids. And not only did
18 I know them by memorization, I actually had, you know,
19 performed the tests in R&D so...

20 Q. When you refer to the functionality of
21 products, are you referring to the use to which they
22 were put by the customers of those products?

23 A. Yes, I am.

24 Q. Was it part of your job to become familiar
25 with the attributes of a particular product such as

1 their viscosity?

2 A. Yes.

3 Q. Was it part of your job to become familiar
4 with the use for which the product was put to by your
5 customers?

6 A. Yeah.

7 Q. Did you work with the Pydraul fluids?

8 A. Yes, I did.

9 Q. Did you work with Skydrol fluids?

10 A. No, I didn't.

11 Q. Did you work with any product other than
12 the Pydraul fluids, that you recall today?

13 A. No, I don't believe I did.

14 Q. Do you recollect whether during the period
15 you were in the applications research group you had
16 any responsibility for learning the characteristics of
17 Turbinol?

18 A. I really don't recall that I had any
19 contact or did any work at all on Turbinol.

20 Q. Have you ever heard of Texas Eastern
21 Transmission Company?

22 A. Yes, I've heard of the company.

23 Q. Do you recollect whether during the period
24 you were working for Monsanto you personally had any
25 contact with anyone you believe to be a representative

1 of Texas Eastern Transmission Company?

2 A. I had no recollection of ever having any
3 contact with Texas Eastman (sic); however -- again,
4 the one or two documents that -- that I looked at,
5 apparently I may have had a contact at one point in
6 time.

7 Q. Are you familiar with the Transwestern
8 Pipeline Company?

9 A. No, I'm not.

10 Q. Are you familiar with Columbia Gulf?

11 A. No, I'm not.

12 Q. Are you familiar with the Solar division
13 of International Harvester?

14 A. No, I'm not. I've heard the name but I'm
15 not at all familiar with the company.

16 Q. To the best of your recollection, was
17 there any person in the research and development group
18 when you were working there in 1966 and later who had
19 direct responsibility for Turbinol 153?

20 A. I really don't recall.

21 Q. Do you recollect whether Turbinol 153
22 represented a significant portion or any other portion
23 of the sales of the functional fluids group?

24 A. I don't recall any specifics about
25 Turbinol, but I certainly can tell you that it was not

1 a major product line because the major product lines
2 were Pydraul, Skydrol and Therminol in that group.

3 Q. And Therminol is a -- used as a heat
4 exchange fluid?

5 A. Yes.

6 Q. Is it fair to say, based on your answer
7 just now, that the principal products sold by the
8 functional fluids group were the Therminol group, the
9 Pydraul group and the Skydrol group?

10 A. Yes, to the best of my recollection.

11 Q. Is it your recollection that -- if you
12 have one, that Turbinol was a fairly small share of
13 the sales of that group?

14 A. My recollection is that Skydrol was at one
15 time a fairly significant part of that group; however,
16 it was a patented product. And when the patent went
17 off, there was a natural competitive force in the
18 marketplace. And that certainly -- there was price
19 attrition --

20 Q. Uh-huh.

21 A. -- and the total sales of that product
22 line declined.

23 Q. Was it ever part of your responsibility
24 while you were in the R&D department to do flash tests
25 with respect to Pydraul products?

1 A. Flash tests -- flash point --

2 Q. Yes.

3 A. -- tests?

4 Yes, it was.

5 Q. Do you recollect whether in your -- do you
6 recollect whether in performing those tests you
7 compared the flash point of Pydraul products with
8 products made by competitors of Monsanto?

9 A. Yes, I'm sure that I did.

10 Q. Your answer indicates that you're sure
11 that you did. Do you have a recollection of actually
12 having done so?

13 A. No, no specific recollection.

14 Q. Do you recollect whether you were required
15 at the time to record the results of tests that you
16 performed in writing?

17 A. Yes, in research I'm sure that I was.

18 Q. Do you recollect in what fashion you
19 recorded work that you did in writing, whether it was
20 in a memo or in a lab book or in some other fashion?

21 A. In research, I -- I don't recall exactly.
22 But to -- my best recollection is that everything was
23 recorded in a lab manual that was provided by the
24 company. Standard -- that would -- would be standard
25 research protocol.

1 Q. When you were in the R&D department, to
2 whom did you report?

3 A. I reported to Lou Stark.

4 Q. And did you have anyone reporting to you?

5 A. No, I did not.

6 Q. Did you know to whom Mr. Stark reported
7 when you were in the R&D department?

8 A. Yes. He reported to -- I believe all the
9 time that I was there, to Dr. Bill Richard.

10 Q. Were there others working for Lou Stark,
11 as best you recall it, who had responsibility of the
12 same kind that you did?

13 MS. SIMERLY: For the same product line
14 or for different product lines?

15 MR. TALLON: The latter.

16 A. The -- there were other people who worked
17 for Lou Stark. The only two that I can recall after
18 this length of time -- Tom McDonnell was one and there
19 was another gentleman by the name of, I believe, Bill
20 Calloway. Don't -- I could be -- could be wrong about
21 that.

22 Q. All right. Are you familiar with the
23 current whereabouts of either Mr. McDonnell or Mr.
24 Calloway?

25 A. No, I'm not.

1 Q. Have you seen them since you left
2 Monsanto?

3 A. No, I haven't.

4 Q. Was there a particular reason why it was
5 part of your sales training to become familiar with
6 the functionality of the products sold by Monsanto?

7 A. It was simply a mutual business decision
8 by functional fluids group management and myself.
9 When I -- when it was determined that I wanted to go
10 into sales, which I'd expressed that interest, they
11 indicated there was a choice of several different
12 product lines --

13 Q. Uh-huh.

14 A. -- and -- and a choice as to whether or
15 not a -- a choice of sorts.

16 In other words, they asked my preference
17 in terms of product line, outlining what they saw as
18 the opportunities, and also whether or not I wanted to
19 go into research to learn about the products first or
20 go directly to the field. And I'd expressed a
21 preference -- really, we worked it out mutually that
22 it seemed to make sense if I was going into the
23 functional fluids group that an assignment in research
24 for a year or two years would be good preparation
25 prior to going to the field.

1 Q. You were discussing a moment ago a
2 preference among product lines. Do you recall why you
3 expressed a preference for the particular product line
4 which ultimately you pursued as a salesman?

5 A. I -- I, you know, said preference.
6 Actually they -- you know, this is, again, many, many
7 years ago.

8 Q. I understand.

9 A. But -- but as I recall there were two --
10 two or three potential openings --

11 Q. Uh-huh.

12 A. -- and we discussed them mutually --

13 Q. Uh-huh.

14 A. -- and what the products were and did I
15 have any preference. And, of course, I was eventually
16 assigned based on need and my background. And then
17 asked specifically if -- if I would like to take an
18 assignment in research and then go to the field, and I
19 indicated that I would -- I would certainly like to do
20 that.

21 Q. Did you express a preference for working
22 with the Pydraul line of products?

23 A. No. I think -- when I say preference, it
24 seemed to fit -- I'm sure they probably pushed me a
25 little bit in that direction for whatever reason,

1 perhaps the fact that I was an engineer and our field
2 sales force had, you know, some engineers but some
3 people with basically business backgrounds without
4 technical backgrounds. And selling those products is
5 a little bit more technically involved, so I'm sure
6 they nudged me in that direction and said they felt I
7 would be well prepared background-wise to do that.

8 Q. Do you recollect whether it was
9 recommended to you that you go into sales with the
10 Pydraul line of products?

11 A. I don't recall any -- really, any more
12 than I've just told you. I don't know -- I don't know
13 what else to tell you.

14 Q. You indicated --

15 A. This was -- this is, what, 1966 so --

16 Q. So many years ago.

17 A. -- 26 years ago, if my arithmetic is
18 correct.

19 Q. You indicated in an answer a moment ago
20 that a technical background was particularly helpful
21 with these products; is that right?

22 A. I think so, yes, uh-huh.

23 Q. And why so?

24 MS. SIMERLY: I just want to make an
25 objection for the record. I don't see what the

1 relevance is of this witness's opinion that a
2 technical background is helpful for the sale of these
3 products. You can answer.

4 A. I think the -- a technical background
5 would be helpful to anyone going into this product
6 area because of the nature of the customer
7 applications. Customer applications were -- for
8 example, aspirin was a big product of Monsanto.

9 Q. Uh-huh.

10 A. The salesmen who sold bulk aspirin to
11 various pharmaceutical companies, for example, there
12 wasn't -- probably the end use -- aspirin was a very
13 old product, probably not the technical involvement.
14 It was more of a commodity product.

15 Q. Uh-huh.

16 A. This was a specialty group. And the
17 reason it was a specialty group is because there were
18 so many different end use applications. I guess
19 it's -- it was an evolving technology would be one way
20 to -- to put it. And there were, you know, a variety
21 of end uses. And certainly being a -- an engineer,
22 further being a chemical engineer, it's reasonable, I
23 think, any technical person would say a technical
24 background would be helpful in being effective.

25 Q. Is it fair to say that understanding the

1 application to which a customer puts a product helps
2 the salesman make a sale?

3 A. Yes.

4 Q. Is it fair to say that understanding the
5 application to which a customer puts a product helps
6 the -- the salesman get closer to the customer with
7 the ultimate goal in mind of having continued sales?

8 A. Yes. I think understanding the end -- the
9 product end use certainly can make a salesman more --
10 more useful in filling a need, which is what salesmen
11 do.

12 Q. And if a salesman is indeed useful in
13 filling a need, then you believe that that would
14 result in increased sales to that particular
15 customer --

16 A. Yes, uh-huh.

17 Q. -- or continued sales?

18 A. Yes.

19 Q. When you switched from the position as
20 applications research engineer to sales representative
21 in Los Angeles in approximately 1968, did you have a
22 person to whom you reported in Los Angeles?

23 A. Yes, I did.

24 Q. Who was that, please?

25 A. Larry Bradford.

1 Q. Was Mr. Bradford stationed in Los Angeles
2 at that time?

3 A. Yes, he was.

4 Q. Did you have a person to whom you reported
5 in St. Louis?

6 A. Simultaneously?

7 Q. Yes.

8 A. No, no. I reported to Mr. Bradford.

9 Q. Mr. Bradford was your only report --

10 A. Yes.

11 Q. -- rather, the only person to whom you
12 reported?

13 A. Yes.

14 Q. Did you have salesmen in the field
15 reporting to you?

16 A. No, I did not.

17 Q. What was your responsibility as a sales
18 representative for Monsanto in Los Angeles when
19 initially you took up that position?

20 A. To call on customers in a variety of -- of
21 industries, soliciting business, primarily with the
22 Pydraul and Therminol lines of products.

23 Q. Did you have responsibility for sales of
24 any products other than the Pydraul and Therminol
25 products?

1 A. I don't believe so.

2 Q. During the period -- the entire period
3 that you were in Los Angeles, did you keep the same
4 sort of responsibility?

5 A. Yes, as best -- well, as -- there was a
6 minor change in territory at one point, I believe.
7 Other than that, no, it would -- my basic
8 responsibilities remained the same.

9 Q. When initially you started work in Los
10 Angeles, what territory -- for what territory were you
11 responsible?

12 A. Basically it was the entire West Coast,
13 primarily; the Los Angeles, San Francisco and Seattle
14 market areas.

15 Q. How about Arizona or New Mexico?

16 A. I don't recall. I don't believe so, but I
17 really don't recall.

18 Q. Do you recollect whether someone else in
19 the Los Angeles office was responsible for sales in
20 the Arizona, New Mexico area?

21 A. I don't recall.

22 Q. Do you recollect whether anyone in the Los
23 Angeles office was responsible for sales of products
24 in Texas or Louisiana?

25 A. I don't -- I don't recall that.

1 Q. Do you recall whether anyone in St. Louis
2 was responsible for sales in the Texas or Louisiana
3 area?

4 A. I'm sure there were, but I don't recall
5 any specifics.

6 Q. Not that you recall?

7 A. Huh-uh.

8 Q. Would your answer change if I asked you if
9 anyone in St. Louis were responsible for sales in
10 Arizona and New Mexico?

11 A. No, I -- I -- you know, someone had
12 responsibility for sales in -- in Arizona and New
13 Mexico, but I -- I don't know who it is --

14 Q. All right.

15 A. -- who it was at that time.

16 Q. During the period that you were a sales
17 representative for Monsanto in Los Angeles, did you
18 have any responsibility for selling products to
19 companies that you believed to be involved in the oil
20 and gas business?

21 A. The oil and gas business, not that I
22 recall.

23 Q. Did you have any responsibility for
24 selling product to Southern California Gas Company?

25 A. I don't believe so. I don't -- I -- if

1 we -- if Pydraul and Therminol would have been used --
2 those products would have been used, then technically
3 I would have had responsibility. I don't recall that
4 they were a customer.

5 Q. Do you have any recollection of having
6 been responsible for any sales or attempted sales to
7 Pacific Gas & Electric in San Francisco?

8 A. I don't recall any contact with them or
9 any sales to them.

10 Q. During the period that you were in San
11 Fran -- you were in Los Angeles, do you have any
12 recollection of having sold or attempted to sell any
13 products to any company that you believed to be
14 involved in the transmission of natural gas through
15 interstate pipelines?

16 A. No, I don't recall any -- any sales or
17 contact with -- with anyone in that business.

18 MR. TALLON: Go off the record for a
19 second.

20 (Off the record.)

21 Q. Could you describe the circumstances, Mr.
22 Davidson, under which you left Los Angeles and moved
23 back to St. Louis?

24 A. Yes. I was promoted to -- to the
25 marketing department in St. Louis in -- in the home

1 office, the headquarters. And that was
2 approximately -- it was sometime early in -- or the
3 spring of 1971, as best as I remember.

4 Q. And you said that when you went back to
5 St. Louis in -- sometime in 1971, you believed that
6 your title was product supervisor?

7 A. Yes, that's the best I recall.

8 Q. And as a product supervisor, were you a
9 product supervisor in the functional fluids group?

10 A. Yes, I was.

11 Q. And to whom did you report?

12 A. I reported to Larry Bradford.

13 Q. And to the best of your recollection, who
14 at that time did Mr. Bradford report to?

15 A. One of -- sometime during that period,
16 between 1971 and 1973, Mr. Bradford reported to Tom
17 Gossage. Whether or not immediately -- when I assumed
18 the job, whether or not he reported to Mr. Gossage, I
19 really don't recall. But that's -- certainly during
20 that time he -- a significant portion of that time Mr.
21 Bradford reported to Mr. Gossage.

22 Q. Let me show you a document which we'll
23 mark as an exhibit. It's a one-page document bearing
24 production number TRAN 08589.

25 MR. TALLON: Just off the record for a

1 second.

2 (Discussion off the record.)

3 (Exhibit No. 362 marked.)

4 MR. TALLON: I have one also for you,
5 Janine.

6 Q. Mr. Davidson, I want to show you a -- a
7 document which we have now marked as Transwestern 362
8 and ask you if you have seen this before.

9 A. I don't recall.

10 Q. All right. The -- from reviewing this
11 exhibit, do you know what it is?

12 A. Well, it appears to be an organizational
13 chart.

14 Q. Right. And you appear to be listed as a
15 product supervisor, industrial, on this -- on this
16 chart there; is that correct?

17 A. Yes.

18 Q. A moment ago I had asked you whether you
19 recall the identity of Mr. Bradford's -- the person to
20 whom Mr. Bradford reported, and you indicated that it
21 was Mr. Gossage.

22 MS. SIMERLY: I'm going to object. I
23 think that mischaracterizes his testimony. His
24 testimony was that he doesn't know when, but at some
25 point during his tenure as a product supervisor Mr.

1 Bradford reported to Tom Gossage.

2 MR. TALLON: Right.

3 MS. SIMERLY: We don't know that that
4 is the same point in time for which this
5 organizational chart applies.

6 MR. TALLON: Right.

7 Q. This particular organizational chart
8 appears to be dated October 1st, 1971. Do you see
9 that?

10 A. Yes. It's a bad Xeroxed copy but it does
11 appear to be October 1st, 1976.

12 Q. You have to take up the quality of the
13 copying with Ms. Simerly. But do you know whether
14 this is an accurate depiction of the organizational
15 structure of the specialty products group of Monsanto
16 in October of '71?

17 A. It appears to be, but I certainly don't
18 recall all the people and their position.

19 Q. Okay. Did you know a person who was the
20 market manager for aviation who is -- appears in the
21 box immediately above yours on this chart?

22 A. Yes, Frank -- Frank Langenfeld.

23 Q. Was he a con -- not a contemporary -- but
24 did he have responsibility like your responsibility?

25 A. Yes, best I recall.

1 Q. And did you know Mr. Roger Hatton or Dr.
2 Hatton?

3 A. Yes, I did.

4 Q. Was he a technical service manager when
5 you were in the St. Louis office in '71 and later?

6 A. I certainly don't recall his title, but I
7 worked with Roger -- knew Roger for a number of years
8 and -- and worked with him.

9 Q. Did you know a Mr. Roush or Roush?

10 A. Yes, I did.

11 Q. And did you know what his job was when you
12 were working in St. Louis?

13 A. He was in the -- Don was a -- you know, he
14 was in the Therminol product group -- had
15 responsibility for the Therminol heat transfer fluids.

16 Q. Did you know a Mr. Pogue while you were in
17 St. Louis?

18 A. Yes, I did. Uh-huh.

19 Q. And do you recollect what his
20 responsibilities were?

21 A. I really don't. I replaced Don Pogue in
22 Los Angeles. Don was a salesman in Los Angeles and
23 moved back to St. Louis and then I, you know, assumed
24 his responsibility in Los Angeles. And I -- I don't
25 recall what Don's specific job was.

1 Q. Who replaced you in Los Angeles?

2 A. Who replaced me in Los Angeles?

3 Q. Yeah.

4 A. I don't recall.

5 Q. Do you know a Mr. Bevacqua?

6 B-e-v-a-c-q-u-a.

7 A. Yes.

8 Q. And was he stationed in Los Angeles during
9 any portion of the time that you were stationed there?

10 A. I remember -- I can't remember where Bob
11 was. Bob was a salesman who, to the best of my
12 recollection, had responsibility as a salesman for the
13 Skydrol line of products. And -- but I don't recall
14 that Bob was stationed in Los Angeles or where he was.

15 Q. While you were in St. Louis, Mr. Davidson,
16 did you work with -- with either Mr. R. H. Munch or
17 Munck or Q. E. Thompson?

18 A. No, I did not ever work, you know,
19 directly with them. I remember the name Quentin
20 Thompson, who I assume you're referring to.

21 Q. Uh-huh.

22 A. And Quentin was in research. I, you know,
23 became acquainted with him when I was in research.

24 Q. While you were in St. Louis, Mr. Davidson,
25 did you ever work with a J. R. Fallon?

1 A. Yes. I can't recall exactly what Jack's
2 job was, but I -- I did work with him. I -- I was
3 acquainted with him.

4 Q. Okay. You can put that aside, if you
5 like, or not; whichever you prefer.

6 Once you returned to St. Louis to be a
7 product supervisor, what were your responsibilities?

8 A. Again, this is over -- over 20 years ago.

9 Q. Uh-huh.

10 A. But I had responsibility for the -- for
11 the Pydraul product line in regard to the -- the -- I
12 had typical marketing responsibilities such as
13 forecasting sales, budgeting various expenditures for
14 anything from advertising to technical -- or
15 brochures -- marketing and sales brochures. I was
16 held responsible for the overall sales progress and
17 profit of the Pydraul product line.

18 MR. TALLON: Excuse me. Would you just
19 read that last answer back, please? I didn't get it
20 all.

21 (Record read.)

22 Q. Did you have people reporting to you as a
23 product supervisor in St. Louis?

24 A. No, I did not.

25 Q. As part of your responsibility of being in

1 charge of the overall sales progress and profit of the
2 Pydraul line, did you from time to time receive
3 reports on sales of product?

4 A. Yes, I did.

5 Q. And from what source did you acquire that
6 information?

7 A. Basically internal sales reports.

8 Q. And what information, as best you can
9 recall, was captured on internal sales reports while
10 you were in St. Louis?

11 A. I certainly -- I certainly don't recall
12 that.

13 Q. Well, I don't mean the specific
14 information. I mean what kind of categories of
15 information; total volume by region or --

16 A. I really don't recall.

17 Q. Do you recall whether during the period
18 you served as a product supervisor for the Pydraul
19 product line, the Pydraul product line was profitable?

20 A. To the -- to the best of my -- my
21 recollection, it -- it was.

22 Q. Mr. Davidson, are you familiar with
23 something known as rust inhibited MCS-153?

24 A. No, I'm not.

25 Q. Are you familiar with something known as

1 MCS-153?

2 A. I had -- you know, have no present
3 recollection of MCS-153. I, again, had -- have been
4 shown a couple of documents referring to that
5 particular product designation.

6 Q. All right. Well, I don't want to spend
7 too much time on this. I wonder if you could just
8 take a look at this document, which we'll have marked
9 as the next exhibit in order.

10 And my question to you, Mr. Davidson, is
11 after having reviewed it, whether you have any
12 enhanced recollection with respect to the -- a product
13 or proposed product known as rust inhibited MCS-153.

14 MR. TALLON: Mark that as the next
15 exhibit in order.

16 (Exhibit No. 363 marked.)

17 Q. Here's the actual marked exhibit, Mr.
18 Davidson, if you want to take a look at that one.

19 A. No, I -- I don't have any enhanced
20 recollection.

21 Q. Do you have a recollection of ever
22 having -- having seen this document before today?

23 A. No, I don't.

24 Q. Do you know what an Aroclor is?

25 A. Yes, I do.

1 Q. Do you know what Aroclor 1242 is?

2 A. It's -- it is a polychlorinated biphenyl.

3 Q. Does the -- if you flip to the second page
4 of that exhibit, there's a notation on the bottom of
5 the page that says developed by J. H. Davidson?

6 A. Yes.

7 Q. Does that developed by indication have any
8 significance to you or meaning to you?

9 A. Again, we're talking about a very long
10 time ago.

11 Q. Uh-huh.

12 A. But from the cover sheet and then looking
13 at this sheet, this looks like a -- in fact, it
14 says -- it's a blend sheet so it's a formulation
15 that's some notice to the plant concerning a
16 formulation change. So -- developed by would mean
17 produced by, based on a prior -- prior blend sheet.

18 Q. When you were a -- either a process
19 engineer or applications research engineer, did you
20 have any responsibility for formulating product?

21 A. I'm sorry. As a process engineer --

22 Q. Or as an applications research engineer,
23 did you have any responsibility for creating the
24 formulations of products or modifying the formulations
25 of products?

1 A. Yes, as an applications research engineer.

2 Q. Does the -- just one more question on this
3 document, Mr. Davidson.

4 On the second page, under the caption
5 composition, does that indicate to you, as best you
6 recall today, the composition of the product under
7 discussion in this memorandum?

8 A. I -- I don't recall. I certainly don't
9 recall the composition of what is referred to here as
10 MCS-153 rust inhibitor. So, you know, I couldn't --
11 couldn't tell you if that is accurate or not. I would
12 assume it is if it's a document produced from 1967.

13 Q. Fair enough.

14 Let me show you a document, Mr. Davidson,
15 which we'll mark as the next exhibit in order.

16 (Exhibit No. 364 marked.)

17 (Discussion off the record.)

18 Q. Here's the actual marked copy of that
19 exhibit, Mr. Davidson. My question for you is, is
20 that your handwriting that appears on the foot of the
21 exhibit.

22 A. It appears to be.

23 Q. Do you have a present recollection of
24 having written the notation that appears on the bottom
25 of this exhibit?

1 A. No, I don't.

2 Q. Do you know what MCS-1531 is?

3 A. No, I don't.

4 Q. By the way, Mr. Davidson, do you know
5 what's indicated in the name Aroclor 1242 by the 1242
6 portion? Do you know what that signifies?

7 A. Yes. 1242 -- the last two digits indicate
8 the percent of chlorination of the biphenyl molecule.

9 Q. So 42 percent --

10 A. Forty-two percent chlorine, I believe, by
11 weight, but I really don't recall specifically.

12 Q. All right.

13 MS. SIMERLY: Can we take a very brief
14 break? I just want to have a word with Jerry outside
15 just for a second. Okay?

16 MR. TALLON: Okay.

17 (Recess taken.)

18 Q. Mr. Davidson, while you were serving as an
19 applications research engineer or a process engineer,
20 do you recollect whether Monsanto had gas liquid
21 chromatography equipment in St. Louis?

22 A. Yes, it did.

23 Q. And do you recall whether Monsanto had
24 such equipment in 1965 when first you began work in
25 St. Louis?

1 A. I don't know about 1965, but when I was in
2 research, certainly there was gas liquid
3 chromatography equipment.

4 Q. Do you know who was responsible for
5 working with that equipment at that time?

6 A. I have no idea.

7 Q. Do you know whose -- under whose
8 jurisdiction it fell?

9 A. I have no idea.

10 Q. All right. Do you know whether in --
11 during the period that you served either as an
12 applications research engineer or a process engineer
13 Monsanto had nuclear magnetic resonance equipment in
14 St. Louis?

15 A. That, I don't know.

16 Q. Do you know whether during the period you
17 served as a process engineer or an applications
18 research engineer in St. Louis Monsanto had infrared
19 spectroscopy equipment?

20 A. I really don't -- don't recall.

21 Q. Are you familiar with the -- with an
22 individual by the name of Risebrough?

23 MS. SIMERLY: Other than what you've
24 learned from your attorneys.

25 A. I -- I have no recollection of anyone

1 named Risebrough. The name was mentioned, you know --

2 MS. SIMERLY: You don't have to discuss
3 with him --

4 Q. Right, I got it.

5 MS. SIMERLY: -- anything you heard
6 from me.

7 MR. TALLON: Right.

8 Q. Do you recollect that there came a time
9 during your service at Monsanto that reports were
10 publicized regarding the effect of polychlorinated
11 biphenyls on the environment and on living creatures?

12 A. Yes, I recall that.

13 Q. And can you tell me when, to the best of
14 your recollection, you remember learning that such
15 reports had been published?

16 A. I don't recall.

17 Q. Do you remember if it was while you were
18 in Los Angeles or whether it was later?

19 A. I really don't recall.

20 Q. Do you remember the sum and substance of
21 the information of which you became aware?

22 A. Basically, that there were scientific
23 studies in -- in the public forum which -- scientific
24 opinion, which indicated or speculated that PCBs could
25 be persistent in the environment.

1 Q. Do you recall making any changes to your
2 job function as a result of hearing that information?

3 MS. SIMERLY: I'm going to object to
4 the question to this regard. The witness has already
5 testified that he doesn't recall when he heard this.

6 MR. TALLON: Uh-huh.

7 MS. SIMERLY: You're asking if he made
8 any change to his job responsibilities.

9 MR. TALLON: Right.

10 MS. SIMERLY: He's also indicated he
11 doesn't remember if he heard about it in Los Angeles
12 or in St. Louis.

13 MR. TALLON: Right.

14 MS. SIMERLY: And I think your question
15 assumes that he is going to be able to pinpoint when
16 he learned this and what impact it would have had on
17 his job responsibilities. And I think that --

18 MR. TALLON: I am certainly asking him
19 that because I'm trying to refresh his recollection.

20 MS. SIMERLY: Okay.

21 MR. TALLON: But thank you for the
22 clarification.

23 A. I don't -- could you repeat the question?

24 Q. Yes.

25 Do you recall whether upon learning of the

1 publication of these reports there was any impact on
2 the way that you carried out your job?

3 A. Well, there were events that occurred over
4 a number of years --

5 Q. Okay.

6 A. -- with regard to changes in the Pydraul
7 product line and so it -- it -- you know, you would
8 have to be more specific in which job --

9 Q. Okay.

10 A. -- I was in. And, of course, that
11 whole -- that whole time period is over 20 years ago,
12 so...

13 Q. All right. You referred to events that
14 occurred over a number of years. To what were you
15 referring in your answer a moment ago?

16 A. From -- from the initial -- from the
17 initial scientific studies in the public forum, over a
18 period of time when the Pydraul products, for example,
19 were reformulated.

20 Q. Is that -- are -- those two events that
21 you just described, the additional scientific studies
22 in the public forum and the reformulation of the
23 Pydraul products, are those at one end and then the
24 next end of a spectrum, or are they just events in a
25 series of events? I'm not sure what you meant by the

1 answer. Let me ask another question.

2 Did -- is -- is it your testimony that the
3 initial scientific studies and the public forum
4 resulted in the reformulation of the Pydraul products?

5 MS. SIMERLY: And, again, I want to
6 caution the witness not to speculate. You can testify
7 as to your own personal knowledge. Obviously, I want
8 you to do that, but please don't speculate.

9 A. Monsanto reformulated a number of products
10 involving polychlorinated biphenyls to -- in acting as
11 a responsible manufacturer of chemicals about which
12 there were questions regarding their persistence in
13 the environment.

14 Q. In your mind, Mr. Davidson, was there any
15 relationship between the initial published reports
16 relating to the environment or other impact of the
17 PCBs and reformulation of Pydraul products?

18 A. Yes. There was the relationship that, as
19 best as I recall, the -- some of the initial
20 scientific studies were finding evidence of very trace
21 amounts of PCB. And Monsanto was interested in -- in
22 verifying those reports to the best of their ability
23 from a scientific perspective, and in -- that resulted
24 in Monsanto doing a lot of their own investigation --
25 investigative work.

1 And the -- what we're talking about here
2 is a process of -- process of knowledge that occur --
3 that occurred -- of increasing knowledge that occurred
4 over a period of time. And that did result in a --
5 many actions by Monsanto, including reformulation of
6 products.

7 Q. During the period that you served as a
8 product supervisor in St. Louis, did you ever work
9 with a Mr. Papageorge?

10 A. Yes, I did.

11 Q. In what context did you work with Mr.
12 Papageorge?

13 A. Mr. Papageorge was the -- as best as -- as
14 I recall, was the coordinator for the company with
15 regard to the polychlorinated biphenyls -- coordinator
16 of all information concerning polychlorinated
17 biphenyls.

18 Q. All right. And how did you work with Mr.
19 Papageorge, if you did?

20 A. Well, for example, if a customer inquired
21 about anything regarding PCBs, what products contained
22 PCBs, anything with regard to PCBs, they were referred
23 to -- to Mr. Papageorge.

24 MS. SIMERLY: Off the record.

25 (Discussion off the record.)

1 Q. Just for point of clarification, Mr.
2 Davidson. I -- I understood your -- your answer about
3 customer inquiries were referred to Mr. Papageorge.
4 Is that what you did, did you refer customer inquiries
5 to him? Because I had asked you how you had worked
6 with him.

7 A. On occasion, uh-huh.

8 Q. Do you recall particular customer
9 inquiries which you referred to Mr. Papageorge?

10 A. No, I don't.

11 Q. Okay. Do you recall working with Mr.
12 Papageorge in any other way during the period that you
13 were in St. Louis following your return from Los
14 Angeles?

15 A. No, not really.

16 Q. Did you have any responsibility for
17 supervising the reformulation of the Pydraul products?

18 A. I did not supervise the reformulation, no.

19 Q. Did you have any responsibility in
20 connection with the reformulation of Pydraul products?

21 A. Yes, to the extent that when the Pydraul
22 products were reformulated to present the reformulated
23 products in the marketplace through brochures, and
24 that type of thing, educating our own sales force.

25 Q. When, to the best of your recollection,

1 Mr. Davidson, did the process of reformulating the
2 Pydraul products begin?

3 A. I don't recall.

4 Q. Are you able to place it in time with --
5 in relationship to anything that you did while you
6 served in St. Louis, following your return from Los
7 Angeles?

8 A. I had no present recollection of -- only,
9 you know, between -- sometime during my Monsanto
10 career I -- you know, I've seen documents that -- you
11 know, that confirm when I was a salesman and when I
12 was a product supervisor, and so forth. But I don't
13 have any exact recollection of that.

14 Q. In your answer you referred to having seen
15 documents. Are you, again, referring to documents
16 that you've seen in contemplation of this deposition?

17 A. Yes.

18 Q. You don't have any Monsanto documents at
19 home?

20 A. No, I don't.

21 Q. Okay. You didn't hold on to any files
22 from the period that you worked at Monsanto?

23 A. No, I didn't.

24 Q. Let me just show you a document that we'll
25 mark as the next exhibit in order, and I want to ask

1 you if you've ever seen it before.

2 (Exhibit No. 365 marked.)

3 Q. Here's the -- the originally marked
4 exhibit, Mr. Davidson.

5 A. And your question is?

6 Q. I'm asking if you've ever seen this
7 document before -- rather, whether you recollect
8 having seen it before.

9 A. I don't recall.

10 Q. There's a series of names listed on the
11 top half of the first page of the exhibit, which one
12 could conclude were recipients of this document. Do
13 you see those?

14 A. Yes.

15 Q. Are the -- the names Bevacqua and the
16 following sales personnel for Monsanto?

17 A. Yes, they were.

18 Q. Did you know an M. K. Ritterhouse in 1969?

19 A. Yes, I did.

20 Q. And do you remember what Mr. Ritterhouse's
21 job was at that time?

22 A. He was a heat transfer fluid specialist in
23 Houston.

24 Q. While you were -- when -- strike that.
25 When you returned to St. Louis -- strike that.

1 When you were serving as a sales rep in
2 Los Angeles, Mr. Davidson, what was the -- the policy
3 or practice of Monsanto with respect to maintaining
4 inventory of product to be sold?

5 MS. SIMERLY: What time period, I'm
6 sorry, are you talking about?

7 MR. TALLON: While in Los Angeles.

8 MS. SIMERLY: As a product supervisor?

9 MR. TALLON: No, in Los Angeles I think
10 he was a sales rep.

11 MS. SIMERLY: Yeah, excuse me. I beg
12 your pardon.

13 A. We -- we kept an inventory -- I can only,
14 obviously, speak for the products that I sold.

15 Q. Right.

16 A. And we kept -- best of my recollection, we
17 kept an inventory of Pydraul products in the Los
18 Angeles warehouse, which was also a regional office
19 and warehouse within one facility. And so we shipped
20 Los Angeles area customers from that warehouse.

21 Q. Where physically was that warehouse
22 located?

23 A. In the city of Commerce, best as I recall.

24 Q. Was there a production facility in Los
25 Angeles or was product shipped to the Los Angeles

1 warehouse from St. Louis?

2 A. It was shipped to Los Angeles from St.
3 Louis.

4 Q. With respect to products for which you had
5 responsibility for sales, do you know the level of
6 inventory maintained in the L. A. warehouse from time
7 to time?

8 A. No, I wouldn't recall that.

9 Q. Do you have any knowledge as to the level
10 of inventory, whether it was maintained in terms of a
11 month's supply or more than a month's supply?

12 A. I don't recall.

13 Q. Do you recall how Pydraul products were
14 stored within the warehouse; whether it was in drums
15 or tanks, or otherwise?

16 A. It was stored in drums.

17 Q. As a sales rep in Los Angeles, did you
18 from time to time see inventory reports indicating how
19 much was on hand of any particular product?

20 A. I don't recall.

21 Q. Do you know whether inventory reports were
22 maintained with respect to product stored in the L. A.
23 warehouse?

24 A. I really don't.

25 Q. Do you recollect whether there was a

1 person or persons in Los Angeles whose responsibility
2 it was to be aware of the inventory on hand?

3 A. I'm sure there was, but I don't recall who
4 it was.

5 Q. Did you, in your job as a sales rep,
6 actually take orders from customers for product?

7 A. Yes. Most of the orders, as best as I
8 recall, were called into the order desk to the sales
9 assistants, I believe they were called, whose
10 principal job it was to take and process orders.

11 Q. As best you recall, were orders typically
12 filled from inventory?

13 A. Best as I recall.

14 Q. As a sales rep, if a customer order for a
15 customer over which you had responsibility had to be
16 filled by new production in St. Louis or elsewhere,
17 would you be notified of that?

18 A. I -- I really don't recall.

19 Q. In general terms, if a customer order had
20 to be met by new production, would that result in a
21 delay in filling the customer order?

22 A. I assume that it would.

23 Q. And by that use of the term delay, I mean
24 it would take longer to fill a customer order from new
25 production than it would from inventory. Correct?

1 A. It seems reasonable.

2 Q. Okay. Let me show you a document, Mr.
3 Davidson -- by the way, do you have any recollection
4 of -- strike that.

5 MR. TALLON: Why don't we just mark
6 this as the next exhibit in order.

7 (Exhibit No. 366 marked.)

8 (Discussion off the record.)

9 Q. Did you get a chance to look at that
10 document, Mr. Davidson?

11 A. Yes, I did.

12 Q. Do you have any recollection of ever
13 having seen that before today?

14 A. No, I don't.

15 Q. Do you, having reviewed this letter, have
16 any enhanced recollection of approximately when you
17 for the first time received any information about the
18 persistence or claimed persistence of polychlorinated
19 biphenyls in the environment?

20 MS. SIMERLY: Wait, wait, wait. I'm
21 just going to ask. Are you asking him whether this
22 memo refreshes his recollection or are you asking him
23 if he makes an assumption based on this letter that --
24 that that is the case? And I think it's a fair --

25 MR. TALLON: I think my question was

1 pretty clear that I was asking him, if he had any
2 enhanced recollection following reading the memo.

3 MS. SIMERLY: Okay.

4 A. No, I don't have any enhanced
5 recollection.

6 Q. Do you have any recollection of a Norman
7 T. Johnson?

8 A. Yes, I know -- knew and worked with Norm
9 Johnson.

10 Q. Do you know what his job was in 1970?

11 A. I don't recall what his exact job was.

12 Q. Do you know what his responsibilities
13 included in February of 1970?

14 A. Norm was in sales management. I don't
15 recall his exact title. But he -- Norm was in the
16 sales department as opposed to, you know,
17 manufacturing or -- or whatever. I don't recall his
18 exact responsibilities.

19 Q. Did you have any reporting obligation to
20 Mr. Johnson?

21 A. Yes, ultimately -- I did not report to
22 him, but my supervisors, I believe, reported to Norm
23 at that time.

24 Q. At that time, referring to February of
25 1970?

1 A. Yes. Actually I had two different
2 supervisors as a salesman; the first was Mr. Bradford,
3 that I mentioned previously --

4 Q. Uh-huh.

5 A. -- and the second was a Mr. Raleigh
6 Garcia.

7 Q. Where was Mr. Garcia stationed at the time
8 you reported to him?

9 A. He was in Akron, Ohio.

10 Q. Did either Mr. Bradford or Mr. Garcia
11 report to Mr. Johnson, so far as you recall?

12 A. I believe that -- that both of them did.

13 Q. Do you recall whether you ever received
14 any instruction to discourage the return by customers
15 of PCB-based products that they had on hand?

16 A. I don't recall that.

17 Q. Do you recollect ever being questioned by
18 a customer with respect to the PCB content of products
19 that you sold or for which you were responsible as a
20 sales rep?

21 A. I have no exact recollection of that, but
22 I'm sure I was in the normal course of business.

23 Q. Do you recall whether you ever referred
24 customers to Mr. Johnson or any other personnel in St.
25 Louis to answer questions with respect to the PCB

1 content of products, the sales of which -- the sales
2 for which you were responsible?

3 A. I don't --

4 MS. SIMERLY: Other than Mr.

5 Papageorge, which he has already testified he believes
6 he referred people to at some point in time.

7 A. I have no recollection -- specific
8 recollection of ever referring any customers to Mr.
9 Johnson.

10 Q. Or anyone else?

11 A. Or anyone else, no.

12 Q. Do you have any recollection of ever
13 having been told by Mr. Johnson or anyone else that it
14 was Monsanto's position that Monsanto didn't want to
15 loose one dollar of business as a result of the
16 reformulation of products?

17 A. I -- I have no recollection of that.

18 Q. Was it your understanding that it was
19 Monsanto's goal to maintain its business in functional
20 fluids, notwithstanding the reformulation of product?

21 A. Yes, that -- that would have been my
22 understanding, certainly, to maintain our business.

23 Q. Let me ask you. I had -- oh, by the way,
24 did you ever have the title fluid specialist while you
25 were stationed in Los Angeles?

1 A. I might have.

2 Q. You don't recall having it, though?

3 A. My job duties were essentially the same
4 during that three-year period. I -- I may have had a
5 different title or reference by the company.

6 Q. Okay. I had asked you before whether you
7 had any recollection of selling or attempting to sell
8 product to the Solar division of International
9 Harvester Company. Let me have marked as the next
10 exhibit in order a two-page letter bearing production
11 numbers TRAN 004340 and 4341 and ask you if reviewing
12 this exhibit refreshes your recollection in any
13 respect.

14 MR. TALLON: Here you go. Mark that.

15 (Exhibit No. 367 marked.)

16 Q. Did you get a chance to review that
17 document, Mr. Davidson?

18 A. Yes, I did.

19 Q. And did reviewing it enhance your
20 recollection in any respect as to whether you ever
21 attempted to sell or -- or sold product to the Solar
22 division of International Harvester Company?

23 A. No, it doesn't enhance my recollection.

24 Q. Do you have any recollection of ever
25 having contacted anyone you believe to be a

1 representative of the Solar division of International
2 Harvester?

3 A. I have no recollection of ever contacting
4 Solar.

5 (Exhibit No. 368 marked.)

6 (Discussion off the record.)

7 Q. Let me just show you one other document in
8 this regard, Mr. Davidson, and ask you if after
9 reviewing this document, a one-page letter bearing
10 production number TRAN 004339, enhances your
11 recollection or refreshes your recollection in any
12 respect regarding a contact by you to the Solar
13 division of International Harvester Company.

14 A. This doesn't enhance my recollection, no.

15 Q. Okay. Do you recollect ever selling or
16 attempting to sell product to Pacific Lighting &
17 Service Company?

18 A. No, I don't.

19 Q. Okay. Well, the -- let's see if we can
20 refresh your recollection in that regard by reviewing
21 a one-page document bearing production number TRAN
22 002801, which we'll mark as the next exhibit in order.

23 (Exhibit No. 369 marked.)

24 MS. SIMERLY: Is this 369, Maria?

25 THE COURT REPORTER: Correct.

1 Q. Does having reviewed the exhibit refresh
2 your recollection, Mr. Davidson, with respect to ever
3 having sold or attempted to sell product to Pacific
4 Lighting & Service Company?

5 A. No, it doesn't.

6 Q. Do you recall ever having seen this
7 exhibit before today?

8 A. No, I don't recall.

9 Q. Did you know a Mr. Tim Mefford at Pacific
10 Lighting & Service Company?

11 A. No, I don't.

12 Q. Do you have any recollection of having --
13 ever furnished Mr. Bevacqua information with respect
14 to product to be sold or potentially to be sold to
15 Pacific Lighting & Service Company or a customer for
16 which he was responsible?

17 A. No, I have no recollection.

18 Q. Are you familiar with the -- the term
19 MCS-1109?

20 A. No, I'm not.

21 Q. Do you have any recollection, Mr.
22 Davidson, of ever having been involved in
23 communications with General Electric Company about
24 Monsanto product?

25 A. No, I have no recollection of that.

1 Q. Do you recollect ever having been involved
2 with any effort to secure the approval of any General
3 Electric division about the use of Monsanto product in
4 turbines?

5 A. No, I have no recollection of that.

6 Q. Did you ever have any responsibility with
7 respect to the use of Monsanto products in gas-fired
8 turbines?

9 A. I -- I have no present recollection of
10 that. Again, I've seen one or two documents referring
11 to products to be used in -- in turbines that -- those
12 documents were dated in the last few months in my
13 career with Monsanto.

14 Q. Let me show you a document which is a
15 five-page memo bearing production numbers TRAN 004391
16 through 4395, which we'll have marked as the next
17 exhibit in order -- actually, strike that. It's
18 already been marked as Exhibit Transwestern 132, so
19 we'll save ourselves the trouble -- and ask you if
20 reviewing that refreshes your recollection about any
21 contact you may have had with representatives of G. E.

22 A. I -- I have no recollection of this.

23 Q. Do you have any recollection, Mr.
24 Davidson, of establishing a timetable for the
25 withdrawal of products, including PCBs?

1 A. No, I do not.

2 Q. Do you have any recollection of
3 establishing a timetable for the reformulation of
4 products that included PCBs as a component element?

5 A. No, I don't have any recollection of that.

6 Q. Let me just ask the court reporter to mark
7 as the next exhibit in order a two-page memo dated
8 September 16th, 1971, bearing production numbers TRAN
9 004966 and 004967, and ask you to review that.

10 (Exhibit No. 370 marked.)

11 Q. This is the official copy, if you want to
12 take a look at that one.

13 A. (Complies.)

14 Q. Does having reviewed that document, and in
15 particular the last paragraph on the second page of
16 that document, refresh your recollection in any
17 respect about establishing a timetable for withdrawing
18 PC -- any PCB-based product?

19 A. No, it doesn't.

20 Q. Okay. Oh, by the way, does reading that
21 document, and particularly the last paragraph of that
22 document, refresh your recollection in any respect
23 about Turbinol 153?

24 A. No, it doesn't.

25 Q. Let me show you another document, which is

1 dated November 17th, 1971, and has been marked as an
2 exhibit already, Exhibit 55, and ask you if you would
3 take a moment, please, and review that.

4 A. (Complies.)

5 Q. Did you get a chance to review that
6 document?

7 A. Yes, I did.

8 Q. And, in particular, did anything on --
9 under the caption Turbinol 153, Mr. Davidson, refresh
10 your recollection in any respect?

11 A. No, it didn't.

12 Q. So nothing about Turbinol 153, it's still
13 a complete blank --

14 A. Yes, sir.

15 Q. -- in essence? Okay.

16 Do you recollect ever having worked while
17 in St. Louis, following your return from Los Angeles,
18 on a proposed agreement under which Monsanto would
19 continue to sell PCB-based product to its customers?

20 A. No, I don't recall that.

21 (Discussion off the record.)

22 Q. Okay. Let me show you a document, Mr.
23 Davidson, which we'll mark as the next exhibit in
24 order. And actually -- no. It's a multi-page
25 document bearing production numbers 10947 through

1 10965.

2 (Discussion off the record.)

3 (Exhibit No. 371 marked.)

4 Q. Can you take a few moments and review
5 that, please?

6 A. Uh-huh.

7 Q. Can you identify that document, Mr.
8 Davidson?

9 A. Sir?

10 Q. Can you identify it?

11 A. I -- I don't recall the document, no.

12 Q. You -- the document indicates on its face
13 that it's from C. L. Bradford and J. H. Davidson. Do
14 you recollect having participated in drafting any
15 aspect of the exhibit?

16 A. I don't recall drafting it. I'm sure that
17 I did, my name is on it, but I don't -- certainly
18 don't recall drafting a letter, sir, written in 1971,
19 and it's now 1992.

20 Q. Okay. Do you remember what the
21 objective -- do you remember whether there was a
22 transition program in place in 1971 with respect to
23 the transition from PCB-based products to
24 non-PCB-based products?

25 A. I don't remember a specific transitional

1 program, no.

2 Q. Not so much whether there was a specific
3 one, but whether there was one at all.

4 A. Well, certainly -- and -- and this
5 document clearly indicates that plans were underway.
6 And I certainly do recall that during the period --
7 this period of time, you know, when I was employed by
8 Monsanto that -- that there was a transition to --
9 from PCB-containing products to non --
10 non-PCB-containing products.

11 Q. Are you able to state, as you sit here
12 today, what the objective of that transition program
13 was?

14 A. No, sir, I --

15 Q. Do you -- does reading the last paragraph
16 on the first page of the exhibit under the caption
17 objective refresh your recollection as to what the
18 objective of the transition program was?

19 A. Well, I -- I certainly recall that -- in
20 general, during this period, that we did not want to
21 withdraw products in a precipitous manner.

22 Q. Uh-huh.

23 A. We had to act, you know, responsibly to,
24 as you can see in the memo, General Motors, Johnson
25 Motors. So clearly from a business perspective, we

1 were trying to rapidly find substitute products.

2 Q. Do you believe that the paragraph which
3 appears at the bottom of the first page of the exhibit
4 fairly states the objective as the -- of the
5 transition program, as best you recall it?

6 A. As best I recall it.

7 Q. Let me ask you to look at another document
8 which we'll mark as the next exhibit. It's a
9 multi-page document bearing production numbers TRAN
10 003179 through 3183.

11 (Exhibit No. 372 marked.)

12 Q. Would you take a moment to review that,
13 please? And just for a moment, Mr. Davidson, I want
14 to focus you just on the first page of the exhibit
15 before you proceed to review the entire document.

16 There's a -- a typed notation J. H.
17 Davidson, do you see that?

18 A. Yes.

19 Q. And over that there's a -- in handwriting
20 it looks like it says Jerry.

21 MS. SIMERLY: It didn't come through
22 on -- oh, I'm sorry. I was looking at the upper
23 left-hand corner.

24 MR. TALLON: No.

25 MS. SIMERLY: I see. Okay.

1 Q. And then it looks like the initials L. B.
2 Do you see that?

3 A. Yes, I do.

4 Q. Is that your handwriting?

5 A. It does not appear to be my handwriting.

6 Q. And did you have a secretary in 1971 whose
7 initials were L. B.?

8 A. I don't recall.

9 Q. Okay. Would you please then go ahead and
10 review the -- the entire exhibit?

11 A. (Complies.)

12 (Discussion off the record.)

13 Q. Did you get a chance to review that
14 exhibit, Mr. Davidson?

15 A. Yes, I did.

16 Q. Do you recollect having authored that
17 memorandum?

18 A. No, I don't recollect authoring it.

19 Q. Do you recall whether it was part of your
20 responsibility in 1971 to -- excuse me -- yes, in
21 1971 -- to do sales forecasts for the products over
22 which you had responsibility?

23 A. Yes, it certainly was.

24 Q. Do you believe that during the period you
25 were employed as a product supervisor in St. Louis,

1 following your return from Los Angeles, you indeed
2 authored sales forecasts for the products over which
3 you had responsibility?

4 A. Yes, I certainly would have.

5 Q. Does the format of the sales forecasts
6 reflected in this exhibit conform to the format of
7 sales forecasts that you did while you were in St.
8 Louis?

9 A. I -- I don't recall any specific format
10 that was -- that was used, but it's certainly
11 reasonable -- my name is on this document, and it's
12 certainly reasonable to assume that I authored it.

13 Q. Do you recollect -- if you could, just
14 flip for a moment to page 003181 of the exhibit.
15 There's a list of products beginning with Pydraul 60
16 and ending with Pydraul 540-B.

17 A. Yes.

18 Q. Do you recall whether those were products
19 over which you had supervisory responsibility as
20 product supervisor?

21 A. I certainly recall the Pydraul products
22 listed there. I do not recall having any
23 responsibility for Turbinol 153.

24 Q. Does the inclusion of Turbinol 153 in this
25 sales forecast indicate to you that you may have had

1 some responsibility for that product?

2 A. I don't know what it indicates, to be
3 honest with you.

4 Q. Would it have been your practice to
5 include a product in a sales forecast that you did if
6 you did not have a responsibility for that product?

7 A. I could have been requested to include
8 Turbinol 153. I -- I wouldn't speculate on -- on
9 that.

10 Q. And, by the way, do you have any
11 recollection whether there was anybody else in -- or
12 whether there was anyone in December of 1971 who had
13 responsibility for Turbinol 153 as a product
14 supervisor?

15 A. I believe that during this time frame,
16 1971 to 1973 -- well, during that time frame, during
17 part or all of that time frame, Roger Hatton -- Dr.
18 Roger Hatton reported to Larry Bradford and had
19 responsibility for a number of products. And -- and
20 as I recall, he had responsibility for turbine
21 lubricant testing field evaluations, that type of
22 thing.

23 Q. Was Dr. Hatton responsible for supervising
24 the sales and marketing aspect of turbine fluids, as
25 best you recall?

1 A. As best as I recall.

2 Q. Do you recollect ever having communicated
3 in any fashion with Dr. Hatton about turbine fluids?

4 A. I had no recollection, but there were a
5 couple of documents shown to me concerning turbine
6 lubricants that were dated in the time frame -- the
7 last few months I was with Monsanto, where actually
8 Roger Hatton began to report to me. I was actually
9 promoted and he began to report to me.

10 Q. And did you have an enhanced recollection
11 based on review of those documents with respect to Dr.
12 Hatton's communications with you?

13 A. No, I did not.

14 Q. What is your understanding of the
15 communications that you had with Dr. Hatton relating
16 to turbine products?

17 A. I don't recall any specific communication
18 with Dr. Hatton.

19 Q. But what's your understanding of the
20 communications, having reviewed those documents?

21 MS. SIMERLY: You're --

22 A. What --

23 MS. SIMERLY: -- asking what the
24 documents that he reviewed said?

25 MR. TALLON: I'm asking him for his

1 understanding of the communications based on his
2 review of the documents.

3 A. I looked at one or two documents. I don't
4 recall the specific subject matter of the documents at
5 this point.

6 Q. In general, what is -- what did the
7 document signify to you?

8 A. As I indicated to you, several months
9 before I left Monsanto I was given additional -- some
10 additional product responsibility. And also Dr.
11 Hatton began to at that point report to me. Prior to
12 that time, he actually reported to Dr. Cumming
13 Paton --

14 Q. Uh-huh.

15 A. -- who was the product manager, I believe
16 his title was, of the functional fluids group.

17 Q. Okay. And did you recollect that Dr.
18 Hatton began to report to you as a consequence of
19 having reviewed documents or did you recall that
20 before you began --

21 A. Actually, I recalled that he began to
22 report to me as a consequence of reviewing documents,
23 that's correct.

24 Q. Okay. And do you recall the content, in
25 general, of any of those communications --

1 A. No --

2 Q. -- with Dr. Hatton?

3 A. -- I have no recollection of any
4 communication with Dr. Hatton.

5 Q. And was it the documents that you reviewed
6 that suggested to you that Dr. Hatton had a
7 responsibility for turbine products?

8 A. Yes, basically, that's correct.

9 Q. Was it the documents that you --

10 A. I have a vague recollection --

11 Q. Sorry.

12 A. And I have a vague recollection that Dr.
13 Hatton was -- prior to him being in marketing, okay,
14 he was in the -- what was called the commercial
15 development group.

16 Q. Uh-huh.

17 A. And I believe that he had responsibility
18 then for some initial exploration of fire-resistant
19 lubricants for turbines.

20 Q. Uh-huh.

21 A. It's very vague in my mind, but...

22 Q. I -- I'm not saying this to
23 characterize -- or, indeed, mischaracterize your
24 testimony, Mr. Davidson. But I had thought when we
25 started today you indicated that review of some

1 documents may have suggested to you that you had a
2 contact or that Dr. Hatton had a contact, which he
3 referred you to, regarding Texas Eastern Transmission
4 Company. Is that correct?

5 MS. SIMERLY: He -- I think what he
6 said was he saw documents that indicated --

7 MR. TALLON: Right.

8 MS. SIMERLY: -- that there had been a
9 contact --

10 MR. TALLON: Uh-huh.

11 MS. SIMERLY: -- that those documents
12 did not reflect his recollection as to such a contact,
13 but that he assumed based on the documents and their
14 content that such contact occurred.

15 A. That is a correct statement.

16 Q. Which, Ms. Simerly's?

17 A. Yes, Ms. Simerly's.

18 Q. Okay. And do you recall anything about
19 the content of those documents as you sit here today?

20 A. No, I don't.

21 Q. Do you recall what the contact was to
22 which you referred in your testimony earlier today?

23 A. If you're referring to a document that I
24 saw --

25 Q. Yeah.

1 A. -- then the document that I saw was a call
2 report in which I apparently attended a meeting with
3 Dr. Hatton and I believe John Frederickson, a call --
4 a visitation to Texas -- Texas Eastern.

5 Q. Okay. And I take it from your testimony
6 thus far that you have no present recollection of
7 having indeed made such a visit.

8 A. That's correct, I have no recollection of
9 that visit.

10 Q. And your review of that document was --
11 refreshed your recollection -- or didn't refresh your
12 recollection that there had been such a visit?

13 A. Yes, that's correct, it did not refresh my
14 recollection that there was such a visit.

15 Q. Okay.

16 A. I simply assumed I had been there --

17 Q. Based on --

18 A. -- because I was listed as being an
19 attendee.

20 Q. Okay. Based on your review of the
21 document, you can assume that you had indeed been
22 present on a call to Texas Eastern?

23 A. Yes, that's correct.

24 Q. Do you recall from reviewing the document
25 whether the document stated that the meeting occurred

1 in early 1972?

2 A. I don't recall the date.

3 Q. Do you recall from a review of the
4 document whether the document indicated that there
5 were a number of persons present at the call?

6 A. Yes, I recall that there were several. I
7 don't recall how many.

8 Q. Do you recall from a review of the
9 document that it stated that the purpose of the call,
10 among other things, was to inform Texas Eastern that
11 the product would no longer -- product in question
12 would no longer be sold to them?

13 A. I don't recall that.

14 Q. Okay. Okay. Let's see. Let me just show
15 you another document, Mr. Davidson, bearing production
16 number TRAN 003171 through 3174 and ask you if you can
17 identify that document.

18 (Exhibit No. 373 marked.)

19 (Discussion off the record.)

20 Q. Mr. Davidson, while you're reviewing that,
21 I just want to go off the record for a second, take a
22 short break.

23 (Recess taken.)

24 (Discussion off the record.)

25 (Record read.)

1 Q. Actually, what I'd like you to do, Mr.
2 Davidson, if you didn't get a chance before we go --
3 went off the record is to review that and also review
4 this other sales forecast, which is dated January 21,
5 1972. It's a new document which I'll be giving you.

6 (Exhibit No. 374 marked.)

7 Q. And the new document -- or new exhibit is
8 Exhibit 374 and has production numbers 3175 through
9 3178.

10 MS. SIMERLY: So, actually,
11 notwithstanding the order of the exhibits, Exhibit 374
12 is an earlier document in terms of time than 373?

13 MR. TALLON: 374 is dated January 21,
14 1972, and 373 is dated February 1, 1972.

15 MS. SIMERLY: Okay. Oh, well, I'm --
16 oh, that's right. Okay.

17 Q. Initially, Mr. Davidson, my question for
18 you is whether you recollect having prepared or
19 drafted either one or both of these two documents.

20 A. No, I don't recall them.

21 Q. The sales forecast dated January 21, 1972,
22 on the sheets that are typed horizontally showing the
23 actual sales forecasts in thousands of pounds, there's
24 some handwritten notations which appear through those
25 pages. Do you see those?

1 A. Yes, I do.

2 Q. Are you able to state whether that's your
3 handwriting?

4 A. It does not appear to be my handwriting.

5 Q. Do you recognize it?

6 A. No, I don't.

7 Q. Do you have any recollection of having
8 asked anyone for -- who worked for you in 1972 to
9 prepare sales -- sales forecasts?

10 A. No, I don't recall asking anyone to
11 prepare sales forecasts.

12 Q. Do you have any recollection of preparing
13 any sales forecasts in early '72 with respect to
14 Pydraul products?

15 A. I have no present recollection of that,
16 no.

17 Q. Would it have been your responsibility --
18 or among your responsibility to prepare a sales
19 forecast for the Pydraul products in early '72?

20 A. Yes, it would.

21 Q. And if you could, take a moment to look at
22 page 003177 of Exhibit 374. That's the January 21
23 forecast.

24 A. (Complies.)

25 Q. There's a line that says Turbinol 153,

1 followed by a series of handwritten and typed figures.

2 Do you see that?

3 A. Yes, I do.

4 Q. Do you have any recollection of having
5 prepared those figures?

6 A. No, I don't.

7 Q. Compare that page, if you would, to page
8 003173 of Exhibit 373.

9 A. (Complies.)

10 Q. Do you see the entry for Turbinol 153
11 which shows null for each of the projected months of
12 1972?

13 A. Yes, I do.

14 Q. Do you have any present ability to state
15 the reason why the projection for Turbinol 153 was no
16 sales as of February 1, 1972?

17 A. No, I have -- I do not know why that is.

18 Q. Let me show you a document which we'll
19 mark as the next exhibit in order --

20 (Exhibit No. 375 marked.)

21 Q. -- and ask you whether you can identify
22 the document.

23 Does that appear to you to be a product
24 brochure?

25 A. Yes, it appears to be.

1 Q. Do you have any recollection of having
2 participated in the preparation of that brochure?

3 A. No, I do not.

4 Q. Do you have any recollection of having
5 approved the issuance of that brochure?

6 A. No, I do not.

7 Q. Let me show you a document that we'll ask
8 the court reporter to mark as Exhibit 376, a two-page
9 document bearing two production numbers, one of which
10 is TEX 000373 and 374.

11 (Exhibit No. 376 marked.)

12 Q. Take a moment, please, and I'll ask you if
13 you can review that document.

14 A. (Complies.)

15 Q. Did you get a chance to review that
16 document, Mr. Davidson?

17 A. Yes, I did.

18 Q. Have you ever seen that document before?

19 A. I don't recall seeing it before.

20 MS. SIMERLY: Other than yesterday?

21 MR. TALLON: Right.

22 A. Yes.

23 Q. Is this the document to which you were
24 referring in your testimony before, indicating that
25 you had seen a document reflecting a meeting with

1 representatives of Texas Eastern Transmission Company?

2 A. Yes, this is the document that you
3 referred to.

4 Q. And I take it from your earlier testimony
5 today that you have no present recollection of the
6 meeting which is described in this call report.

7 A. That's correct, I have no recollection of
8 this meeting.

9 Q. Do you know Mr. Fredericksen or did you
10 know him in 1973?

11 A. Yes.

12 Q. And what was his responsibility in
13 January, 1973?

14 A. I believe he was the sales representative
15 in the functional fluids group located in Houston.

16 Q. Do you have a present recollection of
17 having communicated with Mr. Fredericksen on any
18 subject related to Texas Eastern Transmission Company?

19 A. I have no -- no recollection of that.

20 Q. Do you have any present recollection of
21 ever having spoken to, by phone or in person, any of
22 the men whose names are listed in the top third of the
23 memorandum following the word contacted, and starting
24 with the name Roland Moore?

25 A. No, I have no recollection of any contacts

1 with any of those people.

2 Q. Any recollection, Mr. Davidson, with
3 respect to the trial by -- by Texas Eastern of a
4 replacement product formulated by Monsanto?

5 A. No, I have no recollection of that.

6 Q. Any recollection, Mr. Davidson, of ever
7 having been informed of whether or not Texas Eastern
8 used a Monsanto replacement product following
9 discontinuance of sale of another product?

10 A. No, I -- I don't recall.

11 Q. Do you have any recollection of ever
12 having heard a report from Dr. Hatton about sales of
13 product to Texas Eastern Transmission Company or any
14 other gas pipeline company?

15 A. No, I don't have any recollection of that.

16 Q. Do you recognize the handwriting which
17 appears on the right, upper third of the document on
18 page 1?

19 A. No, I don't.

20 Q. Do you have any -- any recollection which
21 you have not stated in an answer thus far today about
22 Texas Eastern Transmission Company and -- and the
23 contacts of that company with Monsanto?

24 A. No, I have -- I have no recollection of
25 any -- any contacts with Texas Eastern.

1 Q. Okay. Well, thank you.

2 MS. SIMERLY: We're done?

3 MR. TALLON: Yeah.

4 (Deposition concluded.)

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STATE OF TEXAS)

COUNTY OF DALLAS)

This is to certify that I, Maria E. Mills,
Certified Shorthand Reporter in and for the State of
Texas, certify that the foregoing deposition of JEROME
H. DAVIDSON was reported stenographically by me at the
time and place indicated, said witness having been
placed under oath by me, and that the deposition is a
true record of the testimony given by the witness.

I further certify that I am neither counsel for
nor related to any party in this cause and am not
financially interested in its outcome.

Given under my hand of office on this the 13th
day of July, 1992.



Maria E. Mills, Certified
Shorthand Reporter in and for
the State of Texas,
CSR No. 2171.
Commission expires 12/31/92.

M & M REPORTING, INC.
1402 Corinth Street
Suite 231, L.B. 109
Dallas, Texas 75215
214/565-5874

Taxable cost of original
charged to Plaintiff
Atty: James P. Tallon -
Shearman & Sterling: \$ _____

1 C O R R I G E N D U M

2 The witness wishes to make the following changes
3 or corrections in the testimony as originally given:

4 WITNESS NAME: JEROME H. DAVIDSON

5	PAGE NO.	LINE NO.	CHANGE	REASON FOR CHANGE
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JEROME H. DAVIDSON

STATE OF _____ *

COUNTY OF _____ *

Subscribed and sworn to before me by the said
witness, JEROME H. DAVIDSON, on this the _____ day
of _____, 1992.

Notary Public for the State of
_____ County of _____
Commission Expires: _____
