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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MASSACHUSETTS

Wells G & H  
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466951

ANNE ANDERSON, for herself, and as parent and next friend of CHARLES ANDERSON, and as Administratrix of the estate of JAMES ANDERSON; CHRISTINE ANDERSON; RICHARD AUFIERO, for himself, and as parent and next friend of ERIC AUFIERO, and as Administrator of the estate of JARROD AUFIERO; LAUREN AUFIERO; DIANE AUFIERO, for herself, and as parent and next friend of JESSICA AUFIERO; ROBERT AUFIERO; KATHRYN GAMACHE, for herself, and as parent and next friend of AMY GAMACHE; TODD L. GAMACHE; ROLAND GAMACHE; PATRICIA KANE, for herself, and as parent and next friend of MARGARET KANE; KATHLEEN KANE; TIMOTHY KANE and KEVIN KANE, JR.; KEVIN KANE; DONNA L. ROBBINS, for herself, and as parent and next friend of KEVIN ROBBINS, and as Administratrix of the estate of CARL L. ROBBINS, III; MARY J. TOOMEY, for herself and as next friend of MARY EILEEN TOOMEY, and as Administratrix of the estate of PATRICK TOOMEY; RICHARD J. TOOMEY; JOAN ZONA, for herself, and as Administratrix of the estate of MICHAEL ZONA; RONALD ZONA; ANN ZONA; JOHN ZONA; and PAT ZONA

vs

CRYOVAC, Division of W. R. Grace & Co.; W. R. GRACE & CO.; JOHN J. RILEY COMPANY, Division of Beatrice Foods Co.; BEATRICE FOODS CO.; and XYZ COMPANY (ies)

CIVIL ACTION  
No. 82-1672-S

Deposition of JOHN J. RILEY, JR., taken on behalf of the Plaintiffs, pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before Valerie T. Wong, Notary Public within and for the Commonwealth of Massachusetts, at the offices of Schlichtmann, Conway & Crowley, 171 Milk Street, Boston, Massachusetts, commencing at 10:15 o'clock A.M. on Wednesday, April 3, 1985.

**Appearances:**

Jan Richard Schlichtmann, Esq.  
Kevin P. Conway, Esq.  
Schlichtmann, Conway & Crowley  
171 Milk Street  
Boston, Massachusetts  
for the Plaintiffs.

Andrew S. Schwartz, Esq.  
Foley, Hoag & Eliot  
One Post Office Square  
Boston, Massachusetts  
for the Defendants Cryovac, Division of W. R.  
Grace & Co. and W. R. Grace & Co.

Neil H. Jacobs, Esq.  
Donald R. Frederico, Esq.  
Hale & Dorr  
60 State Street  
Boston, Massachusetts  
for the Defendant Beatrice Foods Co.

Mary K. Ryan, Esq.  
Nutter, McClennen & Fish  
600 Atlantic Avenue  
Boston, Massachusetts  
for the Deponent.

Roberta K. Schnoor, Esq.  
Goodwin, Procter & Hoar  
28 State Street  
Boston, Massachusetts  
for the Defendant Unifirst Corporation.

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2 MR. SCHLICHTMANN: Same stipulations as in  
3 the other depositions?

4 MS. RYAN: Could you state those for the  
5 record?

6 MR. SCHLICHTMANN: We will waive all  
7 objections, except as to form, and he will read and  
8 sign the deposition.

9 MR. JACOBS: Waive filing?

10 MR. SCHLICHTMANN: Right.

11 MR. JACOBS: And reserve all motions to  
12 strike?

13 MR. SCHLICHTMANN: Right.

14 MS. RYAN: All right.

15 MR. SCHLICHTMANN: Is that satisfactory?

16 MR. JACOBS: Agreed.

17 MS. RYAN: Yes.

18 MR. SCHLICHTMANN: I think it is  
19 appropriate if the attorneys identify who they are  
20 representing because we have several attorneys for  
21 John J. Riley.

22 MR. JACOBS: Hale & Dorr represents  
23 Beatrice Foods Company and Division John J. Riley  
24 Co.

25 MS. RYAN: I am with Nutter, McClennen &

1  
2 Fish. We represent John J. Riley, Jr. individually  
3 and John J. Riley, Inc. for the purpose of today's  
4 deposition.

5 MR. SCHLICHTMANN: But Hale & Dorr does not  
6 represent Mr. Riley individually?

7 MR. JACOBS: No, sir.

8 MR. SCHLICHTMANN: Only as in his  
9 association with Beatrice Foods?

10 MR. JACOBS: We represent Beatrice Foods  
11 Company and its division.

12 MR. SCHLICHTMANN: Okay.

13 MR. JACOBS: There is no independent legal  
14 existence. It is just the way you captioned your  
15 case.

16 MR. SCHLICHTMANN: Is Mr. Riley being  
17 designated as the person most knowledgeable? We  
18 made several deposition requests. Is Mr. Riley --

19 MS. RYAN: I have voluntarily acceded to  
20 provide Mr. Riley individually for his deposition,  
21 which I understand him to be testifying in.

22 MR. SCHLICHTMANN: His individual  
23 capacity?

24 MS. RYAN: Uh-huh.

25 MR. SCHLICHTMANN: We sent out a notice of

1  
2 deposition for persons most knowledgeable in areas  
3 of chemical use and waste disposal practices and  
4 environmental matters. I am wondering if any of  
5 those persons --

6 MR. JACOBS: He is no longer an employee  
7 of Beatrice Foods and we can't designate him.

8 MR. SCHLICHTMANN: How about for that  
9 period?

10 MR. JACOBS: He still can't testify about  
11 Beatrice Foods today. We can't designate --

12 MS. RYAN: I have no knowledge whatsoever  
13 of any of the pleadings you're referring to.

14 MR. SCHLICHTMANN: Okay.

15 MR. JACOBS: I understand Mr. Riley is here  
16 today to testify individually; that, as a factual  
17 matter, he is the person who knows the most about  
18 the operations of the Riley Tannery; and that you and  
19 I in our conversations - and I don't know if you had  
20 the same conversations with Mr. Frederico - but we  
21 never really dealt with the issue whether Beatrice  
22 could designate him as the person to testify on  
23 behalf of Beatrice. I have not made an exhaustive  
24 check. We have had some opportunity to discuss this  
25 with in-house counsel for Beatrice Foods, and I

1  
2 sincerely doubt anyone in the current employ of  
3 Beatrice Foods from the era of Riley Tannery when  
4 Beatrice owned the tannery who had any  
5 responsibility for --

6 MR. SCHLICHTMANN: Okay. I know what  
7 you're saying.

8  
9 JOHN J. RILEY, JR.,

10 a witness called by the Plaintiffs, first having been  
11 duly sworn, on oath deposes and says as follows:

12 Direct Examination

13  
14 Q (By Mr. Schlichtmann) Would you state your name,  
15 please?

16 A John J. Riley, Jr.

17 Q Where do you live?

18 A 9 Huntington Road, Lynnfield, Mass.

19 Q How long have you lived there?

20 A About 18 years.

21 Q Prior to that time where did you live?

22 A 94 Middle Street, Woburn, Mass.

23 Q How long did you live at Middle Street in Woburn,  
24 Mass.?

25 A About 17 years.

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Q Have you ever conducted an investigation to determine what types of solvents have been used at the John J. Riley Company?

MS. RYAN: Objection. You may answer.

A No.

Q Have you ever participated in any investigation concerning solvent use at the John J. Riley Company?

MR. JACOBS: Objection.

MS. RYAN: Objection.

A Repeat the question.

Q Have you ever participated in any investigation concerning solvent use at the John J. Riley Company?

MS. RYAN: Objection.

A We don't use many solvents.

Q Mr. Riley, I am asking the question: Have you ever participated in an investigation which determined solvent use at John J. Riley Company.

A No.

MR. JACOBS: I want to note for the record after this lawsuit was filed, Michael Rodberg and myself, and perhaps others, did something with Mr. Riley which some people might

1  
2 consider investigation. Apparently Mr. Riley does  
3 not.

4 Q Other than Stahl Finish, who are the other  
5 suppliers of John J. Riley Company of leather  
6 finishing materials or products?

7 A Stahl is the biggest one. We buy a little from  
8 Rohm Haas, R-O-H-M, H-A-A-S.

9 Q How do you spell that again?

10 A R-O-H-M, H-A-A-S.

11 Q Where is he located?

12 A In Philadelphia.

13 Q How long have you been doing business with Rohm  
14 Haas?

15 A It is not a Mr. Haas.

16 Q Did I mispronounce the name?

17 MR. JACOBS: It is the name of the  
18 corporation.

19 A The name of the corporation.

20 Q What is the name of the corporation?

21 A Rohm Haas.

22 Q That is the name of the corporation?

23 A Yes.

24 Q Is there someone you deal with there?

25 A They never really had anyone call on us.

A 1983.

Q And another company took over John J. Riley Company in 1983?

A Yes.

Q What is that?

A John J. Riley Company, Inc.

Q Does John J. Riley Company, Inc. have shareholders?

A Yes.

Q How many shareholders does it have?

A Two.

Q Who are those two?

A My wife and I.

Q Your wife and you own 100 percent of the John J. Riley Company, Inc.?

A That is correct.

Q It says on the second paragraph: John J. Riley Company is located north of Salem Street in East Woburn on lots #37 and 96, and comprises approximately 15.66 acres of land.

Is that a true statement to your knowledge?

A More or less.

Q It goes on to say: The property is bordered by the Boston and Maine Railroad to the east,

1  
2 MS. RYAN: Objection.

3 A No.

4 Q What is done with the very little produced from the  
5 finishing process?

6 A Passed through the sedimentation tank to the sewer.

7 Q To the soil?

8 A To the sewer.

9 MR. JACOBS: Sewer.

10 Q Passed through the sedimentation tank to the sewer?

11 A Yes.

12 Q How does it pass through the sedimentation tank to  
13 the sewer?

14 A Sedimentation collects hair or cow shit or pieces  
15 of leather; that is all it does. The liquid  
16 passes on through to the sewer.

17 Q Whatever is produced by the finishing process would  
18 go in the sedimentation tank and pass through to  
19 the sewer?

20 A Correct.

21 Q And then this sedimentation material that you  
22 described as soupy would be scooped out of the  
23 sedimentation tank and put on the ground to the rear  
24 of the plant?

25 MS. RYAN: Objection.

1  
2 MR. JACOBS: Objection.

3 A That is correct.

4 Q And that has been going on for the last 40 or 50  
5 years?

6 A That is correct.

7 Q Have you ever done an analysis of that soupy,  
8 sedimentation material?

9 MS. RYAN: Objection. I will instruct  
10 the witness not to answer in light of your  
11 allegation. I don't think you have a good faith  
12 basis for this line of inquiry. You have  
13 specifically stated in court and in papers you do  
14 not allege the tannery process is a source of  
15 contamination. I think you are entitled to  
16 discovery as to what was disposed, and I will permit  
17 discovery in that area.

18 Q My question to you is: Have you ever done an  
19 analysis or testing of that sedimentation tank  
20 material?

21 MS. RYAN: I instruct you not to answer  
22 the question.

23 MR. SCHLICHTMANN: Do you want to find out  
24 if he did so we don't have to go over to court for  
25 nothing?

1  
2 MS. RYAN: Can you answer the question  
3 yes or no?

4 A No.

5 Q You never have done a test?

6 A No.

7 MR. JACOBS: That takes the drama out of  
8 that.

9 MR. SCHLICHTMANN: I thought we had some-  
10 thing there, Mary.

11 MS. RYAN: Gosh.

12 Q It states in Paragraph 3.4.7. on Page 3-11:  
13 Mr. Riley stated that the sedimentation tank is  
14 cleaned approximately once a month and the tannery  
15 waste sludge is disposed of beside the chromium  
16 lagoons.

17 Is that a true statement?

18 MS. RYAN: Objection.

19 MR. JACOBS: Objection.

20 A No.

21 Q Did you ever make such a statement?

22 A No.

23 MR. JACOBS: Objection.

24 Q Did you ever indicate anything like that to the  
25 EPA?