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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil #82-1672-S

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**OTHER:** OU 2 464449

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, Plaintiffs

v.

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), Defendants

Deposition of JOHN A. LOVE, taken on behalf of the Plaintiffs pursuant to the applicable provisions of the Federal Rules of Civil Procedure, before Nancy L. Eaton, Notary Public in and for the Commonwealth of Massachusetts, at the offices of Schlichtmann, Conway & Crowley, 171 Milk Street, Boston, Massachusetts, on Thursday, April 11, 1985, commencing at 10:00 p.m.

## APPEARANCES:

SCHLICHTMANN, CONWAY & CROWLEY,  
by JAN SCHLICHTMANN, Esquire, and  
KEVIN CONWAY, Esquire, 171 Milk Street,  
Boston, MA 02109, for the Plaintiffs.

HALE & DORR,  
by DONALD FREDERICO, Esquire,  
60 State Street, Boston, MA 02109,  
For Beatrice Foods.

FOLEY, HOAG & ELIOT,  
by WILLIAM J. CHEESEMAN, Esquire,  
One Post Office Square, Boston, MA 02109,  
for W. R. Grace & Co. and Cryovac,  
Division of W. R. Grace & Co.

GOODWIN, PROCTER & HOAR,  
by ROBERTA K. SCHNOOR, Esquire,  
28 State Street, Boston, MA 02109,  
For UniFirst Corporation.

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I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>
John A. Love	4	

Exhibits

<u>No.</u>		<u>Page</u>
1	Sketch	35

1 MR. CHEESEMAN: Why don't I say on  
2 the record that it is stipulated that we'll proceed  
3 today under the same stipulations that governed the  
4 Paul Shalline deposition. That includes a  
5 stipulation that the witness may sign the  
6 transcript before any notary public or under the  
7 pains and penalties of perjury.

8 JOHN A. LOVE,

9 having been duly sworn, testified as follows  
10 in answer to direct interrogatories:

11 Q. (BY MR. SCHLICHTMANN) Would you state your  
12 name?

13 A. John A. Love.

14 Q. Are you commonly referred to as Al Love?

15 A. Yes.

16 Q. And Al is your middle name?

17 A. Yes.

18 Q. What is your present occupation?

19 A. Receiver inspector.

20 Q. Where are you employed?

21 A. W. R. Grace in Woburn.

22 Q. How long have you been employed there?

23 A. Twenty-four years.

24 Q. Where do you live?

1 A. Woburn.

2 Q. Where in Woburn?

3 A. 92 Pine Street.

4 Q. How long have you lived at 92 Pine Street?

5 A. Nineteen years.

6 Q. And prior to 92 Pine Street, where did you  
7 live?

8 A. Russell Street, Woburn.

9 Q. How long did you live at Russell Street?

10 A. Eight years.

11 Q. And prior to Russell Street, where did you  
12 live?

13 A. Virginia.

14 Q. Where in Virginia?

15 A. Quantico.

16 Q. You said, Mr. Love, that you're in the  
17 receiving -- you're in charge of receiving and  
18 purchasing?

19 A. Inspecting.

20 Q. Sorry. Receiving and inspecting. What  
21 are those duties?

22 A. I receive the goods in, check them.

23 Q. When you say check them, what do you  
24 check?

1 A. To see if it is what we ordered.

2 Q. And checking them, what do you refer to?

3 A. Purchase order.

4 Q. So you examine, is it a bill of lading  
5 that you're given?

6 A. Upon receiving the goods, yes.

7 Q. A bill of lading and you check it with the  
8 purchase order that you have on record?

9 A. Uh-huh.

10 Q. To see if the goods are the ones that were  
11 ordered?

12 A. Yes.

13 Q. And how long have you had that position?

14 A. Off and on for 24 years.

15 Q. And prior to coming to W. R. Grace, who  
16 did you work for?

17 A. McDonald Company.

18 Q. Where is McDonald Company located?

19 A. They were in Reading, Mass., but they have  
20 since dissolved.

21 Q. What do they do?

22 A. Sheet metal fabrication.

23 Q. And what were your duties at McDonald  
24 Company?

1 A. Truck driver.

2 Q. And how long did you have that position?

3 A. Two years.

4 Q. And what were the things that you were  
5 transporting?

6 A. Kitchen equipment, sheet metal.

7 Q. And prior to McDonald Company in Reading,  
8 where were you employed?

9 A. Truck driver for excavation.

10 Q. For excavation? Is that the name of a  
11 company?

12 A. Construction.

13 Q. Or just different companies?

14 A. No, just one.

15 Q. What was that company?

16 A. Drinkwater.

17 Q. And as a truck driver, what were your  
18 duties? Just hauling various things?

19 A. Yes.

20 Q. What material?

21 A. Dirt.

22 Q. How long did you have that job?

23 A. A year and a half.

24 Q. And prior to that?

1 A. Furniture.

2 Q. What did you do?

3 A. Apprentice in upholstery.

4 Q. How long were you an apprentice?

5 A. About six months.

6 Q. And prior to that?

7 A. Marine Corp.

8 Q. How long were you in the Marine Corp?

9 A. Three years.

10 Q. Did you receive any special training in  
11 the Marine Corp?

12 A. No, other than -- photography, that's  
13 about it.

14 Q. And prior to the Marine Corp?

15 A. High school.

16 Q. And where did you graduate?

17 A. Woburn.

18 Q. Woburn high school?

19 A. Uh-huh.

20 Q. Now, when you came to work for W. R. Grace,  
21 do you remember what year that was approximately?

22 A. '61.

23 Q. Do you remember the time of year?

24 A. January 9th.

1 Q. And had the plant just opened or had it  
2 been opened?

3 A. Several months. I think it opened in June  
4 or July.

5 Q. How did you come to apply for a job at  
6 W. R. Grace?

7 A. Driving truck for McDonald's, I returned  
8 several evenings and met the accountant who, upon  
9 turning in and locking up the building in the back,  
10 I spoke to him about him leaving and he was leaving  
11 to go to W. R. Grace, Cryovac in Woburn. I asked  
12 him about it and he said it sounded like a nice  
13 place to work, and I said I would be interested in  
14 bettering myself. It was through John McEnroe that  
15 I actually got the job because I went and saw him  
16 afterwards.

17 Q. John McEnroe was an accountant?

18 A. He was the head accountant at Cryovac in  
19 Woburn.

20 Q. He went from McDonald Company to Cryovac?

21 A. Yes.

22 Q. Now, who did you apply -- who is the  
23 person who interviewed you at W. R. Grace? Do you  
24 remember?

1 A. Ray Gosselin I think it is.

2 Q. Do you know who hired you? Was Mr.  
3 Gosselin the one who hired you?

4 A. I would say so. Yeah. I think so. I  
5 really don't remember.

6 Q. And when you started working there, you  
7 assumed the same duties that you now do?

8 A. No, I started in sheet metal.

9 Q. What did you do in sheet metal?

10 A. Fabricating.

11 Q. When you say fabricating, what exactly  
12 were you doing?

13 A. Grinding, polishing.

14 Q. How long were you in the sheet metal  
15 department?

16 A. About a year.

17 Q. During that, you say grinding and  
18 polishing, did you use chemicals?

19 A. Not that I remember, no.

20 Q. Did you clean the sheet metal parts with  
21 chemicals?

22 A. Probably. Yes, I suppose yes.

23 Q. Did you see other people cleaning sheet  
24 metal parts with various chemicals?

1 A. Yes, I guess so.

2 Q. And were you -- how many people were  
3 working in the sheet metal department?

4 A. Probably thirty.

5 Q. And you from time to time would clean  
6 metal parts with chemicals?

7 A. Yes.

8 Q. Do you remember what chemicals you used?

9 A. No.

10 Q. How did you clean the metal parts?

11 A. With a rag.

12 Q. And where would you dip the rag?

13 A. Into the solution.

14 Q. How would the solution be contained?

15 Would it be in a 55 gallon drum?

16 A. You'd get it from that.

17 Q. Do you know what the 55 gallon drum  
18 contained?

19 A. No.

20 Q. Did anyone ever tell you?

21 A. No.

22 Q. Did you ever see a name on the side of the  
23 drum?

24 A. Yes.

1 Q. What was the name?

2 A. I couldn't tell you.

3 Q. Did you use Toluol?

4 A. I don't know.

5 Q. Did the drum indicate that it had  
6 trichloroethylene in it?

7 A. I don't remember.

8 Q. What's the best recollection of the name  
9 on the drum?

10 MR. CHEESEMAN: If you have any  
11 recollection at all.

12 Q. The best you have. What's your best  
13 memory of what the drum said?

14 A. Name of the company probably more than  
15 anything.

16 Q. Do you remember what that was?

17 A. Several. Dow and after that it is vague.

18 Q. How many times would you go through drums  
19 that you would use to clean metal parts?

20 MR. CHEESEMAN: I think the question  
21 is a little ambiguous. Do you want to see if there  
22 was anyone else was using the drums, too?

23 Q. Were other people using the 55 gallon  
24 drums? Was it a drum everybody used? Were there

1 several drums?

2 A. You had to go to the paint department to  
3 get it. Yeah, I would suppose they would.

4 Q. Several drums?

5 A. No, I only think there was only one that  
6 you cleaned metal with.

7 Q. There would be one 55 gallon drum you  
8 remember and this would be in the paint department?

9 A. Uh-huh.

10 Q. Who would you talk to about getting access  
11 to the drum or did you have to talk to anybody?

12 A. No.

13 Q. You would just go there. Was the drum  
14 located in any particular place in the paint  
15 department?

16 A. Yes.

17 Q. Where was it located?

18 A. In the middle of it.

19 Q. And did it have a cover? Was it uncovered?  
20 Did it have a spigot?

21 A. It had a crank.

22 Q. A crank, like a pump?

23 A. Yes.

24 Q. And you would pump and the solution would

1       come out?

2           A.     Uh-huh.

3           Q.     And this was liquid.  Do you remember the  
4       color of the liquid?

5           A.     Clear I believe.

6           Q.     How about the smell?

7           A.     I don't recall any smell.

8           Q.     Did anybody ever tell you what that  
9       solution was?

10          A.     I think they said it was Toluol or  
11       something like that.

12          Q.     Do you remember somebody telling you that  
13       it was Toluol?

14          A.     Umm, yes.

15          Q.     Did they tell you what was inside Toluol?

16          A.     No.

17          Q.     Anybody ever tell you the hazards of using  
18       Toluol?

19                   MR. CHEESEMAN:  Objection.

20                   MR. FREDERICO:  Objection.

21          Q.     You can answer the question.

22          A.     No.

23          Q.     Now, do you know how often it was that a  
24       drum was changed?  Do you have any idea?

1 A. No.

2 Q. Let's see. You were in the sheet metal  
3 department there for a year; is that right?

4 A. Yes.

5 Q. Other than going to the paint department  
6 to use that solution, did you ever use any other 55  
7 gallon drums?

8 A. No.

9 Q. When you say you grind and polish, what  
10 did you use to grind and polish?

11 A. Disk grinder and various vibrating  
12 machines.

13 Q. You did observe other workers in the sheet  
14 metal department, right?

15 A. Uh-huh.

16 Q. Did you notice whether they used any drums  
17 containing chemicals?

18 A. None other than the ones I used.

19 Q. And that was the one in the paint  
20 department?

21 A. Uh-huh.

22 Q. At any time do you remember there being  
23 drums in the sheet metal department, drums  
24 containing chemicals?

1           A.    No.

2           Q.    And when you would pump out this solution  
3 from this drum, what did you pump it out into?  
4 What kind of a container?

5           A.    Just a container to work out of, a large  
6 open mouthed can.

7           Q.    Like a paint can?

8           A.    Yes.

9           Q.    About the same size?

10          A.    Uh-huh.

11          Q.    And would that solution get dirty after a  
12 while?

13          A.    No, it would evaporate more than anything.

14          Q.    Would there ever be any solution left over?

15          A.    No.

16          Q.    You ever empty out the paint can in  
17 anything?

18          A.    Back into the container that I took it out  
19 of. There was a funnel going back in.

20          Q.    So from time to time you'd take the paint  
21 can full of solution you'd used and you'd pour it  
22 back into the 55 gallon drum?

23          A.    Uh-huh, yes.

24          Q.    Would it be dirty?

1 A. Not really.

2 Q. What did you do? How did you clean the  
3 metal part?

4 A. With a rag.

5 Q. And what was on the metal part that had to  
6 be cleaned? What were you cleaning off?

7 A. Like an oil film on the steel.

8 Q. Was it grease on there?

9 A. Yes.

10 Q. Was it a heavy grease?

11 A. No.

12 Q. Was it like a grease that the metal was  
13 packed in?

14 A. I would say so, yes.

15 Q. And you would use the rag dipped in this  
16 solution that you got from the paint department to  
17 remove this grease?

18 A. Yes.

19 MR. CHEESEMAN: The witness called it  
20 an oil film. I don't know that it is appropriate  
21 to call it grease instead.

22 Q. Is it appropriate to call it grease?

23 A. I don't know what would be. I really  
24 don't know.

1 Q. Was it kind of a thick gooey substance?

2 A. It was an oil film or a grease film that  
3 was over the steel that apparently the manufacturer  
4 put on it.

5 Q. Would the rag get dirty?

6 A. Yes.

7 Q. Would you have to change the rag?

8 A. Yes.

9 Q. And would the solution in the can get  
10 dirty?

11 A. Not particularly.

12 Q. Did you ever see anybody empty or take the  
13 drum away from the paint department to empty it  
14 into some other place?

15 MR. FREDERICO: Objection.

16 A. Yes.

17 Q. What did you see?

18 A. On a cart.

19 Q. On a cart?

20 A. Yes.

21 Q. You saw people would take this 55 gallon  
22 drum from the paint department and put it on a cart.  
23 Where would they take it to?

24 A. Backyard.

1 Q. What would they do in the backyard with it?

2 A. Dump it.

3 Q. On where? On the ground?

4 A. Yes.

5 Q. And you saw that happen?

6 A. Uh-huh.

7 Q. You saw that happen on more than one  
8 occasion?

9 A. Yes.

10 Q. You saw it on many occasions?

11 MR. CHEESEMAN: Objection.

12 A. No.

13 Q. Did you see it during the time that you  
14 were working in the sheet metal department?

15 A. Yes.

16 Q. And did you see it done after you worked  
17 in the sheet metal department?

18 A. No.

19 Q. But you did see it during the time you  
20 worked in the sheet metal department?

21 A. Yes.

22 Q. And how was it that you had come to see  
23 this?

24 MR. FREDERICO: Objection.

1 A. Coffee break.

2 Q. While you were on a coffee break you'd  
3 sometimes see that. Did you ever participate in  
4 dumping the drum in the rear of the property?

5 A. No.

6 Q. You saw others do it?

7 A. Yes.

8 Q. And who were those people you saw do it?

9 A. The names?

10 Q. Yes, the names.

11 A. Tom Barbas.

12 Q. Is he in the paint department?

13 A. At that time, yes.

14 Q. And you saw Mr. Barbas on occasion take  
15 the 55 gallon drum and put it on a cart and take it  
16 to the rear of the property and dump it on the  
17 ground?

18 A. Yes.

19 Q. Who else other than Mr. Barbas?

20 A. Joe Meola.

21 Q. Where did Joe Meola work?

22 A. Maintenance, paint department, everywhere.

23 Q. Mr. Meola is Italian, isn't he?

24 A. Yes.

1 Q. Does he speak English?

2 A. Yes.

3 Q. Where is he located?

4 A. Now?

5 Q. Yes.

6 A. I think he is back in Italy. I am not  
7 sure.

8 MR. SCHLICTMANN: Isn't he the one  
9 that we may have to go to Italy and depose? He is  
10 not here?

11 (Mr. Cheeseman shook his head).

12 Q. You saw Mr. Meola on occasion take a 55  
13 gallon drum --

14 A. Let me correct the 55 gallon drum. They  
15 took it out in a container smaller than a 55 gallon  
16 drum.

17 Q. How big was the container?

18 A. 20-30 gallons probably.

19 Q. Other than Mr. Barbas and Mr. Meola, who  
20 else did you ever see --

21 A. Nobody.

22 Q. Those are the only two?

23 A. Uh-huh.

24 Q. And you saw them do this during the time

1 that you worked in the sheet metal department?

2 A. Yes.

3 Q. How many times did you see them go out  
4 there? Do you remember?

5 A. Maybe a half dozen times.

6 Q. And this was, you would see them by chance  
7 on your coffee break?

8 A. That's all.

9 Q. And what time did you take your coffee  
10 break? Or was that different times?

11 A. Basically about the same time. I really  
12 don't remember when, what time the coffee breaks  
13 were.

14 Q. Would it have been in the morning?

15 A. Mid-morning, yes.

16 Q. Where was the place where you took the  
17 coffee break? Where would that be located? Where  
18 was that located in the plant?

19 A. Backyard.

20 Q. It was in the outside?

21 A. Yes.

22 Q. And was this just open? Was that just in  
23 use during the warmer months?

24 A. Yes.

1 Q. Where would it be located exactly, the  
2 place where you have your coffee break?

3 A. In the field in the backyard.

4 Q. Would you be able to describe that using  
5 reference to how the plant is now as to where that  
6 place was?

7 A. The warehouse to the rear of the main  
8 building.

9 Q. And there would be a table set up there  
10 for coffee break?

11 A. No, I used to just go out there and hit  
12 nine iron shots, golf balls.

13 Q. Is that right? I see. Enlightened  
14 employee policy at W. R. Grace. You would just  
15 take your coffee out there, is that it?

16 A. I would take my break out there.

17 Q. Take your break out there. You didn't  
18 have coffee on your coffee break?

19 A. Exactly.

20 Q. Now, how many other people would be out  
21 there on these occasions or would you just be out  
22 there by yourself?

23 A. Occasionally several other people would  
24 hit a few balls with me.

- 1 Q. And who would those people be?
- 2 A. At the time Russell Nelson.
- 3 Q. Who else?
- 4 A. Peter Bender.
- 5 Q. Peter Bender. Anybody else?
- 6 A. Norman Powell.
- 7 Q. Norman Powell. Who else?
- 8 A. That just about did it.
- 9 Q. These gentlemen, Mr. Nelson, Bender --
- 10 A. Yes, we played in the golf league together.
- 11 Q. They are all golfers?
- 12 A. Yes.
- 13 Q. Do they now work for W. R. Grace?
- 14 A. No.
- 15 Q. Did they? How long did they work for
- 16 W. R. Grace? Do you know?
- 17 A. Nelson, about five or six years I guess.
- 18 Q. Mr. Bender?
- 19 A. Maybe ten.
- 20 Q. And Mr. Powell?
- 21 A. He retired. I don't recall. He was ten
- 22 or 15 years maybe also.
- 23 Q. Now, Mr. Powell is retired?
- 24 A. Uh-huh, yes.

- 1 Q. Where does he live?
- 2 A. Down the Cape now.
- 3 Q. Do you know where on the Cape?
- 4 A. No, not offhand.
- 5 Q. And Mr. Bender, where did he go?
- 6 A. Romacon.
- 7 Q. Romacon?
- 8 A. Yes, in Cumming's Park. He has since left.
- 9 Q. Where did he go from there?
- 10 A. Couldn't tell you.
- 11 Q. But he was working at Romacon?
- 12 A. Uh-huh, yes.
- 13 Q. And Mr. Nelson, what happened to him?
- 14 A. He is in his own business.
- 15 Q. Where is that?
- 16 A. Beverly.
- 17 Q. What business is that?
- 18 A. Flowers.
- 19 Q. Flower shop?
- 20 A. I think he is a middleman, delivery.
- 21 Q. Do you know the name of the shop?
- 22 A. K and R or R and K. I'm not sure.
- 23 Q. Does he live in Beverly?
- 24 A. Yes.

1 Q. Do you keep in touch with Mr. Nelson?

2 A. Yes.

3 Q. He is a friend of yours?

4 A. Yes.

5 Q. You still golf together?

6 A. Yes.

7 Q. Would Mr. Nelson be there with you during  
8 your coffee break from time to time when you would  
9 see the drums?

10 A. He didn't work there at that time.

11 Q. When did he start working there?

12 A. Umm. The year eludes me. I really don't  
13 know.

14 Q. Would this be after you worked in the  
15 sheet metal department?

16 A. Yes.

17 Q. How many years after?

18 A. Ten or fifteen easy.

19 Q. This be in the 1970's?

20 A. Yes.

21 Q. Was he ever with you when you saw people  
22 dump anything on the ground to the rear of the  
23 property?

24 A. No.

1 Q. How about Mr. Bender?

2 A. No.

3 Q. Was he ever with you?

4 A. No.

5 Q. Or Mr. Powell, do you remember him being  
6 with you?

7 A. No.

8 Q. You were by yourself?

9 A. Yes.

10 Q. Did you have any discussions with Mr.  
11 Barbas or Mr. Meola during the times that they  
12 would take the drums out in the back or the  
13 container out in the back and dump it on the ground?

14 A. No.

15 Q. Did they say anything to you, you ever say  
16 anything to them?

17 A. No.

18 Q. Did they ever acknowledge your presence or  
19 in other words did you at least greet them or say  
20 hello?

21 A. Yes.

22 Q. But you didn't have any discussions with  
23 them that you can remember?

24 A. No.

1 Q. Do you consider Mr. Barbas a friend of  
2 yours?

3 A. Yes.

4 Q. And how long have you known Mr. Barbas?

5 A. Probably forty years.

6 Q. And Mr. Meola, did you consider him a  
7 friend?

8 A. Yes.

9 Q. How long had you known him?

10 A. Twenty four years.

11 Q. Do you know where Mr. Meola is in Italy?

12 A. No.

13 Q. But you know he has gone back to Italy?

14 A. I think so.

15 Q. And now, could you tell me exactly what  
16 you'd see them do with this container to the rear  
17 of the property? How did they empty it out on the  
18 ground?

19 A. Just tipped it over into a ditch.

20 Q. Was this a ditch that had been dug? What  
21 kind of a ditch was it?

22 A. Just an open trench that led down back I  
23 think to a natural waterway down the back of the  
24 property.

1 Q. Where was this ditch located?

2 A. Aside of the warehouse to the rear of the  
3 main building I guess.

4 Q. Okay. And what would happen to the drum,  
5 the container, take it back?

6 A. Took it back, yes.

7 Q. Did you recognize this as the same, this  
8 wasn't the same drum that you would pump the  
9 solution out of?

10 A. No.

11 Q. This was another container?

12 (Witness nodded).

13 Q. What did the material look like, do you  
14 remember, that they poured on the ground?

15 A. I really couldn't tell you. I don't  
16 remember really what it looked like. I don't  
17 remember.

18 Q. Is that ditch still present at the Woburn  
19 plant?

20 A. No.

21 Q. What happened to that ditch?

22 A. I think it was filled in.

23 Q. When was it filled in?

24 A. During the last construction of the

1 addition onto the building.

2 Q. Would that be 1974, around there, mid  
3 seventies?

4 A. I do believe, yes. I'm not sure.

5 Q. Do you remember when that was filled in?  
6 Were you there? Did you see them filling it in?

7 A. No, not actually, but I was there. I'm  
8 assuming it was. I didn't see them fill it in, no.

9 Q. You were there during the construction,  
10 right?

11 A. Yes.

12 Q. But this ditch that you're talking about  
13 to the side of the warehouse, this was filled in  
14 during construction?

15 A. Yes.

16 Q. Do you know who filled it in?

17 A. Whoever the contractor was.

18 Q. Would it be Manzelli Construction Company?

19 A. I do believe they were the people.

20 Q. Now, if you had to, what is the -- how  
21 would you best describe where that ditch is now in  
22 relation to the present Woburn plant?

23 A. Where it is now?

24 Q. Yes, in other words where it was.

1 A. Where it was?

2 Q. Yes. Describe it as best you can using  
3 reference points to where the plant is now.

4 A. I would say probably ten feet from the  
5 warehouse going directly toward 93.

6 Q. All right. Ten feet from the warehouse  
7 directly towards 93 and how many feet back from the  
8 main plant?

9 MR. CHEESEMAN: You're asking about  
10 the point at which the material was disposed of?

11 Q. Yes, where it was disposed of.

12 MR. CHEESEMAN: Relative to the back  
13 of the main plant as it existed at that time.

14 Q. Has it changed since then?

15 A. Two additions.

16 MR. CHEESEMAN: There have been two  
17 additions put on it.

18 Q. I'm he sorry, all right. Okay. Where in  
19 relation to the way it is now, how would you  
20 describe it?

21 A. From the back of the main building right  
22 now?

23 Q. Yes.

24 A. It could have been, well -- twenty, thirty

1 feet from the building. As it stands now.

2 (Off the record discussion).

3 Q. Mr. Love, I have given you a piece of  
4 paper. As best you can, could you draw the way the  
5 plant looked in 1961 essentially, you know, the  
6 main plant and the warehouse, how they were in  
7 relation to each other?

8 A. Now, the warehouse was the addition and I  
9 don't know whether it came in between the first and  
10 the second addition to the main building, so I  
11 don't remember because the warehouse was added on  
12 after.

13 Q. Is the warehouse what the Manzelli  
14 Construction Company did?

15 A. No, they did the additions. As far as I  
16 know, they did, onto the main building, and maybe  
17 they did the warehouse. I don't remember.

18 Q. All right. Why don't we do this. Why  
19 don't you draw the way the plant is now as best you  
20 can, the main plant, the warehouse.

21 A. Okay. Washington Street, main building  
22 (Witness drew sketch).

23 Q. Why don't you put M B for main building  
24 and why don't you put warehouse W.

1 (Witness marked sketch).

2 Q. Now, could you indicate on that map as  
3 best you can where you would see Mr. Barbas or Mr.  
4 Meola from time to time pour material into a ditch  
5 in reference to the drawing that you just made?

6 A. Okay. I would say here. (Witness drew  
7 line).

8 MR. CHEESEMAN: The witness has just  
9 drawn a vertical line on the map. Is that the  
10 drainage ditch you were referring to?

11 A. Yes.

12 Q. Why don't you identify it by saying  
13 drainage ditch.

14 (Witness marked sketch).

15 Q. Now, you drew a long line. That ditch  
16 would go some distance?

17 A. I think it went back to that brook that's  
18 on the property or on the edge of our property as  
19 far as Grace is concerned and that's all I can say.  
20 I think it is just a drainage ditch. There is one  
21 over here, too.

22 Q. When you say over there, draw that, too.

23 A. I think that starts at this parking lot  
24 and goes (Indicated on sketch).

1 Q. Is that still there?

2 A. Yes.

3 Q. Why don't you put that drainage ditch and  
4 put P L, I guess. Drainage ditch, P L.

5 MR. CHEESEMAN: P L, parking lot.

6 Q. Just P L to mark it as parking lot.

7 MR. CHEESEMAN: Since there are two  
8 parking lots, one on each side of the building, let  
9 me just note for the record that drainage ditch P L  
10 on this document is on the north side of the  
11 property and the line that is simply marked  
12 drainage ditch where he described this incident  
13 occurring is closer to the southern edge of the  
14 property.

15 Q. All right.

16 MR. CHEESEMAN: Also write Washington  
17 Street.

18 Q. That's a good idea. Put Washington Street.  
19 Would you be able to note north and south? Would  
20 you be able to note that?

21 A. Sure. (Witness marked sketch).

22 A. This would be north and this would be  
23 south.

24 Q. Put an arrow showing where Route 93 is.

1           A.    93.  (Witness marked sketch).

2           Q.    Now, would you indicate by X's where from  
3 time to time you would see Mr. Barbas and Mr. Meola  
4 dump material into the drainage ditch?

5           A.    Well, since then it has been filled in.

6           Q.    Right.

7           A.    With the addition, so it would be at the  
8 beginning of the trench.

9           Q.    That's where you would see them dump the  
10 material?

11                               (Witness nodded and marked diagram).

12          Q.    And so the X on the drawing then is where  
13 according to your diagram the material would be  
14 dumped by Mr. Barbas and Mr. Meola?

15          A.    Yes.

16          Q.    And did it come out in liquid form?  Was  
17 it a liquid?

18          A.    Yes.

19                               MR. CHEESEMAN:  Do you want to mark  
20 this as an exhibit?

21          Q.    Why don't we have this marked Love  
22 Exhibit 1.

23                               (Sketch was marked Exhibit 1).

24          Q.    And would you mark, Mr. Love, where you

1 would approximately be during these times that you  
2 would witness the dumping of the liquid material on  
3 the ground, essentially where would you be, would  
4 you mark a circle?

5 A. In the backyard from here to here.

6 Q. You put two circles there.

7 A. I hit them back and forth.

8 Q. Where would you be hitting the golf balls?  
9 Which circle would you be actually hitting the golf  
10 balls?

11 MR. CHEESEMAN: He said he was doing  
12 it back and forth.

13 A. Back and forth. I'd hit up and then back.

14 MR. FREDERICO: That way he  
15 economizes on the golf balls.

16 Q. I am not much of a golfer. Would you put  
17 A L on each of those circles?

18 (Witness marked sketch).

19 Q. And those circles with A L indicates the  
20 areas that you would be in during these times that  
21 you would see Mr. Barbas and Mr. Meola dumping  
22 liquid material into the ditch.

23 MR. CHEESEMAN: I think Colonel  
24 Mustard did it with the knife in the pantry.

1 Q. All right. Very good.

2 Now, you were in the sheet metal  
3 department for one year and during that entire  
4 period your job was to grind and polish metal?

5 A. Yes.

6 Q. Now, after the sheet metal department,  
7 where did you go?

8 A. Receiving.

9 Q. What were your duties when you went to the  
10 receiving department?

11 A. Receive all incoming goods.

12 Q. And when you say all goods, that means all  
13 materials delivered to the Woburn plant?

14 A. Yes.

15 Q. Would come through your department?

16 A. Yes.

17 Q. What were your immediate responsibilities  
18 when you took over the receiving department, sorry,  
19 I shouldn't say take over. Did you work with  
20 anybody else or was it your own department?

21 A. I was alone.

22 Q. You were alone?

23 A. Yes.

24 Q. Were the duties that you had then at the

1 receiving department the same as you have now?

2 A. No.

3 Q. How have they changed?

4 A. They have increased.

5 Q. Increased responsibilities?

6 A. Yes.

7 Q. What were your initial responsibilities as  
8 best you can describe it?

9 A. Basically the same. It increased.

10 Q. Essentially what was it? What exactly did  
11 you do? What did you have to do in your job?

12 A. Unload trucks.

13 Q. Would you supervise the unloading of the  
14 trucks or would you --

15 A. I actually did it.

16 Q. You would physically unload it?

17 (Witness nodded).

18 Q. And what kind of paperwork would you do?

19 A. Basically the same I do now.

20 Q. You would receive the bill of lading, you  
21 would examine it?

22 A. Yes.

23 Q. You'd examine the materials that were  
24 delivered and you would examine the purchase order

1 to make sure that the material that you received  
2 and was listed on the bill of lading was the same  
3 that was purchased?

4 A. Yes.

5 Q. And did you note that down? Was there any  
6 kind of a book you noted that down in?

7 A. I have a receiving log.

8 Q. A receiving log, and was that receiving  
9 log, has that been kept in your department?

10 A. No, I pass it in to the office.

11 Q. When do you pass in the receiving log into  
12 the office?

13 A. Daily.

14 Q. Describe the receiving log.

15 A. Just blank lined paper that I log in the  
16 receiving report number, company and P O number on.

17 Q. What's P O, purchase order?

18 A. Purchase order.

19 Q. Would you describe the materials received?

20 A. No, only on the receiving report.

21 Q. What's a receiving report?

22 A. A form with six copies I do believe.

23 Q. Now, at the end of the day would you give  
24 the receiving report to some department?

1           A.    Yes.

2           Q.    And the receiving log, you would give that  
3 to a department too?

4           A.    Yes.

5           Q.    And you'd give that to the accounting  
6 department?

7           A.    Accounting and purchasing.

8           Q.    You would have copies for both?

9           A.    I would make a copy.

10          Q.    Other than the receiving log and the  
11 receiving report, what other documents would you  
12 produce that you would give to some department?

13          A.    That's about it.

14          Q.    Those are the two main ones?

15          A.    Yes.

16          Q.    Those are the two ones you would do?

17          A.    Right.

18          Q.    Now, what did you do with your purchase  
19 orders that you received, the ones you examined?

20          A.    I kept them on file until they closed and  
21 then I processed them with the receiving report.

22          Q.    Once that purchase was received, you'd  
23 include that in with the receiving report and the  
24 receiving log?

1 A. Yes.

2 Q. And you'd give a copy to the purchasing  
3 department and a copy to the accounting department?

4 A. Yes.

5 Q. How about the bill of lading of course?

6 A. If it was a collect shipment, I'd send  
7 that directly with a copy of the receiving report  
8 to accounting. Other than that, a prepaid shipment  
9 didn't need any special treatment.

10 Q. A prepaid shipment they'd still leave you  
11 a bill of lading?

12 A. Oh, yes.

13 Q. What would you do with the bill of lading?

14 A. Attach it with the P O and the receiving  
15 report.

16 Q. Even if it was a prepay?

17 A. Yes.

18 Q. Now, other than those documents that you  
19 have just described, was there any other documents  
20 you received, handled in the receiving department  
21 for any reason?

22 A. Returned goods, several other forms from  
23 purchasing that I ship out with.

24 Q. What are those?

1           A.    P D's.

2           Q.    What are those?

3           A.    Purchase department shipping memos.

4           Q.    That's for shipping material from W. R.

5           Grace, the Woburn plant, to other places?

6           A.    Yes.

7           Q.    You are also in charge of shipping?

8           A.    Not really.  I just did a phase of it that  
9           connected to my job, though the rejected material  
10          would go out through me or anything that was  
11          outside process like plating, rubberize, anything  
12          like that that had to be coated onto any process we  
13          were doing, it would go out through me.

14          Q.    Explain that.

15          A.    If they picked up basically.  If it meant  
16          a truck call, then it would go through shipping.

17          Q.    Returned goods would go through you?

18          A.    Yes.

19          Q.    But then there would be other goods that  
20          were manufactured at the Woburn plant or would be  
21          receiving to the Woburn plant, you would then send  
22          someplace else?

23          A.    Yes.

24          Q.    What materials are these exactly?

1           A.    Be various things like rolls that are  
2 rubber covered, rolls that are plated.

3           Q.    But why would you be shipping them  
4 someplace?

5           A.    Either because we have manufactured them  
6 and it is easier for me to handle it because of the  
7 fact it is going to come back in to us and be  
8 processed through me again.

9           Q.    Now, does your department -- your  
10 department doesn't keep records. It just handles  
11 records and then gives them to the purchasing  
12 department and the accounting department?

13          A.    Yes.

14          Q.    But you don't keep records on file in the  
15 receiving department?

16          A.    No, I don't.

17          Q.    And you have had this job for 24 years?

18          A.    Off and on.

19          Q.    You had other jobs during this period?

20          A.    Yes.

21          Q.    Why don't you review those for me.

22          A.    Parts cage. That was part of shipping.

23          Q.    What's that called, parts?

24          A.    Parts cage.

1 Q. What's that?

2 A. It is a part of customer service.

3 Q. What do you do?

4 A. You do the parcel post and UPS, packaging  
5 of spare parts, ship to customers.

6 Q. How long did you have that job?

7 A. I have done that off and on several years.

8 Q. Did you do that in addition to your duties  
9 in the receiving department?

10 A. Oh, no, no.

11 Q. That was a separate job?

12 A. Yes.

13 Q. How long, did you do it from the beginning?  
14 You started in the receiving department about 1962?

15 A. Yes.

16 Q. And then how long were you in the  
17 receiving department before your job changed?

18 A. Probably five years.

19 Q. All right. And then about 1967 your job  
20 changed and then where did you go, what department  
21 did you go then in 1967?

22 A. Shipping department.

23 Q. What did you do at the shipping department?

24 A. The parts cage.

1 Q. How long did you do that?

2 A. I think a couple of years.

3 Q. After that?

4 A. Back to receiving.

5 Q. How long were you, that was about 1969, is  
6 that about right?

7 A. Yeah.

8 Q. And then how long did you remain in the  
9 receiving department?

10 A. About a year I think.

11 Q. And then your job changed again?

12 A. Back into the parts cage.

13 Q. 1969 you went back to the shipping  
14 department?

15 A. Yes.

16 Q. How long were you there?

17 A. A few months.

18 Q. And then your job changed again?

19 A. Yes.

20 Q. Where did you go?

21 A. Customer service.

22 Q. And what were your duties in customer  
23 service?

24 A. Answering the phones.

1 Q. How long did you do that job?

2 A. About four months.

3 Q. What would, essentially what were you  
4 answering the phones? Or were these just any time  
5 the phone rang or particular calls you would  
6 receive?

7 A. Customers.

8 Q. Complaints of customers or problems with  
9 customers? Questions of customers?

10 A. Orders.

11 Q. Orders?

12 A. Yes.

13 Q. After four months, did you return?

14 A. I went back to receiving I believe.

15 Q. And how long were you there before your  
16 job changed?

17 A. I think I have been there since.

18 Q. Would you be able to indicate on that  
19 drawing where the receiving department is?

20 (Witness marked sketch).

21 A. Right here.

22 Q. Would you say R E C department so we know?

23 (Witness marked sketch).

24 A. That's now.

1 Q. Where was it -- had it been moved?

2 A. Yes.

3 Q. What were the years that it began to be  
4 there, approximately?

5 A. Whenever this first addition went on.

6 Q. So it started there?

7 A. No, it started here, door one.

8 Q. I see.

9 Why don't you put door one.

10 A. I could put '61 there.

11 Q. Very good. '61.

12 (Witness marked sketch).

13 Q. And then how many years afterward did it  
14 move up?

15 A. Whenever that first addition went on and I  
16 don't know. I couldn't tell you. I don't remember.

17 Q. That's not the one that the Manzelli  
18 Construction Company did?

19 MR. CHEESEMAN: It hasn't been  
20 established that they did both or all or one and I  
21 don't remember.

22 Q. You don't remember? How many additions do  
23 you remember there being, two additions?

24 A. Two.

1 Q. Is the second addition the one that took  
2 place in 1974 when the ditch was filled in?

3 A. I do believe so, yes.

4 Q. The receiving department hasn't changed  
5 though? That just moved when the first addition  
6 was put on?

7 A. Yes.

8 Q. How many years again, do you have any idea  
9 when the first addition was put in the plant, mid  
10 sixties, late sixties?

11 A. I assume late sixties.

12 Q. Late sixties approximately. You think it  
13 was before the seventies?

14 A. Yes.

15 Q. Let me see, would it have been while you  
16 were in the shipping department or after you  
17 returned to the receiving department from the  
18 shipping department if you remember?

19 A. No.

20 Q. Why don't you put late sixties down there  
21 next to receiving department.

22 A. This second one?

23 Q. Yes.

24 (Witness marked sketch).

1 Q. 1961, was that warehouse still there?

2 A. It was not there.

3 Q. It was not there. When did the warehouse,  
4 when was that constructed?

5 A. Mid to late sixties.

6 MR. CHEESEMAN: It may appear in our  
7 answers to interrogatories.

8 A. I couldn't nail that either.

9 Q. Mr. Love, from time to time did your -- do  
10 you remember there being 55 gallon drums or drums  
11 containing chemicals coming into your department,  
12 the receiving department?

13 A. From time to time, yes.

14 Q. Do you remember that was in the 1960's as  
15 well as the 1970's?

16 A. Yes.

17 Q. And in the 1980's?

18 A. Yes.

19 Q. When you -- in the 1960's did you have  
20 purchase orders for all materials that were  
21 received into your receiving department?

22 A. Yes.

23 Q. And did you in the 1960's have purchase  
24 orders, remember reviewing purchase orders for

1 drums containing chemicals that were received in  
2 the receiving department?

3 A. Yes.

4 Q. And do you remember filling out receiving  
5 logs in the 1960's for drums of chemicals?

6 A. Yes.

7 Q. And do you remember filling out receiving  
8 reports of drums of chemicals received in the  
9 receiving department in the 1960's?

10 A. Yes.

11 Q. And this was true from the moment that you  
12 began work in the receiving department?

13 A. Yes.

14 Q. And you would, the same process that you  
15 go through now in filling out and matching bills of  
16 lading with purchase orders and filling out  
17 receiving logs and receiving reports is the same  
18 procedure essentially that you followed in the  
19 1960's?

20 A. Basically, yes.

21 Q. And the 1970's?

22 A. Yes.

23 Q. And you would provide copies of these  
24 receiving logs and receiving reports to the

1        accounting department as well as the purchasing  
2        department?

3            A.     Yes.

4            Q.     Now, do you have any knowledge as to  
5        whether these records are kept at the Woburn plant?  
6        Do you have?

7            A.     No.

8            Q.     Do you have any knowledge about how these  
9        records are kept or stored?

10          A.     I do believe they keep certain amount for  
11        so many years. I think I heard that one time but  
12        that's about it.

13          Q.     That's just something you heard?

14          A.     Yes.

15          Q.     But you don't have any knowledge. Do you  
16        know the room where these records are kept?

17          A.     Yes.

18          Q.     What is it called?

19          A.     Rear store room.

20          Q.     The rear store room. And to your  
21        knowledge in this rear store room are all records  
22        kept?

23          A.     Yes.

24          Q.     Would this be considered dead storage?

1           A.    Yes.

2           Q.    Or dead files.  Do you know how far back  
3 those records go?

4           A.    No.

5           Q.    Do you have any idea whether they would go  
6 back as far as when you first began to work for the  
7 Woburn plant?

8           A.    No.

9           Q.    At any time have you ever been questioned  
10 about records that you have kept concerning drums  
11 of materials containing chemicals?

12          A.    No.

13          Q.    Have you to your knowledge ever taken part  
14 in an investigation --

15                   MR. CHEESEMAN:  You're asking about  
16 whether it was done by our attorneys or company  
17 attorneys or anybody else?

18          Q.    When I ask you this, I don't mean any time  
19 that you talked to your attorney or to the attorney  
20 for W. R. Grace.  I mean other than any  
21 conversations that you have had with your attorney  
22 or the attorney for W. R. Grace.

23          A.    No.

24          Q.    Are you familiar with the different types

1 of drums of materials that would be received in the  
2 receiving department from your 24 years of  
3 experience?

4 A. Yes.

5 Q. Do you know the product names?

6 A. No.

7 Q. Well, how do you remember the drums?

8 A. Having physically handled them.

9 Q. Well, do you remember reading the drums?

10 A. Not really.

11 Q. You do remember the purchase orders, the  
12 bills of lading?

13 A. Yes.

14 Q. Were you also responsible for sending,  
15 making sure that the drums received were then sent  
16 to the appropriate department?

17 A. Early on, yes.

18 Q. And how would you do that?

19 A. With the drum truck.

20 Q. So when you began your job in the  
21 receiving department in 1962 approximately, when  
22 drums of chemicals were received, would you put  
23 them on a truck and take them to the appropriate  
24 departments?

1 A. Yes.

2 Q. And what were the departments you would go  
3 to with these drums? Were they all departments  
4 there?

5 A. Yeah, whoever ordered it, machine shop or  
6 paint shop. I think that would be about it.

7 Q. Those would be the two, the paint shop and  
8 the machine shop?

9 A. That I recall, yes.

10 Q. They were the users of drums containing  
11 chemicals?

12 A. Yes.

13 Q. And you're familiar with the companies  
14 that you received the drums from?

15 A. The names ring a bell, yes.

16 Q. What are the names of the companies that  
17 you remember in the 1960's delivering drums  
18 containing chemicals to the Woburn plant?

19 A. Mobil.

20 Q. Mobil?

21 A. Yes.

22 Q. Where were they located?

23 A. Boston probably. I don't know where the  
24 truck was out of.

1 Q. Oh, Mobil truck?

2 A. Yes.

3 Q. That be gas truck?

4 A. No.

5 Q. What kind of a truck?

6 A. Common carrier.

7 Q. What kind of materials would that truck  
8 carry, drums of --

9 A. Drums of chemicals.

10 Q. What kind of chemicals?

11 A. Various I suppose.

12 Q. Well, how do you remember them, by product  
13 name, by type or --

14 A. Just the name. It would either have Mobil  
15 on it or Dow Chemical. That would be it as far as  
16 I'm concerned.

17 Q. Now, this would be called, the company  
18 that you were receiving from was the Mobil company?

19 A. Mobil Oil.

20 Q. Mobil Oil Company from Boston and they  
21 would deliver drums of chemicals?

22 (Witness nodded).

23 Q. Where would these drums be, for which  
24 department?

1 A. Either the paint or machine shop.

2 Q. Paint or machine shop. How many drums  
3 would be received at a time for the paint or  
4 machine shop?

5 It varied?

6 A. Yes.

7 Q. Just trying to get some idea. It did vary?

8 A. Yes.

9 Q. What's the most that would come at any one  
10 time that you remember?

11 A. Three or four.

12 Q. And the least would be one?

13 A. Yes.

14 Q. And how often would you receive deliveries,  
15 and to be more specific, in the 1960's now, my  
16 questions now are from when you started in 1962 --  
17 let me just ask you this. In the 1960's, did you  
18 receive drums containing chemicals essentially at  
19 the same rate during the 1960's, throughout the  
20 1960's or did it change?

21 A. I don't think it's changed.

22 Q. You think it has been roughly the same  
23 from the 1960's to the present?

24 A. Yes.

1 Q. About the same?

2 A. About, yes.

3 Q. Well, now, do you remember the Mobil,  
4 receiving drums of chemicals from Mobil Oil Company?  
5 And you remember that these were going for the  
6 paint or machine shop?

7 A. Yes.

8 Q. Now, in the beginning you would deliver  
9 these actually to the paint or machine shop?

10 A. Yes.

11 Q. Where would you deliver them to?

12 A. In the areas designated for where the  
13 barrel trucks were located for the people to take  
14 it away.

15 Q. What was done with these drums? How were  
16 these drums used, these chemicals used to your  
17 knowledge? What did the departments do with these  
18 drums to your knowledge?

19 A. I think they were used in a coolant in the  
20 machine shop and to wash parts.

21 Q. Clean parts?

22 A. Yes.

23 Q. To your knowledge they were used in the  
24 paint shop and machine shop to clean parts?

1 A. Yes.

2 Q. To your knowledge were they also used to  
3 thin paints?

4 A. I don't know. If they were, I have no  
5 knowledge of that.

6 Q. Well, you remember them being mostly used  
7 for cleaning metal parts?

8 A. Yes.

9 Q. And this would be either, they would have  
10 the name Mobil Oil on them or Dow?

11 (Witness nodded).

12 A. Yes.

13 Q. What else do you know about these drums,  
14 what was in them?

15 A. Nothing.

16 Q. Was it a liquid?

17 A. Yes.

18 Q. Do you know what kind of chemicals?

19 A. No.

20 Q. Do you know what it was called?

21 A. No.

22 Q. Did it ever have the word  
23 trichloroethylene on it?

24 A. Could have.

1 Q. You remember that?

2 MR. CHEESEMAN: Question is do you  
3 remember seeing trichloroethylene on any of those  
4 drums?

5 A. I'd say yes.

6 Q. You remember that. You remember that  
7 being the most common drum?

8 A. No.

9 Q. What would be the most common drum?

10 A. Most common, oil.

11 Q. Oil. Other than oil?

12 A. Coolant.

13 Q. Coolant?

14 A. Whatever name that was. Beyond me what it  
15 was.

16 Q. And another one is trichloroethylene?

17 A. That's back in the sixties?

18 Q. Right.

19 A. That was vague. I haven't seen this in a  
20 long time.

21 Q. But you remember it in the sixties?

22 A. Yes.

23 Q. And you remember seeing that several times?

24 A. Yes.

1 Q. About how many?

2 A. Twice, three times. Pretty vague really.

3 Q. All right. You don't know how many?

4 A. No, I couldn't give you an answer on that.

5 Q. As to how many drums you remembered the  
6 word trichloroethylene on them?

7 A. Not many.

8 Q. But you can't remember?

9 (Witness shook head).

10 Q. How about Toluol? Did you ever remember  
11 any drums coming in there with the words Toluol on  
12 them?

13 A. Yes.

14 Q. How many drums of Toluol do you remember  
15 coming through in the 1960's?

16 A. There again, the same answer. It was so  
17 few and it is so long ago, I couldn't give you a  
18 number.

19 Q. Do you remember any drums coming in with  
20 tetrachloroethylene, the word tetrachloroethylene  
21 on them?

22 A. No.

23 Q. How about in the 1970's, do you remember  
24 any drums coming through the receiving department

1 with the name trichloroethylene or the word  
2 trichloroethylene on them?

3 A. No, it doesn't ring a bell.

4 Q. Not in the 1970's?

5 A. I'd say no.

6 Q. How about drums in the 1970's with tetra-  
7 chloroethylene on them, the name  
8 tetrachloroethylene?

9 A. These names if they were on the order, to  
10 give you why I am -- it would be abbreviated so if  
11 in fact they were that, I wouldn't know.

12 Q. Let me ask, from time to time would you  
13 write the word trichloroethylene down on the order  
14 or on a receiving log?

15 A. I would say so, yes.

16 Q. And you saw purchase orders with the words  
17 trichloroethylene on it?

18 A. I'd say probably yes.

19 Q. And you remember seeing purchasing orders  
20 with the word tetrachloroethylene on them?

21 A. I don't recall that one, no.

22 Q. You don't recall tetrachloroethylene?

23 A. No.

24 Q. Do you remember how many drums of

1 tetrachloroethylene you remember coming through the  
2 receiving department in the 1970's?

3 MR. CHEESEMAN: I think he --

4 A. No.

5 Q. Just his best memory.

6 MR. CHEESEMAN: He already said he  
7 didn't remember ever seeing it.

8 Q. Don't ever remember seeing it?

9 A. Not to my knowledge.

10 Q. Excuse me. Glad you're here. How about  
11 in the 1960's, do you remember any drums having  
12 tetrachloroethylene in them in the 1960's?

13 A. No.

14 Q. Do you ever remember writing down the word  
15 tetrachloroethylene?

16 A. No.

17 Q. Or reading the word tetrachloroethylene on  
18 any purchase orders or receiving logs or receiving  
19 orders or bills of lading?

20 A. If I did, I don't remember now.

21 Q. But you do remember the word  
22 trichloroethylene?

23 A. Yes.

24 Q. And you remember that in the 1960's?

1 A. Yes. It has been some time.

2 Q. How about in the 1970's? You don't  
3 remember it in the 1970's?

4 A. I can't say I do, no.

5 Q. How about the 1980's?

6 A. No, I don't recall it.

7 Q. How about trichloroethane, does that ring  
8 a bell, does that mean anything to you?

9 A. No.

10 Q. How about xylene? Any materials or any  
11 chemicals containing xylene or any drums with  
12 xylene?

13 A. No.

14 Q. How about Benzene?

15 A. No.

16 Q. Do you ever remember receiving drums to be  
17 used to thin paints?

18 A. Paint thinner, yes.

19 Q. How would these drums come? Would these  
20 be 55 gallon drums?

21 A. No, no, they would be in gallon containers  
22 I do believe.

23 Q. What was the product name?

24 A. That fails me. I don't know. I can't

1 remember.

2 Q. You don't know the product name?

3 A. No.

4 Q. Now, do you ever remember a company ever  
5 coming to receive waste drums or drums containing  
6 waste materials?

7 A. Yes.

8 Q. You do. When did they come?

9 A. Probably twice a year.

10 Q. And when did they come? Have they been  
11 there in the 1980's?

12 A. Yes.

13 Q. Were they there in the 1970's?

14 A. I'd say yes.

15 Q. How about the 1960's?

16 A. I don't recall any.

17 Q. But do you recall in the 1970's?

18 A. Yes.

19 Q. How many times do you remember a truck  
20 coming to haul away drums with waste chemicals in  
21 it?

22 A. Once or twice a year. I do believe they  
23 stored them and just had a call when they had a  
24 load I believe.

1 Q. Was that in your department? Would that  
2 come through your department?

3 A. No.

4 Q. It wouldn't go through your department.  
5 What department?

6 A. Paint shop. Tom Barbas handles it.

7 Q. So Tom Barbas was in charge of removing  
8 waste?

9 A. Well, I think he -- they came, I directed  
10 them to him and he had the paperwork to do that.

11 Q. All right. And what were the companies  
12 that would come to your knowledge?

13 A. Axton Cross or something. That name rings  
14 a bell.

15 Q. Axton Cross is the company you remember  
16 that would come to haul away waste chemicals?

17 A. I think that was their name.

18 Q. Do you remember any other companies other  
19 than Axton Cross?

20 A. No.

21 Q. And Axton Cross came in the 1980's; is  
22 that right?

23 A. Yes.

24 Q. Do you remember them coming before the

1 1980's?

2 A. I assumed it was them same people. Like I  
3 say, I didn't call them or I didn't have the  
4 paperwork.

5 Q. So you don't know what they picked up?

6 A. No.

7 Q. You don't know if they picked up anything?

8 A. Drums. I have seen them physically doing  
9 it.

10 Q. How many times did you see that?

11 A. Once or twice.

12 Q. When do you remember seeing that?

13 A. Last, I think it was last year I do  
14 believe.

15 Q. And before that?

16 A. Basically probably every year. Whether it  
17 be more or less, I really, I don't have anything to  
18 do with it, so I really didn't keep track of it.

19 Q. Every year but how far back?

20 A. I don't know. I couldn't even answer.

21 Q. You couldn't remember. You can't answer  
22 how many years back?

23 A. Unh-unh.

24 Q. How about the Woburn Oil Company?

1 A. Woburn Oil Company?

2 Q. Do you ever remember the Woburn Oil  
3 Company receiving any drums with waste material in  
4 them or waste chemicals?

5 A. No, I don't.

6 Q. Do you ever remember signing out for drums  
7 to be shipped away by the Woburn Oil Company, drums  
8 containing waste oil and solvents?

9 A. No, I don't.

10 Q. You have no recollection of that?

11 A. I don't remember, no.

12 Q. Ever doing that?

13 Do you remember how these materials  
14 were described under names such as solvent number 9?  
15 Does that name mean anything to you?

16 A. No.

17 Q. Solvent number 9 doesn't mean anything to  
18 you?

19 A. No.

20 Q. Other than the Mobil Oil Company, what are  
21 the other companies you remember delivering drums  
22 in the 1960's?

23 A. That could be various common carriers that  
24 would bring in the drums from whoever we bought

1       them from.

2           Q.     What were the companies that, all right.  
3       What were the common carriers that brought the  
4       drums?

5           A.     Trucking concerns, just everybody.  It  
6       could have been anyone.

7           Q.     Could have been lots of them?

8           A.     Yes.

9           Q.     Was there anyone in particular?

10          A.     No.

11          Q.     Well, you remember Mobil Oil?

12          A.     That was their own company.

13          Q.     You remember them coming with drums  
14       containing chemicals?

15          A.     Yes.

16          Q.     Other than Mobil, do you remember any  
17       other trucking company delivering drums containing  
18       chemicals in the 1960's?

19          A.     No.

20          Q.     Do you remember any particular supplier of  
21       drums containing chemicals?

22          A.     No.

23          Q.     None at all?  Were the suppliers that you  
24       used, the suppliers that delivered the drums in

1 1960's, were they the same as in the 1970's or did  
2 they change?

3 A. Basically the same.

4 Q. And they changed from the 1970's to the  
5 1980's?

6 A. I don't think so.

7 Q. Well then, who are the companies that  
8 supply drums or have supplied drums of chemicals  
9 that you remember?

10 A. I can't remember their names.

11 Q. Can you remember any?

12 A. Dow is just about the only one I can  
13 remember.

14 Q. Dow, when you say Dow?

15 A. Union Carbide. That name rings a bell.  
16 Is that not the same? I'm not sure.

17 Q. Union Carbide, Dow, would they come  
18 through any particular company though?

19 A. Umm, trucking company?

20 Q. Yes, or any other company?

21 A. Not that I know of, no.

22 Q. How about the Magnus Solvent or the Magnus  
23 Chemical Company?

24 A. That rings a bell.

1 Q. Magnus Chemical Division. That ring a  
2 bell?

3 A. Yes.

4 Q. Who are they?

5 A. Chemical company as far as I know.

6 Q. How about Economics Laboratories? That  
7 mean anything to you?

8 A. No.

9 Q. Economics Laboratories, Inc. at Woburn?

10 A. No.

11 Q. How about Mr. Crane? Did you ever meet a  
12 Mr. Crane, salesman?

13 A. No.

14 Q. The Magnus Chemical Division or the Magnus  
15 Chemical Company, that rings a bell?

16 A. Yes.

17 Q. Who are they?

18 A. I don't know.

19 Q. Well, you remember them as being one of  
20 the companies that regularly supplied drums  
21 containing chemicals to the Woburn plant?

22 MR. CHEESEMAN: Regularly?

23 Q. Yes, regularly.

24 A. That name rings a bell. That's all I can

1 tell you.

2 Q. Well, from time to time do you remember  
3 them delivering drums or supplying drums containing  
4 chemicals to the Woburn plant?

5 A. Yes.

6 That name rings a very familiar bell.

7 Q. All right. Do you remember them  
8 delivering or supplying drums containing chemicals  
9 in the 1960's?

10 A. I don't recall back then who they were.

11 Q. All right. Do you remember when the  
12 Magnus Chemical Company supplied drums containing  
13 chemicals to the Woburn plant?

14 A. When?

15 Q. 1970's?

16 A. I really couldn't put it to a time.

17 Q. How about the 1980's?

18 A. Yes, I think it is one of the current  
19 names.

20 Q. All right. And you remember, it could  
21 have been in the 1970's?

22 A. Could have.

23 Q. But again you have no memory about them  
24 delivering or supplying chemicals in the 1960's?

1           A.     Could have but I don't recall it, no.

2           Q.     Now, prior to this deposition, did you  
3 have an opportunity to examine any documents?

4                     MR. CHEESEMAN:   You mean did he  
5 examine any?

6           Q.     Did he examine.   Right, rather than an  
7 opportunity.   I guess you had the opportunity.  
8 Well, maybe you didn't have the opportunity.   Did  
9 you prior to today's deposition examine any  
10 documents in preparation for the deposition?

11          A.     No.

12          Q.     None at all?

13          A.     No.

14          Q.     First I am going to show you Shalline  
15 Exhibit 19.   And have you had a chance to look at  
16 that document?

17          A.     Yes.

18          Q.     Can you identify that document?   Do you  
19 remember ever seeing that document?

20          A.     Yes.

21          Q.     What is it?

22          A.     It is a receiving report.

23          Q.     Is it signed by you?

24          A.     Yes.

1 Q. Is that your signature down under  
2 receiving signature?

3 A. Yes.

4 Q. What do you remember about this document?

5 MR. FREDERICO: Objection.

6 A. Nothing.

7 Q. Do you remember the Woburn Oil Company  
8 coming to take away eight drums of waste oil and  
9 solvents?

10 A. No.

11 Q. Whose handwriting is this? Can you  
12 identify it on this document?

13 A. Yes.

14 Q. Whose is it?

15 A. Mine.

16 Q. Is all the handwriting on this document  
17 yours?

18 A. Yes.

19 Q. It says up under carrier T J. What does T  
20 J refer to?

21 A. Their truck. That's T T, their truck.

22 Q. Sorry, T T, their truck. T T means their  
23 truck?

24 A. Yes.

1 Q. The Woburn Oil Company, who are they?

2 A. I don't know.

3 Q. It says 8 drums of waste oil and solvents.  
4 You wrote that down?

5 A. Yes.

6 Q. Do you remember giving the Woburn Oil  
7 Company or truck from the Woburn Oil Company eight  
8 drums of waste oil and solvents?

9 A. No.

10 Q. You never remember doing it?

11 A. This proves I did but I don't remember it.

12 Q. You have no knowledge of doing it?

13 A. I don't remember it.

14 Q. Do you ever remember filling out this form?

15 A. Yes, I assume I did. I see it now.

16 Q. You see it but do you have any memory of  
17 filling it out?

18 A. I assume I have a memory of it, but to  
19 recall it, no, not particularly that one.

20 Q. In other words in looking at this document  
21 does this refresh your memory at all as to the  
22 event ever taking place? Do you remember anything  
23 about this event that is indicated in this document,  
24 Shalline Exhibit No. 19?

1                   MR. CHEESEMAN: I think he means do  
2 you actually remember the act of putting pen to  
3 paper on this as opposed to just recognizing that  
4 that has to have been your signature.

5           A. Remembering the act?

6           Q. Of either filling out the form or giving  
7 drums to a company?

8           A. I don't remember the act of giving the  
9 drums but I have to acknowledge that I made out  
10 this form.

11          Q. All right. You recognize this as a form  
12 written by you but you have no memory of doing it?

13          A. No.

14          Q. Do you know what solvents are?

15          A. Waste solvents?

16          Q. Yes, what they are?

17                   MR. FREDERICO: Objection.

18          A. Just aftermath of what people have used in  
19 processing. Cleaning oils or using it with  
20 machinery.

21          Q. Waste solvents is the liquid left over  
22 after cleaning the metal parts with the chemicals  
23 used to clean metal parts.

24                   MR. CHEESEMAN: Are you asking him to

1 define the term --

2 Q. Well.

3 MR. CHEESEMAN: Just a minute. Waste  
4 solvents in the abstract or are you asking him to  
5 tell you if he knows what the material is that this  
6 document is referring to?

7 Q. Let's start with that and go to the  
8 abstract or starting at the abstract really.

9 MR. CHEESEMAN: I thought you were  
10 but then you seemed to be shifting ground as usual.

11 Q. I am a ground shifter. You know that.

12 Mr. Love, you wrote this phrase: "8  
13 drums of waste oil and solvents", right?

14 A. Yes.

15 Q. Do you know what you meant by that?

16 A. Yes.

17 Q. What did you mean by it?

18 A. There were eight containers containing  
19 apparently waste oil and solvents.

20 Q. Do you have any idea how you knew that  
21 they had solvents in them or waste solvents?

22 A. It was by way of the order and physically  
23 seeing the cans. I assumed that's what was in them.

24 Q. Well, was there anything on the cans to

1 indicate that they had solvents in them or were you  
2 informed that the drums had waste solvents?

3 A. Only the fact that they weighed  
4 considerable weight. I know they contained  
5 something.

6 Q. How were you informed that it had solvents  
7 in them?

8 A. By way of the purchase order.

9 Q. Is this the purchase order?

10 A. 1563.

11 Q. 1563, what is the 1563?

12 A. P O number under Woburn Oil.

13 Q. Oh, I see. All right. So that indicates  
14 to you there was a purchase order and the purchase  
15 order described it?

16 A. Yes.

17 Q. All right. Well, these drums would have  
18 had to have been sent to your department; is that  
19 right, to be sent out?

20 A. Basically, yes.

21 Q. And this is indicating that you're  
22 receiving eight drums?

23 Or that you're sending out eight  
24 drums?

1           A.     That's what's confusing to me because it  
2 shouldn't be on a receiving report if in fact they  
3 were being brought in -- or reverse that -- that  
4 they were being shipped out. They should have been  
5 on another form.

6           Q.     So Shalline Exhibit 19 is a receiving form;  
7 is that right?

8           A.     Yes.

9           Q.     And that you use when you receive material?

10          A.     Yes. I think I was asked to fill this out  
11 just to clarify and clean up paperwork.

12          Q.     Who asked you to do that?

13          A.     Mr. Shalline.

14          Q.     And when did he ask you to do that?

15          A.     Apparently May 16th, '72.

16          Q.     He asked you to clean up paperwork?

17          A.     Well, that's the only reason why I can  
18 give you an answer for a receiving report for eight  
19 drums of disposal.

20          Q.     When you say clean up paperwork, what do  
21 you mean by that?

22          A.     Close the purchase order.

23          Q.     When you say close the purchase order,  
24 what does that mean?

1           A.     To pay Woburn Oil for disposal of the oil  
2     apparently and solvents.

3           Q.     Would you remember Mr. Shalline coming to  
4     you and talking about this problem about cleaning  
5     up the paperwork?

6           A.     No.   You're referring to Shalline document  
7     number.  I see that was his department at the time,  
8     066.

9           Q.     This is a receiving slip and it has on  
10    here "8 drums of waste oil and solvents" and it has  
11    "-- disposal --".  Does that indicate anything to  
12    you?

13          A.     The fact that it wasn't coming into the  
14    plant and that it was going out apparently  
15    signifies why it needed a receiving report as to  
16    close the purchase order to pay Woburn Oil to take  
17    it.

18          Q.     Well, a purchase order is to receive  
19    material, right?

20          A.     Yes.

21          Q.     You don't have purchase orders to sell  
22    material or to deliver material, do you?

23          A.     In some instances yes, apparently.

24          Q.     When you say apparently, you mean just

1 because of this document?

2 A. Yeah.

3 Q. Yes?

4 A. Yes.

5 Q. Were there any other instances that you  
6 remember doing that?

7 A. No.

8 MR. CHEESEMAN: I don't see anything  
9 illogical about issuing a purchase order for  
10 trucking services and making out a receiving slip  
11 when he received the trucking services.

12 Q. All right. Is that how it was done?

13 A. Yes.

14 Q. So do you ever remember doing it before,  
15 doing it that way?

16 A. Yes.

17 Q. Do you ever remember a company or a  
18 company coming in to take away waste oil or  
19 solvents or drums containing waste material and in  
20 which paperwork was done this way?

21 A. Do I recall it?

22 Q. Yes.

23 A. No.

24 Q. So this is the only time you remember ever

1 doing it this way?

2 A. Only because I see this.

3 Q. Now you believe that this was done to  
4 clean up paperwork at the request of Mr. Shalline?

5 A. Close the P O, yes.

6 Q. And again to close the P O means exactly  
7 what?

8 A. So that we can pay the bill of Woburn Oil.

9 Q. This doesn't mean that you were present  
10 during the time that the eight drums were taken  
11 away?

12 A. This doesn't mean?

13 Q. Yes.

14 A. I don't have to be but apparently I was.

15 Q. Why do you say you were?

16 A. I assume so. This is my signature and  
17 apparently I must have shipped it.

18 Q. No, what I am saying, could this form have  
19 been filled out in your office not at the time that  
20 they were actually taken away?

21 A. Oh, sure. Yes.

22 Q. But you have no memory of when it was  
23 filled out?

24 A. No.

1 Q. Now, have you ever received drums or  
2 examined drums or were present where drums were  
3 that were identified to you as containing waste  
4 solvents?

5 A. Yes.

6 Q. When was that?

7 A. Yesterday.

8 Q. Yesterday. At the plant?

9 A. Yes.

10 Q. Where were you?

11 A. In the middle aisle of the building.

12 Q. And there was a drum there containing  
13 waste solvents?

14 A. Yes.

15 Q. How did you know it had waste solvents in  
16 it?

17 A. It is denoted by a sign.

18 Q. What did the sign say?

19 A. Waste solvents and I do believe it says no  
20 smoking and only waste solvents to be put in here  
21 and words to that effect.

22 Q. Has that been, have drums like that been  
23 there for some time?

24 A. Yes.

- 1 Q. How long have drums like that been there?
- 2 A. Years.
- 3 Q. How many years?
- 4 A. I can't answer you a year.
- 5 Q. Did you ever receive any drums like that
- 6 in the 1960's?
- 7 A. I don't recall.
- 8 Q. In the 1970's?
- 9 A. Drums like that?
- 10 Q. Yes, in other words identified as
- 11 containing waste solvents?
- 12 A. Empty ones?
- 13 Q. Yes.
- 14 A. That they use, yes.
- 15 Q. You remember seeing empty drums, empty
- 16 drums that used to contain solvents; is that right?
- 17 A. Yes.
- 18 Q. How do you remember those?
- 19 A. They come in in large quantities that I'd
- 20 remember them and they would be empty.
- 21 Q. And they were, where would they come from?
- 22 A. Barrel company. I can't remember.
- 23 Q. Let me see if I understand. Are you
- 24 saying that you would see empty drums that used to

1 contain solvents?

2 A. Yes.

3 Q. And these would be drums received by the  
4 Woburn plant or produced, in other words were they  
5 drums emptied at the Woburn plant?

6 A. They were received. They were empty drums  
7 received.

8 Q. Why were empty drums received to your  
9 knowledge?

10 A. To dispose of solvents.

11 Q. For the disposal of solvents?

12 A. Yes.

13 Q. And how many drums would be received?

14 A. I think they come in quantities of ten.

15 Q. Ten?

16 A. Yes.

17 Q. How regular a basis?

18 A. Probably twice a year.

19 Q. So at least twice a year there would be  
20 ten drums. Would there be more than ten?

21 A. I don't recall. Large quantity of drums.

22 Q. These would come in at least twice a year.  
23 Would they come more than twice a year?

24 A. No.

1 Q. About twice a year?

2 A. Yes.

3 Q. This was from the beginning of your  
4 association with the Woburn plant?

5 A. No, I wouldn't say so.

6 Q. When did it start?

7 A. Probably ten years ago.

8 Q. About ten years ago?

9 A. Yes, it wasn't that long ago.

10 Q. Well, prior to ten years ago, do you ever  
11 remember empty drums for the disposal of solvents  
12 coming to the plant?

13 A. No.

14 Q. And how were these drums used?

15 A. How were they used?

16 Q. In other words what happened to the drums?  
17 Where would you deliver them? Who would use them?

18 A. Paint shop.

19 Q. They would use these drums?

20 A. Yes.

21 Q. This would be for the disposal of waste  
22 solvents?

23 A. Yes.

24 Q. And that you think happened starting about

1 ten years ago?

2 A. Approximately, yes.

3 Q. Prior to that time empty drums were not  
4 received to your knowledge for the disposal of  
5 waste solvent?

6 A. To my knowledge, no.

7 Q. During the time that you were in the  
8 receiving department, did you ever see anybody  
9 dumping material out to the rear of the plant?

10 A. Other than what I spoke to you earlier  
11 about, no.

12 Q. Other than those two people you mean?

13 A. Yes.

14 Q. And you saw them from time to time do that  
15 during the time you were in the receiving  
16 department?

17 MR. CHEESEMAN: I thought he said  
18 sheet metal.

19 A. I was in sheet metal at that time.

20 Q. I'm saying now in the receiving department.

21 A. Yes.

22 Q. You remember seeing them at the time you  
23 were in the receiving department as well?

24 A. I don't recall that now, no.

1 Q. You do remember seeing them dispose of  
2 material this way in the sheet metal?

3 A. In the early years when I was at Cryovac.

4 Q. But do you remember ever seeing them dispose  
5 of the materials while you were working in the  
6 receiving department at any time during the time  
7 you were in the receiving department?

8 A. No.

9 Q. Did you ever see Mr. Meola ever disposing  
10 of drums or containers with waste material dumping  
11 them out on the rear of the plant during the time  
12 you were associated with the receiving department?

13 A. No.

14 Q. From time to time would you ever go to the  
15 rear of the plant during the time you were  
16 associated with the Woburn plant?

17 MR. CHEESEMAN: Apart from the  
18 golfing trips you mean?

19 Q. Would you go out there frequently because  
20 you would play golf out there; is that correct?

21 You would do that during the time you  
22 were in the receiving department?

23 A. I have, yes.

24 Q. Now, during those times while you were out

1 in the back golfing or any other times that you  
2 would be out in the back, do you ever remember  
3 seeing drums stacked up to the rear of the plant?

4 A. Yes.

5 Q. And would this be a frequent occurrence to  
6 see drums out in the rear of the plant?

7 A. They were there for some time.

8 Q. How many drums would that be?

9 A. I can't remember. It was a double row of  
10 drums the length of the chain link fence.

11 Q. Would that number change from time to time?

12 A. Change, you mean frequently?

13 Q. Well, in other words did the number of  
14 drums seem to change from time to time?

15 A. No, they were there for quite some time.

16 Q. How many drums?

17 A. I honestly couldn't give you an answer. I  
18 don't know. A double row of drums.

19 Q. Did you ever see anybody ever empty those  
20 drums on the ground?

21 A. No.

22 Q. How long is the chain link fence?

23 MR. CHEESEMAN: You mean the part  
24 along which these were lined up?

1 Q. How long was the chain link fence along  
2 which these drums were lined up?

3 A. I would say 80-90 yards.

4 Q. This would be a double row. Would they be  
5 stacked on top of each other?

6 A. No, side by side.

7 Q. Would some of them be rusted?

8 A. No.

9 Q. All fairly new?

10 A. Yes.

11 Q. And what was in the drums?

12 A. No idea.

13 Q. Were they full or empty?

14 A. I would assume full.

15 Q. Did you ever go near them, open them up --

16 A. No.

17 Q. Did you ever knock against them see that  
18 they were empty or full?

19 A. I know they were full.

20 Q. How do you know that?

21 A. During the heat of the summer they were  
22 not on pallets and they would go into the hottop.

23 Q. They would go into the hottop. Stuff  
24 would leak out of them?

1 A. No, the weight would be into the hottop.

2 Q. It would sink into the hardtop?

3 A. It would signify to me that they were full.

4 Q. Were they leaking at all?

5 A. No.

6 Q. Were they rusty?

7 A. No.

8 Q. Did they have any markings on them or  
9 names on them?

10 A. Not that I recall other than being green.

11 Q. Did you recognize these drums as any drums  
12 that you received in your receiving department?

13 A. Could have been. I wouldn't remember that.

14 Q. Well, did they look like some of the drums  
15 that were like the drums you received in the  
16 receiving department?

17 A. Yes.

18 Q. Now, this ditch that was out -- that Mr.  
19 Barbas and Mr. Meola would dump material from time  
20 to time, that was there all the way until the  
21 second addition was constructed by the Manzelli  
22 Construction Company to your knowledge?

23 A. Yes.

24 Q. Now, during the -- do you remember being

1 present when that ditch was covered over?

2 A. No.

3 Q. Do you remember ever being present at any  
4 time in which a ditch was dug by anybody to the  
5 rear of the plant at any time?

6 A. Yes.

7 Q. What was that?

8 A. During construction of the latest addition.

9 Q. You remember being present where ditches  
10 were dug?

11 A. There was a hole in the ground.

12 Q. Do you remember at any time ever seeing  
13 anyone pouring a drum containing material into a  
14 ditch or a pit?

15 A. No.

16 Q. At any time?

17 A. No.

18 Q. What pit are you referring? You said you  
19 have seen pits or a pit being dug.

20 A. There was a large pit being dug or had  
21 been dug during construction.

22 Q. What was that pit for?

23 A. I have no idea.

24 Q. Where was it dug?

1 A. Location here?

2 Q. Yes. Would you be able to indicate on  
3 that drawing where that pit was dug?

4 A. I'd say approximately here.

5 (Witness marked sketch).

6 Q. What approximately were the dimensions of  
7 the pit?

8 A. Large swimming pool.

9 Q. Roughly what were the dimensions?

10 A. Feet?

11 Q. Yes.

12 A. Twenty by forty.

13 Q. Would you mark that on that?

14 (Witness marked sketch).

15 Q. Why don't you put pit.

16 (Witness marked sketch).

17 Q. What was the year? Was this pit dug  
18 during the time the second addition was being built?

19 A. Yes.

20 Q. Was it at the conclusion of the second  
21 addition or during the construction?

22 A. During the construction.

23 Q. How long was the pit out there?

24 A. Oh, I don't know. It was during the

1 construction and then it was -- all the excavation,  
2 it was done, it was all backfilled when everything  
3 was cleaned up.

4 Q. How deep was the pit?

5 A. I don't know, eight or ten feet.

6 Q. And how wide was the pit?

7 A. Twenty foot wide.

8 Q. And how wide was it at the bottom?

9 A. About the same.

10 Q. So it was twenty feet from top to bottom?

11 MR. CHEESEMAN: Twenty feet wide.

12 Q. Twenty feet wide at the top and twenty  
13 feet wide approximately at the bottom?

14 A. Yes.

15 Q. It didn't taper down?

16 A. No.

17 Q. It was large, a large swimming pool?

18 A. Yes.

19 Q. And you remember that excavation material  
20 was put in there at the end of the construction?

21 A. It was all covered.

22 Q. And do you remember who covered it?

23 A. No.

24 Q. Do you ever remember seeing that pit the

1 same time that Mr. Shalline saw the pit or being  
2 present with Mr. Shalline when that pit was there?

3 A. No.

4 Q. Or Mr. Forte, do you ever remember being  
5 out there with Mr. Forte?

6 A. No.

7 Q. How about Mr. Barbas?

8 A. No.

9 Q. How long was the pit there approximately,  
10 how many days?

11 A. Days? I don't know. A month. Thirty  
12 days.

13 Q. A month, thirty days approximately?

14 A. My recollection it was there for some time.

15 Q. Now, the drums to the rear of the plant  
16 that you saw, were there drums out there to the  
17 rear of the plant during the time the pit was there?

18 A. I don't think so. The construction was  
19 going on. There was no room for anything back  
20 there then.

21 Q. So the drums were put someplace?

22 A. Had to be.

23 Q. Where were they put?

24 A. I don't remember.

1 Q. But they were put someplace?

2 A. If in fact they were there at that time.

3 Q. Well, you do remember seeing the drums out  
4 in the back there?

5 A. Yes.

6 Q. During the time you were associated with  
7 the Woburn plant, you remember seeing drums out  
8 there?

9 A. Yes.

10 Q. You don't know if these would be the same  
11 drums from day to day or week to week?

12 A. I assume they were.

13 Q. You assumed. You didn't know?

14 A. You wouldn't move a volume of drums  
15 without my coming back and forth to the warehouse.  
16 I would observe that being done if it was.

17 Q. Did you ever observe it being done?

18 A. No.

19 Q. But some one day they weren't there.

20 A. Yes.

21 Q. So it could happen, couldn't it?

22 A. Yes.

23 Q. Because it did happen?

24 A. Not in the course of a week.

1 Q. Why do you say the course of a week?

2 A. Monday through Friday I was there.

3 Q. But they were moved without your knowing  
4 it, isn't that right?

5 A. Yes.

6 Q. They were put someplace that you don't  
7 know where?

8 A. Yes.

9 Q. So that could have happened throughout the  
10 time you were associated with the Woburn plant?

11 A. I am sure that did, yes. Excuse me.

12 Q. You're sure that did happen?

13 A. Apparently.

14 Q. Why?

15 A. I didn't see it.

16 Q. What didn't you see?

17 A. Movement of the drums.

18 Q. So from time to time it could have  
19 happened?

20 A. Yes.

21 Q. During the time you were associated with  
22 the Woburn plant?

23 A. Yes.

24 Q. Because you never remember ever seeing

1 anybody ever moving those drums?

2 A. No.

3 Q. And yet they were moved?

4 A. Yes.

5 MR. CHEESEMAN: Now that we've got  
6 that established, maybe we can move on to something  
7 else.

8 Q. I think it is very interesting.

9 Did you ever see anybody take any of  
10 those drums and pour them into the pit?

11 A. No.

12 Q. Other than that pit that you have drawn  
13 there, do you ever remember, were any other ditches  
14 dug to your knowledge?

15 A. No.

16 Q. Do you remember seeing any other ditches  
17 being dug?

18 A. No.

19 Q. At any time?

20 A. No.

21 Q. This drainage ditch that you're referring  
22 to, that was also covered over?

23 A. Yes.

24 Q. And the construction company covered that

1 over?

2 A. Yes, I assume so.

3 MR. CHEESEMAN: Only part of it I  
4 think.

5 Q. Part of it was covered over?

6 A. Really?

7 Q. How much of it was covered over?

8 MR. CHEESEMAN: I'm saying this only  
9 because I know there is a trench there to this day.

10 Q. All right. That's helpful. How much of  
11 it was covered over?

12 A. Just the early part of it going down to  
13 the length of the warehouse that I know that's  
14 covered now. If that's open, I don't know that.  
15 Undergrowth that is grown up.

16 Q. Would you draw a box around the area  
17 that's been covered over?

18 (Witness marked sketch).

19 Q. Say covered area.

20 (Witness marked sketch).

21 Q. What were the dimensions of that ditch?

22 A. Probably ten feet at the top down to in a  
23 V.

24 Q. Down to a V?

1 A. Yes.

2 Q. So it was a narrowing ditch?

3 A. Yes.

4 Q. Ten feet at the top and then it would come  
5 down to just a few feet at the bottom?

6 A. Yes.

7 Q. Two-three feet?

8 A. Yeah, I guess so, yes.

9 Q. And that would run the length of the ditch?

10 A. Yes.

11 Q. Now, were you present during the time that  
12 the EPA or strike that. Were you present during  
13 the time where any excavation was done to the rear  
14 of the plant in the last few years?

15 A. Yes.

16 Q. Were you there when the area was excavated  
17 in which drums were recovered?

18 A. Yes.

19 Q. What area was excavated?

20 A. I'd say approximately where I drew the pit.

21 Q. Was any other area excavated?

22 A. I'm not sure. If they were, I'm not aware  
23 of them.

24 Q. The only area you remember being excavated

1 is the pit?

2 A. Yes.

3 Q. Now, was the entire pit as you remembered  
4 it excavated or was only part of it excavated?

5 A. What I could see, only part of it.

6 Q. What were the dimensions of the pit that  
7 were excavated?

8 A. This time?

9 Q. Yes.

10 A. Not much larger than this table I don't  
11 believe.

12 Q. How many feet would that be?

13 A. I really couldn't get close enough to give  
14 you -- ten by ten.

15 Q. So the dimensions of the excavation of  
16 that pit was no more than ten by ten feet?

17 A. I would say so. Or smaller.

18 Q. Or smaller than that. The dimensions of  
19 this table are six by six.

20 A. Approximately the same.

21 Q. So it would be approximately the size of  
22 this table, about six by six feet. How deep was it?

23 A. I never got that close to see it.

24 Q. Do you have any idea?

1 A. No.

2 Q. Were you present during that whole  
3 excavation of that pit area or the partial  
4 excavation of the pit area?

5 A. Yes.

6 Q. How many days did that take place?

7 A. A week.

8 Q. And who to your knowledge did that  
9 excavation?

10 A. I don't know.

11 Q. Have you ever had any conversations with  
12 Mr. Barbas about that pit at any time?

13 A. Yes.

14 Q. When did you have those conversations?

15 A. As far back as when the construction was  
16 going on.

17 Q. What were the conversations -- what  
18 conversations did you have with Mr. Barbas?

19 A. We were referring to it we were going to  
20 make a recreation area and that was the swimming  
21 pool.

22 Q. And did you discuss anything else about it?

23 A. No.

24 Q. You do remember joking about the pit but

1 that was it?

2 A. That's it.

3 Q. Other than that joking about the pit going  
4 to be the swimming pool, what did, what other  
5 conversations did you have with Mr. Barbas if any  
6 about that pit?

7 A. None really.

8 Q. Did you have any conversations with Mr.  
9 Orazine about that pit?

10 A. No.

11 Q. Ever?

12 A. No.

13 Q. Did Mr. Orazine, did you ever hear Mr.  
14 Orazine ever say anything about the burial of drums  
15 in that pit?

16 A. No.

17 Q. Did Mr. Barbas ever tell you that anything  
18 or refer in any way that drums might have been  
19 buried in that pit at any time?

20 A. No.

21 Q. How about Mr. Shalline, did you ever have  
22 any conversations with Mr. Shalline about that pit?

23 A. No.

24 Q. Did Mr. Shalline ever ask you at any time

1           whether you ever saw anyone pouring drums  
2           containing chemicals into an excavated pit to the  
3           rear of the plant?

4           A.     No.

5           Q.     Has anyone ever come to you and asked you  
6           any questions about the pouring of drums in a pit  
7           to the rear of the plant at any time other than  
8           your attorney?

9           A.     No.

10          Q.     Did a Mr. Stewart from South Carolina ever  
11          come to you and ask you questions about the digging  
12          of a pit or the pouring of drums containing  
13          chemicals into the pit at any time?

14          A.     No.

15          Q.     Do you remember anybody associated with  
16          W. R. Grace or the Cryovac Division ever coming to  
17          you at any time and asking you questions about what  
18          you might have known or did not know?

19                   MR. CHEESEMAN: Other than company  
20          counsel?

21          Q.     Other than company counsel.

22          A.     No.

23          Q.     Did Mr. Forte ever come to you and ask you  
24          questions about what you knew or may have known

1 about the excavation of that pit or the pouring of  
2 drums into that pit?

3 MR. CHEESEMAN: Except in the  
4 presence of counsel?

5 Q. Well, did Mr. Forte ever ask you?

6 MR. CHEESEMAN: Well, Mr. Forte has  
7 been involved with counsel in some of this activity  
8 and I take those conversations to be privileged.

9 Q. He never said that in his deposition.

10 MR. CHEESEMAN: I don't remember  
11 specifically if it was with this witness.

12 Q. I don't want, Mr. Love, not where you're  
13 having discussions with your attorney, I don't want  
14 any discussions with an attorney, all right? Or in  
15 an attorney-client relationship where your attorney  
16 is present. Do you understand what I'm saying?

17 A. Yes.

18 Q. I want to know, did Mr. Forte ever come to  
19 you and say that, and ask you any information about  
20 this pit or about what you knew about it or didn't  
21 know about it?

22 A. No.

23 Q. At any time have you had any discussions  
24 with anybody other than your attorney now, anybody,

1 about the excavation of that pit -- I'm sorry,  
2 about the digging of that pit or the pouring of  
3 drums into that pit or the placing of drums in that  
4 pit?

5 A. No one.

6 Q. Did you ever have any conversation with  
7 Mr. Kelly about that pit?

8 A. Yes.

9 Q. You did. When did you have those  
10 conversations?

11 A. When he was my foreman. We then, same as  
12 Mr. Barbas, we joked about it.

13 Q. He would joke about the swimming pool?

14 A. Yes. That's about it.

15 Q. Did you ever have any conversation with  
16 Mr. Kelly about that pit other than joking about it?

17 A. No.

18 Q. How about did Mr. Kelly ever indicate to  
19 you that he poured drums containing chemicals into  
20 that pit?

21 A. Never.

22 Q. Did Mr. Kelly ever indicate to you that he  
23 ever participated in an event in which drums  
24 containing chemicals were poured on the ground or

1 in a pit to the rear of the plant?

2 A. No.

3 Q. Do you have any knowledge that Mr. Kelly  
4 was involved in such an incident involving the  
5 pouring of drums containing chemicals to the rear  
6 of the Woburn plant?

7 A. No.

8 Q. Not aware of anything about that?

9 A. No.

10 Q. Have you heard that from anybody?

11 A. Have I heard it?

12 Q. Yes, have you heard it from anybody?

13 A. Hearsay.

14 Q. You have heard people talk about it?

15 A. Yes.

16 Q. And these conversations would take place,  
17 they were not conversations at which your attorney  
18 was present?

19 A. No.

20 Q. When did these conversations that place  
21 that you overheard?

22 A. Could be anywhere I was.

23 Q. Well, when do you remember these  
24 conversations taking place?

1 A. Most recently at the rink.

2 Q. What rink is that?

3 A. An ice rink.

4 Q. This is recently?

5 A. Years ago.

6 Q. Who did you overhear talking about this,  
7 somebody associated with the Woburn plant?

8 A. No. Associates at Woburn Hockey Rink that  
9 would come up and make statements to that effect.

10 Q. Oh, I see. But not anybody associated  
11 with the Woburn plant?

12 A. No.

13 Q. Do you ever recall overhearing  
14 conversation with people associated with the Woburn  
15 plant about pouring of drums containing chemicals  
16 to the rear of the plant at any time?

17 A. No.

18 Q. Did you ever hear it joked about or  
19 discussed among the employees?

20 A. Yes.

21 Q. Were you present when these conversations  
22 would take place?

23 A. Yes.

24 Q. And these were not discussions that took

1 place in the presence of an attorney?

2 A. No.

3 Q. And when did these discussions take place?

4 A. When?

5 Q. Yes.

6 A. During coffee breaks.

7 Q. Would this have been in the 1970's?

8 A. Yes.

9 Q. What do you remember taking place in the  
10 1970's during coffee breaks where pouring of  
11 chemicals would be discussed?

12 A. What do I remember? Very little really.

13 Q. What is it that you remember, what little  
14 you remember?

15 A. Just joking of that, just that.

16 Q. Well, essentially who would be joking  
17 about it? What would they be indicating?

18 A. That various people might have  
19 participated.

20 Q. In the pouring of drums containing  
21 chemicals to the rear of the plant?

22 A. Uh-huh, yes.

23 Q. And do you remember these conversations  
24 taking place in the 1970's?

1           A.    Yes.

2           Q.    Did these conversations ever take place in  
3 the 1960's, these kind of jokes about pouring of  
4 chemicals?

5           A.    No.

6           Q.    No?

7           A.    No.

8           Q.    Did this take place before the  
9 construction or this is during the construction or  
10 after the construction of that second addition?

11          A.    After.

12          Q.    After.  Who would be making these jokes?

13          A.    I don't remember who.  It would be just  
14 too much in general really.

15          Q.    Did Tom Barbas ever make any jokes?

16          A.    I don't remember.

17          Q.    How about Mr. Kelly?  Do you remember him  
18 ever making jokes?

19          A.    Yes.

20          Q.    He would make jokes.  What do you remember  
21 him joking about?  What would he say, basically,  
22 not word for word, but essentially what did he tell  
23 you or what was his joke?

24          A.    I don't recall, just in a trivial manner

1 really just off the cuff.

2 Q. Did he indicate like the company should  
3 never have buried barrels in the pit, say anything  
4 like that or joke like that?

5 A. Words to that effect, yes.

6 Q. And you remember this taking place in the  
7 1970's?

8 A. Yes.

9 Q. Did these conversations take place among  
10 other people? Were other people there when he  
11 would make these jokes?

12 A. Yes.

13 Q. Mr. Barbas be there?

14 A. Could have.

15 Q. How about Mr. Shalline? Was he ever back  
16 there in the coffee shop or in the area where you  
17 have your coffee?

18 A. No.

19 Q. Mr. Forte?

20 A. No, I don't think so, no.

21 Q. Mr. Orazine?

22 A. Yes.

23 Q. Did he ever joke along with Mr. Barbas  
24 about it?

1 A. I assume so, yes.

2 Q. Would he make comments like they shouldn't  
3 have buried barrels in the pit as well, something  
4 to that effect?

5 MR. CHEESEMAN: If you remember.

6 A. I don't remember that, no.

7 Q. But you remember Mr. Kelly doing that?

8 A. Yes.

9 Q. All right. Other than Mr. Kelly or Mr.  
10 Orazine, do you remember anybody else making any  
11 jokes or talking about it?

12 A. No, not that I remember.

13 Q. Did you get the impression from their  
14 conversations that they had taken part in the  
15 pouring of drums to the rear of the plant? It  
16 seemed to be pretty evident to you from what they  
17 were saying?

18 MR. CHEESEMAN: Objection.

19 A. I really couldn't -- I can't answer that.  
20 I really wasn't aware of it.

21 Q. I know you weren't aware of it, but was  
22 the sense that you were getting from your  
23 discussion about it, their jokes during these  
24 coffee breaks, that they had participated in this,

1 they had done something about dumping drums  
2 containing chemicals to the rear of the plant?

3 MR. CHEESEMAN: Objection.

4 A. I, there again, I couldn't say that they  
5 participated.

6 Q. But they joked about it?

7 A. Yes.

8 Q. You can't remember anybody else joking  
9 about it?

10 A. No.

11 Q. Now, in the 19 -- do you ever remember  
12 that somewhere around 1982, just a few years ago,  
13 do you have any recollection of there being an  
14 investigation at the Woburn plant to answer a  
15 letter by the EPA asking certain questions about  
16 chemicals that were used and how they were disposed  
17 of at the Woburn plant? Do you ever remember that  
18 taking place?

19 A. No.

20 Q. Well, do you ever remember that somewhere  
21 around 1982 that Mr. Forte and Mr. Shalline and  
22 some people from South Carolina were asking  
23 different employees questions about disposal  
24 practices or the digging of the trench or the pit

1 to the rear of the plant? Do you remember that  
2 taking place?

3 A. No.

4 Q. Did you ever hear that discussed among the  
5 employees that that was taking place?

6 A. No.

7 Q. No recollection of that?

8 (Witness shook head).

9 Q. You don't have any memory of ever being  
10 involved in any such investigation?

11 A. No.

12 Q. All right.

13 (Off the record discussion).

14 Q. Shalline Exhibit 20 A, do you recognize  
15 that document as a document you filled out?

16 MR. CHEESEMAN: Let's be sure you  
17 understand the question. You're asking him if he  
18 has any memory of doing it?

19 Q. Yes, well, let's ask, is this a document  
20 you recognize as one filled out by you?

21 A. Yes.

22 Q. And did you look at all the pages of the  
23 exhibit?

24 (Witness looked at document).

1 Q. Does your handwriting appear on all those  
2 pages?

3 A. On all these pages, no. On the document  
4 receiving of the material, yes.

5 Q. That was filled out by you?

6 A. Yes.

7 Q. It says solvent number 9 on it. Do you  
8 know what solvent -- you better go to the first  
9 page. Do you know what solvent number 9 is?

10 A. No.

11 Q. But that is your handwriting?

12 A. Yes.

13 Q. And that's destined for the machine shop?

14 A. Yes.

15 Q. Now the second page, is that your  
16 handwriting?

17 A. Second page, no.

18 Q. It's got Magnus Chemical up there. Do you  
19 recognize that as a company you dealt with from  
20 time to time?

21 A. Yes.

22 Q. Now the third page, what's that? What  
23 document is that?

24 A. That's a shipping bill of lading from

1 Economics Lab.

2 Q. Is that your handwriting to the lower  
3 right-hand corner there?

4 A. Yes.

5 Q. What's the number 1 circled mean?

6 A. One carton, one container.

7 Q. And 7-11 is the day it was received?

8 A. Yes.

9 Q. Now, the Economics Laboratory, Inc., do  
10 you recognize them as a company that from time to  
11 time supplies chemicals or did supply chemicals to  
12 the Woburn Plant?

13 A. Apparently.

14 Q. But you have no independent memory of it?

15 A. No.

16 Q. How about Mr. Crane over there, the  
17 salesman's name, I. Crane, does that mean anything  
18 to you or L. Crane?

19 A. No.

20 Q. He is not somebody you know?

21 A. No, sir.

22 Q. And this last page, do you recognize that?  
23 Is that anything that you would fill out?

24 A. No.

1 Q. Is that the bill of lading?

2 A. No, that's an invoice from them and a pay  
3 voucher.

4 Q. But those are documents that you would  
5 handle?

6 A. No.

7 Q. On that, those aren't documents.

8 Exhibit 20 B. Is that first page of  
9 20 B the one you filled out?

10 A. Yes.

11 Q. And it's got solvent number 9 on there; is  
12 that right?

13 A. Yes.

14 Q. You don't know what that is?

15 A. No, I don't.

16 Q. Now, there is a blacked out section there.  
17 You see that on that first page?

18 A. Yes.

19 Q. Do you have any idea what that is?

20 A. No.

21 Q. Do you know other than solvent number 9,  
22 do you know what Magnus Chemical Company would  
23 deliver at this same time as solvent number 9, what  
24 they would include in their shipment?

1 A. No, I can't remember.

2 Q. Would you be able to in looking at the  
3 document, would you be able to make any assumptions  
4 about where these two drums were sent?

5 A. Machine shop, both of them.

6 Q. Both of them to the machine shop?

7 A. Yes.

8 Q. Do you have any idea what the one that was  
9 blacked out would be for? Could you make any  
10 assumptions based on your knowledge and experience  
11 in the receiving department?

12 A. Assumption, no.

13 Q. Go to the next page. That's not a  
14 document filled out by you?

15 A. No.

16 Q. And third page?

17 That's filled out by you?

18 A. That's the bill of lading signed by me,  
19 yes.

20 Q. And Al Love with the three circled, that  
21 means three drums were received?

22 A. Yes.

23 Q. You don't know what that blacked out thing  
24 refers to, do you?

1 A. No.

2 Q. The last page, -- would you go back to  
3 that third page there. What is this "correct  
4 weight is," what does that refer to?

5 A. Weight subject to correction.

6 Q. Under your name it says "correct weight is"  
7 and it has an arrow. What does that mean?

8 A. 382 pounds apparently.

9 Q. Is that what it means?

10 A. I would assume so.

11 Q. That means that three drums weighed 382  
12 pounds?

13 A. Yes.

14 Q. Did you have a scale there?

15 A. No.

16 Q. How did you usually, did you ever  
17 determine how much something weighed or would that  
18 be on the bill of lading?

19 A. That would be on the bill of lading,  
20 unless it was a vast discrepancy, I'd take it to  
21 the scale and weigh it.

22 Q. Oh, all right. But this is a document you  
23 recognize as coming from Economics Laboratory that  
24 you signed; is that right?

1 A. Yes.

2 Q. Why would you sign it? What would that  
3 indicate? That indicate that you receive it?

4 A. That's proof of delivery for them, yes.

5 Q. That would be the only thing you would do  
6 is sign that document and circle how many drums was  
7 on it?

8 A. Yes.

9 Q. The last document is one you would handle?

10 A. No, it isn't.

11 Q. Exhibit 20 C.

12 Do you have any information about  
13 that other than what's on the document?

14 A. No.

15 Q. And on the second page?

16 A. No.

17 Q. You signed that though, right?

18 A. No.

19 Q. Al Love, isn't that the second page?

20 A. Oh, the page after that, I'm sorry, the  
21 third page, yes, the same.

22 Q. Now you circled the No. 1?

23 A. Yes.

24 Q. That means one drum?

1 MR. CHEESEMAN: Is that right?

2 A. Yes.

3 Q. On this third page where it says "requested  
4 by" down at the bottom, the third page.

5 MR. CHEESEMAN: The pages may be in  
6 different order than the exhibit. You have to  
7 indicate which document you are talking about.

8 Q. It says, would you call that the purchase  
9 order? Is that the one signed by Mr. Shalline?

10 A. Approved by Mr. Shalline.

11 Q. That would be a purchase order?

12 A. Yes.

13 Q. Does the name requested by, do you know  
14 who that refers to, that name there?

15 A. Yes.

16 Q. Who is that?

17 A. Stanley Bialach.

18 Q. Where is he?

19 A. Foreman of the machine shop.

20 Q. Do you know where he is now?

21 A. Yes.

22 Q. Where is that?

23 A. Still the foreman of the machine shop.

24 Q. How long has he been foreman of the

1 machine shop?

2 A. I couldn't give you years. Some time.

3 Q. Throughout the time you were associated  
4 with the Woburn plant?

5 A. No, no. Just, oh, ten years anyhow.

6 Q. Shalline Exhibit 20 D. It says on the  
7 second page there where you have signed your name,  
8 you have signed your name on that second page,  
9 right?

10 A. Yes.

11 Q. And that says: to fill pending order.  
12 Does that mean anything?

13 A. Where is that?

14 Q. See it down here?

15 That's something that they would have  
16 written, not something you would have written?

17 A. I don't think -- nothing to do with me.

18 Q. This is kind of difficult to read  
19 unfortunately. Exhibit 20 E, Shalline Exhibit  
20 20 E.

21 Q. Can you see on there that it says solvent?

22 A. Yes.

23 Q. And that's signed by you; is that right?

24 A. Yes.

1 Q. What did you understand solvent to be?

2 MR. CHEESEMAN: As used on this?

3 Q. As referred to, as you have written it on  
4 this document.

5 (Witness looked at exhibit).

6 Q. Do you have any idea what chemical it  
7 refers to?

8 A. No, sir.

9 Q. How do you know it was a solvent? That's  
10 just how it was described to you in the purchase  
11 order?

12 A. That's it.

13 Q. Now, you have got on the third page here  
14 where you have signed your name and you put four,  
15 that indicates four drums were received?

16 A. Yes.

17 Q. From Economics Laboratory, one of them,  
18 two of them being solvent number nine.

19 A. Yes.

20 Q. Do you have any idea what the other two  
21 were?

22 A. No.

23 Q. Shalline Exhibit 20 F. It's got number  
24 1219 on there.

1 A. Yes.

2 Q. Does that mean anything to you?

3 A. No.

4 Q. Do you know what it refers to?

5 A. No, sir.

6 Q. You don't know what 1219, 55 gallon drum  
7 is?

8 A. No.

9 Q. Shalline Exhibit 20 G. Can you read that  
10 at all?

11 A. One 55 gallon -- no, I can't read that.

12 Q. On the second page it talks about 1219  
13 cleaner. Do you have any idea what 1219 cleaner  
14 was?

15 A. No.

16 Q. Do you know who used it? Was that the  
17 machine shop?

18 A. It would depend on the account number.

19 It has Stanley Bialek's name, I can  
20 only assume it would be the machine shop.

21 Q. Cleaner, is that referring to metal  
22 cleaning do you think?

23 A. Yes.

24 Q. A cleaner for cleaning metal parts?

1 A. Yes.

2 Q. Shalline Exhibit 20 H. And again that's  
3 number 1219 cleaning solvent, that's to clean metal  
4 parts?

5 A. Yes.

6 Q. In any of these exhibits that I have shown  
7 you so far, 20 A through 20 G, do you ever remember  
8 the actual event documented in those records? Do  
9 you ever remember signing for this material  
10 received, these drums?

11 A. Do I remember it?

12 Q. Yes, do you remember it?

13 A. No.

14 Q. You don't remember other than seeing the  
15 document itself?

16 A. Right.

17 Q. You have no independent memory. Is that  
18 right?

19 A. That's right, yes.

20 Q. Now, you have got Shalline Exhibit I?

21 A. Yes.

22 MR. CHEESEMAN: Twenty I.

23 A. Twenty I.

24 Q. I take it you don't have any independent

1 memory of 20 H either. I said 20 G. 20 H, you  
2 don't have any independent memory of that one  
3 either, do you?

4 A. No, sir.

5 Q. Now, 20 I, again that's number 1219  
6 solvent, you have no independent memory?

7 A. No, sir.

8 Q. On this third page, Economics Laboratory,  
9 there is another signature there. Who do you  
10 recognize that signature?

11 A. He is another inspector.

12 Q. Who is that?

13 A. William Jones.

14 Q. Is he still associated with the plant?

15 A. No, he is retired and deceased.

16 Q. How long was he associated with the plant?

17 A. Twelve-fifteen years maybe.

18 Q. Did he take charge of the receiving  
19 department sometime?

20 A. Apparently I wasn't available to receive  
21 this and/or off someplace else and he gave the  
22 truck driver a signature.

23 Q. I am afraid 20 J is hopeless.

24 I am going to show you Exhibit 20 J.

1 I am sure you are not going to be able to recognize  
2 it or identify it. Am I correct?

3 A. Yes.

4 Q. And 20 K, show you Exhibit 20 K. That was  
5 also filled out by you?

6 A. Yes.

7 Q. What is the phrase there in the  
8 parentheses?

9 A. Stan B, but it didn't photostat too well.

10 Q. Do you know what that refers to?

11 A. Stanley Bialek.

12 Q. Going to the machine shop?

13 A. Yes.

14 Q. Now, Plaintiff's Exhibit 20 L, you filled  
15 that out as well?

16 A. Yes.

17 Q. And that's got one 55 gallon drum of  
18 trichloroethylene?

19 A. Yes.

20 Q. Now, to your knowledge, do you have any  
21 independent knowledge of receiving that drum?

22 A. No.

23 Q. Did you often, were drums identified as  
24 trichloroethylene when you received them?

1 A. Were they?

2 Q. Yes, was it written on the drum? How did  
3 you know it was a drum of trichloroethylene?

4 A. From the purchase order is where I get my  
5 information.

6 Q. Do you ever remember double checking the  
7 drum itself to make sure it was trichloroethylene?

8 A. No.

9 Q. That wasn't part of your job?

10 A. Not at the time.

11 Q. When you say not at the time, has it  
12 become part of your job?

13 A. Yes.

14 Q. When was that? When did that change?

15 A. Two years ago.

16 Q. How did your job change?

17 A. I inherited inspecting department as far  
18 as what we ordered. I receive it and I inspect it  
19 now.

20 Q. But prior to two years ago, you just  
21 received it?

22 A. Yes.

23 Q. And checked to see the bill of lading and  
24 purchase order, but you wouldn't examine the drum?

1 A. Not at all.

2 Q. That would be the inspection department?

3 A. Yes.

4 Q. Now, was that a separate department from  
5 the time that you become associated with the Woburn  
6 plant?

7 A. Yes.

8 Q. And who was the inspector from the time  
9 that you become first associated with the Woburn  
10 plant?

11 A. Elmer McCullen I believe.

12 Q. How long was he inspector?

13 A. Till he retired. He was the chief  
14 inspector.

15 Q. Was Elmer McCullen the inspector when you  
16 first came to the Woburn plant?

17 A. Yes.

18 Q. He was the inspector until he retired?

19 A. Yes.

20 Q. When did he retire?

21 A. Eight or ten years ago.

22 Q. And who was inspector after he retired?

23 A. Phil Reiniger.

24 Q. Phil Reiniger?

1           A.    Yes.

2           Q.    How long did Mr. Reiniger remain as  
3 inspector?

4           A.    He still is currently.

5           Q.    And could you spell his name?

6           A.    Reiniger?

7           Q.    No, McCullen.

8           A.    M C, C U L L E N, I think.

9           Q.    Now, what was Mr. McCullen's  
10 responsibilities to your knowledge?

11          A.    Chief inspector over all the others.

12          Q.    Would he inspect the drums that came in?

13          A.    If the others were busy, apparently yes,  
14 he could, yes.

15          Q.    Well, there were people who worked for him?

16          A.    Yes.

17          Q.    Was it the job of the inspection  
18 department to inspect drums that were received to  
19 make sure they were the chemicals ordered?

20          A.    Yes.

21          Q.    That was their job?

22          A.    Yes.

23          Q.    Where did Mr. McCullen retire to?

24          A.    Florida I believe.

1 Q. Where is Mr. McCullen in Florida?

2 A. No, I think he has since died.

3 Q. He has died?

4 A. Yes.

5 Q. Were there people who worked for Mr.

6 McCullen?

7 A. Yes.

8 Q. Who worked for Mr. McCullen?

9 A. Mr. Jones.

10 Q. What was his first name?

11 A. William.

12 Q. William Jones. What were the years that

13 Mr. Jones worked at the Woburn plant as an

14 inspector?

15 A. Oh, '70 through '81 maybe.

16 Q. What happened to Mr. Jones?

17 A. Retired.

18 Q. Where did he retire to?

19 A. I think he retired to Dedham. He just

20 died last year.

21 Q. Didn't get to him in time. He is dead.

22 What did he die of? Do you know?

23 A. No, I don't.

24 Q. Who else worked for Mr. McCullen other

1 than Mr. Jones?

2 A. Paul Pyykkonen.

3 Q. Paul Pyykkonen.

4 A. Yes.

5 Q. How do you spell his name?

6 A. I haven't the foggiest.

7 Q. Pyykkonen?

8 A. P O Y O K I double N or something of that  
9 nature.

10 Q. Try it one for time. The best you can  
11 spell his name.

12 A. P O Y K O N N I N, something like that.

13 Q. Where, what were the years that Mr.-- how  
14 do you pronounce it?

15 A. Pyykkonen.

16 Q. How long was he associated with the Woburn  
17 plant?

18 A. Ten years.

19 Q. What years were they?

20 A. The time I came, '61 probably through to  
21 seventyish.

22 Q. Seventy sometime?

23 A. Yes.

24 Q. What happened to Mr. Pyykkonen?

1           A.    Took a job for inspector with the  
2 government.

3           Q.    Which department with the government?

4           A.    I don't know.

5           Q.    Was it for the state government?

6           A.    Federal.

7           Q.    Federal government. Do you know what  
8 agency?

9           A.    No, I don't.

10          Q.    Did he remain as inspector there?

11          A.    I think he still is.

12          Q.    Still inspector?

13          A.    He resides in Arlington I believe.

14          Q.    Lives in Arlington; is that right?

15          A.    I believe so. Last time I talked to him.

16          Q.    When was the last time you talked to him?

17          A.    He was in several years ago.

18          Q.    In just to say --

19          A.    Hello, that's all.

20          Q.    And to your knowledge he lives in  
21 Arlington?

22          A.    Yes.

23          Q.    And he still works for the federal  
24 government?

1 A. As far as I know, yes.

2 Q. As an inspector?

3 A. Yes.

4 Q. Is it inspector, do you know what kind of  
5 inspecting he does? Environmental Protection  
6 Agency? Weights and measures, firearms, tobacco  
7 and alcohol?

8 A. Quality control. What nature I don't know.

9 Q. Quality control?

10 A. Yes.

11 Q. Do you know where in Arlington?

12 A. No.

13 Q. Does he have children?

14 A. Yes.

15 Q. How many children?

16 A. One I believe.

17 Q. How old?

18 A. I have no idea.

19 Q. Older child, teenager now?

20 A. Oh, no, well into the twenties.

21 Q. Do you know where they live?

22 A. No.

23 Q. The child? Is he married, Mr. Pyykkonen?

24 A. Still?

1 Q. Yes.

2 A. I assume so, yes.

3 Q. He is still living with his wife?

4 A. As far as I know.

5 Q. As far as you know.

6 Okay. Other than Mr. Pyykkonen, Mr.  
7 McCullen, Mr. Jones and Mr. Pyykkonen, are there  
8 any other inspectors at the Woburn plant that you  
9 remember?

10 A. Al Vogel.

11 Q. Al Vogel?

12 A. Yes.

13 Q. What were the years that he inspected?

14 A. About the same as Pyykkonen. Maybe longer.  
15 Maybe longer.

16 Q. From the sixties to the seventies?

17 A. Yes, mid seventies maybe.

18 Q. Where does Mr. Vogel live?

19 A. That I have no idea.

20 Q. Did he retire?

21 A. No, he just moved on to another job.

22 Q. Do you remember where?

23 A. No, I don't.

24 Q. His name is Al Vogel?

1 A. Yes.

2 Q. V O G E L?

3 A. Yes.

4 Q. Any others?

5 Other than Mr. Reiniger, we already  
6 got information on him, didn't we? No? How long  
7 was Mr. Reiniger there?

8 A. Five or six years I believe.

9 Q. Which period of time?

10 A. Current.

11 Q. The past five years?

12 A. Yes.

13 Q. He is still there?

14 A. Yes.

15 Q. Those are all the inspectors you remember?

16 A. Yes.

17 Q. Now, would they inspect the drums of  
18 chemicals coming in every day that they came in?  
19 That was their job, to inspect them to make sure  
20 they were the right drums, the right chemicals?

21 A. Yes.

22 Q. And they did that every day as far as you  
23 know?

24 A. Whatever day anything came in, they

1 inspected everything.

2 Q. Would they inspect it right there in the  
3 receiving department?

4 A. No, they took it to wherever I put it. In  
5 the case of a 55 gallon drum, they'd look at it  
6 where I put it.

7 Q. In other words if you took it to the paint  
8 shop or machine shop --

9 A. I'd keep it in the immediate area.

10 Q. And then they would examine it, give it an  
11 okay, say this is the stuff, it's all right, and  
12 then would you deliver it?

13 A. Yes.

14 Q. Or somebody would come and take it?

15 A. Yes.

16 Q. Now, when they did this, did they have  
17 documents that they would check?

18 A. Just the receiving report.

19 Q. Now, was that their only responsibility,  
20 the inspection department? What else did the  
21 inspection department do?

22 A. All incoming goods.

23 Q. They inspected all incoming goods?

24 A. Yes.

1 Q. That's all their responsibility was, to do  
2 that?

3 A. Yes.

4 Q. Did they have an office, this inspection  
5 department?

6 A. Yes.

7 Q. Was it there at the plant?

8 A. Yes.

9 Q. This is Shalline Exhibit 20 M. Did you  
10 know anything about that, any independent knowledge  
11 about that other than what's in the document?

12 A. No.

13 Q. The third page there is a document from  
14 Stephen Rogers, Inc.

15 MR. CHEESEMAN: Which exhibit are you  
16 referring to?

17 Q. I'm sorry -- it is missing two pages.

18 I am sorry. I am on 20 L. My mistake.  
19 Go to 20 L again. It says there Stephen Rogers,  
20 Inc.?

21 A. Yes.

22 Q. Did you remember Stephen Rogers, Inc. at  
23 all?

24 A. No.

1 Q. That ring a bell at all?

2 A. No.

3 Q. Do you remember receiving Dow products in  
4 the 1960's?

5 A. Yes.

6 Q. Would you say the percentage of the drums  
7 that were received in the receiving department in  
8 the 1960's, what percentage were products  
9 identified as coming from the Dow Company, being a  
10 Dow product?

11 A. I don't know. 10-20 percent.

12 Q. Of the drums received?

13 A. Yes.

14 Q. How many drums would you say on average  
15 you would receive in a year, all 55 gallon drums  
16 that you received in a year in the 1960's,  
17 approximately?

18 A. A year?

19 Q. Yes.

20 A. Twenty. I'd take a stab at that.

21 Q. Let me try it.

22 A. We didn't use that much.

23 Q. How much on a weekly basis?

24 A. Oh, you wouldn't get that much to even put

1 it into a weekly basis.

2 Q. All right, a monthly basis?

3 A. One or two, three.

4 Q. All right. What would be the most you  
5 would receive in a month?

6 A. Maybe five.

7 Q. So you could receive anywhere from one to  
8 five drums a month for the year?

9 A. Yeah.

10 Q. That would be a regular rate that you  
11 received them?

12 A. No, that would vary.

13 Q. It would vary?

14 A. Yeah.

15 Q. That would be maybe about twenty drums a  
16 year?

17 A. Give or take a few, yes.

18 Q. Ten or twenty percent of these would be  
19 products you would identify as coming from the Dow  
20 Company?

21 A. I would say so.

22 Q. And that was true throughout the 1960's  
23 that you were in the receiving department?

24 A. As far as I can recall, yes.

1 Q. And the 1970's?

2 A. Same.

3 MR. SCHLICTMANN: Take a two minute  
4 break and we may get you out of here by lunch.

5 (Recess).

6 Q. Mr. Love, did you ever become a member of  
7 the Safety Committee?

8 A. Yes.

9 Q. How often were you on the Safety Committee?

10 A. Once I think.

11 Q. When was that?

12 A. Last year.

13 Q. Last year?

14 A. Yes.

15 Q. Before then were you ever on the Safety  
16 Committee?

17 A. Not to my recollection, no.

18 Q. At any time during the time that you were  
19 associated with the Woburn plant, were you ever  
20 instructed or did you ever participate in a program  
21 where you were instructed concerning the handling  
22 of chemicals or the disposal of chemicals used at  
23 the Woburn plant?

24 A. No.

1 Q. Did anybody ever tell you at any time or  
2 ever instruct you at any time how chemicals were to  
3 be handled at the Woburn plant or how they should  
4 be disposed of?

5 A. No.

6 Q. Do you know what the disposal practices of  
7 chemicals, waste chemicals, was at the Woburn plant  
8 at any time during the time you were associated  
9 with the Woburn plant?

10 MR. CHEESEMAN: Object. Go ahead.

11 A. No.

12 Q. Did you know what the policy or procedures  
13 were for disposing of chemical waste?

14 A. No.

15 Q. At any time during the time you were  
16 associated with the Woburn plant, did you ever  
17 witness any spills of drums containing chemicals?

18 A. No.

19 Q. Do you ever remember any drums spilling?

20 A. I think I lost one once.

21 Q. When did that happen?

22 A. When the floor in receiving -- God, I  
23 don't remember.

24 Q. Was it in the sixties?

1 A. No.

2 Q. Seventies?

3 A. I'd have to say seventies.

4 Q. Do you remember if it was before the  
5 construction of the second addition or after?

6 A. Before? No, I can't associate it with  
7 that at all.

8 Q. What happened?

9 A. I lost a drum and punctured it with the  
10 drum truck. It was a cardboard container with a  
11 bag internal inside the container.

12 Q. Yes.

13 A. And it slipped off the mechanism and came  
14 down on the two points that are the controlling  
15 object of cradling it and punctured the drum and  
16 the container.

17 Q. It was a 55 gallon drum?

18 A. No.

19 Q. What was the chemical?

20 A. It was some sort of cleaner of metal. I  
21 don't recall. No, I can't remember.

22 Q. This wasn't in a drum?

23 A. It was in a plastic liner cardboard  
24 container drum that they poured from.

1 Q. The drum which was in cardboard, cardboard  
2 drum?

3 A. Yes.

4 Q. Not a metal drum?

5 A. No.

6 Q. That was for cleaning metal parts?

7 A. I think so.

8 Q. Was that a solvent?

9 A. I don't know what you'd call it. It was a  
10 liquid and I washed it out the back door. That's  
11 all I did.

12 Q. When you say you washed it out the back  
13 door, what exactly did you do?

14 A. With water and just soaked the floor and  
15 washed it out.

16 Q. Did anybody tell you how to get rid of it,  
17 how to clean it up?

18 A. No.

19 Q. To your knowledge were there any  
20 procedures you were supposed to follow for the  
21 cleaning up of any chemicals that spilled?

22 A. No, I don't think there was a chemical per  
23 se that I would -- it wasn't that -- I don't know  
24 really. I washed it away. That's all.

1 Q. You used water?

2 A. Yes.

3 Q. And a broom?

4 A. Yes.

5 Q. And just washed it out the back door?

6 (Witness nodded).

7 Q. And then it went onto the ground in the  
8 rear of the plant?

9 A. In the parking lot.

10 Q. In the parking lot, over the asphalt?

11 A. Yes.

12 Q. And then what happened to it? Did it go  
13 through the asphalt?

14 A. Dissipated. That's all I can tell you,  
15 whether it evaporated or not.

16 Q. What color was it?

17 A. Clear.

18 Q. Did it have a smell?

19 A. Not that I recall.

20 Q. Was that used in the machine -- in the  
21 metal --

22 A. I think it was going to the passivating  
23 area.

24 Q. Passivating?

1 A. Cleaning, where they clean the machinery.

2 Q. Clean metal parts?

3 A. Yes.

4 Q. Do you know, you don't know if it was a  
5 solvent or not?

6 A. No.

7 Q. Other than that, do you ever remember ever  
8 witnessing a spill of chemicals?

9 A. No.

10 Q. Or containers at any time?

11 (Witness shook head).

12 Q. Do you know if they ever took place?

13 A. No.

14 Q. Do you have any knowledge of any spills  
15 taking place?

16 A. No.

17 Q. You have lived in East Woburn for how many  
18 years, Mr. Love?

19 A. Nineteen.

20 Q. And you are married?

21 A. Yes.

22 Q. How many children?

23 A. Eight.

24 Q. And do your children live at home?

1 A. Some.

2 Q. What are the ages of your children?

3 A. Umm. 31, 30, 28 --

4 Q. Let me just ask you, why don't you give me  
5 their names?

6 A. The names starting where, from the top?

7 Q. Yes.

8 A. Shirley, married name?

9 Q. Yes.

10 A. Kerns.

11 Q. Age 31?

12 A. Yes. Karen Damrath.

13 Q. Age?

14 A. Thirty. John junior, 28.

15 Q. Does he live at home?

16 A. No.

17 Q. He have his own family?

18 A. Yes.

19 Q. Where do they live?

20 A. Lenox.

21 Q. And Shirley, where does she live?

22 A. Gloucester.

23 Q. And Karen?

24 A. Rockport.

1 Q. I'm sorry. John. Who are your other  
2 children?

3 A. Scott.

4 Q. How old is he?

5 A. He is 26.

6 Q. Where does he live?

7 A. Wayland.

8 Q. Your other children?

9 A. Elizabeth.

10 Q. How old is she?

11 A. She is 23.

12 Q. Where does she live?

13 A. Home, Pine Street?

14 A. Louise.

15 Q. Yes. She live at home, too?

16 A. Yes.

17 Q. How old is she?

18 A. Twenty -- 21.

19 Q. And?

20 A. Robert, nineteen, home, David, 17, home.

21 Q. Any others? No. That's quite a family.

22 Very nice.

23 A. Thank you.

24 A. And you have lived in the Pine Street area

1 for?

2 A. Nineteen years.

3 Q. You know what the water was like in East  
4 Woburn?

5 MR. CHEESEMAN: Objection.

6 MR. FREDERICO: Objection.

7 Q. The water you used at home?

8 A. When, now?

9 MR. FREDERICO: Objection.

10 Q. During the time that you lived at the Pine  
11 Street area?

12 A. Have I known what it was like?

13 Q. You have noticed the water?

14 A. Yes.

15 Q. You have water in the house?

16 A. Yes.

17 Q. How would you describe the water during  
18 the 1960's?

19 MR. FREDERICO: Objection.

20 A. Fine.

21 Q. How about the 1970's?

22 MR. FREDERICO: Objection.

23 A. Odor.

24 Q. Smell?

1 A. Yes.

2 Q. What did it smell like?

3 A. Chlorine or something. Very pungent smell.

4 Q. And how about the color? What did it look  
5 like?

6 A. Sometimes very dark.

7 Q. Seem to have things in it?

8 A. Yes.

9 Q. Residue?

10 A. Yes.

11 Q. Did you drink it or did you --

12 A. Yeah, I drank it.

13 Q. And did you ever use bottled water?

14 A. No.

15 Q. And was this water this way throughout the  
16 1970's?

17 A. Short period.

18 Q. In the seventies?

19 A. Yes.

20 Q. And you're familiar with when the wells  
21 were closed down in May of '79?

22 A. Yes.

23 Q. Were you ever concerned when you found out  
24 the wells were contaminated in May of '79?

1 MR. CHEESEMAN: Objection.

2 MR. FREDERICO: Objection.

3 A. Yes.

4 Q. Were you concerned for your own health?

5 MR. FREDERICO: Objection.

6 MR. CHEESEMAN: Objection.

7 A. Yes.

8 Q. Were you concerned for the health of your  
9 family?

10 MR. FREDERICO: Objection.

11 MR. CHEESEMAN: Objection.

12 A. Yes.

13 Q. And after the wells were closed down, did  
14 the water get better?

15 MR. FREDERICO: Objection.

16 A. Yes.

17 Q. Took a while for it to get better?

18 MR. FREDERICO: Objection.

19 A. Yes.

20 Q. It wasn't immediate?

21 A. No.

22 Q. About how long did it take to get better,  
23 a year or so, a couple of years?

24 MR. FREDERICO: Objection.

1 A. Yes, a couple.

2 Q. Now, Mr. Love, has any of your family  
3 members experienced any serious illnesses?

4 MR. CHEESEMAN: Objection.

5 MR. FREDERICO: Objection.

6 Q. Over the last 19 years?

7 A. Yes.

8 Q. What illnesses, what family members?

9 MR. CHEESEMAN: Objection.

10 MR. FREDERICO: Objection.

11 A. My youngest has got a seizure disorder.

12 Q. How old is -- your youngest is David?

13 A. Yes, seventeen.

14 Q. And when did his seizure disorder appear?

15 A. Ten years ago.

16 Q. And has that been diagnosed?

17 A. Yes.

18 Q. Who diagnosed it?

19 A. Doctor Lombroso, Children's Hospital.

20 Q. Is David still suffering from that?

21 A. Yes.

22 Q. Do you know what the problem is? Has it  
23 been explained to you?

24 MR. CHEESEMAN: Objection.

1 MR. FREDERICO: Objection.

2 A. His problem?

3 Q. Yes.

4 A. Yes.

5 Q. What is it? How has it been explained to  
6 you?

7 MR. FREDERICO: Objection.

8 MR. CHEESEMAN: Objection.

9 A. That it is a blood deficiency to the rear  
10 of the brain.

11 Q. And did he explain how that happened?

12 MR. CHEESEMAN: Objection.

13 Q. What is causing that?

14 MR. CHEESEMAN: Objection.

15 A. No.

16 Q. What are the other, any other serious  
17 health problems of your other family members?

18 MR. CHEESEMAN: Objection.

19 MR. FREDERICO: Objection.

20 A. Other than birth defects?

21 Q. Who has had birth defects?

22 MR. CHEESEMAN: Objection.

23 MR. FREDERICO: Objection.

24 A. Shirley. Miscarriage.

1 MR. CHEESEMAN: Objection.

2 Q. When did she have a miscarriage?

3 A. Two years ago.

4 Q. Where does Shirley live? She lives in?

5 A. Gloucester.

6 Q. Any other family members that have had  
7 serious problems, serious health problems?

8 MR. CHEESEMAN: Objection.

9 Q. During the time you have resided at Pine  
10 Street?

11 MR. FREDERICO: Objection.

12 MR. CHEESEMAN: Objection.

13 A. Karen with premature baby if that's  
14 serious.

15 Q. That's very serious.

16 MR. FREDERICO: Objection.

17 Q. A healthy birth, a normal child?

18 MR. CHEESEMAN: Objection.

19 A. Small.

20 Q. Was Karen at Pine Street during that time?

21 A. In the neighborhood.

22 Q. In East Woburn?

23 A. Yes.

24 Q. And she had premature birth?

1 A. Yes.

2 Q. Low weight birth, low birth weight baby?

3 A. Yes.

4 Q. Have any of your children during the time  
5 that you have lived at Pine Street, have any of  
6 them experienced rashes?

7 MR. FREDERICO: Objection.

8 MR. CHEESEMAN: Objection.

9 MR. FREDERICO: Objection. Are we  
10 going to sit here and go through his family's  
11 medical history?

12 Q. Yes.

13 MR. FREDERICO: I think we're going  
14 to expect to be compensated for our time in sitting  
15 here going through this.

16 MR. SCHLICHTMANN: You can leave.

17 MR. FREDERICO: Such irrelevant  
18 matter.

19 MR. SCHLICHTMANN: You can leave.

20 MR. FREDERICO: I'm not going to  
21 leave if you're conducting a deposition.

22 MR. SCHLICHTMANN: Then sit and listen.

23 A. Not that I can remember.

24 Q. Have any of your family complained of

1           gastrointestinal problems since the time you have  
2           lived at Pine Street?

3                           MR. FREDERICO:  Objection.

4                           MR. CHEESEMAN:  Objection.

5           A.     Yes.

6           Q.     Who has complained of gastrointestinal  
7           problems?

8                           MR. FREDERICO:  Objection.

9                           MR. CHEESEMAN:  Objection.

10          A.     Louise.

11          Q.     How long has she complained of  
12          gastrointestinal problems?

13                           MR. CHEESEMAN:  Objection.

14                           MR. FREDERICO:  Objection.

15          A.     About a year and a half, two years.

16          Q.     For the past year and a half to two years?

17                           MR. CHEESEMAN:  Objection.

18          A.     Yes.

19          Q.     Have you had those diagnosed?

20                           MR. CHEESEMAN:  Objection.

21          A.     Yes, to know avail.

22          Q.     They don't know what the problem is?

23                           MR. FREDERICO:  Objection.

24                           MR. CHEESEMAN:  Objection.

1 A. No.

2 Q. Who else has complained of  
3 gastrointestinal problems?

4 MR. FREDERICO: Objection.

5 MR. CHEESEMAN: Objection.

6 A. Nobody.

7 Q. How about yourself?

8 MR. CHEESEMAN: Objection.

9 A. Fine.

10 Q. Your wife?

11 MR. CHEESEMAN: Objection.

12 A. Fine.

13 Q. Have any of your children or you or your  
14 wife had problems with burning eyes?

15 MR. CHEESEMAN: Objection.

16 MR. FREDERICO: Objection.

17 A. In the shower during that time the water  
18 was bad in East Woburn.

19 Q. During the time the water was bad you  
20 experienced burning eyes?

21 MR. CHEESEMAN: Objection.

22 A. Yes.

23 Q. And your wife complained of it?

24 MR. FREDERICO: Objection.

1 MR. CHEESEMAN: Objection.

2 A. Yes.

3 Q. And your children?

4 MR. FREDERICO: Objection.

5 MR. CHEESEMAN: Objection.

6 A. Yes.

7 MR. CHEESEMAN: Slow down a little  
8 bit. Give me a chance.

9 Q. And that stopped sometime after the wells  
10 were closed down?

11 MR. FREDERICO: Objection.

12 MR. CHEESEMAN: Objection.

13 Q. And other than the complaint of showering  
14 causing burning of eyes --

15 MR. FREDERICO: Objection.

16 MR. CHEESEMAN: Objection.

17 A. Yes.

18 Q. Have any of your family members, you or  
19 your wife had allergies or allergy problems during  
20 the time that you lived in the Pine Street area?

21 MR. FREDERICO: Objection.

22 MR. CHEESEMAN: Objection.

23 A. Yes.

24 Q. What kind of problems?

1 MR. FREDERICO: Objection.

2 MR. CHEESEMAN: Objection.

3 A. Pollen.

4 Q. Allergy to pollen?

5 A. Yes.

6 Q. Do you have sinus problems?

7 MR. FREDERICO: Objection.

8 MR. CHEESEMAN: Objection.

9 A. Only during that time.

10 Q. And your wife complains of sinus problems?

11 MR. FREDERICO: Objection.

12 MR. CHEESEMAN: Objection.

13 A. No.

14 Q. How about your children?

15 MR. FREDERICO: Objection.

16 MR. CHEESEMAN: Objection.

17 A. No.

18 Q. How about your family, any problems with  
19 frequent upper respiratory infections?

20 MR. FREDERICO: Objection.

21 MR. CHEESEMAN: Objection.

22 A. No.

23 Q. So your children don't seem to complain of  
24 upper respiratory infection, or suffer from

1 frequent upper respiratory infection?

2 MR. FREDERICO: Objection.

3 MR. CHEESEMAN: Objection.

4 A. They do not.

5 Q. Now, you are in an area, your neighborhood,  
6 you are familiar with other families who have had  
7 an incident of leukemia?

8 A. Yes.

9 Q. How many of your neighbors are you aware  
10 of have had leukemia, had an incident of leukemia  
11 in their family?

12 MR. FREDERICO: Objection.

13 MR. CHEESEMAN: Objection.

14 A. Several.

15 Q. How many?

16 MR. CHEESEMAN: Objection.

17 MR. FREDERICO: Objection.

18 A. Two that I know of.

19 Q. Who were those two?

20 MR. CHEESEMAN: Objection.

21 MR. FREDERICO: Objection.

22 A. Andersons and -- what's the last name?

23 The name escapes me now.

24 Q. Do you recognize anybody who is a

1 plaintiff in this case?

2 A. Yes.

3 Q. Zona?

4 A. That's who it is. Jerry Zona, yes.

5 Q. How about Gamache, are you familiar with  
6 the Gamaches?

7 A. No.

8 Q. Do you know of any of your neighbors who  
9 have experienced leukemia or lymphomas?

10 MR. FREDERICO: Objection.

11 MR. CHEESEMAN: Objection.

12 A. No.

13 Q. Or adult leukemias?

14 MR. CHEESEMAN: Objection.

15 MR. FREDERICO: Objection.

16 A. No.

17 Q. You have been a resident in Woburn for  
18 quite some time?

19 A. All my life.

20 Q. And you have read reports in the  
21 neighborhood about the problems with the wells and  
22 the contamination found in the wells?

23 MR. FREDERICO: Objection.

24 A. Yes.

1 Q. And today, are you concerned for the  
2 health effect of what was found in the wells in May  
3 of '79?

4 MR. FREDERICO: Objection.

5 MR. CHEESEMAN: Objection.

6 A. Yes.

7 Q. You're concerned for your family?

8 MR. FREDERICO: Objection.

9 MR. CHEESEMAN: Objection.

10 A. Yes.

11 Q. In the Woburn plant, that also had water  
12 in East Woburn, the Cryovac Woburn plant also had  
13 East Woburn water?

14 MR. FREDERICO: Objection.

15 MR. CHEESEMAN: Objection.

16 Q. To your knowledge?

17 A. Yes.

18 Q. Was the water bad there, too?

19 MR. FREDERICO: Objection.

20 MR. CHEESEMAN: Objection.

21 A. I never noticed it.

22 Q. Did you know if other employees complained  
23 about it?

24 MR. FREDERICO: Objection.

1 A. Yes.

2 Q. And are you familiar with the employees  
3 complaining to Mr. Shalline about the quality of  
4 the water after the wells were closed down?

5 MR. FREDERICO: Objection.

6 A. No.

7 Q. Do you remember concern among the  
8 employees or any of the employees ever being  
9 concerned after the wells were closed down  
10 concerning the quality of the water at the Woburn  
11 plant?

12 MR. FREDERICO: Objection.

13 A. Not to my knowledge.

14 MR. SCHLICTMANN: All right. All set.  
15 Thank you very much, Mr. Love. I appreciate it.

16 MR. CHEESEMAN: I am going to take a  
17 couple of minutes out in the hall to see if I want  
18 to ask any questions.

19 (Recess).

20 MR. CHEESEMAN: No questions.

21 Anybody else?

22 MR. FREDERICO: No.

23 MS. SCHNOOR: No questions.

24 (Deposition closed at 12:50 PM).

1 Excerpt from Rule 30 (e):

2 Submission to Witness; Changes;  
3 Signing. When the testimony is fully  
4 transcribed the deposition shall be  
5 submitted to the witness for examination  
6 and shall be read to or by him, unless such  
7 examination and reading are waived by the  
8 witness and by the parties. Any changes in  
9 form or substance which the witness desires  
10 to make shall be entered upon the  
11 deposition by the officer with a statement  
12 of the reasons given by the witness for  
13 making them.

8

9 \* \* \* \* \*

10

11

12 I, JOHN A. LOVE, have examined  
13 the above transcript of my testimony and it is  
14 true and correct to the best of my knowledge,  
15 information and belief.

14 Signed under the pains and  
15 penalties of perjury this \_\_\_ day of  
\_\_\_\_\_, 1985.

16

17

18

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Deponent's Signature

19

20

21

22

23

24

