

1 MS. BAKER: We would like Monte C.
2 Throdahl by deposition.

3 THE COURT: All right.

4 MS. BAKER: And plaintiffs' offer
5 begins at Page 4, line 23.
6

7 (Reading from video deposition)

8 Q Will you state your full name for the
9 record, please, sir.

10 A Monte C. Throdahl.

11 (End of reading)
12

13 MR. LACEY: Continues on Page 28, line
14 3.
15

16 (Reading from video deposition)

17 Q So, you were a board member from 1966 until
18 1984?

19 A That's right.

20 Q And throughout that entire period of time,
21 you also remained a corporate officer in the
22 sense that the company uses that word?

23 A Yes.

24 (End of reading)
25

1 MS. BAKER: And continuing on Page 32,
2 line 7.

3
4 (Reading from video deposition)

5 Q But the major -- what I would call "meat of
6 the company decisions" went to this development
7 committee, administrative committee, and
8 management committee?

9 A Yes. They didn't exercise simultaneously,
10 you understand.

11 Q Okay. Well, let me see. Are those
12 basically three different names for essentially
13 the same type of body?

14 A Yes. That's what I was trying to tell you.
15 (End of reading)

16
17 MS. BAKER: And continuing on Page 36,
18 line 20.

19
20 (Reading from video deposition)

21 Q So, this -- this administrative or
22 management committee --

23 A Uh-huh.

24 Q -- was basically a group of senior
25 management that the board expected to give the

1 president advice, but basically he would make the
2 decision?

3 A You bet.

4 Q On what was brought to him?

5 A Make no mistake.

6 (End of reading)

7

8 MS. BAKER: And continuing at Page 38,
9 line 20.

10

11 (Reading from video deposition)

12 Q How often did the group typically meet on a
13 schedule, if it had a schedule?

14 A They were usually weekly.

15 (End of reading)

16

17 MS. BAKER: And continuing on Page 39,
18 line 4.

19

20 (Reading from video deposition)

21 Q Minutes, formal minutes were kept of these
22 meetings?

23 A Yes.

24 Q Were they reviewed by the committee for
25 their accuracy after they were prepared?

1 A Yes. There was always a secretary of the
2 committee that was a -- it was -- it was an
3 appintive job, and it was -- it was a difficult
4 one because he had to --

5 Q Write it all down?

6 A Well, he had to write it all down and he had
7 to keep track of the -- of the agenda items and
8 how often they would come up for reexamination or
9 whatever. So, that was a full-time job for him.

10 MS. BAKER: And continuing at Page 84.

11
12 (Reading from video deposition)

13 Q The document --

14 (End of reading)

15

16 MR. MUSSLEWHITE: Wait one moment, Your
17 Honor.

18 MR. LACEY: Let's just go on, I guess.

19 MS. BAKER: Okay.

20 MR. LACEY: Don't worry about it.

21

22 (Reading from video deposition)

23 Q Let me just -- the type of document that we
24 have here at 22295 through 22319 is the sort of
25 prepared text that often would accompany a

1 presentation to the corporate development
2 committee?

3 A Yes.

4 Q And it's the type of prepared text that a
5 member of the corporate development committee
6 would receive either with the agenda for the
7 meeting -- if it was desired that he review it
8 all before the meeting -- or after the meeting,
9 along with the minutes of the meeting?

10 A Yes.

11 (End of reading)

12

13 MS. BAKER: And continuing on Page 86
14 at line 6.

15

16 (Reading from video deposition)

17 Q And it describes there the sales figures for
18 Monsanto, both in terms of quantity and price and
19 those things?

20 A That's right.

21 Q There is an indication on there of, at one
22 point, "M/I." What is that?

23 A Oh, that's "Monsanto over industry." That
24 is what is -- a percentage of the total industry
25 participation. And it would be 62 percent.

1 Q So, then Monsanto was producing 62 percent
2 of the entire PCBs being produced worldwide?

3 A That was their estimate, yes.

4 (End of reading)

5

6 MS. BAKER: And continuing at Page 94,
7 line 11.

8

9 (Reading from video deposition)

10 Q From time to time, matters relating to
11 Monsanto's production of PCBs came to the
12 management committee?

13 A Uh-huh.

14 (End of reading)

15

16 MS. BAKER: At Line 24.

17

18 (Reading from video deposition)

19 Q Well, were you aware of the fact that they
20 were one of the better-performing products, in
21 terms of profit, that Monsanto made?

22 A Yes, in this -- in that sense.

23 (End of reading)

24

25 MS. BAKER: And continuing at Page 99,

1 line 6.

2

3 (Reading from video deposition)

4 Q The alternatives that were considered and
5 presented to the committee --

6 A Uh-huh.

7 Q -- included the alternative of getting out
8 of the business, did it not?

9 A Yes.

10 (End of reading)

11

12 MS. BAKER: And continuing at line 17.

13

14 (Reading from video deposition)

15 Q Getting out of the business was not the
16 alternative that the committee and the company
17 adopted?

18 A Well, it was later on. Not in this time.

19 (End of reading).

20

21 MS. BAKER: And continuing at Page 100,
22 line 2 -- no. I'm sorry. Strike that.

23 Page 101, lines 1 through 13.

24

25 (Reading from video deposition)

1 Q And had Monsanto, for example, chosen the
2 alternative in 1969 to simply go out of the
3 business, then would you have had to close down
4 four different production facilities: one in
5 Anniston, Alabama; one in East St. Louis,
6 Illinois, or Sauget; one in the United Kingdom;
7 and one in Japan, correct?

8 A (Witness nods head.)

9 Q Is that correct?

10 A Yes, yes.

11 Q And if those facilities were closed down at
12 that point in time, you would have had a lot of
13 idle plants, a lot of investment that would have
14 had to be written off, and a substantial loss,
15 correct?

16 A Yes.

17 (End of reading)

18

19 MS. BAKER: Continuing at Page 152,
20 line 7.

21

22 (Reading from video deposition)

23 Q According to those minutes of June 14th,
24 1976, Monsanto made the decision in December of
25 1975 to terminate the production and sales of

1 PCBs for dielectrics, correct? I believe it's
2 about the third or fourth line there?

3 A Yeah.

4 Q The question I'm trying to get clear in my
5 mind is whether or not that decision that was
6 made in December of 1975 was a decision that
7 would have been made by the corporate --

8 A Yeah.

9 Q -- administrative committee?

10 A That's right.

11 Q Okay.

12 (End of reading)

13

14 MS. BAKER: And continuing at Page 176,
15 line 25.

16

17 (Reading from video deposition)

18 Q One of the advantages to the company in
19 continuing to produce PCBs as dielectrics and
20 sell them through 1976 or '77 was that it allowed
21 the company to get out of the PCB business
22 without suffering a loss?

23 A That was a resultant -- it was a resultant
24 which was fortuitous. It had the -- had the
25 company got out of the business in 1975 -- no,

1 1969 -- and not made an effort to find substitute
2 products, they would never have known whether
3 they would have been successful or not. The fact
4 that they tried and gave it every effort and
5 still failed and then had the benefit of moving
6 out without a write-off loss, I guess that's a
7 plus. No question about that.

8 Q Well, isn't that one of the things that was
9 referred to as being in the company's own
10 interest in selecting that alternative initially?

11 A I don't think so. I think that the -- the
12 own interest was to stay in the business of
13 supplying customers with fire-safe, appropriate
14 hydraulic and dielectric fluids. And I don't
15 believe that in 19 -- I think, 1969 -- had the
16 prognosis for failure been paramount, I suspect
17 that decision would have been made then to get
18 out and take the write-off because you would have
19 used that expense money to do something else with
20 it.

21 Q If I understand, what you're saying is that
22 had the company been able to see in 1969 that it
23 would not be successful in developing alternative
24 fluids to the dielectrics that it was able to
25 sell, it probably would have gone out of the PCB

1 business right then?

2 A That would be my judgment.

3 (End of reading)

4

5 MS. BAKER: That ends the plaintiffs'
6 offer, Your Honor.

7 MR. FREEMAN: Your Honor, defendant
8 would offer one question from the
9 deposition. It's found on Page 94. If Mr.
10 Lacey would read the answer?

11 MR. LACEY: I will be happy to. Let me
12 get to the page. All right.

13 MR. FREEMAN: Line 15 is the question.

14

15 (Reading from video deposition)

16 Q Did you ever gain an understanding of
17 whether or not PCBs were a profitable product for
18 Monsanto?

19 A Sure. They were profitable. They
20 weren't -- they weren't the most profitable thing
21 to be made, but they were very important products
22 to us. And certainly they fitted -- they fitted
23 not only an economic need but they also had a
24 societal need which they served admirably. And
25 that's what they were originally created for.

1 (End of reading)

2
3 MR. FREEMAN: Thank you.

4 THE COURT: All right. Who will you
5 have next?

6 MS. BAKER: Your Honor, may I check
7 something with the defense counsel right
8 quick, please?

9 THE COURT: Yes, you may.

10
11 (DISCUSSION HELD OFF THE RECORD)

12
13 MS. BAKER: Your Honor, we would like
14 to call Dr. George Roush, Jr., by
15 deposition. In order to facilitate this, we
16 would like to provide a brief Rule 1006
17 summary of our plaintiffs' offer, describing
18 his position in line of command at Monsanto
19 Company before continuing with question and
20 answer.

21 THE COURT: Do you have something to
22 say, Mr. Jones?

23 MR. JONES: Your Honor, Monsanto the
24 company would object to any of this
25 testimony so far as it relates to IBT

1 matters. We anticipate, based upon the
2 designations that the plaintiffs have made,
3 that they will be getting into such matters.
4 And we object to it on the ground that such
5 testimony is irrelevant, it's immaterial,
6 and it's inflammatory.

7 In particular, Your Honor, Monsanto
8 objects as it being not relevant to these
9 proceedings pursuant to Rule 402 unless and
10 until they show two things: No. 1, that any
11 of the alleged deficiencies of IBT would
12 affect the validity of those studies; and 2,
13 that Monsanto was aware of those alleged
14 deficiencies. Until such time as they do
15 that, that testimony would be inappropriate.
16 And they have failed to do that so far.

17 In addition, Your Honor, we would refer
18 the Court to the brief and memorandum that
19 we submitted to the Court in connection with
20 our motion in limine for the remainder of
21 the objections. We don't want to belabor
22 the point, and we do that for the interest
23 of time.

24 THE COURT: The Court understands your
25 objection, Mr. Jones; and your objection