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UNITED STATES DISTRICT COURT 119

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FOR THE DISTRICT OF MASSACHUSETTS

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ANNE ANDERSON, et al.

vs

Civil Action
No. 82-1672-S

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

Deposition of ULF CARL DAVID NORDIN,

taken on behalf of the Plaintiffs, pursuant to the
applicable provisions of the Federal Rules of Civil
Procedure, before Valerie T. Wong, Notary Public within
and for the Commonwealth of Massachusetts, at the offices
of Schlichtmann, Conway & Crowley, 171 Milk Street,
Boston, Massachusetts, commencing at 9:20 o'clock A.M. on
Wednesday, December 4, 1985.

Appearances:

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

Sandra L. Lynch, Esq.
Foley, Hoag & Eliot
One Post Office Square
Boston, Massachusetts
for the Defendant W. R. Grace & Co.

Deborah P. Fawcett, Esq.
Hale & Dorr
60 State Street
Boston, Massachusetts
for the Defendant Beatrice Foods Co.

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I N D E X

Deposition of: Direct Cross

Ulf Carl David Nordin 4 --

S T I P U L A T I O N S

It was agreed and stipulated by and among counsel for the respective parties that the witness will read the deposition transcript and sign it under the pains and penalties of perjury; that the filing and notarization are waived.

It was further agreed and stipulated all objections, except as to the form of the question, and all motions to strike are reserved to the time of trial.

ULF CARL DAVID NORDIN,

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

Direct Examination

Q (By Mr. Schlichtmann) Would you state your name?

A Ulf Carl David Nordin.

Q Where do you live, Mr. Nordin?

A 40 Orchard Circle in Swampscott.

Q You are associated with the W. R. Grace Company?

A Uh-huh, yes.

Q What is your position at the plant?

A Plant manager of the Woburn plant.

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Q How long have you been plant manager?

A Since August of last year.

Q Prior to becoming plant manager in August of 1984, what was your position, if any, at the W. R. Grace Company?

A I was the manufacturing manager since 1979.

Q At the Woburn plant?

A Uh-huh.

Q And prior to becoming manufacturing manager did you have any position at the W. R. Grace Company?

A I was the production control and planning manager since I started there in April of 1978.

Q And prior to 1978 did you have any position at the W. R. Grace Company?

A No, I did not.

Q Who did you work for prior to joining the W. R. Grace Company?

A I worked for Laminated Film and Packaging.

Q Where are they located?

A Peabody.

Q What was your position there?

A Operations manager.

Q Mr. Nordin, do you have any information concerning, or knowledge, the past waste disposal practices of

1
2 the W. R. Grace plant in Woburn?

3 MS. LYNCH: Objection. Why don't you
4 specify periods of time.

5 MR. SCHLICHTMANN: All right.

6 Q Between 1960 and 1980.

7 MS. LYNCH: Other than what you have
8 learned through lawyers in the case. Is that correct,
9 Jan?

10 MR. SCHLICHTMANN: Yes. I am not asking
11 for any information given to him by his lawyers; that
12 is right. I am asking for information he obtained in
13 his capacity as plant manager.

14 MS. LYNCH: About disposal practices?

15 MR. SCHLICHTMANN: Waste disposal
16 practices up to --

17 MS. LYNCH: Up to 1980?

18 MR. SCHLICHTMANN: -- 1980.

19 A What would waste disposal -- what do you mean?

20 Q I mean the disposal of any waste generated by the
21 plant in its manufacturing activities.

22 A We did dispose of metal waste, trash, everyday pick-
23 up.

24 MS. LYNCH: Do you have another question?

25 Q Are those all the wastes you are familiar with, metal

1
2 waste and trash?

3 A We did dispose of other material. We used liquids or
4 solvents. We --

5 Q What kind of liquids?

6 A Oil.

7 MS. LYNCH: What time period are we now
8 talking about?

9 MR. SCHLICHTMANN: 1960 to 1980.

10 THE WITNESS: Not between '60 and --

11 Q Between 1960 and 1980.

12 MS. LYNCH: Let me just help a little.
13 Do you have any knowledge of disposal practices before
14 you came to the plant in 1978?

15 THE WITNESS: No, I don't.

16 MR. SCHLICHTMANN: He came to the plant in
17 1978?

18 THE WITNESS: Yes.

19 MS. LYNCH: Right.

20 Q I am asking for any knowledge you have which has come
21 to your attention from any source other than from
22 your attorneys concerning waste disposal practices at
23 the W. R. Grace plant between 1960 and 1980.

24 A I don't have any knowledge about any waste disposal,
25 solid or liquid, prior to 1978. As a matter of fact,

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not for '78 because it did not fall under my jurisdiction, my responsibility.

Q Specifically between 1978 and 1980, what knowledge do you have about the waste disposal practices at the W. R. Grace plant between those years?

A We dispose of trash every day. We dispose of our scrap metal. We dispose of oil or cooling liquid, any other liquid or solid that has to be appropriately disposed of by our disposal agent.

Q Who is that?

A Clean Harbor.

Q Clean Harbor?

A Yes.

Q How long has Clean Harbor been taking care of your waste disposal problem at the plant?

A I couldn't answer that question.

Q Well, in 1978 and 1980, was Clean Harbor responsible for removing any waste from the Grace plant in Woburn?

A I don't know.

Q Do you know when Clean Harbor started to remove waste?

A No.

Q Where is Clean Harbor located?

1
2 A There are different offices. The office that we use
3 is in Billerica.

4 Q It is called Clean Harbor?

5 A Clean Harbor, Incorporated.

6 Q What are they responsible for removing?

7 A Any hazardous waste or any waste that are contracted
8 to be disposed of in public landfill or landfill.

9 Q Has any other company, to your knowledge, had the
10 responsibility in the past for removing hazardous
11 waste from the Grace plant in Woburn?

12 MS. LYNCH: Objection.

13 Q Other than Clean Harbor?

14 MS. LYNCH: Could you specify a time
15 period?

16 MR. SCHLICHTMANN: Any time period.

17 A Not that I know of. I have no idea.

18 Q You don't know of any other company other than Clean
19 Harbor?

20 A No.

21 Q How about Axton-Cross?

22 A I don't know.

23 Q You are familiar with the fact Axton-Cross is a company
24 which has done business with the W. R. Grace plant in
25 Woburn?

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A No, I'm not.

Q You're not familiar with that company?

A No.

Q The only company you're familiar with that has been removing any waste, any hazardous waste generated by W. R. Grace in Woburn is the Clean Harbor Company in Billerica?

A Yes.

Q You don't know for how long Clean Harbor has been removing hazardous waste from the Grace plant?

A No.

Q Do you have any idea of the number of years?

A No.

Q Do you happen to know if it was the entire time you worked for the plant or any part of it?

A No.

Q Are they presently responsible for removing hazardous waste from the plant?

A Yes, they are.

Q Who is the person you deal with at Clean Harbor?

A I don't recall his name. In customer service is Doug something; I don't recall his last name.

Q Now, you were production control and plant manager in 1978; is that right?

MS. LYNCH: That was not his testimony.

Q You were production control and planning manager?

A Yes.

Q Is that right?

A Yes.

Q And that was in 1978?

A Yes.

Q You had the position for one year?

A One year.

Q As production control and planning manager, did you have any responsibilities at all concerning the use of chemicals at the plant?

A No, I did not.

Q Did any of your activities include the use of any kind of chemical?

A I'm sorry, would you restate that question?

Q Yes.

As production control and planning manager, Mr. Nordin, did your responsibilities include the use of any kind of chemical at the plant?

A No, it did not.

Q And in 1979 when you were manufacturing manager, was your -- You held that position for five years; is that correct?

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A Uh-huh.

Q As manufacturing manager, did any of your responsibilities include the use of chemicals?

MS. LYNCH: In 1979 ?

MR. SCHLICHTMANN: To 1984.

A Would you restate the question again?

Q In your position as manufacturing manager, the position you held from 1979 to August of 1984, did any of your responsibilities include the use of chemicals or any kind of chemical at the plant in Woburn?

A My responsibilities?

Q Yes.

A No, it did not.

Q What was your responsibility as manufacturing manager, what were you responsible for?

A I was responsible for the production.

Q Production of what?

A Production.

Q Of what?

A What we make.

Q What do you make at the Grace plant?

A Packaging equipment.

Q So as manufacturing manager you had responsibility for the production of the items you produce at the Grace

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plant?

A Right.

Q Didn't the production process include the use of chemicals?

A What sort of chemicals?

Q Did it include the use of chemicals, any kind of chemicals?

A Yes, it did.

Q What kind of chemicals?

A Oil, lubricating oil, cooling liquid, paint, normal chemicals if you were manufacturing of that type.

Q What are the normal manufacturing chemicals?

A Cleaning fluid that you buy in spray cans, wax. I could go on and on.

Q You haven't mentioned solvents, industrial solvents. Do you include industrial solvents in cleaning fluid?

A Yes.

Q Did the industrial solvents come in any container other than spray cans?

A Yes, they do.

Q What kind of container?

A In five-gallon pails or 55-gallon pails, drums.

Q What kind of solvents were used in the manufacturing

1
2 process during the time you were manufacturing
3 manager?

4 A Paint solvent.

5 Q Paint solvent?

6 A Uh-huh.

7 Q What else?

8 A Solvent to clean machine parts.

9 Q Any other solvent?

10 A None that I can think of.

11 Q What were the paint solvents?

12 A I don't know the chemical specification for it.

13 Q You were manufacturing manager?

14 A Yes.

15 Q Did you have ultimate responsibility for the kind of
16 chemicals used at the plant in the production
17 process?

18 MS. LYNCH: Objection. You may answer.

19 A What was the question?

20 MR. SCHLICHTMANN: Read it back for him.

21 THE REPORTER: Question: Did you have
22 ultimate responsibility for the kind of chemicals
23 used at the plant in the production process?

24 THE WITNESS: Yes, I did.

25 Q When you were manufacturing manager, sir, did you

1
2 have ultimate responsibility for the kind of chemicals
3 you used in the production process?

4 MS. LYNCH: Objection. You may answer.

5 A Yes, I did.

6 Q What were the names of the solvents you used, the
7 product name or the chemicals, which were used at the
8 plant during the time you were manufacturing manager
9 from 1979 to 1984?

10 A Paint solvent.

11 Q Can you identify them any better than that?

12 A No.

13 Q Do you know the kind of solvent?

14 A No.

15 Q Do you know if it was trichloroethylene?

16 A No.

17 Q Or tetrachloroethylene?

18 A No.

19 Q Or transdichloroethylene?

20 A No.

21 Q Do you have any idea what kind of paint solvent it
22 was?

23 A No.

24 Q Do you know what company you got it from?

25 A No.

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Q How about the solvent for machine parts?

A No.

Q You don't have any idea what kind of solvent that was?

A No.

Q Do you know if it was 1,1,1-trichloroethane?

A No.

Q You don't know to this day?

A No.

Q Has it ever come to your attention the kind of solvent you used between 1979 and 1984?

A No.

Q And in 1979 to 1984, how were the paint solvents disposed of while you were manufacturing manager?

A Up to -- I don't really know.

MS. LYNCH: Excuse me, Jan.

MR. SCHLICHTMANN: Yeah?

MS. LYNCH: You have not established he had any responsibility in those areas. It seems to me if you broke down your question it would be helpful to the witness. He is trying to struggle with a five-year period.

Q Do you have any knowledge, Mr. Nordin, as to how the paint solvents were disposed of at the W. R. Grace

1
2 plant in Woburn between 1979 and 1984 during the time
3 you were manufacturing manager?

4 MS. LYNCH: Mr. Nordin, if it would help
5 you to break that down into separate time periods in
6 your answer, feel free to do that.

7 MR. SCHLICHTMANN: Certainly.

8 A During the period of 19 -- from the beginning of this
9 year up to now, I do know how they are disposed of.

10 Q How is that?

11 A Through Clean Harbor.

12 Q And prior to that period between 1979 and 1984 while
13 you were manufacturing manager, what is your
14 understanding as to how paint solvents were disposed
15 of at W. R. Grace in Woburn?

16 A I don't know.

17 Q Has it ever come to your attention?

18 A No.

19 Q So even today as plant manager, you have no informa-
20 tion indicating how paint solvents were disposed of
21 at the W. R. Grace plant in Woburn during the time
22 you were manufacturing manager between 1979 and 1984;
23 is that correct?

24 A That is correct.

25 Q Do you have any knowledge or has it ever come to your

1
2 attention as to how solvents used in the machine, for
3 machine parts, how those solvents were disposed of
4 between 1979 and 1984?

5 MS. LYNCH: I object for the record. You
6 may answer.

7 A Again, the same thing: Since the beginning of this
8 year up to now, yes, but prior to that the answer is
9 no.

10 Q You have no knowledge?

11 A No.

12 Q Do you have any information indicating how solvents
13 used to clean machine parts were disposed of between
14 1979 and 1984, any knowledge whatsoever at the Grace
15 plant in Woburn?

16 MS. LYNCH: I assume, just to clarify
17 what I thought was put on the record before, all of
18 your questions exclude what he has learned from
19 counsel in the course of preparing this case?

20 MR. SCHLICHTMANN: Yes.

21 A Any knowledge?

22 Q Yes.

23 A I know they had been disposed of by an agent, a
24 disposal agent; that is all.

25 Q What disposal agent?

1
2 A I don't know.

3 Q How do you know it was disposed of by a disposal
4 agent?

5 A Because the person responsible for that executed it
6 that way.

7 Q Who was that person?

8 A Paul Shalline.

9 Q How do you know Paul Shalline -- First of all, your
10 understanding is between 1979 and 1984 Mr. Shalline
11 was responsible for the disposal of solvents used for
12 machine parts; is that right?

13 MS. LYNCH: Object to the question.

14 A He was responsible for --

15 Q Your understanding is Mr. Shalline was responsible
16 between the years 1979 and 1984 for the disposal of
17 solvents used for machine parts during 1979 and 1984;
18 is that correct?

19 MS. LYNCH: Objection. You may answer.

20 A Yes.

21 Q How has it come to your attention Mr. Shalline
22 engaged the services of a disposal agent during those
23 years?

24 A I spoke to him, talked to him.

25 Q When did you speak to him?

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2 A I talked to him every day. I work with him.

3 Q During your contact with Mr. Shalline you came to know
4 Mr. Shalline engaged the services of a disposal agent
5 during 1979 to 1984?

6 A Uh-huh, yes.

7 Q Did those conversations take place after you became
8 plant manager or before?

9 A Would you restate that question?

10 Q Yes.

11 Did the conversations in which
12 Mr. Shalline informed you that he had engaged the
13 services of a disposal agent for the disposal of
14 solvents used for machine parts between 1979 and 1984,
15 did that take place after you became plant manager or
16 before?

17 MS. LYNCH: If you know.

18 A After I became plant manager.

19 Q Did you have any conversations with Mr. Shalline at
20 any time between 1979 and 1984 in which Mr. Shalline
21 indicated to you that he had engaged the services of
22 a disposal agent for the purpose of removing
23 hazardous waste at W. R. Grace in Woburn?

24 MS. LYNCH: Could I have that read back,
25 please?

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3 THE REPORTER: Question: Did you have any
4 conversations with Mr. Shalline at any time between
5 1979 and 1984 in which Mr. Shalline indicated to you
6 that he had engaged the services of a disposal agent
7 for the purpose of removing hazardous waste at W. R.
8 Grace in Woburn?

9 MS. LYNCH: Jan, I think the testimony is
10 he became plant manager at some point in 1984. Do you
11 mean up to the time he --

12 MR. SCHLICHTMANN: Up to the point he
13 became plant manager.

14 MS. LYNCH: With that clarification, you
15 can answer the question.

16 A Up to --

17 Q Prior to becoming plant manager in 1984.

18 A Yes.

19 Q He did?

20 A Yes.

21 Q Do you know when that took place?

22 A No, I don't.

23 Q Do you know how many conversations you had with
24 Mr. Shalline on that subject?

25 A No, I don't.

Q Do you have any idea if that happened in the early

1
2 part of that period, the middle part of that period
3 or the latter part of that period?

4 A No, I don't.

5 Q What was the reason it came up in conversation?

6 A I don't know the reason for it.

7 Q Was Mr. Shalline under your supervision during the
8 time you were manufacturing manager between 1979 and
9 1984?

10 A No.

11 Q Who was Mr. Shalline responsible to between 1979 and
12 1984?

13 A The general manager, Vincent A. Forte.

14 Q Was Mr. Shalline's position equal to yours?

15 MS. LYNCH: Objection. What do you mean
16 by that?

17 MR. SCHLICHTMANN: It is a lousy question.

18 Q Did you report to Mr. Forte?

19 A Yes.

20 Q Was Mr. Forte your supervisor?

21 A Yes.

22 Q Mr. Shalline did not report to you during 1979 to
23 1984?

24 A No.

25 Q He reported directly to Mr. Forte?

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A Yes.

Q Now, you are now the plant manager; is that right?

A Yes.

Q And Mr. Shalline reports to you?

A Yes.

Q In any of these conversations you had with Mr. Shalline, Mr. Nordin, did Mr. Shalline ever indicate to you who the disposal agent was for the removal of hazardous waste between 1979 and 1984?

A Not that I recall, no.

Q Has Mr. Shalline ever indicated to you whether he ever engaged the services of a disposal agent between 1978 and 1979?

A Would you restate the question?

Q Has Mr. Shalline ever indicated to you that he engaged the services of a disposal agent for the removal of hazardous waste at the W. R. Grace plant in Woburn between 1978 and 1979?

A Whether Paul Shalline did or not, I don't recall.

Q Has someone else?

A It might have been someone else.

Q Who else?

A I don't know.

Q Did Mr. Forte ever indicate to you whether the plant

1
2 had ever engaged the services of a disposal agent at
3 any time prior to you becoming plant manager?

4 A I don't recall.

5 Q Did you ever have any conversation with Mr. Forte
6 about waste disposal practices at the W. R. Grace
7 plant at any time during your association with the
8 plant in Woburn?

9 A Yes.

10 Q He did?

11 A Yes.

12 Q On many occasions?

13 A I -- It is hard to say.

14 Q What do you remember Mr. Forte telling you about waste
15 disposal practices at the Woburn plant of the W. R.
16 Grace Company?

17 A I don't recall specifically.

18 Q What is the substance of the information Mr. Forte
19 had given you in the past about the past waste
20 disposal practices at the Grace plant in Woburn?

21 MS. LYNCH: Objection. Your earlier
22 questions did not have to do with past waste disposal
23 practices. Is that what you're asking about?

24 MR. SCHLICHTMANN: Yes. Right now I am
25 asking about past waste disposal practices. It has

1
2 to be the past, right?

3 MS. LYNCH: At the time of the conversa-
4 tions they may well have been the current practices.
5 Why don't you --

6 MR. SCHLICHTMANN: It has to be the past;
7 Mr. Forte is no longer with us.

8 MS. LYNCH: All right. I have objected
9 to the question. You understand the basis of the
10 objection. It is up to you whether you want to
11 clarify it or not.

12 MR. SCHLICHTMANN: Let's start all over
13 again.

14 Q What information had Mr. Forte given you concerning
15 the waste disposal practices at the W. R. Grace
16 plant in Woburn?

17 A Could you be more specific?

18 Q No. I have to stay general for a while and then we
19 will get specific.

20 Can you answer the question?

21 A No.

22 Q Well, Mr. Forte had given you some information about
23 the waste disposal practices at the W. R. Grace
24 plant in Woburn at some point in the past; is that
25 right?

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2 A Yes.

3 Q What information had he given you?

4 A I can't answer that question. It is a -- When you're
5 in business you talk every day about things. It
6 depends on what you're looking for.

7 Q Right now I am asking about your best memory, what
8 your best memory is of the information that
9 Mr. Forte had given you concerning the waste disposal
10 practices at the W. R. Grace plant in Woburn. Try to
11 tell me as best you can.

12 MS. LYNCH: I will object to that
13 question. If you can answer it --

14 A I really can't answer it.

15 Q What is troubling you about the question?

16 A There is nothing troubling me. It is such a general
17 question. We can sit here for three days and I can
18 tell you all there is about it.

19 Q I would be very happy to sit here for three days. I
20 have been waiting for that very opportunity for some-
21 one to sit here for three days and tell me --

22 MS. LYNCH: Why don't you try some
23 specific questions?

24 Q You can't answer that question?

25 A No.

1
2 Q Mr. Forte gave you information concerning the waste
3 disposal practices in Woburn?

4 A What time period?

5 Q Any time period.

6 A Not for any time period, no.

7 Q Had Mr. Forte given you any information indicating
8 how waste disposal was -- how waste was disposed of
9 at the W. R. Grace plant in Woburn during the time he
10 was plant manager?

11 MS. LYNCH: I object to the question.

12 A That covers a long period of time.

13 Q I know.

14 A He was not the plant manager; he was the general
15 manager.

16 I can't answer that question.

17 Q Mr. Nordin, what information had Mr. Forte given you
18 concerning how the W. R. Grace plant in Woburn
19 disposed of its waste solvents during the period he
20 was associated with the W. R. Grace plant in Woburn?

21 MS. LYNCH: Objection.

22 A I can't really answer the question. You have to be
23 more specific than that.

24 Q Why can't you answer the question?

25 A It is too broad. It is --

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Q What part of the question is too broad?

A The question is too broad.

Q What part of it?

A Be more specific about what information.

Q Did Mr. Forte ever give you any information concerning how the Grace plant disposed of its waste solvents during the time that he was associated with the plant?

A I don't recall that -- Yes, to answer your question, yes.

Q What had he told you?

A It is -- I will answer you in general terms since you asked me in general terms.

Q Fine.

A That we from the --

MS. LYNCH: I am going to caution you on this: Say what you remember, no conjecture.

THE WITNESS: I am not trying to. The only thing I am concerned with is the truth.

Q That is all we're concerned with.

A I make a lot of assumptions for myself and I cannot state those because they are assumptions for me.

MS. LYNCH: The question is, in essence, what Mr. Forte told you about the disposal of waste

1
2 solvents at the plant.

3 MR. SCHLICHTMANN: Yup.

4 MS. LYNCH: Is that right?

5 MR. SCHLICHTMANN: It has not changed.

6 THE WITNESS: I don't recall specifically
7 about waste solvents.

8 Q Can you remember generally?

9 A That we disposed of them through the disposal agent.

10 Q Mr. Forte had told you in the past that during the
11 time he was associated with the W. R. Grace plant that
12 the means of disposal of waste solvents generated at
13 the plant was through a disposal agent; is that
14 correct?

15 MS. LYNCH: That is not what he said.

16 MR. SCHLICHTMANN: Then he can tell me it
17 isn't.

18 A Incorrect.

19 Q Mr. Forte indicated to you that one of the means of
20 disposing of waste solvents generated at the plant
21 during the time he was associated with the plant was
22 through a disposal agent?

23 MS. LYNCH: Objection.

24 A For a certain period.

25 Q For a certain period of time?

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A Yes.

Q What period?

A I don't recall.

Q Did Mr. Forte indicate to you that other than for a certain period of time a disposal agent disposed of the solvents, did he indicate any other means that were used for the disposal of waste solvents during the period he was associated with the W. R. Grace plant in Woburn?

A No.

Q No other means?

A No.

Q Did Mr. Forte ever indicate to you at any time in the past that any waste, liquid waste, was disposed of down any of the drains in the plant?

A No.

Q Did Mr. Forte ever indicate to you at any time that one of the means for disposing of waste solvents was to pour waste solvents down any of the drains in the plant?

A No.

Q Did Mr. Forte ever indicate to you that one of the means for disposing of waste liquid was to pour drums of the material into pits on the property?

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A No.

Q Or into a pit on the property?

A No.

Q Did Mr. Forte ever indicate to you at any time in the past that a pit was dug on the property for the disposal of waste liquid?

A No.

Q Do you have any knowledge that at any time in the past a pit was dug on the W. R. Grace plant property in Woburn for the disposal of liquid waste?

A Would you rephrase that question, please?

Q Do you have any knowledge indicating that at any time in the past a pit was dug on the Grace property in Woburn for the disposal of liquid waste?

A Yes.

Q What do you know about that?

A What do I know about it?

Q Yes, what do you know about it.

A I know there was a crew there in the early '80s that dug a hole and found some barrels in it.

Q This took place in the early '80s?

A Yes.

Q What crew was this?

A It was your crew, the EPA? I don't know who exactly

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was involved.

Q Do you have any information as to who had disposed of those drums originally?

A No.

Q Do you have any information indicating who dug the pit in which those drums were disposed of?

A No.

Q Or why the pit was dug?

A No.

Q Do you have any information indicating when the pit was dug?

A No.

Q It has never come to your attention from any source other than your attorneys as to who dug the pit, when it was dug or why it was dug?

A No.

Q Have you ever received any information from any source other than your attorneys as to whether or not any pits were ever used on the property for the disposal of waste liquid?

A No.

Q Do you have any information or have you received any information that at any time in the past any employees of the W. R. Grace plant in Woburn at any time in the

1
2 past used the drains inside the building for the
3 disposal of waste liquid?

4 A No.

5 Q Has any employee ever told you that he dumped waste
6 liquid down the drains in the plant at any time in the
7 past?

8 A No.

9 Q Do you have reason to believe or do you have any
10 reason to suspect that at any time in the past waste
11 liquid was disposed of down drains in the plant
12 building?

13 A No.

14 Q Do you have any reason to believe or any reason to
15 suspect at any time in the past any pits were dug on
16 the property for the disposal of waste liquid?

17 A No.

18 Q Do you have any reason to believe or any reason to
19 suspect that at any time in the past that any drains,
20 storm drains, were used for the disposal of waste
21 liquid in Woburn?

22 A No.

23 Q Do you have any reason to believe or any reason to
24 suspect that at any time in the past any drainage
25 ditches on the property of the W. R. Grace property

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in Woburn was ever used in the disposal of any kind of waste?

A No.

Q Do you have any reason to believe or any reason to suspect at any time in the past any employee of the W. R. Grace plant in Woburn at any time ever disposed of paint sludges on the ground in the plant?

A Would you restate the question?

THE REPORTER: Question: Do you have any reason to believe or any reason to suspect at any time in the past any employee of the W. R. Grace plant in Woburn at any time ever disposed of paint sludges on the ground in the plant?

Q At the plant property.

MS. LYNCH: Outside of the plant building?

MR. SCHLICHTMANN: Inside, outside.

A No.

Q No reason to believe?

A No.

Q As plant manager, Mr. Nordin, you are familiar with company policy regarding waste disposal?

A Yes.

Q And it is against company policy, W. R. Grace policy, to dispose of any waste liquid produced at the plant

1
2 on the ground?

3 MS. LYNCH: Objection. If you tie that in
4 to a specific time period I will permit the witness to
5 answer the question.

6 Q When did you become plant manager?

7 MS. LYNCH: You became plant manager in
8 August of 1984?

9 THE WITNESS: Yes.

10 MS. LYNCH: Your familiarity with company
11 policy as it existed at that time, the question is
12 addressed to that.

13 MR. SCHLICHTMANN: That is right.

14 MS. LYNCH: The question is --

15 MR. SCHLICHTMANN: Let me try the question
16 again.

17 Q Mr. Nordin, in your capacity as plant manager you have
18 become familiar with company policy regarding waste
19 disposal?

20 A Uh-huh.

21 Q And during the time you have been plant manager, are
22 you aware of the W. R. Grace policy concerning the
23 disposal of waste liquid produced at the plant?

24 A Yes.

25 Q What is your understanding as to the W. R. Grace

1
2 policy concerning the disposal of waste liquid at the
3 Woburn plant?

4 MS. LYNCH: Objection. What time?

5 MR. SCHLICHTMANN: During the period he
6 has been plant manager.

7 A What do you consider waste liquid?

8 Q What do you consider waste liquid as the plant
9 manager?

10 A Anything that is used --

11 Q I mean any waste, liquid waste, other than water
12 produced during the manufacturing process.

13 A All right. Will you restate the question now?

14 Q What is your understanding regarding W. R. Grace
15 company policy concerning the disposal of waste
16 liquid at the Woburn plant?

17 MS. LYNCH: During the time --

18 Q During the time you have been plant manager.

19 A All has to be disposed of properly and would be
20 disposed of by our disposal agent.

21 Q What is proper disposal?

22 A Proper disposal is to dispose of them in appropriate
23 and so designated containers, and it would be
24 disposed of by our licensed disposal agent.

25 Q Is there any other policy which you're familiar with

1
2 concerning the disposal of any waste liquid at the
3 plant other than how you just described it?

4 A No.

5 Q During the time you were manufacturing manager from
6 1979 to 1984, what was your understanding as to
7 company policy of any waste liquid generated in the
8 manufacturing process?

9 A I don't know.

10 Q You have no understanding what it was?

11 A No.

12 Q Did it ever come to your attention or were you ever
13 informed by any source whatsoever what the W. R. Grace
14 company policy was concerning disposal of waste
15 liquid generated during the manufacturing process
16 during 1979 to 1984?

17 A Yes.

18 Q What was your understanding as to W. R. Grace company
19 policy during that time period?

20 A The policy was to dispose of them properly through a
21 disposal agent.

22 Q What was considered proper disposal?

23 A Through a disposal agent.

24 Q During the period from 1979 to 1984?

25 MS. LYNCH: All right, I guess that

1
2 clarifies your earlier questions. Do you understand
3 what he is asking? You gave an answer and he is
4 asking if that applied from the period of 1979 to
5 1984.

6 THE WITNESS: Yes.

7 Q Did it ever come to your attention or were you ever
8 informed as to W. R. Grace company policy concerning
9 the disposal of waste liquid at the plant generated
10 during the manufacturing process from 1978 to 1979
11 when you were responsible for production and planning
12 at the plant ?

13 A No.

14 Q Never came to your attention?

15 A No.

16 Q Did you have any knowledge what the W. R. Grace
17 company policy was concerning the disposal of waste
18 liquid generated in the manufacturing process during
19 the time you were production control and planning
20 manager between 1978 and 1979?

21 A No.

22 Q None whatsoever?

23 A No.

24 Q Do you have any knowledge now or did you have any
25 understanding then as to how waste liquid was

1
2 disposed of during the time you were production
3 control and planning manager in 1978 to 1979?

4 MS. LYNCH: Objection. You may answer.

5 A Would you restate the question, please?

6 Q Do you have any understanding now or did you have any
7 understanding then as to what was the practice for
8 waste disposal of waste liquid generated during the
9 manufacturing process during the time you were
10 production control and planning manager during 1978
11 to 1979?

12 MS. LYNCH: Objection. You may answer.

13 A Would you separate that question, now and then?

14 Q All right.

15 Do you have any information now as to how
16 waste liquid was disposed of at the W. R. Grace plant
17 during the time you were production control and
18 planning manager between 1978 and 1979?

19 MS. LYNCH: Other than what you learned
20 from company counsel.

21 A Yes, I do.

22 Q What is that?

23 A It was disposed of through a disposal agent.

24 Q Do you have any knowledge now as to what W. R. Grace
25 company policy was during the period you were

1
2 production control and planning manager from 1978 to
3 1979 regarding the disposal of waste liquid generated
4 in the manufacturing process?

5 A No.

6 MS. LYNCH: Objection.

7 Q You have no understanding now?

8 A No.

9 Q Did you have any understanding as to what W. R. Grace
10 company policy was regarding the disposal of waste
11 liquid generated in the manufacturing process during
12 the time you were production control and planning
13 manager between 1978 and 1979?

14 MS. LYNCH: Didn't you already ask this
15 one?

16 MR. SCHLICHTMANN: Not this one.

17 A Would you restate that question?

18 MR. SCHLICHTMANN: We'll have it read
19 back.

20 THE REPORTER: Question: Did you have any
21 understanding as to what W. R. Grace company policy
22 was regarding the disposal of waste liquid generated
23 in the manufacturing process during the time you were
24 production control and planning manager between 1978
25 and 1979?

THE WITNESS: Understanding now?

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3 Q Then.

4 A No.

5 Q Do you have any understanding now as to what W. R.
6 Grace company policy was concerning the disposal of
7 any waste liquid generated during the manufacturing
8 process during the years 1960 to 1978?

9 A No.

10 Q Has it ever come to your attention from any source
11 what W. R. Grace company policy was concerning the
12 disposal of waste liquid generated during the
13 manufacturing process between the years 1960 and
14 1978?

15 A No.

16 Q As plant manager are you familiar with the chemicals
17 used at the plant now?

18 A What do you mean familiar?

19 Q Do you know what kind of solvents you use at the
20 plant?

21 MS. LYNCH: Objection. Jan, you started
22 the deposition by asking him a series of questions
23 about that. He identified cooling fluid and --

24 MR. SCHLICHTMANN: I mean the identifica-
25 tion of chemical names of the solvents used at the

1
2 plant.

3 MS. LYNCH: Does he recall the names, the
4 chemical names, of the solvents used at the plant now?

5 MR. SCHLICHTMANN: Right.

6 MS. LYNCH: Okay.

7 MR. SCHLICHTMANN: During the time he has
8 been plant manager.

9 A Of any chemicals?

10 Q Yes.

11 MS. LYNCH: Of solvents used.

12 Q Industrial solvents.

13 A Yes, some.

14 Q Which ones?

15 A Paint thinner.

16 Q What kind other than the fact is is paint thinner, do
17 you know the chemical name?

18 A No.

19 Q Do you know the product name?

20 A No, I don't.

21 Q Is someone underneath you responsible for waste
22 disposal matters at the plant?

23 A What time period?

24 Q While you have been plant manager.

25 A No. I am.

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Q You are responsible for waste disposal matters at the plant?

A Yes.

Q No other person?

A No.

MS. LYNCH: You mean at the present time?

Q At W. R. Grace now.

A Yes.

Q In your capacity as the person responsible for waste disposal matters, are you familiar with the waste generated at the plant regarding industrial solvents?

A Yes.

Q What is it you're familiar with?

A That we generate waste.

Q You generate waste solvents?

A Yes.

Q Do you know what the chemical constituents of that waste solvent are?

A No.

Q Do you know what kind of waste solvents you generate?

A Yes.

Q What kind are they?

A Paint thinner, cleaning solvent, oil, cooling fluid.

Q Do you know what those solvents are made of?

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2 A No.

3 Q Do you know the properties of those chemicals?

4 A No.

5 Q Do you know whether they're dangerous or not?

6 A Yes.

7 Q What do you know about the dangers?

8 A Would you restate the prior two questions?

9 THE REPORTER: Question: Do you know the
10 properties of those chemicals?

11 Answer: No.

12 Question: Do you know whether they're
13 dangerous or not?

14 Answer: Yes.

15 MS. LYNCH: What is the "they" you're
16 referring to?

17 MR. SCHLICHTMANN: Industrial solvents.

18 MS. LYNCH: All right.

19 MR. SCHLICHTMANN: The industrial solvent
20 wastes.

21 MS. LYNCH: Solvent wastes?

22 MR. SCHLICHTMANN: Yes.

23 A Restate the question.

24 Q Mr. Nordin, you have testified, and correct me if I
25 am wrong, you are familiar with the fact that the

1
2 industrial solvent waste produced at the plant have
3 dangerous qualities or properties; is that correct?

4 A No, not necessarily.

5 Q You're not familiar with whether they have dangerous
6 properties?

7 MS. LYNCH: Objection. Why don't you try
8 another question?

9 MR. SCHLICHTMANN: Let me see if he can
10 answer this one.

11 Q Mr. Nordin, in your opinion as the person responsible
12 at the plant for the disposal matters concerning
13 industrial wastes produced at the plant, do you have
14 any opinion as to whether industrial solvent wastes
15 have any dangerous qualities or properties?

16 MS. FAWCETT: Objection.

17 MS. LYNCH: You mean any of the industrial
18 waste solvents as opposed to all of them?

19 MR. SCHLICHTMANN: Any of them.

20 MS. LYNCH: I still object.

21 A Some.

22 Q Which ones?

23 A I don't know.

24 Q You said some?

25 A There are some. I could not identify them.

1
2 Q You can't identify their properties and you can't
3 identify the chemicals?

4 A I can't identify the chemicals.

5 Q Can you identify their dangerous properties?

6 A Yes.

7 Q What are their dangerous properties?

8 A I don't know.

9 Q Do you have any idea what the health problems, what
10 the health hazards are from exposure to these
11 industrial waste solvents?

12 MS. LYNCH: Objection.

13 MS. FAWCETT: Objection.

14 A No, I don't.

15 Q You have no opinion?

16 A No.

17 MS. LYNCH: Objection.

18 Q In your capacity as the plant manager, Mr. Nordin, is
19 there anyone else at the W. R. Grace plant in Woburn
20 who is familiar with or who has knowledge concerning
21 the health hazards posed by any industrial waste
22 solvents produced at the plant other than yourself?

23 MS. LYNCH: Objection.

24 MS. FAWCETT: Objection.

25 MR. SCHLICHTMANN: Forget "other than

1
2 yourself."

3 MS. LYNCH: Could I have the question read
4 back so I can figure out what form it is in?

5 THE REPORTER: Question: In your capacity
6 as the plant manager, Mr. Nordin, is there anyone else
7 at the W. R. Grace plant in Woburn who is familiar with
8 or who has knowledge concerning the health hazards
9 posed by any industrial waste solvents produced at the
10 plant other than yourself?

11 A No.

12 Q Is there someone at the plant who has knowledge
13 concerning the hazardous properties of industrial
14 waste solvents produced at the plant, and that would
15 include you.

16 MS. LYNCH: Objection.

17 A No.

18 Q Just so I am clear, Mr. Nordin, the only person at the
19 plant who has the most knowledge concerning the
20 hazardous properties of industrial waste solvents
21 produced at the plant is yourself; is that right?

22 MS. LYNCH: Objection.

23 A No.

24 Q Is there someone at the plant who has more knowledge
25 than you concerning the hazardous properties of

1
2 industrial waste solvents produced at the plant?

3 A Would you restate the question, the one prior to this
4 one?

5 MR. SCHLICHTMANN: Strike the question.

6 Q Is there any other person at the plant other than you,
7 Mr. Nordin, who is responsible concerning the waste
8 disposal matters concerning industrial waste solvents
9 produced at the plant?

10 MS. LYNCH: At the present time?

11 MR. SCHLICHTMANN: At the present time.

12 A No.

13 Q Is there any other person whose responsibility includes
14 knowing the hazardous properties posed by industrial
15 waste solvents produced at the plant?

16 A At the plant?

17 Q Yes.

18 A Restate the question.

19 THE REPORTER: Question: Is there any
20 other person whose responsibility includes knowing the
21 hazardous properties posed by industrial waste
22 solvents produced at the plant?

23 MS. LYNCH: I will object.

24 MR. SCHLICHTMANN: Okay.

25 MS. LYNCH: I would object on several

1
2 grounds. I think you would do better rephrasing the
3 question.

4 MR. SCHLICHTMANN: All right. I probably
5 would.

6 Q During the time you have been plant manager, sir, you
7 have been the person solely responsible for waste
8 disposal matters at the plant; is that true or not
9 true?

10 A Not true.

11 Q Not true?

12 A Uh-huh.

13 Q Other than yourself, who has been responsible for
14 waste disposal matters at the plant during the time
15 you were plant manager?

16 A Paul Shalline.

17 Q So Paul Shalline also has responsibility presently
18 concerning waste disposal matters at the plant; is
19 that right?

20 A No.

21 Q During part of the period then, Mr. Shalline was
22 responsible for waste disposal matters?

23 A Yes.

24 MS. FAWCETT: What period?

25 MR. SCHLICHTMANN: During the time he was

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plant manager.

Q Did that change at some point?

A Yes.

Q When did it change?

A Early part of this year.

Q Do you have any particular month?

A I don't recall.

Q Whose decision was it to remove or relieve Mr. Shalline from responsibilities concerning waste disposal matters at the plant?

A He was not relieved.

Q Did he no longer have those responsibilities?

A Yes.

Q So his responsibilities were changed?

A Yes.

It was no one's decision but himself.

Q Whose decision was it together with?

A It was his decision.

Q Mr. Shalline voluntarily relieved himself of his waste disposal responsibilities at the plant?

A Yes.

Q Did you learn when that took place?

A I don't recall the time.

Q It was sometime during 1985?

- 1
- 2 A Yes.
- 3 Q Do you happen to know what the season was?
- 4 A Sunny and warm.
- 5 Q You think it was the summer of 1985 when Mr. Shalline
- 6 relieved himself of his responsibility for waste
- 7 disposal matters?
- 8 A I don't recall.
- 9 Q It was during a sunny and warm part of 1985 that
- 10 Mr. Shalline relieved himself of waste disposal
- 11 responsibilities at the plant?
- 12 A I think so, yes.
- 13 Q And after Mr. Shalline relieved himself of those
- 14 responsibilities you took those responsibilities over?
- 15 A Yes.
- 16 Q Did you share them with Mr. Shalline during the time
- 17 he had them?
- 18 A No.
- 19 Q They were solely Mr. Shalline's responsibility?
- 20 A Yes.
- 21 Q Did Mr. Shalline come to you and inform you he was
- 22 relieving himself of those responsibilities?
- 23 A Yes.
- 24 Q Did he ask you to be relieved of them?
- 25 A He asked me.

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Q Did he give you a reason why he wanted to be relieved?

A Yes.

Q What was the reason?

A Moral reason.

Q What was the moral reason?

A The moral reason was he had, he was personally sued and therefore, he could not, he morally could not continue with his duties as the coordinator for environmental matters.

Q He said that because he was sued he could not morally continue?

A Yes.

Q Did he give a reason why he couldn't continue for moral reasons?

MS. LYNCH: Objection. Asked and answered.

Q Was he more specific than that?

MS. LYNCH: You are asking about the conversation?

MR. SCHLICHTMANN: Yes.

MS. LYNCH: Whether Paul Shalline ever gave you any reasons other than what you just stated.

A Yes. Paul Shalline has high morals, high moral

standards. I would expect that from Paul.

Q What was the reason that he could not morally continue for being responsible for waste disposal matters?

A Someone had sued him. Since someone had suggested he had done something wrong for some reason, he did not see himself being able to carry out his responsibilities as coordinator for environmental concerns.

Q Did Mr. Shalline indicate he had himself done something wrong concerning waste disposal matters?

A No.

Q But he believes that because he is being sued he could not morally continue in that capacity?

A Yes.

Q Did you discuss it with him, this decision of his?

A Yes.

Q Did you try to talk him out of it?

A No.

Q Did you think it was a correct decision on his part?

MS. LYNCH: Objection.

Q You can answer that.

MS. LYNCH: I don't know what that means.

Q Did you talk him out of it?

MS. LYNCH: You asked if it was a correct

1
2 decision. Correct arises in about ten different
3 contexts. I don't know how the witness can make
4 sense out of it.

5 Q Did you think it was an appropriate decision for
6 Mr. Shalline to make?

7 MS. LYNCH: Same objection.

8 MS. FAWCETT: Objection.

9 A It was Paul's personal decision. It is not for me to
10 ask.

11 Q During your conversations with Mr. Shalline,
12 Mr. Nordin, at any time did he ever indicate to you
13 what the past waste disposal practices were at the
14 plant?

15 A No.

16 Q Did Mr. Shalline ever indicate to you at any time
17 whether or not the plant ever disposed of any waste
18 material or waste liquid down any of the drains in
19 the building?

20 A No.

21 Q Did Mr. Shalline ever indicate to you at any time
22 that at any time in the past pits were dug on the
23 property for the disposal of waste material?

24 A No.

25 Q Did Mr. Shalline ever indicate to you at any time in

1
2 the past that any waste material or waste liquid was
3 disposed of on the ground?

4 A No.

5 Q In your capacity as plant manager, Mr. Nordin, at any
6 time has there been any attempt at all to inform the
7 employees of W. R. Grace in Woburn concerning the
8 hazardous qualities of any of the industrial solvents
9 used at the plant?

10 MS. LYNCH: Objection. I will instruct
11 the witness not to answer with respect to communica-
12 tions concerning the lawsuit.

13 MR. SCHLICHTMANN: Right, I am not talking
14 about the lawsuit.

15 MS. LYNCH: Or any of the aspects of
16 chemical use related to the lawsuit, apart from that.

17 MR. SCHLICHTMANN: I will agree to that
18 limitation. I am not asking for any meeting with
19 employees at which the lawsuit was discussed or
20 information was gathered for the defense of the law-
21 suit. I am asking in his official capacity as plant
22 manager whether at any time during the period he was
23 plant manager there was any attempt to inform the
24 employees during the normal course of business of any
25 of the dangerous qualities of the industrial solvents

1
2 used at the plant.

3 MS. LYNCH: I will object nonetheless.

4 A Yes.

5 Q There has?

6 A Uh-huh.

7 Q When have these taken place?

8 A There is a law.

9 Q Okay.

10 A The Right-to-Know law.

11 Q Okay.

12 A That directed us to do that.

13 Q What have you done to fulfill your obligation under
14 that law?

15 A Train our employees.

16 Q Have you trained the employees about the solvents used
17 at the plant?

18 A Uh-huh.

19 Q Have you informed the employees about the kind of
20 solvents used at the plant?

21 A Yes.

22 Q You can't tell me what solvents are being used at the
23 plant; is that right?

24 A That is right.

25 Q Who at the plant is responsible for informing the

1
2 employees at the plant as to the type of solvents used
3 there?

4 MS. LYNCH: Objection. Why don't you ask
5 him instead of who is responsible now, who did the
6 training that he is talking about?

7 Q Did someone at the plant -- Is there somebody at the
8 plant who is responsible for informing employees about
9 the hazardous qualities of the solvents that they use?

10 A Now?

11 Q Yes, during the time you were plant manager.

12 A Yes.

13 Q Who?

14 A Paul Shalline.

15 Q Anyone else?

16 A Myself.

17 Q Have you personally informed any employees concerning
18 the types of solvents used during the time you were
19 plant manager?

20 A No.

21 Q Has Paul Shalline, to your knowledge, ever informed
22 any employees concerning the type of solvents in use
23 at the plant during the time you were the plant
24 manager?

25 MS. LYNCH: You mean conversations?

1
2 MR. SCHLICHTMANN: Any kind of information.

3 MS. LYNCH: Making information available?

4 MR. SCHLICHTMANN: Making information
5 available, talking to them, meetings, anything at all.

6 A Yes.

7 Q What do you know?

8 A Making material available.

9 Q Mr. Shalline made material available?

10 A Yes.

11 Q What material?

12 A MSDS.

13 Q The material safety data sheets?

14 A Yes.

15 Q Mr. Shalline made them available to the employees?

16 A Yes.

17 Q Have you ever reviewed those?

18 A No.

19 Q So the only one, to your knowledge, who is knowledge-
20 able concerning the information on the material safety
21 data sheets is Mr. Shalline; is that correct?

22 MS. LYNCH: Objection.

23 A Would you restate that question?

24 Q Is Mr. Shalline, to your knowledge, the person
25 responsible for being familiar with the material safety

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data sheets at the plant?

A No.

Q Who is responsible for being familiar with the material safety data sheets at the plant?

A I am.

Q Are you familiar with those material safety data sheets?

A Yes.

Q The material safety data sheets do indicate the type of solvents used at the plant?

A Yes.

Q You have no knowledge what solvents are used at the plant?

A No.

Q Do you have any memory of what information you have obtained from the material safety data sheets concerning the type of solvents used at the plant?

A No.

Q During the time you were production control and planning manager between 1979 and 1984, at any time were you ever informed by any person, any individual, associated with the plant or W. R. Grace concerning the type of solvents used at the plant?

A No.

1
2 Q Were you ever informed by any individual associated
3 with W. R. Grace, either the plant or the company,
4 concerning what the waste disposal practices are
5 for any solvents or waste solvents generated at the
6 plant?

7 MS. LYNCH: Other than what he testified
8 to?

9 MR. SCHLICHTMANN: Yes.

10 A Could you restate the question?

11 THE REPORTER: Question: Were you ever
12 informed by any individual associated with W. R.
13 Grace, either the plant or the company, concerning
14 what the waste disposal practices are for any
15 solvents or waste solvents generated at the plant?

16 MS. LYNCH: Let me object. I thought you
17 were asking about when he was production control
18 manager.

19 MR. SCHLICHTMANN: Forget that question.

20 Q Mr. Nordin, during the time you were production control
21 and planning manager between 1978 and 1979, were you
22 ever informed by any individual associated with the
23 W. R. Grace Company in Woburn or any individual
24 associated with the W. R. Grace Company concerning
25 what the proper waste disposal practices were

1
2 regarding industrial waste solvents produced at the
3 plant?

4 A No.

5 Q Were you ever informed concerning proper waste
6 disposal practices for any wastes generated at the
7 plant during that period?

8 A No.

9 Q Are you familiar with whether there is any written
10 material concerning company policy regarding waste
11 disposal practices?

12 MS. LYNCH: At the present time?

13 MR. SCHLICHTMANN: At any time.

14 MS. LYNCH: Objection.

15 MR. SCHLICHTMANN: Including the present
16 time.

17 MS. LYNCH: Could we have the question
18 read back?

19 THE REPORTER: Question: Are you familiar
20 with whether there is any written material concerning
21 company policy regarding waste disposal practices?

22 MS. LYNCH: Objection.

23 A I can't answer that.

24 Q Are you familiar with any written material which
25 indicates what is the W. R. Grace company policy

1
2 regarding the disposal of wastes generated at the
3 plant?

4 MS. LYNCH: Objection.

5 Q You can answer.

6 A Any material?

7 Q Yes.

8 A Yes.

9 Q What are you familiar with?

10 A Now?

11 Q Yes.

12 A Our policy is to adhere to the Right-to-Know law.

13 Q Does the Right-to-Know law have anything to do with
14 the disposal of wastes generated at the plant?

15 A Certainly does.

16 Q What written material are you familiar with to carry
17 on those responsibilities as you understand them
18 under the Right-to-Know law?

19 MS. LYNCH: Objection.

20 Q You can answer.

21 MS. LYNCH: Are you familiar with any
22 written materials having to do with the Right-to-Know
23 law?

24 MR. SCHLICHTMANN: Yes.

25 MS. LYNCH: Is that the question?

1
2 MR. SCHLICHTMANN: Yes.

3 A Any written material?

4 Q Yes.

5 A Rephrase that question.

6 Q You said there was written material regarding the
7 W. R. Grace Company policy concerning waste disposal
8 matters; is that right?

9 MS. LYNCH: Objection.

10 A Yes.

11 Q Is that right?

12 A Yes.

13 Q What material are you familiar with?

14 A The written policy.

15 Q The written policy of the company?

16 A Yeah.

17 Q What form is that?

18 A In letter form.

19 Q A letter?

20 A Memo form.

21 Q It is a memo from someone in the company?

22 A I don't really recall. I don't recall specifically.

23 Q You're familiar that there is a memo regarding
24 company policy regarding waste disposal matters?

25 MS. LYNCH: He said he does not remember

1
2 in what form it comes.

3 MR. SCHLICHTMANN: He mentioned a memo.

4 MS. LYNCH: Memo or letter.

5 MR. SCHLICHTMANN: Memo letter.

6 A It is an assumption. I know -- I don't know
7 specifically.

8 Q Mr. Nordin, have you made certain assumptions about
9 the past waste disposal practices at the Woburn plant?

10 MS. LYNCH: Objection. I will instruct
11 the witness not to answer that. That is too far
12 afield.

13 MR. SCHLICHTMANN: I am only --

14 MS. LYNCH: If you want to ask --

15 MR. SCHLICHTMANN: He has made assump-
16 tions and I am entitled to know what those are.

17 MS. LYNCH: He was just talking about
18 assumptions that have to do with what form a
19 communication is in.

20 MR. SCHLICHTMANN: I am not asking about
21 that.

22 MS. LYNCH: You are making a leap. I
23 think it is unfounded and --

24 MR. SCHLICHTMANN: I am not leaping any-
25 where; I am going to another question.

1
2 MS. LYNCH: Why don't you ask some
3 questions that don't have to do with assumptions,
4 Jan?

5 MR. SCHLICHTMANN: But I want to.

6 MS. LYNCH: Ask some different questions.

7 Q Mr. Nordin, have you formed certain assumptions about
8 how waste disposal, about what waste disposal
9 practices took place at the Woburn plant in the past?

10 A No.

11 Q You have made no assumptions?

12 A No.

13 Q Do you have any suspicions as to how waste was
14 disposed of at the Woburn plant at any time in the
15 past?

16 MS. FAWCETT: Objection.

17 MS. LYNCH: Objection. I will instruct
18 you not to answer. You have gotten as much as you're
19 going to get.

20 MR. SCHLICHTMANN: I don't think I have
21 quite enough.

22 MS. LYNCH: If you want to put another
23 question about factual information as opposed to
24 conjecture, you are quite free to do that.

25 MR. SCHLICHTMANN: I am asking if he has

1
2 any suspicions; I think I am entitled to whether he
3 has them or not.

4 MS. LYNCH: I would object.

5 MR. SCHLICHTMANN: Okay.

6 MS. LYNCH: Do you even understand that
7 question?

8 THE WITNESS: I think I do.

9 Q Do you have any suspicions?

10 MS. LYNCH: Objection. I instruct you not
11 to answer.

12 Q Do you have any belief concerning how waste was
13 disposed of at the W. R. Grace plant at any time in the
14 past?

15 MS. LYNCH: Objection. I instruct you not
16 to answer.

17 MR. SCHLICHTMANN: I thought we were just
18 objecting to form here? Are you objecting based on
19 the attorney-client privilege?

20 MS. LYNCH: In part. Much of the
21 information that this witness has is information
22 passed on by counsel.

23 Q I am not asking for any assumptions you're making or
24 beliefs you have based upon information given to you
25 by your attorneys. I am asking if you have

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independent --

MS. LYNCH: I don't know if you can separate that out in your mind.

MS. FAWCETT: Jan, I think that is impossible to do.

MR. SCHLICHTMANN: I appreciate that, Deborah,

MS. FAWCETT: I don't think he can do that.

MR. SCHLICHTMANN: We will try it anyway.

Q I am asking if you have any belief or assumption as to how W. R. Grace disposed of its waste other than -- Strike that.

Have you made any assumptions or beliefs concerning how the waste was disposed of by the W. R. Grace plant in Woburn in the past?

MS. FAWCETT: Objection.

MS. LYNCH: Other than based upon information obtained from counsel?

MR. SCHLICHTMANN: I will take that for the moment.

MS. FAWCETT: Objection.

MS. LYNCH: I will object. Can you answer that question?

THE WITNESS: It is really impossible to

1
2 answer.

3 Q Did you ever receive any information from any
4 employees in the machine shop concerning the use of
5 the drains in the plant for the disposal of any waste
6 liquid?

7 MS. LYNCH: Objection. I just want to be
8 clear that all of these questions exclude
9 communications involving counsel?

10 MS. FAWCETT: Are you talking about any
11 period?

12 A Can you restate the question?

13 Q Did you ever receive any information from any
14 employees at the machine shop concerning the disposal
15 of any waste liquid down any drains in the building?

16 A No.

17 Q Did you ever receive any information from Richard
18 Cazmay concerning the disposal of waste liquid down
19 drains in the building?

20 A No, I don't recall.

21 Q Did Richard Cazmay ever tell you that he had himself
22 disposed of waste liquid down the drains in the
23 building?

24 A No, I don't recall.

25 Q Did you have a meeting with the machine shop people

1
2 in the last few weeks concerning waste disposal
3 matters at the plant?

4 A Restate that question, please.

5 Q Have you had any meetings with people associated with
6 the machine shop concerning waste disposal matters in
7 the last few weeks?

8 A No.

9 Q Have you had any meetings with employess or people
10 associated with the machine shop concerning the fact
11 that testing was going on regarding the drainage
12 system in the building?

13 A Yes.

14 Q In the last few weeks?

15 A Yes.

16 Q During that meeting did not Mr. Cazmay inform you that
17 he had himself poured liquid waste down the drains in
18 the building?

19 A Yes -- no, no.

20 Q Didn't Mr. Cazmay -- Isn't it true that Mr. Cazmay
21 informed you at this meeting that several employees
22 had dumped liquid waste down the drains in the plant
23 in the past?

24 A Inform me?

25 Q Inform you.

- 1
- 2 A No.
- 3 Q Did he inform anyone at the meeting that you overheard?
- 4 A Yes.
- 5 Q What did you overhear Mr. Cazmay say?
- 6 A Just what you stated.
- 7 Q Tell me what you remember him saying.
- 8 A I don't know. I don't remember exactly what he said.
- 9 Q Tell me the best you remember.
- 10 A That he indicated that he had poured something down the
- 11 drains.
- 12 Q What did he indicate he had poured down the drain?
- 13 A I don't remember.
- 14 Q Did he also indicate others besides himself had poured
- 15 things down the drain?
- 16 A I don't remember.
- 17 Q You don't remember overhearing him saying that?
- 18 A No.
- 19 Q Who did he speak to?
- 20 A The public.
- 21 Q The people who were gathered there?
- 22 A Yes.
- 23 Q Would that include you as well?
- 24 A Yes.
- 25 Q Have you provided that information to the EPA?

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A No.

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Q Have you provided that information to any governmental officials?

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A No.

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Q Do you consider that information is important to the ongoing investigation of any governmental agency?

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MS. LYNCH: Objection. I will instruct you not to answer that.

9

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MR. SCHLICHTMANN: I have a right to ask that question. It goes to the intent and state of mind.

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MS. LYNCH: What is that pertinent to? This meeting occurred in this year. Why don't you move on?

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MR. SCHLICHTMANN: No, I won't move on. The question is before the witness.

17

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MS. LYNCH: I am instructing him not to answer.

19

20

Q You refuse to answer the question?

21

A My legal counsel tells me to.

22

23

Q Did you receive any information at that meeting that you had concerning the fact that people in the machine shop in the past had poured liquid wastes down any of the drains in the building?

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2 A Can you rephrase that question?

3 MR. SCHLICHTMANN: Read the question back.

4 THE REPORTER: Question: Did you receive
5 any information at that meeting that you had
6 concerning the fact that people in the machine shop in
7 the past had poured liquid wastes down any of the
8 drains in the building?

9 MS. LYNCH: I don't understand that
10 question.

11 Q Did you receive any information at that meeting from
12 any source concerning the fact that people in the
13 machine shop in the past poured liquid waste down the
14 drains in the building?

15 MS. LYNCH: Other than what you testified
16 to.

17 MR. SCHLICHTMANN: Including what he
18 testified to.

19 MS. LYNCH: I object. I really don't
20 understand the question.

21 MS. FAWCETT: I think it has already been
22 answered.

23 MR. SCHLICHTMANN: I am sure you do. It
24 is my question and I want it answered.

25 MS. LYNCH: He has answered as to what he

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testified to.

MR. SCHLICHTMANN: I want the same answer or additional answers.

MS. LYNCH: I object. You may answer if you can.

A It is too general.

Q There was a meeting in the last few weeks with you and members of the machine shop; is that correct?

A Yes.

Q And that meeting was called by you to inform the people in the machine shop about the fact that certain testing was going on concerning the drains in the plant; is that correct?

A Yes.

Q And during that meeting what did you tell these employees concerning that testing program?

A I told them that it would be -- there would be some people in doing some testing of the, for the pipes.

Q What was the purpose of the testing?

A To verify that our drawings are correct, show the pipes are going from here to there.

Q What drawings are you referring to?

A The plant drawings.

Q Showing the system of drainage to the sewer as well as

1
2 to the storm drainage system?

3 A Correct.

4 Q So the testing was to show plans you had given the EPA
5 were correct.

6 MS. LYNCH: Objection. Don't answer that
7 question.

8 MR. SCHLICHTMANN: What basis?

9 MS. LYNCH: I think you can ask him what
10 his understanding was.

11 MR. SCHLICHTMANN: That is what I am asking
12 him. I don't think he can give me anything but his
13 understanding.

14 MS. LYNCH: Can I have the question read
15 back, please?

16 THE REPORTER: Question: So the testing
17 was to show plans you had given the EPA were correct?

18 MS. LYNCH: I will object and instruct
19 the witness not to answer on the basis of privilege.
20 The witness's understanding of the purpose of various
21 things derives from conversations with counsel.

22 MR. SCHLICHTMANN: I am entitled to know
23 what his understanding is.

24 MS. LYNCH: No, you're not.

25 MR. SCHLICHTMANN: Just as you guys have

1
2 been inquiring about my plaintiffs' understanding
3 from their conversations with experts and so forth.

4 MS. LYNCH: Not from what he hears from
5 counsel.

6 MR. SCHLICHTMANN: I am not asking about
7 conversations with counsel. I am asking for this
8 witness's understanding. I don't care where that
9 understanding came from.

10 MS. LYNCH: As long as it is not from
11 counsel.

12 MR. SCHLICHTMANN: I am not asking for
13 counsel's understanding.

14 MS. LYNCH: If the witness's understanding
15 is based upon conversations with counsel, Jan, then I
16 won't --

17 MR. SCHLICHTMANN: There is no such
18 privilege.

19 MS. LYNCH: I quite disagree with you.

20 MR. SCHLICHTMANN: That is very interesting.
21 That is certainly not consistent with the type of
22 questioning you have been entering into with my people.
23 It is a very selective view of the attorney-client
24 privilege which you apply one way for me and another
25 way for you.

MS. LYNCH: I don't agree with that, Jan.

Q Mr. Nordin, do you --

MS. LYNCH: Why don't you first ask if he has an understanding based upon anything other than conversations with counsel?

Q Do you have an understanding as to what the plans you submitted to the EPA concern?

A No.

Q You have no such understanding?

A No.

Q You informed these employees at the machine shop about the fact that testing was going on; is that right?

A Yes.

Q To determine which of the drains went to which sewer and which went to storm drains; is that right?

A Part of it.

Q Did you inform them of anything else at that meeting?

A I don't recall.

Q Why did you select just the machine shop?

A I did not select just the machine shop.

Q You made the speech to the other departments?

A Yes; to the entire plant.

Q During your conversation with the people at the machine shop, Mr. Nordin, did any of the employees

1
2 make any comments or statements?

3 A I'm sure they did. I don't recall specifically.

4 Q You do recall Mr. Cazmay making a statement?

5 A Yes.

6 Q Did he make that statement to you?

7 A No.

8 Q He made the statement to everyone gathered there?

9 A Yes.

10 Q Including you?

11 A Yes.

12 Q I want you to remember as best you can what was the
13 statement that Mr. Cazmay made.

14 A As I stated previously, he mentioned something pouring
15 down -- pouring something down a drain.

16 Q What did he say he poured down the drain?

17 A I don't recall.

18 Q Did he make any indication it was not just himself who
19 poured stuff down the drain?

20 A I don't recall.

21 Q Did you ask him any questions?

22 A No.

23 Q Did you think the information was important?

24 MS. LYNCH: Objection.

25 A No.

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2 Q Did you inform any person concerning that conversation
3 other than your attorneys?

4 A No.

5 Q Have you had any conversation with Mr. Cazmay
6 concerning his information about what was poured down
7 the drains?

8 A No.

9 Q Have you made any attempt to find out from Mr. Cazmay
10 what his knowledge is about what was poured down the
11 drains by him?

12 MS. LYNCH: He personally?

13 MR. SCHLICHTMANN: Yes.

14 A No.

15 Q Now, other than Mr. Cazmay, have you ever received
16 any information at any time in the past from any
17 employee concerning the fact that that employee or any
18 other employee had ever used the drains in the building
19 for the disposal of any waste liquid?

20 A No.

21 Q Have you ever received any information from any
22 employee concerning the fact that any waste was ever
23 disposed of under any portion of the building at any
24 time in the past?

25 A No.

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2 Q Have you ever received any information from any
3 employee indicating other employees were ever
4 involved in the disposal of any waste material under
5 any portion of the building itself?

6 A No.

7 Q Do you have any information or have you received any
8 information from any employee concerning whether or
9 not any waste liquid was ever disposed of under the
10 second addition?

11 A What do you mean "second addition?"

12 Q The second addition to the plant.

13 A There are three additions to the plant.

14 Q The main building, the first addition, the second
15 addition and the warehouse. I don't care about the
16 warehouse.

17 A So it is just the main buildings?

18 Q Yes.

19 A No.

20 Q Have you ever received any information concerning the
21 disposal of any waste liquid under the warehouse?

22 A No.

23 Q Have you ever received any information concerning the
24 disposal of any waste liquid under any of the
25 additions to the building?

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A No.

Q Do you have any reason to believe there is any waste liquid disposed of under the second addition?

A No.

Q Do you have any reason to believe at any time in the past W. R. Grace in Woburn used trichloroethylene?

A No.

Q Do you have any reason to believe at any time in the past the W. R. Grace plant used tetrachloroethylene?

MS. LYNCH: Again, all of these questions exclude any communication with counsel.

A No.

Q Do you have any reason to believe at any time in the past the W. R. Grace plant in Woburn used 1,1,1-trichloroethane?

A No.

Q Or how about 1,2-transdichloroethylene?

A No.

Q Do you have any knowledge as to whether the company policy concerning the disposal of waste liquid has changed at any time in the past?

A Any time in the past?

Q Yes.

A Yes.

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Q What is your knowledge?

A To adhere to the Right-to-Know Act.

Q When you say "to adhere to the Right-to-Know law," was there any company policy concerning the disposal of waste liquid?

A I don't know.

Q You're not aware of any?

A I'm not aware.

Q You're not aware of any policy?

MS. LYNCH: He said he didn't know.

A I don't --

Q You don't know if there was any policy?

A Correct.

Q You have no knowledge whether there was any policy, company policy, or not concerning the disposal of waste liquid prior to the Right-to-Know law?

A Correct.

Q Have you ever been to any meetings sponsored by the W. R. Grace Company concerning waste disposal matters?

MS. LYNCH: Other than meetings with counsel in the preparation of the defense of this lawsuit.

A Restate the question.

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2 THE REPORTER: Question: Have you ever been
3 to any meetings sponsored by the W. R. Grace Company
4 concerning waste disposal matters?

5 THE WITNESS: No.

6 Q Have you ever been to any meeting sponsored by the
7 W. R. Grace Company concerning any information
8 regarding industrial solvents used in the manufacturing
9 process?

10 A No.

11 Q Or how to dispose of industrial solvents?

12 A No.

13 Q Have you ever received any information from the W. R.
14 Grace Company concerning how industrial solvents should
15 be disposed of at the Grace plant in Woburn?

16 A Restate the question.

17 THE REPORTER: Question: Have you ever
18 received any information from the W. R. Grace Company
19 concerning how industrial solvents should be disposed
20 of at the Grace plant in Woburn?

21 THE WITNESS: Yes.

22 Q What information did you receive?

23 A I don't recall exactly what information it is.

24 Q When do you remember receiving it?

25 A When?

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Q Yes.

A I don't recall.

Q Do you know what the information is about?

A About?

Q Any idea?

A To adhere to the Right-to-Know law.

Q Is that the only information you remember receiving from W. R. Grace concerning waste disposal matters at the plant?

A Yes.

Q And the policy of the company is solely according, to your knowledge, to the Right-to-Know law?

MS. LYNCH: Objection. I instruct you not to answer.

MR. SCHLICHTMANN: His understanding, I have a right to his understanding.

MS. LYNCH: Why don't you rephrase the question.

MR. SCHLICHTMANN: Why?

MS. LYNCH: It is confusing.

MR. SCHLICHTMANN: It is not confusing to me.

MS. LYNCH: He has testified he has a memory of a particular thing. You have now shifted to

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something else. I think --

MR. SCHLICHTMANN: It is a clever trick, the old shifting technique in questioning.

MS. LYNCH: If you want to stay with the question --

A I think you should rephrase it.

MS. LYNCH: Can you answer that question?

THE WITNESS: No, I can't.

Q Is it your understanding that the company policy regarding waste disposal is to fulfill its obligation under the Right-to-Know law?

MS. LYNCH: Objection.

MS. FAWCETT: Could you repeat the question?

THE REPORTER: Question: Is it your understanding that the company policy regarding waste disposal is to fulfill its obligation under the Right-to-Know law?

Q You can answer the question.

MS. LYNCH: I continue my objection.. I think the question is ambiguous.

MR. SCHLICHTMANN: I know. I am an ambiguous individual.

A Should I answer it?

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2 MS. LYNCH: Yes.

3 Q If you can.

4 A I really can't.

5 Q Do you have any knowledge concerning any requirement
6 under any of the environmental laws concerning waste
7 disposal matters at the plant?

8 A Rephrase that again.

9 MR. SCHLICHTMANN: Read it back.

10 THE REPORTER: Question: Do you have any
11 knowledge concerning any requirement under any of the
12 environmental laws concerning waste disposal matters
13 at the plant?

14 THE WITNESS: Any?

15 Q Yes.

16 A Yes.

17 Q What knowledge do you have?

18 A The knowledge of do not dispose of any hazardous
19 liquid or hazardous material.

20 Q Are you familiar with what law requires that?

21 A Yes.

22 Q What law?

23 A The Right-to-Know law.

24 Q Any other laws?

25 A OSHA.

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Q Any others?

A No.

MR. SCHLICHTMANN: Let's take a little break here.

(Recess)

Q Mr. Nordin, are you familiar with the fact that the United States Environmental Protection Agency made certain inquiries to the W. R. Grace Company in January of 1982 concerning their waste disposal practices?

MS. LYNCH: Jan, let me just suggest that the difficulty may be with the time that you put in there.

MR. SCHLICHTMANN: All right.

Q Are you aware that the United States Environmental Protection Agency made inquiry of the W. R. Grace Company concerning their waste disposal practices?

A Yes.

Q What are you aware of?

A Just that, that they made inquiry.

Q Are you aware if W. R. Grace made a reply?

A Yes.

Q Now, you were associated with the plant during this period; is that right?

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2 A Yes.

3 Q Were you made aware during this period that the
4 Environmental Protection --

5 MS. LYNCH: Just a minute, Jan. What
6 period are you talking about now? Let's tie that down
7 first.

8 MR. SCHLICHTMANN: He said the period he
9 was associated they made this inquiry.

10 MS. LYNCH: He has been with the plant
11 over five years.

12 MR. SCHLICHTMANN: Has there been more than
13 one inquiry?

14 MS. LYNCH: Jan, first --

15 Q What period are you familiar with that this inquiry
16 by the EPA took place?

17 MS. LYNCH: Why don't you ask him when he
18 learned about the inquiry?

19 MR. SCHLICHTMANN: Fine.

20 Q When did you learn about the inquiry?

21 A I don't remember exactly. I would say sometime in the
22 early '80s.

23 Q How did you become aware of it?

24 A The first time was during the employee forum.

25 Q I'm sorry?

- 1
- 2 A To an employee forum, an employee meeting.
- 3 Q Was that employee meeting where you were informed?
- 4 A Yes.
- 5 Q Who informed you at that meeting?
- 6 A Mr. Forte.
- 7 Q What did he inform you at that meeting?
- 8 A Just that.
- 9 Q What do you remember him telling you?
- 10 A That the EPA had inquired and we answered.
- 11 Q That he had already told you they had answered?
- 12 A Yes.
- 13 Q What else did he say?
- 14 A I don't recall.
- 15 Q What was the purpose of the meeting?
- 16 A To inform the employees about the inquiry and
- 17 subsequent answer.
- 18 Q What did he say about the answer?
- 19 A I don't recall.
- 20 Q What did he say about the inquiry?
- 21 A I don't recall specifically.
- 22 Q Did he ask for any information on the part of any
- 23 employee concerning any waste disposal matters at the
- 24 plant?
- 25 A Yes, he did.

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2 Q What did he ask?

3 A Anyone that knew anything to come forward.

4 Q Did he already make his reply to the EPA or was he
5 making his reply?

6 A I am not sure on that.

7 Q Tell me exactly what you remember him saying about
8 having employees come forward with information.

9 A I don't recall exactly.

10 Q Generally.

11 A If anyone had any -- if anyone knew anything about
12 past disposal of anything to come forward and let him
13 know.

14 Q Who was at this meeting?

15 A All employees.

16 Q From the whole plant?

17 A Yes.

18 Q Was it a general meeting of the plant?

19 A Yes.

20 Q Was anyone else there other than Mr. Forte?

21 A I don't recall.

22 Q Who spoke at the meeting besides Mr. Forte?

23 A I couldn't tell you.

24 Q Did Mr. Shalline speak?

25 A No.

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Q Do you know a Dick Stewart, Richard Stewart?

A Yes, I do.

Q Was Mr. Stewart at the meeting?

A I don't recall.

Q Did Mr. Stewart ever address any employees concerning the EPA inquiry or the Grace answer?

MS. LYNCH: Objection. Why don't you break it down?

Q Did Mr. Stewart ever inform you or ever talk to you about the fact there was an EPA inquiry and Grace had to make an answer?

A No.

Q Did you ever become aware Mr. Stewart ever talked to any employees at the plant in preparation for answering the EPA letter?

A No.

Q You do know Mr. Stewart?

A Yes.

Q Have you had conversations with Mr. Stewart?

A Yes.

Q Have you ever in any of your conversations with Mr. Stewart, has he ever indicated to you in any of your conversations he was involved in the investigation regarding the W. R. Grace response to the EPA

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letter?

A No.

Q Are you aware he was involved in that investigation?

A Would you say that again?

Q Are you aware Mr. Stewart was involved in the investigation concerning how W. R. Grace was to respond to the EPA letter?

MS. LYNCH: Other than what you may have learned from counsel.

MR. SCHLICHTMANN: Always with that stipulation.

A Am I aware now?

Q Yes.

A Yes.

Q Did you become aware other than through counsel?

A Yes.

Q How did you become aware?

A Through Mr. Forte and Dick Stewart's function in the organization.

Q So you became aware from Mr. Forte that Mr. Stewart was involved in this investigation?

A Restate that question.

Q You said you have learned through -- you learned that Mr. Stewart was involved in this investigation as to

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2 how to respond to the EPA letter; is that right?

3 MS. LYNCH: Perhaps, Jan, you might just
4 ask him what he learned from Mr. Forte.

5 MR. SCHLICHTMANN: I think I did. I don't
6 think he --

7 MS. LYNCH: Why don't you try again?

8 Q What do you remember Mr. Forte telling you about
9 Mr. Stewart's role in answering the EPA letter
10 inquiring about waste disposal matters at the plant?

11 A I don't think either of them told me. I think it was
12 my assumption that was so because of his function in
13 the organization.

14 Q So Mr. Stewart had not told you anything?

15 A No.

16 Q Did anyone ever ask you for any information which you
17 understood was to be used in answering the EPA
18 inquiry about waste disposal matters?

19 A Yes.

20 Q What was that?

21 A In the forum that was held by Mr. Forte.

22 Q Other than that meeting with Mr. Forte?

23 A I do not recall.

24 Q Did anyone at that meeting provide Mr. Forte with any
25 information?

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A I don't recall.

Q You didn't hear anything?

A No.

Q Did you provide any information?

A No.

Q Have you ever seen the EPA letter of inquiry?

A No.

Q Have you ever seen the W. R. Grace response to that letter?

A No.

Q Do you have any information or any reason to believe, other than what you learned from counsel, as to whether the response to the EPA by W. R. Grace was truthful?

MS. LYNCH: Any reason to believe it was truthful?

Q Any reason to believe whether it was truthful or not?

MS. LYNCH: He has not seen it. How can he --

MR. SCHLICHTMANN: I am asking if he formed any belief other than what he learned through counsel.

MS. LYNCH: Objection. You can answer to the best of your ability.

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A I wouldn't know. I never have seen it.

Q So you have no opinion?

A (Pause).

Q Do you have any opinion as to whether W. R. Grace's response to the EPA inquiry was truthful or not?

A Opinion?

Q Yes.

A Yes.

Q What is your opinion?

A It would be truthful.

Q Why?

A Because that is how we do business.

Q Your understanding is Grace does business in a truthful manner?

A Yes.

Q And the EPA made inquiry, if the EPA made inquiry the response would be truthful?

A Would you restate that question?

Q Yes.

Your understanding is if the EPA made inquiry to W. R. Grace concerning the waste disposal matters, that W. R. Grace would make a truthful response?

A Certainly would.

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Q And that response would be accurate?

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MS. LYNCH: Objection.

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Q You can answer.

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MS. LYNCH: If you can.

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A As accurate as possible.

7

Q And that response would not be misleading?

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MS. LYNCH: Objection.

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MS. FAWCETT: Objection.

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MS. LYNCH: What is the point of that?

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MR. SCHLICHTMANN: Well, I guess it is for

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you to guess and for me to know.

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MS. LYNCH: You already asked his opinion

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on the truthfulness he --

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MR. SCHLICHTMANN: And accuracy. I am now

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asking as to whether it is misleading. He can give

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the same opinion.

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MS. LYNCH: Why don't you put the question

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to him again?

20

Q Is it your opinion that if the EPA made inquiry about

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waste disposal matters that the W. R. Grace Company's

22

response would not be misleading?

23

MS. FAWCETT: Objection.

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MS. LYNCH: Objection.

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A It would not be misleading.

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2 Q That comes from your understanding as to how W. R.
3 Grace operates as a company?

4 A Certainly does.

5 Q Is it your opinion from what you know about how W. R.
6 Grace operates that if an inquiry by the Environmental
7 Protection Agency were made, Mr. Nordin, W. R. Grace
8 Company would do everything in its power to
9 investigate the facts and present those facts to the
10 EPA?

11 MS. LYNCH: Objection. Jan, there are so
12 many variables in that question.

13 MR. SCHLICHTMANN: I know.

14 MS. LYNCH: How fast you get a response,
15 the availability of resources. It is a meaningless
16 question.

17 MR. SCHLICHTMANN: It is one I like. I
18 thought it was phrased very well.

19 MS. LYNCH: Why don't you --

20 MR. SCHLICHTMANN: Why don't you like it?
21 You have asked several thousand in the course of these
22 proceedings.

23 MS. LYNCH: I object. Why don't we have
24 the question read back for the witness and see if he
25 can answer it.

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2 THE REPORTER: Question: Is it your opinion
3 from what you know about how W. R. Grace operates that
4 if an inquiry by the Environmental Protection Agency
5 were made, Mr. Nordin, W. R. Grace Company would do
6 everything in its power to investigate the facts and
7 present those facts to the EPA?

8 MS. FAWCETT: Objection.

9 MS. LYNCH: Same objection. Try to answer
10 to the best of your ability.

11 A To the best of their ability.

12 Q Now, you're aware that the Environmental Protection
13 Agency is currently investigating the past waste
14 disposal practices at the Grace plant; is that right?

15 MS. LYNCH: Objection. Do you have any
16 basis for an awareness of what the EPA is doing other
17 than communications from counsel?

18 THE WITNESS: No.

19 Q Mr. Nordin, is it your understanding the Environmental
20 Protection Agency is currently investigating the
21 waste disposal practices of W. R. Grace in Woburn?

22 MS. LYNCH: Do you have any basis for an
23 understanding of what the EPA is doing other than your
24 communications with counsel?

25 THE WITNESS: No.

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Q Has anyone ever indicated to you, other than your attorneys, that the Environmental Protection Agency is currently investigating the past waste disposal practices of the plant?

A No.

Q Do you have an understanding, Mr. Nordin, that the United States Attorney's office is currently investigating the past waste disposal practices of the Woburn plant?

MS. LYNCH: Objection.

MR. SCHLICHTMANN: Okay.

MS. LYNCH: Same ground, privilege. Don't answer the question.

Q Do you have any information the United States Attorney's office is currently investigating the past waste disposal practices of the Woburn plant other than what you have learned through your attorneys?

MS. LYNCH: Objection.

MR. SCHLICHTMANN: I am asking what he learned other than from his attorneys.

MS. LYNCH: Let me think about that for a second.

(Pause)

MS. LYNCH: What he read in the papers?

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2 MR. SCHLICHTMANN: Okay.

3 A Most definitely.

4 MS. LYNCH: To the extent you can answer
5 the question apart from communications with counsel or
6 related to legal matters on which the company is
7 represented by counsel, you can answer that question.

8 THE WITNESS: Does that include the mass
9 media information?

10 Q You just said that.

11 A Restate the question.

12 THE REPORTER: Question: Do you have any
13 information the United States Attorney's office is
14 currently investigating the past waste disposal
15 practices of the Woburn plant other than what you have
16 learned through your attorneys?

17 THE WITNESS: Yes.

18 Q What do you know?

19 A Just what you stated.

20 Q You're aware the United States Attorney's office is
21 investigating the past waste disposal practices
22 other than what you learned from your attorneys?

23 MS. LYNCH: No. I believe the witness
24 answered that he had seen something in the media.

25 MR. SCHLICHTMANN: I don't think he said

1
2 that.

3 Q Other than what you have learned from your attorneys,
4 what source did you learn that the United States
5 Attorney's office is investigating the past waste
6 disposal practices at Woburn?

7 MS. LYNCH: Let me say that I object to the
8 question on the basis that it assumes a fact.

9 MR. SCHLICHTMANN: That is fine. I agree
10 with you.

11 MS. LYNCH: Let's keep assumptions out of
12 it.

13 MR. SCHLICHTMANN: Let me try again so we
14 will be very fair here.

15 Q Mr. Nordin, do you have any information that the
16 United States Attorney's office is currently
17 investigating the past waste disposal practices at the
18 Woburn plant, and I exclude from that whether you
19 received any information from your attorneys.

20 MS. LYNCH: And as part of the company's
21 legal representation of its interests?

22 MR. SCHLICHTMANN: Right.

23 A Yes.

24 Q What information have you received?

25 A Through the newspaper articles.

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2 Q You read in the newspaper the fact the United States
3 Attorney's office is investigating W. R. Grace's
4 waste disposal practices; is that right?

5 MS. LYNCH: Are you asking if that
6 characterizes what he read?

7 Q Is that a fair and accurate characterization?

8 A Fairly fair.

9 Q I will take that.

10 Do you have an understanding that you have
11 an obligation to provide information to the
12 Environmental Protection Agency and to the United
13 States Attorney concerning the past waste disposal
14 practices at the plant which comes to your attention
15 during the course of your duties as plant manager?

16 MS. LYNCH: Objection. He is not --

17 Q Can you answer the question?

18 MS. LYNCH: Jan, you're asking whether he,
19 as plant manager, is the person who has an obligation
20 as opposed to other people having that obligation at
21 Grace?

22 MR. SCHLICHTMANN: Whether he does as
23 plant manager.

24 MS. LYNCH: As opposed to, say, attorneys
25 and others?

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2 A Yes.

3 Q You have that obligation as plant manager yourself?

4 A Yes.

5 Q To bring to the attention of the Environmental
6 Protection Agency or the United States Attorney any
7 information which you receive in the course of your
8 duties regarding any past waste disposal practices
9 that took place at the plant?

10 MS. LYNCH: Objection. He may understand
11 he has an obligation to provide it to people who will
12 provide it to those agencies.

13 MR. SCHLICHTMANN: Whatever.

14 Q Can you answer the question?

15 MS. LYNCH: I don't know what your
16 question means.

17 MR. SCHLICHTMANN: Whatever.

18 MS. LYNCH: Does that --

19 MR. SCHLICHTMANN: It doesn't make much
20 difference, does it?

21 MS. LYNCH: I don't know if it does or not.

22 Q Do you remember the question?

23 MS. LYNCH: Why don't we have it read back
24 so we know what it is.

25 THE REPORTER: Question: You have that

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2 obligation as plant manager yourself?

3 Answer: Yes.

4 Question: To bring to the attention of the
5 Environmental Protection Agency or the United States
6 Attorney any information which you receive in the course
7 of your duties regarding any past waste disposal
8 practices that took place at the plant?

9 MS. LYNCH: Objection. You have heard the
10 basis of my objection. To the extent you can answer
11 the question, go ahead.

12 A Yes.

13 Q You believe you have that obligation as plant manager?

14 A Certainly do.

15 Q Do you have any information as to whether any W. R.
16 Grace employees, past or present, have testified
17 before a grand jury convened regarding the past waste
18 disposal matters at the Woburn plant other than any
19 information which you may have received or may not
20 have received from your attorneys?

21 MS. LYNCH: Jan, could we take a break for
22 a second?

23 MR. SCHLICHTMANN: Sure.

24 MS. LYNCH: I want to be sure the witness
25 understands the privilege.

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2 MR. SCHLICHTMANN: I agree with you. It is
3 a good idea.

4 (Recess)

5 MS. LYNCH: Could we have the last question,
6 please?

7 THE REPORTER: Question: Do you have any
8 information as to whether any W. R. Grace employees,
9 past or present, have testified before a grand jury
10 convened regarding the past waste disposal matters
11 at the Woburn plant other than any information which
12 you may have received or may not have received from
13 your attorneys?

14 MS. LYNCH: Go ahead.

15 A No.

16 MS. LYNCH: I want to be clear that that
17 excludes privileged material we just discussed.

18 Q From your attorneys, right?

19 A No, I don't.

20 Q Do you have any reason to believe, Mr. Nordin, that
21 any employee at the W. R. Grace plant, past or present,
22 is concealing information from the Environmental
23 Protection Agency or the United States Attorney's
24 office concerning the past waste disposal practices at
25 the plant?

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2 A No.

3 Q Do you have any reason to believe Paul Shalline is
4 concealing information concerning the waste disposal
5 practices at the W. R. Grace plant in Woburn from the
6 Environmental Protection Agency or the United States
7 Attorney's office or from the plaintiffs in this law-
8 suit?

9 MS. FAWCETT: Objection.

10 MS. LYNCH: I will object to the form. If
11 you can answer the --

12 A Absolutely not.

13 Q You have no reason to believe Mr. Shalline is conceal-
14 ing information concerning past waste disposal
15 practices at the Woburn plant from the Environmental
16 Protection Agency?

17 A No.

18 Q You have no reason to believe he is?

19 A No.

20 MS. LYNCH: Please note my belated
21 objection.

22 MR. SCHLICHTMANN: Of course.

23 Q Do you have any reason to believe that Mr. Shalline
24 is concealing information, any information whatsoever,
25 concerning waste disposal practices at the W. R.

1
2 Grace plant in Woburn from the United States
3 Attorney's office?

4 MS. LYNCH: Objection. You may answer the
5 question.

6 A No.

7 Q Do you have any reason to believe Paul Shalline is
8 concealing information concerning past waste disposal
9 practices at the W. R. Grace plant in Woburn from the
10 plaintiffs in this case?

11 MS. LYNCH: Objection.

12 A Would you restate the question?

13 THE REPORTER: Question: Do you have any
14 reason to believe Paul Shalline is concealing
15 information concerning past waste disposal practices
16 at the W. R. Grace plant in Woburn from the
17 plaintiffs in this case?

18 THE WITNESS: I wouldn't know. I have no
19 idea.

20 Q Do you have any reason to believe Tom Barbas is
21 concealing information, any information whatsoever,
22 concerning waste disposal practices at the W. R.
23 Grace plant in Woburn from the plaintiffs in this
24 case?

25 MS. LYNCH: Objection. You may answer.

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2 A I have no idea.

3 Q Do you have any reason to believe Tom Barbas is
4 concealing information concerning the past waste
5 disposal practices at the W. R. Grace plant in Woburn
6 from the Environmental Protection Agency or the United
7 States Attorney?

8 MS. LYNCH: Objection. Before he answers,
9 could I have a second with him right here?

10 MR. SCHLICHTMANN: You can go outside.

11 MS. LYNCH: No, that is fine.

12 (Pause)

13 A No.

14 Q Mr. Nordin, do you have any reason to believe that
15 Eddie Orazine is concealing any information concerning
16 past waste disposal practices at the W. R. Grace
17 plant in Woburn from the plaintiffs in this case?

18 MS. LYNCH: Objection. You may answer.

19 A No.

20 Q Or from the Environmental Protection Agency or the
21 U. S. Attorney's office?

22 MS. LYNCH: Objection. You may answer.

23 A No.

24 Q Mr. Nordin, did you ever become aware -- you became
25 aware, did you not, that the U. S. Attorney's office

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2 was convening the grand jury for an investigation
3 concerning the past waste disposal practices of the
4 W. R. Grace plant in Woburn prior to the grand jury
5 being convened; is that right?

6 MS. LYNCH: Objection. I instruct you not
7 to answer the question based on the same ground we
8 have asserted before.

9 MR. SCHLICHTMANN: I am only --

10 MS. LYNCH: Let's make it clear you're
11 asking for sources of information --

12 MR. SCHLICHTMANN: Other than what he
13 learned from his attorneys.

14 A What is the question?

15 Q Did you learn that the U. S. Attorney was convening
16 the grand jury that was to look into the past waste
17 disposal practices at Woburn other than what you may
18 have learned from your attorneys?

19 MS. LYNCH: Objection. I would also
20 object to the form.

21 MR. SCHLICHTMANN: Okay with me.

22 MS. LYNCH: Are you including newspaper
23 articles that the witness has referred to?

24 MR. SCHLICHTMANN: That was after the
25 grand jury was convened.

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2 A Am I aware of -- no.

3 Q Mr. Nordin, do you know -- did you inform the
4 employees of the W. R. Grace plant in Woburn at any
5 time that there was going, that they may be contacted
6 by the United States governmental agents who were
7 looking into past waste disposal practices at the
8 W. R. Grace plant in Woburn?

9 MS. LYNCH: Objection. I will instruct
10 him not to answer at this point. It seems to me it is
11 fairly within the privileges.

12 MR. SCHLICHTMANN: I am asking Mr. Nordin
13 if he ever informed employees --

14 MS. LYNCH: That is right. He may have
15 been acting under instructions of counsel in pursuit
16 of --

17 MR. SCHLICHTMANN: He may be acting under
18 instruction of counsel. I am not asking for
19 privileged conversations. I am asking about
20 communications he had with employees.

21 MS. LYNCH: The employees are also in this
22 sense part of the defendant company. I will instruct
23 him not to answer that.

24 Q Mr. Nordin, did you ever call employees in the plant
25 together from the W. R. Grace Company, either

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2 singularly or in groups, to inform them individually
3 or in groups as to, to inform them there was a
4 governmental agency investigating the past waste
5 disposal practices at the plant?

6 MS. LYNCH: Same objection and same
7 instruction not to answer.

8 MR. SCHLICHTMANN: I am not asking about
9 any meeting he had with attorneys.

10 MS. LYNCH: Mr. Schlichtmann --

11 MR. SCHLICHTMANN: Any conversation with
12 employees is outside the privilege.

13 MS. LYNCH: I disagree with you.

14 Q Are you going to answer the question, Mr. Nordin?

15 A My legal counsel tells me not to.

16 Q Have you had any meeting with employees where your
17 attorneys were not present in which you informed these
18 employees that there was a governmental investigation
19 into the past waste disposal practices at the W. R.
20 Grace plant in Woburn?

21 MS. LYNCH: Same objection.

22 MR. SCHLICHTMANN: Okay.

23 MS. LYNCH: Same instruction not to answer
24 the question.

25 MR. SCHLICHTMANN: Are you refusing to have

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2 the witness tell me about meetings he had with
3 employees at the W. R. Grace plant where attorneys
4 had not been present?

5 MS. LYNCH: Not generally, but specific
6 meetings related to the defense of the interests of
7 the corporation, yes.

8 MR. SCHLICHTMANN: I am talking about a
9 grand jury investigation. It has nothing to do with
10 the preparation of this case.

11 MS. LYNCH: I am happy to hear you say
12 that, Mr. Schlichtmann. The instruction to the witness
13 stands.

14 Q Mr. Nordin, have you ever called a meeting of
15 employees in which you have told those employees that
16 the United States government is going to be
17 investigating the past waste disposal practices of
18 the W. R. Grace plant at which no attorneys were
19 present?

20 MS. LYNCH: Same instruction.

21 Q Are you refusing to answer that question, Mr. Nordin?

22 A My legal counsel tells me not to.

23 MR. SCHLICHTMANN: All right. We will
24 suspend the deposition and we will have to get that
25 issue resolved.

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2 MS. LYNCH: As to those questions.

3 MR. SCHLICHTMANN: And any others in
4 addition that are related thereto.

5 MS. LYNCH: Unrelated to that topic, do
6 you have any other questions?

7 MR. SCHLICHTMANN: I don't think we will
8 make that limitation. We shall suspend and get this
9 issue resolved. I don't know what other areas this
10 will lead to when he starts telling the truth about
11 meetings he had with employees. You do not want him
12 to answer and we will have the issue resolved. We
13 will bring him back and deal with the issue after
14 that.

15 MS. LYNCH: I understand the area of
16 questioning you reserved are related to the area in
17 which I asked the witness not to answer?

18 MR. SCHLICHTMANN: Right.

19 MS. LYNCH: I take it you have no other
20 questions that are unrelated?

21 MR. SCHLICHTMANN: We will see afterwards.
22 Things could be opened up by that inquiry.

23 MS. LYNCH: I understand that. But at the
24 present time are there any other questions that you
25 have for the witness that are unrelated to this area,

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2 Jan?

3 MR. SCHLICHTMANN: Or becomes related once
4 we open up that line of inquiry.

5 MS. LYNCH: I understand that.

6 MR. SCHLICHTMANN: That is it. We are
7 suspending. We will fight it out. I won't have you
8 stonewall an area you don't have a privilege on. We
9 will get it resolved.

10 MS. LYNCH: You know, Jan, we do disagree
11 with the privilege. We will obviously get it
12 resolved.

13 MR. SCHLICHTMANN: All right. Let's get
14 it resolved. I have a discovery deadline in 30 days.
15 This issue has to be resolved.

16 MS. LYNCH: There are, in fact, a large
17 amount of discovery areas to be resolved.

18 MR. SCHLICHTMANN: Let's get them resolved
19 as quickly as possible.

20 MS. LYNCH: We ought talk about what they
21 all are at some point.

22 MR. SCHLICHTMANN: I agree. We'll sit down
23 as soon as possible on it.

24 MS. LYNCH: All right.

25 MR. SCHLICHTMANN: Suspended.

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(Whereupon, the deposition was
suspended at 11:32.)

J U R A T

I, ULF CARL DAVID NORDIN, have read the foregoing transcript of testimony and the same contains a true and accurate recording of my answers given to the questions therein set forth.

Signed under the pains and penalties of perjury this _____ day of _____, 1985.

ULF CARL DAVID NORDIN

(OPTIONAL)

Sworn and subscribed before me this _____ day of _____, 1985.

NOTARY PUBLIC

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS)
) ss.
COUNTY OF MIDDLESEX)

I, Valerie T. Wong, Notary Public within
and for the Commonwealth of Massachusetts, do hereby
certify:

That ULF CARL DAVID NORDIN, the witness
whose deposition is hereinbefore set forth, was duly sworn
by me and that such deposition is a true record of the
testimony given.

I further certify that I am not related to
any of the parties to this action by blood or marriage, and
that I am in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my seal of office this 9th day of
December, 1985.

Valerie Wong

NOTARY PUBLIC

My Commission Expires:
November 5, 1987.

J U R A T

I, ULF CARL DAVID NORDIN, have read the foregoing transcript of testimony and the same contains a true and accurate recording of my answers given to the questions therein set forth.

Signed under the pains and penalties of perjury this _____ day of _____, 1985.

ULF CARL DAVID NORDIN

(OPTIONAL)

Sworn and subscribed before me this _____ day of _____, 1985.

NOTARY PUBLIC

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