

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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UNILEVER BESTFOODS and KIK CUSTOM  
PRODUCTS, INC., f/k/a CCL CUSTOM  
MANUFACTURING, INC.,

vs. C. A. No. 01-496-L

TEKNOR APEX COMPANY, et al.,

-----  
KIK CUSTOM PRODUCTS, INC., f/k/a  
CCL CUSTOM MANUFACTURING, INC.

vs. C. A. No. 01-511-L

A. T. CROSS COMPANY, et al.

DEPOSITION OF ERNEST ROCHA,

a witness in the above-entitled cause, taken on  
behalf of the Plaintiff, before Devin J. Baccari,  
CSR, at the Law Office of Blish & Cavanagh, LLP,  
30 Exchange Terrace, Providence, Rhode Island, on  
March 25, 2008, scheduled at 10:00 a.m.

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1 (Deposition commenced at 10:00 a.m.)

2 ERNEST ROCHA,

3 Being duly sworn, deposes and testifies as follows:

4 EXAMINATION BY MR. JACKSON

5 Q. Good morning, Mr. Rocha.

6 A. Good morning.

7 Q. My name is Tom Jackson. I'm an attorney with  
8 Baker Botts representing Unilever Bestfoods in  
9 some litigation involving the J.M. Mills  
10 landfill. Have you ever been deposed before?  
11 Have you ever been through this kind of --

12 A. No.

13 Q. Okay. Let me just explain to you a little bit  
14 about what's going to happen this morning and  
15 talk about a few ground rules. I'm going to ask



16 you a series of questions about some of your  
17 prior work and I'm going to ask you to listen to  
18 my questions, try to make sure you understand the  
19 questions, I'll try to be as clear as I can, but  
20 if for some reason you don't understand my  
21 question, just let me know and I'll try to  
22 rephrase it so that it's clear to you.

23 And we're going to ask you to let me finish  
24 my question before you respond because the court  
25 reporter has a hard time if both of us are trying  
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1 to talk at the same time.

2 And I'm also going to ask you to give a  
3 verbal response. A lot of people have the habit  
4 of just shaking their head, but the court  
5 reporter can't really take that down, so I'm  
6 going to ask you to give a verbal response.

7 If at any point during the deposition you  
8 need a break for whatever reason, just let us  
9 know, that's fine, not a problem. We're happy to  
10 take a break. This is not an endurance contest  
11 of any sort, so if you need a break, just let me  
12 know. Is that all clear?

13 A. Yes.

14 Q. Okay. Can you state your full name for the  
15 record.

16 A. Ernest Rocha.

17 Q. Okay. And can you spell your last name?

18 A. R-O-C-H-A.

19 Q. Mr. Rocha, where do you currently live?

20 A. 437 Locust Street, Attleboro.  
21 Q. Okay. And how old are you, Mr. Rocha?  
22 A. That's a good question. 59.  
23 Q. Gets harder when you start getting up there.  
24 A. Yeah, I know, huh?  
25 Q. And are you currently employed, Mr. Rocha?  
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1 A. Yes.  
2 Q. And where are you employed?  
3 A. Waste Management, Attleboro.  
4 Q. Okay. And what's your work address?  
5 A. What is that, 205? I think it's 205 O'Neil  
6 Boulevard.  
7 Q. Okay. And how long have you been working for  
8 Waste Management?  
9 A. Since '81.  
10 Q. Okay. And what do you currently do for Waste  
11 Management?  
12 A. Drive a roll-off truck.  
13 Q. And just so the record's clear, can you describe  
14 for me --  
15 MS. BARRY: Hi.  
16 MR. JACKSON: Good morning.  
17 (Ms. Barry is now present in the  
18 deposition.)  
19 Q. Can you describe for me what a roll-off truck is?  
20 A. It picks up the open top containers like for  
21 construction and the compactors, like, in back of  
22 the stores, the big ones for companies or  
23 whatever.

24 Q. And how long have you been doing that for Waste  
25 Management, doing that particular job?

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1 A. Since I started. I've done a lot of other  
2 things, too, but I've done that also.

3 Q. Okay. When you say "a lot of other things," can  
4 you tell me about some of the other things that  
5 you've done for Waste Management?

6 A. I worked in the garage for a while. I drove a  
7 front load truck which picks up the small  
8 containers. I drove residential for a while.

9 Q. Okay. Let's go back a little bit. What's your  
10 education, Mr. Rocha?

11 A. 12th grade.

12 Q. Okay. And when did you finish 12th grade? Do  
13 you recall?

14 A. I have no clue. I can't go back that far.

15 Q. Okay. And what school was that?

16 A. Attleboro High.

17 Q. Okay. And what did you do after you got out of  
18 high school?

19 A. I was working on a farm. I've been on a farm  
20 all my life up until about -- I don't know.  
21 About 30 years, I was on a farm.

22 Q. And where was that?

23 A. Attleboro. In fact, I was still on the farm  
24 when I was working for Goditt & Boyer at the same  
25 time.

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- 1 Q. Okay. And just what were you doing on the farm?  
2 A. Milking cows, feeding cows, cutting hay. You  
3 name it, I done it, everything.  
4 Q. Okay.  
5 A. It was a way of life.  
6 Q. And what was the first job you had other than the  
7 farm?  
8 A. I was driving a school bus for a while.  
9 Q. And for who?  
10 A. Haskall. No, wait a minute. Yeah, it was  
11 Haskall for a while and then it was Town &  
12 Country Transportation after that.  
13 Q. And do you recall when you started doing that?  
14 A. I haven't got a clue.  
15 Q. And do you recall about how long you did that?  
16 A. About, maybe, ten years or so give or take, I  
17 guess. I don't know. Somewhere in that area.  
18 Q. Okay. And after you stopped driving the school  
19 bus, what did you do after that?  
20 A. I was working for Goditt & Boyer.  
21 Q. Okay. And do you remember approximately when you  
22 started with Goditt & Boyer?  
23 A. Yeah, had to be in '81. Yeah, I think it was  
24 like '81, something like that. I don't know.  
25 They've got all the paperwork in the office over  
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- 1 there. I could find out if I had to, but --  
2 Q. And what did you do for Goditt & Boyer when you  
3 first started?

4 A. When I first started, I was working in the  
5 garage.

6 Q. And can you describe for me a little bit what  
7 kinds of things you were doing in the garage?

8 A. Changing tires, general maintenance.

9 Q. And do you recall about how long you did that,  
10 worked in the garage?

11 A. I don't know. I was in and out of there. I  
12 can't answer that. I don't really know.

13 Q. That's fine. And what did you do after you  
14 stopped working in the garage?

15 A. I was driving -- I think I went into  
16 residential after that. I was doing residential  
17 work.

18 Q. And then just so it's clear, can you describe for  
19 me a little bit about what that entailed?

20 A. Curbside, picking up at people's houses.

21 Q. And was there a particular area that you were  
22 working in at that time? Do you recall?

23 A. No. They moved me around. Attleboro was  
24 about 50 percent of the time, but when you first  
25 start, they don't hesitate to move you around.

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1 Q. And do you recall about how long you did that  
2 residential work?

3 A. No, I can't remember. It was a while. Let's  
4 say, I don't know, maybe five years, I guess. I  
5 don't know. I can't remember.

6 Q. And after a time, did you start doing something  
7 else other than the residential?

8 A. Yeah. I was driving a front load truck  
9 picking up the small containers, and I have no  
10 clue how long that was.

11 Q. And when you were driving the -- when you say  
12 "small containers," can you give me an idea of  
13 about how big they are?

14 A. Yeah, like two-yarders and four-yarders, the  
15 ones that are like around -- the small ones in  
16 back of buildings and stuff.

17 Q. And what kind of locations were you picking up  
18 from when you did that?

19 A. Oh, it was, like, Attleboro, Rehoboth, North  
20 Attleboro, right around that area.

21 Q. And what kinds of customers were you picking up  
22 from at that point?

23 A. Oh, I don't know. Anything that wasn't --  
24 some was in people's yards, some were in back of  
25 buildings. I can't remember exactly every single

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1 building I picked up.

2 Q. So it was some residential and some commercial?

3 A. Yeah.

4 Q. And did there come a time when you started doing  
5 something else?

6 A. Yeah, I started driving a roll-off.

7 Q. Okay.

8 A. And that's the big containers.

9 Q. And do you recall approximately when that was  
10 that you started doing that?

11 A. No, but it -- I'm still doing it today, so it

12 was from then till now.

13 Q. And when you first started picking up these  
14 roll-off containers, do you recall what kind of  
15 customers you were picking up from?

16 A. It was mostly all household stuff. I was  
17 doing the open tops and it wasn't much  
18 commercial, it was more household cleanups and  
19 different odds and ends like that. Occasionally  
20 you'd get into a commercial stop, but there  
21 wasn't a whole lot of them.

22 Q. When you started driving the roll-off truck on a  
23 regular basis, was that the first time working  
24 for Goditt & Boyer Waste Management when you had  
25 done that?

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1 A. No, it was -- it was a while after that. It  
2 was, oh, I don't know. I was driving so many  
3 different trucks. I was never in the same one.  
4 I was doing residential, I was doing roll-off and  
5 I was doing front load. I was doing anything  
6 that was there. I'd just do whatever was there.  
7 It was probably, like, maybe, a couple of years  
8 after I started there I started in a roll-off on  
9 and off. I was looking for work. He had work  
10 and I didn't care what I'd done as long as I got  
11 paid.

12 Q. And when you say "he," who are you referring to?

13 A. Brask.

14 Q. And was that -- which Brask are you referring to?

15 A. Dave.

16 Q. And can you tell me who he was or is?  
17 A. The owner of Goditt & Boyer.  
18 Q. When you first started working for Goditt &  
19 Boyer, do you remember who actually hired you?  
20 A. Russell Brask.  
21 Q. Okay. And what was his role? Do you recall?  
22 A. I don't know. I guess he was the foreman or  
23 whatever you want to call him. He was the guy I  
24 answered to.  
25 Q. When you first started working for Goditt &  
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1 Boyer -- well, strike that.  
2 You said you started working in the garage  
3 initially?  
4 A. Yeah. Well, I was driving a truck during the  
5 day sometimes, too. I was doing anything.  
6 Anything that was there, I done it.  
7 Q. Okay.  
8 A. That's the way I was hired. So I could have  
9 been in the truck one day, I could have been in  
10 the garage another day. I could have been --  
11 some days there was nothing to do. Depended what  
12 it was.  
13 Q. How did you come to find out what you were going  
14 to do on any given day?  
15 A. Russell would tell me the day before or that  
16 morning.  
17 Q. When you first started, do you recall about how  
18 much time you spent working in the garage?  
19 A. I don't know. I can't remember.



20 Q. When you first started, were there others who  
21 were working for Goditt & Boyer as drivers?  
22 A. All he had was a few people there.  
23 Q. Do you recall who they were?  
24 A. Tommy Costello, David Vierra, Richie Elican  
25 (phonetic spelling). Let's see who else. Paul  
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1 Elican. Oh, I can't remember the other ones.  
2 There was a lot of guys around there. I can't  
3 remember all of them.  
4 Q. Do you know where Mr. Vierra is currently?  
5 A. Yeah, he's working with Dave Brask in the same  
6 building we're working in.  
7 Q. And around this time when you first started, do  
8 you recall what kind of work these other drivers  
9 were doing?  
10 A. I know what Tommy was doing. He was driving a  
11 roll-off, same as I'm doing. The other guys, I  
12 don't know.  
13 Q. During the first few years that you worked for  
14 Goditt & Boyer, do you recall, did the number of  
15 drivers stay about the same?  
16 A. Yeah, for the most part give or take one or  
17 two. Yeah, I would say for the most part. Yeah.  
18 Q. Were there other people who worked for Goditt &  
19 Boyer at that time who you had dealings with?  
20 THE WITNESS: Somebody out of the  
21 company?  
22 MR. JACKSON: No.  
23 Q. Were there other people who worked for Goditt &

24 Boyer at that time who you dealt with on a  
25 regular basis?

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1 A. No. I talked to different people, but I  
2 didn't really get into it.

3 Q. And at that time, do you recall overall about how  
4 many employees Goditt & Boyer had?

5 A. I don't know. If I had to guess, I would  
6 say -- I don't know. The only thing I could do  
7 is guess.

8 Q. Well, don't. Don't guess. That's fine. But I  
9 take it there were more employees --

10 A. Yeah.

11 Q. -- than the ones you named?

12 A. Oh, yeah, there was more of them. In fact,  
13 you know what, Steve -- Steve -- I can't think of  
14 his name. There was a Steve, Steve, Steve,  
15 Steve, Steve, Steve. Steve Macacchio (phonetic  
16 spelling) was one of them, too. I think that's  
17 his name.

18 Q. And he was another driver?

19 A. Yeah. There was other ones, too, but I can't  
20 think of their names now.

21 Q. And at that time, again, getting around the time  
22 you first started, do you recall whether there  
23 were other drivers besides Tom Castello who were  
24 also driving roll-offs?

25 A. Yeah, I think Steve was a roll-off driver,

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1           too. I think that's what he done, if I remember  
2           right.

3       Q. Okay. And do you know if these other drivers  
4           you've mentioned were picking up residential  
5           accounts?

6       A. I don't know what they were picking up. I  
7           can't remember back that far.

8       Q. Okay. On those days back then when you did drive  
9           a truck, were you driving the truck alone or was  
10          somebody else with you?

11      A. No, I was alone.

12      Q. And what were the hours you typically worked  
13          during the day?

14      A. I don't know. At least a 12-hour day, at  
15          least.

16                    THE WITNESS: Was that just driving a  
17          truck or in total?

18      Q. Well, let's break it up. On those days when you  
19          were driving the truck, do you recall how long  
20          your day was typically?

21      A. It wasn't a 12-hour day just driving the  
22          truck.

23      Q. Okay.

24      A. It was probably about eight hours, maybe.

25      Q. On those days when you were driving a truck and  
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1           during this early period, were you doing other  
2           things during the day as well?

3 A. Yeah. I'd drive the truck during the day and  
4 then I'd work in the garage when I got in.

5 Q. And how many days a week did you work typically?

6 A. Six.

7 Q. Again, on those days when you were driving a  
8 truck during this early period, what kind of  
9 truck was it?

10 A. I don't know. It could have been any truck.  
11 It was whatever had to be done that day. I could  
12 have been in any one of them.

13 Q. Okay. Would that have included a roll-off?

14 A. Yes.

15 Q. And on those days when you did drive a truck,  
16 again, was there a particular area that you were  
17 working in?

18 A. No, I'd be -- I'd be moving around.

19 Q. And on any given day when you were driving a  
20 truck, how did you know where to go?

21 THE WITNESS: Where I was supposed to go  
22 that day?

23 MR. JACKSON: Yes.

24 A. They'd give me a sheet of paper to go on.

25 Q. Okay. And who would give you the sheet of paper?

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1 A. Russell or Linda, one of the two.

2 Q. And when you say "Linda," who are you referring  
3 to?

4 A. What was her name, Terry? I don't know. I  
5 don't know what her name was. It's Linda.

6 Q. Okay. That's fine. And do you know what her job

7 was?  
8 A. Yeah, she was dispatcher.  
9 Q. So either Russell or Linda would give you a  
10 sheet?  
11 A. (Nods head in the affirmative).  
12 Q. And what would the sheet have on it?  
13 A. The stops you were supposed to do for the day,  
14 wherever you were supposed to go. You just  
15 followed the sheet.  
16 Q. And what would you do with the sheet at the end  
17 of the day?  
18 A. Turned it in to the office.  
19 Q. And as the day went along, would you make any  
20 markings on the sheet yourself?  
21 A. Yeah, occasionally. Some places they'd want  
22 the times on it.  
23 Q. I mean, the time you picked up?  
24 A. Yeah. And I think we had to put the weights  
25 on it and the dump site on it, too, also on that  
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1 same sheet of paper, I think.  
2 Q. Now, do you recall the -- the sheet would tell  
3 you where to pick up loads?  
4 A. (Nods head in the affirmative).  
5 Q. Would the sheet also tell you where to dump those  
6 loads?  
7 A. Either the paper would tell you or they'd tell  
8 you where to dump it.  
9 Q. And do you recall back in that time period were  
10 there -- strike that.

11           Back in that time period, were there  
12           particular dump sites that you used frequently?  
13           A. Yeah.  
14           Q. And do you recall what they were?  
15           A. Attleboro, Mills and Central.  
16           Q. The Attleboro landfill, do you recall where that  
17           was located?  
18           A. I think it's Peckham Street.  
19           Q. And the Central landfill, do you recall where  
20           that was located?  
21           A. It's in Johnston. I don't know what the  
22           street is, but it's in Johnston.  
23           Q. And how about J.M. Mills, do you recall where  
24           that was located?  
25           A. Cumberland.

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1           Q. And do you recall when you first started dumping  
2           loads at J.M. Mills?  
3           A. No, I don't know the exact date. I can't  
4           remember back that far.  
5           Q. Do you recall was it shortly after you started  
6           with Goditt & Boyer?  
7           A. Yeah, probably about a year after I started,  
8           give or take.  
9           Q. And do you recall how you would get into that  
10           landfill?  
11           A. Yeah, you'd drive down the street and there's  
12           an entrance there, you drove in, the scale  
13           house -- not a scale house, they had the guard  
14           shack there. You'd stop at the guard shack, get

15 a slip, dump the load and drive out.  
16 Q. Do you recall, was there any sort of gate at the  
17 entrance?  
18 A. Yeah, there was definitely.  
19 Q. And you referred to a guard shack?  
20 A. Yeah, they had a guard shack there.  
21 Q. And there would be somebody from the landfill at  
22 the guard shack?  
23 A. Yes.  
24 Q. Did you ever find out the names of any of the  
25 individuals who worked at that guard shack?

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22

1 A. No, I can't remember that.  
2 Q. And I think you said, then, they would -- you  
3 would get a slip?  
4 A. Yeah. They'd give you a slip and you -- I  
5 don't think they had a scale there. I can't  
6 remember. I can't remember if they had a scale.  
7 If they had a scale, we'd get a weight slip. If  
8 not, they'd just give us a regular slip.  
9 Q. Okay. Then you said you would drive in and dump  
10 the load?  
11 A. Yeah.  
12 Q. How would you know where to dump the load?  
13 A. We were instructed by a spotter.  
14 Q. Somebody who worked at the landfill?  
15 A. Yeah.  
16 Q. And can you describe for me a little bit how that  
17 process would work, how you would actually dump  
18 the load?

19 A. You'd back up to the pile, open the door, dump  
20 the body up, drop it down, close the door and  
21 you'd go on.

22 Q. Okay. When you did that, would you have occasion  
23 to get out of your vehicle?

24 A. Yeah, you have to get out of the vehicle to  
25 open the door.

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23

1 Q. Okay. Before you actually dump the load?

2 A. Yeah.

3 Q. Okay. And what would you do then after you got  
4 out of the vehicle and opened the door?

5 A. Get back in the truck, dump it and then after  
6 you dumped it you'd do the same process, you'd  
7 get out of the truck and close the door.

8 Q. Okay. During this process, did you have occasion  
9 to see the material that you were dumping?

10 A. Yes.

11 Q. Okay. And at what point would you see the  
12 material that you were dumping?

13 A. When you open the door, you'd see some of it.

14 Q. Okay. And what about after you dumped it?

15 A. Most of the time you would -- well, it  
16 depends. Most of the time it was too far away,  
17 you couldn't see it, because they don't want you  
18 to stay on the dump site, you've got to pull away  
19 so you don't get run over.

20 Q. Do you recall the times of day that the J.M.  
21 Mills landfill was open?

22 A. I want to say 7:00 to 3:00, maybe.



- 23 Q. Do you recall how many days a week it was open?  
24 A. Six.  
25 Q. Aside from the person at the guard shack and the  
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24

- 1 spotter, did you ever see anybody else at J.M.  
2 Mills who you understood worked at the landfill?  
3 A. Yeah, they had the machine operator and a  
4 loader operator.  
5 Q. And what were they doing?  
6 A. Covering -- not covering it, pushing the trash  
7 up and packing it.  
8 Q. And what kind of machines would they have been  
9 using? Do you recall?  
10 A. They had one rubber tire loader and they had a  
11 compactor.  
12 Q. Anybody else you recall seeing at the landfill  
13 who you understood worked there?  
14 A. No, that's -- well, they have one guy picking  
15 papers. I don't know who that was, but they had  
16 one guy picking papers all the time.  
17 Q. When you say "picking papers," what do you mean?  
18 A. When the wind blows the papers away they have  
19 to pick them up, so the guy runs around picking  
20 papers.  
21 Q. The slip that you got at the landfill, what would  
22 happen to that?  
23 A. Turn it in with the sheet at the end of the  
24 day.  
25 Q. And I'm sorry, I may have asked you this, but who  
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- 1 did you turn that into at the end of the day?
- 2 A. Linda, if she was there. If not, Russell.
- 3 Q. During this early period when you were first
- 4 working for Goditt & Boyer, did you have occasion
- 5 to deal with David Brask on a regular basis?
- 6 A. No.
- 7 Q. Did you have occasion to deal with him at all?
- 8 A. Occasionally, I'd see him and say hi and talk
- 9 to him once in a while just -- I don't know, just
- 10 about everyday life.
- 11 Q. Do you recall seeing him in the office on a
- 12 regular basis?
- 13 A. No.
- 14 Q. The paperwork that you gave to Linda or Russell
- 15 at the end of the day, do you know what happened
- 16 to that paper after you turned it in to them?
- 17 A. No, they -- they used it for billing or
- 18 whatever they did with it. I don't know what
- 19 they did with it.
- 20 Q. On those days when you were driving a truck and
- 21 during this early period, was there any sort of
- 22 other papers that you handled during the course
- 23 of the day aside from the sheet we've talked
- 24 about and the slips you got from the landfill?
- 25 A. There was one. Peterson Puritan, I had to
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- 1 have a slip and a paper to give to the guy at the
- 2 landfill when you dumped it.

3 Q. Okay. But you don't recall anything else besides  
4 that?  
5 A. No, that's it. That's all I can remember  
6 anyway.  
7 Q. The slips that you got from the landfill, do you  
8 recall what sort of information was on those  
9 slips?  
10 A. If it was a scale -- I can't remember if there  
11 was a scale there at that time or not. If there  
12 was a scale, it would be the weight of the  
13 container and if it wasn't they'd just put down  
14 whatever the yardage was on the container on the  
15 slip.  
16 Q. Did you write on the slip at all? Do you recall?  
17 A. I believe I had to sign them. Some places I  
18 signed them. Some places I didn't. Depended  
19 where I went.  
20 Q. Now, on those days when you were driving a truck  
21 during this early period, do you recall  
22 approximately how many stops you would make on a  
23 given day?  
24 A. Depending on the hours, I would say, I don't  
25 know, about six maybe.

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1 Q. Can you describe for me generally the kinds of  
2 waste you were picking up?  
3 A. It depends what container it was.  
4 Q. Okay.  
5 A. If you had open tops, they'd be mostly all  
6 residential stuff like house cleanouts or

7 building cleanouts and wood and stuff like that.  
8 If you had the closed ones, it could be anything  
9 from cardboard to plastic bags to aerosol cans  
10 depending what you -- depending where you was.  
11 Q. The open tops, can you describe for me generally  
12 what those looked like?  
13 A. They're the big square ones that people use to  
14 put in their driveway.  
15 Q. And what's the capacity of that kind of --  
16 A. 30 yards.  
17 Q. Okay. When you're talking about closed  
18 containers, can you describe for me in general  
19 what those look like?  
20 A. It's the ones like in back of -- I don't know,  
21 like in back of Ann & Hope or Shaw's or Stop &  
22 Shop. They're 50 yards. They're closed.  
23 Q. Okay. Now, are there any openings in those  
24 containers?  
25 A. Only the back door where you back it into the  
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1 compactor.  
2 Q. And about how big is that opening?  
3 A. Probably four-by-four.  
4 Q. And just to be clear, during this period, where  
5 was Goditt & Boyer's office?  
6 A. Attleboro, O'Neil Boulevard.  
7 Q. Mr. Rocha, I asked you about the gentleman who  
8 worked in the guard shack, do you recall the  
9 names of any of the other employees who worked at  
10 the J.M. Mills landfill?

11 A. The only one was Joe Mills himself. That's  
12 the only one I -- I can remember.

13 Q. And do you recall seeing him at the landfill?  
14 A. Yeah, he was running the machine, the  
15 compactor. Junior, not Senior, Junior.

16 Q. Did you ever have an occasion to see Joe Senior?  
17 A. No. I wouldn't even know him if I tripped  
18 over him.

19 Q. Okay. Any other people who you recall who worked  
20 at the landfill aside from Joe Junior?  
21 A. Al Dumont was there for a short time, but he  
22 was in and out of there, but I don't think he --  
23 I never seen him running any machines or nothing.

24 Q. And do you recall what he was doing when you saw  
25 him there?

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1 A. Sitting in a pickup.

2 Q. And did you ever have occasion to interact with  
3 Mr. Dumont while he was at the landfill?  
4 A. No.

5 Q. And how did you know Mr. Dumont?  
6 A. From the Attleboro landfill.

7 Q. Was he also associated with the Attleboro  
8 landfill?  
9 A. Yeah.

10 Q. And what did he do there?  
11 A. He owned it.

12 Q. Do you recall about how often you saw Mr. Dumont  
13 at the J.M. Mills landfill?  
14 A. I don't know. I can't remember. He was there

15 on and off. I don't remember.  
16 Q. And did you have occasion to speak with Joe  
17 Junior?  
18 A. Not -- yeah, maybe once or twice because he  
19 used to tell you where to dump the load so you'd  
20 have to talk to him once in a while.  
21 Q. And during this early period, do you recall about  
22 how often you dumped loads at the J.M. Mills  
23 landfill?  
24 A. Yeah, I was in there -- I want to say I was in  
25 there, like, maybe, four days a week.

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1 Q. Were there times when you dumped more than one  
2 load there on a given day?  
3 A. Yes.  
4 Q. Did that happen often?  
5 A. Maybe about 50 percent of the time.  
6 Q. All right. Mr. Rocha, I'm going to ask you about  
7 a few particular customers. Do you recall a  
8 company called Teknor Apex?  
9 A. Yes.  
10 Q. Do you recall whether you had occasion to pick up  
11 waste from any Teknor Apex facility?  
12 A. Yes.  
13 Q. And do you recall how many Teknor Apex facilities  
14 you picked up waste from?  
15 A. Two of them.  
16 Q. And where were they located? Do you recall?  
17 A. One's in Pawtucket and one's in, I believe,  
18 that's Attleboro, I think. Yeah, it has to be.

19 One Pawtucket, one Attleboro.  
20 Q. Okay. Let's talk a little bit about the  
21 Pawtucket facility. Do you have an understanding  
22 of what sorts of operations they conducted at  
23 that facility?  
24 A. Rubber hose, garden hose.  
25 Q. And about how big was the facility in terms of  
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1 size?  
2 A. I don't know. Probably about the size of a  
3 Stop & Shop store, I guess. I don't know.  
4 Q. And do you recall what sorts of -- again,  
5 focusing on this -- well, strike that.  
6 Do you recall approximately when you first  
7 visited that facility?  
8 A. Yes.  
9 Q. When was that?  
10 A. Probably about a year-and-a-half or a year  
11 after I started working there.  
12 Q. And do you recall at that time what kind of  
13 containers they had?  
14 A. They had -- they had one compactor, one closed  
15 50-yarder there and they had at least one --  
16 yeah, there was only one because it was  
17 side-by-side, there was one open top container,  
18 30-yarder.  
19 Q. And do you recall where at the facility they were  
20 located?  
21 THE WITNESS: The containers?  
22 MR. JACKSON: Yes.

23 A. Right directly behind it.  
24 Q. And do you recall how you would get access to  
25 those containers? Did you have to go through any  
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1 sort of gate?  
2 A. I don't remember. I know you backed right in  
3 off the street. I don't remember if there was a  
4 gate there or not.  
5 Q. Okay.  
6 A. I can't remember it.  
7 Q. Do you recall which of those containers you had  
8 occasion to pick up?  
9 A. Either one or the other. I picked up both of  
10 them at -- it wasn't on a regular basis, but at  
11 one time or another I picked up either one or the  
12 other.  
13 Q. When you picked up either one of those  
14 containers, was there anyone who worked at the  
15 facility you had to talk to?  
16 A. I don't recall. I don't think so but I don't  
17 recall, not at that spot anyway.  
18 Q. Do you recall whether there was any particular  
19 paperwork you had to fill out?  
20 A. No.  
21 Q. Do you recall about how often you picked up the  
22 50-yard container?  
23 A. Oh, I only done it on occasion. I don't know.  
24 Probably once every two or three weeks, maybe. I  
25 don't know. I didn't do that very often. Might  
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- 1           have been even once a month. I don't know. I  
2           can't remember exactly.
- 3       Q. What about the 30-yard container, do you recall  
4           about how often?
- 5           A. About the same thing. Most of the time when  
6           you done one you done the other one right next to  
7           it about 90 percent of the time.
- 8       Q. So just to clarify, you're saying 90 percent of  
9           the time you would pick up both containers?
- 10          A. Yeah, you'd dump one, take it back, dump the  
11          other one take it back.
- 12       Q. Do you have any -- strike that.
- 13                 With respect to the 50-yard container, again,  
14           focusing on this early period, do you have any  
15           knowledge as to whether that container was picked  
16           up by Goditt & Boyer on a regularly scheduled  
17           basis?
- 18          A. I believe it was. I think it was.
- 19       Q. And what's the basis for your recollection?
- 20          A. Because it -- I think there was a truck there  
21           every day doing that, if I remember right.  
22           Somebody was there every day doing it.
- 23       Q. How about the 30-yarder, do you know if that  
24           was --
- 25          A. I don't know about that one. I know the  
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- 1           couple of times I was there on and off I done

2 both of them at the same time. Whether they were  
3 on schedules or not, I don't know. I think the  
4 50-yard compactor was, but I'm not sure about the  
5 other one.

6 Q. The 50-yarder, did you have occasion to see the  
7 waste that was in that container?

8 A. Yeah.

9 Q. And --

10 A. Well, the one that was at the back of it when  
11 you open and close the door and when you strapped  
12 it up.

13 Q. And do you recall what types of waste you  
14 remember seeing in that container?

15 A. It was dust and bags that the dust was in or  
16 it was powder or whatever that material is they  
17 use, hose.

18 Q. Anything else you can recall?

19 A. Occasionally some wood in it, but most of the  
20 wood went in the open top one. That's about it.

21 Q. And the dust, did it have a particular color?

22 A. Black.

23 Q. Do you recall whether it had any odor associated  
24 with it?

25 A. No.

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1 Q. You said -- you also mentioned bags?

2 A. The bags that the dust was in.

3 Q. And can you describe for me what the bags looked  
4 like?

5 A. Sometimes they were paper bags with a plastic

6 liner inside. Other times they were plastic  
7 bags.

8 Q. About how big were they? Do you recall?  
9 A. About yea big.

10 Q. Well, the court reporter can't take down hand  
11 gestures. Can you --  
12 A. You know, like the -- I don't know. Do you  
13 know when you buy fertilizer when you've got your  
14 lawn, it's about that size bag.

15 Q. Okay. Do you recall whether you observed that  
16 the bags had anything inside them?  
17 MR. BENIK: Objecti on.  
18 A. No, they were empty.

19 Q. Do you recall whether the bags had any sort of  
20 markings on them?  
21 A. I never paid attentio n.

22 Q. You also mentioned hose. Can you describe that  
23 for me?  
24 A. Yeah, the rubber hose that -- it was all --  
25 the ones that didn't come out right. They were  
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1 all deformed and stuff. They were all melted  
2 together and just all waste material.

3 Q. And do you recall was it a particular color?  
4 A. It could have been any color. Most of the  
5 main color was green.

6 Q. How about the -- let's focus on the 30-yard  
7 container. Did you have occasi on to observe the  
8 waste that was in that container?  
9 A. Yeah, it was wood and hose, mostly all the

10 rejected hoses and wood.  
11 Q. Anything else you recall seeing in that  
12 container?  
13 A. No, that's about all that was in there unless  
14 somebody threw their own house trash in, but  
15 that's all that was in it.  
16 Q. Do you recall ever seeing rags in either one of  
17 the containers?  
18 MR. BENIK: Objection.  
19 A. They may have. I don't remember.  
20 Q. Do you recall ever seeing any drums in either of  
21 the containers?  
22 MR. BENIK: Objection.  
23 A. May have. I don't remember.  
24 Q. Are you familiar with Speedy Dry?  
25 A. Yeah.

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1 Q. Do you recall ever seeing any of that sort of  
2 material in either one of the containers?  
3 MR. BENIK: Objection.  
4 A. I don't remember. I don't nitpick them that  
5 close. If you happen to see it right there.  
6 That was a long time ago.  
7 Q. So do you recall seeing any paint cans in either  
8 one of the containers?  
9 MR. BENIK: Objection.  
10 A. I don't recall.  
11 Q. Again, during this early period when you were  
12 working for Goditt & Boyer, do you recall when  
13 you picked up the containers from the Pawtucket

14 facility where you dumped those loads?  
15 A. Oh, they -- some of them did go to Cumberland  
16 and they went to Attleboro or they could have  
17 gone to Central. They could have gone to either  
18 three places depending on what they told you to  
19 do for the day.  
20 Q. Do you recall approximately what percentage of  
21 the loads from the Teknor Apex Pawtucket facility  
22 would have gone to J.M. Mills?  
23 A. I have no idea.  
24 Q. Now, was there another Teknor Apex facility that  
25 you --

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1 A. Attleboro.  
2 Q. And do you recall where in Attleboro that was  
3 located?  
4 A. Oakhill Avenue.  
5 Q. And did you have an understanding of what sort of  
6 operations took place at that facility?  
7 A. Yeah, I -- I think they made -- they made some  
8 kind of a compound or something that went -- it  
9 went from the Attleboro facility to the Pawtucket  
10 facility, I think. I think that was all part of  
11 it. I don't -- I don't know. I think it was.  
12 Q. And do you recall how big the facility was?  
13 A. Oh, it was about half the size of the other  
14 one.  
15 Q. And do you recall when you first started picking  
16 up waste at that facility?  
17 A. Around the same time as the other one.

18 Q. And do you recall what size containers they had  
19 at that facility?  
20 A. There was two 50-yarders over there and a  
21 30-yarder for wood. The 30-yarder had all wood  
22 in it and there was two 50s.  
23 Q. And do you recall where at the facility they were  
24 located?  
25 A. One of them was right inside the gate at the  
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1 first building on the right and the other two  
2 were in the back of that building.  
3 Q. The one that was right inside the gate, what  
4 size -- what kind of container was that?  
5 A. 50-yarder.  
6 Q. Were there any special procedures involved in  
7 picking up those containers that you recall?  
8 A. Yeah, you had to go sign in. They had the  
9 guard house right there at the gate. There was a  
10 gate there, you'd go in, sign in, and he'd open  
11 the gate and you'd have to go sign out and he'd  
12 close the gate.  
13 Q. All right. Anything else you recall about the  
14 procedures involved in picking up waste there?  
15 A. No, that's it. Just had to sign in, sign out,  
16 pick it up and --  
17 Q. The 50-yarder inside the gate, do you recall how  
18 frequently you had occasion to pick up that  
19 container?  
20 A. Not very often. I've done it, I don't know,  
21 maybe three or four times, maybe. I didn't do

22 that one very often. It didn't go that often.

23 Q. How about the -- okay. Then there were two  
24 containers in back?

25 A. Yeah.

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1 Q. A 50-yarder?

2 A. And a 30-yarder.

3 Q. The 50-yarder in the back, do you recall how  
4 often you picked up that container?

5 A. No, I -- I'd just hit and miss. Probably  
6 couple, two or three times. I didn't do it that  
7 often that I know of, that I can remember anyway.

8 Q. And how about the 30-yard container?

9 A. I done that once in a while. I probably done  
10 that more than all of them because I had wood in  
11 it. That's all I had was wood in it, and I -- I  
12 already had a 30 on the truck so he'd send me  
13 over there to switch it. So that one there was  
14 probably the one I done more than any of them.

15 Q. The 50-yarder inside the gate, did you have  
16 occasion to see the waste that was in that  
17 container when you picked it up?

18 A. Speedy Dry, rags, drums on occasion.

19 Q. Anything else you recall?

20 A. That's it that I can remember.

21 Q. Do you recall whether there were any markings on  
22 the drums?

23 A. I never paid attention. I know it sounds  
24 stupid, but I just never looked at them.

25 Q. Could you tell whether the drums had anything in

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- 1           them?
- 2           A. They were empty.
- 3           Q. How about the 50-yarder in back, did you have
- 4           occasion to see the waste that was in that
- 5           container?
- 6           A. Black dust, plastic bags.
- 7           Q. Anything else you remember in that container?
- 8           A. Occasionally a piece of wood or two, but
- 9           that's about it. Mostly all bags and dust.
- 10          Q. Can you describe the bags for me?
- 11          A. Same as the other place. Some of them had the
- 12          white -- the regular paper bag with a plastic
- 13          liner and some of them were just plain plastic
- 14          bags.
- 15          Q. The plastic bags, were they a particular color?
- 16          A. I can't remember. I see so much trash I can't
- 17          remember that.
- 18          Q. And do you recall whether there were any markings
- 19          on the bags?
- 20          A. I never paid attention.
- 21                        THE WITNESS: Maybe I should start
- 22          reading the bags I pick up, huh?
- 23          Q. Okay. Now, I think you said the 30-yarder was
- 24          just wood?
- 25          A. Yeah, that was just wood pallets.

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- 1           Q. Okay. On those occasions when you picked up



2           these containers from the Attleboro facility, do  
3           you recall where you dumped those loads?

4           A. They could have gone to Mills or they could  
5           have gone to Attleboro. I don't know where I  
6           took them. I don't have a piece of paper in  
7           front of me. It's a long time ago. They could  
8           have gone either way, though.

9           Q. Do you recall picking up waste from any other  
10          Teknor Apex facilities?

11          A. No. I think that's the only two there are. I  
12          don't recall any others.

13          Q. Okay.

14                         (Plaintiffs' Exhibit Number 1 was so  
15          marked.)

16                         MR. JACKSON: Off the record.

17                         (Off the record.)

18                         (A recess was taken.)

19                         MR. JACKSON: All right. Let's go back  
20          on the record.

21          Q. Mr. Rocha, you've been handed what's been marked  
22          for identification as Rocha Exhibit Number 1.  
23          It's a document that has four pages. Let's look  
24          at the first page which includes the Bates stamp  
25          number at the bottom TA00264. Do you see that?

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1           A. Yeah.

2           Q. And can you tell me generally what these  
3           documents are?

4           A. Yeah, they're slips that they give you at the  
5           dump when you dump a load.

6 Q. Okay. And let's focus for a moment on the one on  
7 the right which has at the bottom of that one  
8 Number 39056. Do you see that?  
9 A. Yes.  
10 Q. Okay. And does this document include your  
11 handwriting?  
12 A. Yes.  
13 Q. Okay. And where do you see your handwriting on  
14 this?  
15 A. Right under where it says "Teknor Apex."  
16 Q. Okay. And is that your name? Is that your  
17 signature?  
18 A. Yes, it is.  
19 Q. Okay.  
20 A. It's a rather good one. I'm just being  
21 honest. That's what we're here for.  
22 Q. That's right.  
23 (Off the record discussion.)  
24 Q. And can you tell what the date on this dump  
25 ticket is?

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1 A. I believe -- it can't be January. It's got to  
2 be 9/1/81. And it's kind of blurred out, but  
3 that's what I'd say it was.  
4 Q. Okay. And is that your handwriting at the top  
5 where the date is?  
6 A. No.  
7 Q. Okay. Do you know whose handwriting that is?  
8 A. Whoever was at the guard shack at Mills  
9 Landfill that day.

10 Q. Okay.  
11 A. Could have been anybody. I don't know.  
12 They -- I don't know all the people. I don't get  
13 into it with them.  
14 Q. Right. Okay. And then under truck or plate  
15 number, do you know what that number is there?  
16 A. Yeah, that was the number of the truck I was  
17 driving at the time.  
18 Q. Okay. And below that it appears to have a time,  
19 and then it says "type of truck." Do you see  
20 that?  
21 A. Yeah.  
22 Q. Okay. And what does that say there under "type  
23 of truck"?  
24 A. Roll-off.  
25 Q. Okay. And, again, can you tell me what type of  
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1 truck that indicates?  
2 A. Yeah, the one that picks up the 50-yarders and  
3 the 30-yarders.  
4 Q. Okay. And then I think you indicated below that  
5 it says "Teknor Apex"?  
6 A. Yes.  
7 Q. And is that your handwriting?  
8 A. Yes, it is.  
9 Q. Okay. Now, do you recall which -- well, strike  
10 that.  
11 Does this dump ticket then reflect a load  
12 that you picked up at a Teknor Apex facility?  
13 A. Yes.

14 Q. And do you recall which one -- which facility  
15 that this Teknor Apex would have referred to?  
16 A. No, I can't answer that.  
17 Q. Okay. So does this dump ticket indicate that you  
18 dumped a load from a Teknor Apex facility at J.M.  
19 Mills on the date indicated at the top?  
20 A. Yes.  
21 Q. Okay. Let's look at the second page, which has  
22 Bates number TA00542 at the bottom, and I direct  
23 your attention to the dump ticket in the lower  
24 right-hand corner. Is that your signature?  
25 A. Yes.

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1 Q. And what does it say above that?  
2 A. "Apex dust."  
3 Q. And do you recall which facility that would have  
4 referred to?  
5 A. I want to say it was the Attleboro facility  
6 only because that one was the one with the most  
7 dust in it, and I used to put them little  
8 comments on there because they got a kick out of it  
9 in the office.  
10 Q. What comments are you referring to?  
11 A. I put "Apex" and then I put "dust" there. It  
12 was just a thing with the office because I didn't  
13 like doing it because you'd get all covered with  
14 black dust.  
15 Q. And when you say "the office," you're referring  
16 to the Goditt & Boyer office?  
17 A. Yeah. Yeah. 25 years, 26 years later you

18 would n' t know i t would come back and bi te you,  
19 but that's what that was all about.  
20 Q. And what's the date on thi s one?  
21 A. 11/20/81.  
22 Q. And under truck or plate number, thi s appears to  
23 be a di fferent truck?  
24 A. Yeah. Putti ng the plate number on there, I  
25 don' t know who done that. Depends who was at the  
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1 scale, at the guard shack.  
2 Q. I thi nk you testi fied previ ously you drove  
3 di fferent trucks --  
4 A. Yeah.  
5 Q. -- at di fferent times?  
6 A. Yeah, I -- I was in one and then I'd be in  
7 another one. I never knew where I was. That was  
8 probably some driver that was out sick and I took  
9 their truck, that's why it came up wi th the plate  
10 number on that one, maybe.  
11 Q. Di d that happen very often that general ly a  
12 driver would be out sick and you would --  
13 A. That's what my job was. When they were out,  
14 I'd be in their place. It would happen  
15 occasi onal ly.  
16 Q. Okay. So does thi s dump ticket then indi cate  
17 that on 11/81 you dumped a load from a Teknor  
18 Apex faci lity at J.M. Mi lls?  
19 A. Yes.  
20 Q. Okay. Let's look at the next page, TA00590, and  
21 I'll di rect your attention to the upper

22 right-hand corner, the dump ticket Number 35726.  
23 Do you see that?  
24 A. Yes.  
25 Q. Okay. Does that have your handwriting on it?  
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1 A. Yes.  
2 Q. Is that your signature?  
3 A. Yes.  
4 Q. And what does that say about that?  
5 A. Apex dust, it's the same container obviously.  
6 Q. Okay. And, again, is that your handwriting?  
7 A. Yes.  
8 Q. Okay. And what's the date on this one?  
9 A. 1/6/82.  
10 Q. Okay. So, again, does this dump ticket indicate  
11 that on 1/6/82 you dumped a load from a Teknor  
12 Apex facility at J.M. Mills?  
13 A. Yes.  
14 Q. Okay. Let's look at the next page. This one  
15 actually says WG00621. Direct your attention to  
16 the dump ticket in the lower left-hand corner,  
17 dump ticket Number 46369. Do you see that?  
18 A. Yes.  
19 Q. And is that your signature?  
20 A. Yes.  
21 Q. And can you tell what the date on this one is?  
22 A. Looks like 11/14/81.  
23 Q. Okay. And above that does that -- above your  
24 signature, what does that say?  
25 A. Apex.

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- 1 Q. And, again, do you recall which Apex facility  
2 that would have been?
- 3 A. No, I can't answer that. At this point here,  
4 I wouldn't have any way of knowing.
- 5 Q. Okay. Just a couple of follow-up questions on  
6 the Attleboro facility, Mr. Rocha. I think you  
7 testified that in one of the 50-yarders at that  
8 facility that you saw drums on occasion?
- 9 A. Yeah, the one in the front. There was a --  
10 there was one time I pulled it out, I just took  
11 the drum and left it on the side. I didn't even  
12 take it with me. I left it there and then they  
13 took it back in the building. But  
14 occasionally -- I didn't do it that often, but  
15 there was drums there on occasion.
- 16 Q. Okay. And do you recall on those occasions  
17 whether there was more than one drum?
- 18 A. No. The most I ever seen was two that I've  
19 ever seen in it, that I could see anyway.
- 20 Q. Okay. And I think you testified that they were  
21 empty?
- 22 A. The ones I handled were. The ones that I had  
23 contact with were empty.
- 24 Q. Okay. Do you recall seeing any material in those  
25 drums?

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1 MR. BENIK: Objection.

2 A. No, not that I could see.

3 Q. Referring your attention back to the Pawtucket  
4 facility for a moment, I think you testified  
5 about in one of the containers at that facility  
6 you had seen bags?

7 A. Yeah, the 50-yard container had the paper bags  
8 with a plastic lining and the plastic bags in it.

9 Q. Okay. And I think you also testified about some  
10 dust --

11 A. Yeah.

12 Q. -- at that facility?

13 Do you have any recollection that any of  
14 those bags contained powder that included  
15 cyanide?

16 MR. BENIK: Objection.

17 A. I don't know. I had no way of telling. I  
18 didn't read the bags, so I wouldn't know. I  
19 wouldn't know it if I'd seen it anyway.

20 Q. Okay. Mr. Rocha, do you recall a company called  
21 Blackstone Valley Electric?

22 A. Yeah. They're right near the Lincoln mall,  
23 yeah.

24 Q. Do you recall whether you had occasion to pick up  
25 waste from a Blackstone Valley Electric facility?

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1 MS. PERANER-SWEET: Objection.

2 A. I may have. I don't recall. I may have been  
3 there once or twice. I can't say I haven't been  
4 because I've been everywhere, so I may have been



5 there.

6 (Plaintiffs' Exhibit Number 2 was so  
7 marked.)

8 Q. Okay. Mr. Rocha, I'm handing you what's been  
9 marked as Rocha Exhibit Number 2. It's a  
10 document containing six pages. I'd ask you to  
11 take a look at that.

12 (Witness complied.)

13 Q. Let's focus on the first page, which includes  
14 Bates number BV00717, and I'll direct your  
15 attention to the dump ticket in the lower  
16 left-hand corner. Does that include your  
17 handwriting?

18 A. Yes, it does.

19 Q. Is that your signature?

20 A. Yes, it is.

21 Q. Okay. Can you tell me what's written above your  
22 signature?

23 A. Blackstone Valley Electric.

24 Q. Okay. And does that refresh your recollection as  
25 to whether you may have picked up waste from a  
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1 Blackstone Valley Electric facility?

2 A. Obviously.

3 Q. Okay. And, I'm sorry, again, where was that  
4 facility located?

5 A. In Lincoln. If I remember right, it's right  
6 on top of the hill there. What is that? I can't  
7 think of what road it is. Route 7, maybe. I  
8 don't know.

9 MS. PERANER-SWEET: Move to strike.  
10 Q. Let's look at the next page. I'm sorry. Stick  
11 with the first page for a moment. What's the  
12 date on that dump ticket, Mr. Rocha?  
13 A. 10/16/81.  
14 Q. So does this dump ticket indicate that on  
15 10/16/81 you dumped a load from a Blackstone  
16 Valley Electric facility at J.M. Mills?  
17 MS. PERANER-SWEET: Objection.  
18 A. Yes.  
19 Q. Let's look at the next page. Direct your  
20 attention to the dump ticket in the upper  
21 right-hand corner, dump ticket 37031. Does that  
22 have your handwriting on it?  
23 A. Yes.  
24 Q. And what does it say? Does that include your  
25 signature?

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1 A. Yes.  
2 Q. Okay. And what does it indicate above your  
3 signature?  
4 A. Blackstone Valley Electric.  
5 Q. Okay. And what's the date on this one?  
6 A. 10/16/81, by the looks of it.  
7 Q. So that would be the same date as the first one  
8 we looked at?  
9 A. Yeah.  
10 Q. So does this dump ticket indicate to you that on  
11 10/16/81 you dump two loads --  
12 MS. PERANER-SWEET: Objection.

13 Q. -- from a Blackstone Valley Electric facility at  
14 J.M. Mills?

15 MS. PERANER-SWEET: Objection.

16 A. Yes.

17 Q. Let's look at the next page. Direct your  
18 attention to the dump ticket in the lower  
19 left-hand corner, dump ticket Number 35314. Is  
20 that your signature?

21 A. Yes.

22 Q. Okay. And what does it say above that?

23 A. Blackstone Valley Electric.

24 Q. And what's the date on this one?

25 A. 11/18/81.

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1 Q. So does this indicate that on 11/18/81 you dumped  
2 a load from a Blackstone Electric facility at  
3 J.M. Mills?

4 A. Yes.

5 Q. Let's look at the next page. Directing your  
6 attention to the upper left-hand corner, dump  
7 ticket 35306. Do you see that?

8 A. Yes.

9 Q. Is that your signature?

10 A. Yes.

11 Q. And, again, what does it say above that?

12 A. Blackstone Valley Electric.

13 Q. Okay. Can you make out the date on this one?

14 A. Looks like a 1/15/81, I believe. The rest of  
15 the sheet says 18. It might have been 18.

16 Q. Let's look at the next page. Direct your

17 attention to the dump ticket in the upper  
18 right-hand corner, dump ticket 36145. Is that  
19 your signature?  
20 A. Yes.  
21 Q. And what does it say above that?  
22 A. Blackstone Valley Electric.  
23 Q. Okay. Can you make out the date on that one?  
24 A. 1/21/82.  
25 Q. So does this dump ticket indicate that on 1/21/82  
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1 you dumped a load of waste from the Blackstone  
2 Valley Electric facility at J.M. Mills?  
3 A. Yes.  
4 MS. PERANER-SWEET: Objection.  
5 Q. And let's look at the last page, Mr. Rocha, dump  
6 ticket 36148 in the lower left-hand corner. Do  
7 you see that?  
8 A. Yes.  
9 Q. Is that your signature?  
10 A. Yes.  
11 Q. And what does it say above that?  
12 A. Blackstone Valley Electric.  
13 Q. And can you make out the date on that one?  
14 A. 1/21/82.  
15 Q. So, again, the same date as the one before,  
16 36145?  
17 A. The same. That's 21/82? Yes, it is, same  
18 date.  
19 Q. So, again, indicating that on 1/21/82 you dumped  
20 two loads from the Blackstone Valley Electric

21 facility --

22 MS. PERANER-SWEET: Objection.

23 Q. -- at J.M. Mills?

24 A. Yes.

25 Q. Looking at 36145, it's the prior page. Is there  
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1 a time shown on that one?

2 A. Yes, it's 3:33, I guess. That's what it looks  
3 like.

4 Q. And what about the next page?

5 A. 4:17, I guess.

6 Q. So that would have been later in the afternoon?

7 A. Yeah.

8 Q. Okay. Do you have any recollection of what size  
9 containers were at that facility?

10 A. I don't remember going there. I would say --  
11 if I had to say, they were 30-yarders.

12 MS. PERANER-SWEET: Move to strike.

13 THE WITNESS: It must be written on it,  
14 right? I was wondering if they wrote the size of  
15 the container on them. They didn't on the  
16 ticket.

17 Q. So, Mr. Rocha, do you have any recollection, as  
18 we sit here today, of the kind of waste that was  
19 in these containers from Blackstone Valley?

20 A. No, I don't. If it was an open top, I would  
21 think that it may have had telephone poles in it  
22 because we did do a stop at one time that had  
23 short pieces of telephone poles in it, but I  
24 don't know anything other than that. I can't

25 even remember it.

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1 Q. Okay. Mr. Rocha, do you recall a company called  
2 Carol Cable?

3 A. Yes.

4 Q. And do you recall picking up waste from a Carol  
5 Cable facility?

6 A. Yes.

7 Q. And do you recall where that facility was  
8 located?

9 A. Lincoln.

10 Q. Did you have any understanding of what kind of  
11 operations were conducted at that facility?

12 A. They make wire, as far as I know.

13 Q. And do you recall approximately when you first  
14 had occasion to pick up waste at that Carol Cable  
15 facility?

16 A. At the same time as I was picking all the rest  
17 of them up.

18 Q. Do you recall what size containers were at that  
19 facility?

20 A. There was two 50-yarders and one 30-yard open  
21 top.

22 Q. And do you recall where at the facility they were  
23 located, those containers?

24 A. Yeah, one was at the bottom of the -- you had  
25 to go through the gate. When you went through

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1 the gate, there was one there on the left at the  
2 bottom of the hill. When you'd go around the  
3 building to the top of the hill, there was  
4 another one.

5 Q. The one at the bottom of the hill, do you recall  
6 what size that was?

7 A. 50-yard closed container.

8 Q. And the one at the -- you described at the top of  
9 the hill, do you recall what size that was?

10 A. 50-yarder.

11 Q. And do you recall where the -- you also mentioned  
12 a 30-yarder. Do you recall where that was  
13 located?

14 A. That was right in front of the 50-yarder at  
15 the top of the hill. It was like, I don't know,  
16 the 50-yarder was sticking out like this so you  
17 had to back up to it. The other one was across  
18 the parking lot here.

19 Q. And do you recall generally how big this facility  
20 was?

21 A. Oh, it was big. It was big over there.  
22 Probably twice the size of a Stop & Shop, I  
23 guess. It was big.

24 Q. Do you recall, again during this period, how  
25 frequently you picked up waste at that facility?

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1 A. I was in and out of there, I don't know,  
2 probably once every three weeks or two weeks or  
3 something. I don't know. I can't remember.

4 Q. Do you recall whether you had occasion to pick up

5 each of the three containers you've mentioned?  
6 A. At one time or another, I picked them all up.  
7 Q. Okay. And let's talk about the 50-yarder at the  
8 bottom of the hill.  
9 A. Wire, wire and wire.  
10 Q. Okay. Can you describe for me a little bit more  
11 about the wire you observed?  
12 A. It's like the electric cords you've got in  
13 your house and the wiring in your house and all  
14 tangled and knotted and twisted and deformed.  
15 Q. And what color was the wire? Do you recall?  
16 A. Could be any color. It was multi colors.  
17 Q. And when you say "wire," did it have any sort of  
18 coating on it?  
19 A. That's what it was. It was regular coated  
20 wire like an extension cord like you've got in  
21 your house, like them orange cords, the regular  
22 extension cord.  
23 Q. And based on what you were able to observe, how  
24 long were these wires?  
25 A. I don't know. There were rolls of them. I  
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1 don't know, just all stuff that they couldn't  
2 use. It was all defective.  
3 Q. Okay. Anything else you recall seeing in that  
4 container aside from the wire?  
5 A. They had some pallets in it occasionally.  
6 When they threw the wire out, they threw the  
7 whole pallet in there. Everything went.  
8 Q. Anything else you recall?



9 A. No.

10 Q. How about the 50-yarder at the top of the hill,

11 do you recall observing the waste that was in

12 that container?

13 A. That one had general trash, some kind of dust

14 in it, had just about everything in that one. It

15 was different that one there. They had had bags

16 in it and wood in it.

17 Q. Can you describe the dust for me?

18 A. It was like a powder, some type of powder.

19 Q. Did it have a particular color?

20 A. I can't remember. There wasn't a whole lot of

21 it, so you don't remember stuff like that.

22 Q. Do you recall whether it had an odor?

23 A. No.

24 Q. And you mentioned bags, can you describe those

25 for me?

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1 A. About the same as Apex. They were like about

2 the size of a fertilizer bag, plastic. Had some

3 paper bags in there, too, in that same load,

4 about the same size.

5 Q. Again, were you able to tell whether the bags had

6 anything in them?

7 A. No, they were all empty. They were all

8 flattened out.

9 Q. Anything else you recall in that one?

10 A. No, I can't remember anything else.

11 Q. Okay. How about the -- you mentioned there was a

12 30-yarder as well?

13 A. That was wood.

14 Q. Anything else you recall in that one?

15 A. No.

16 Q. Did you ever recall seeing any rags in any of  
17 those containers?

18 MR. COBURN: Objection.

19 A. No, I don't -- I don't recall seeing any.

20 Q. Do you recall ever seeing any Speedy Dry or any  
21 material like that?

22 MR. COBURN: Objection.

23 A. It may have been there, but I don't recall  
24 seeing it. They were all common items. You get  
25 them in every load in places like that anyway.

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1 Q. And on those occasions when you picked up waste  
2 from the Carol Cable facility, do you recall  
3 where you took those loads?

4 A. It was either Central or Mills, one of the  
5 two. Of course, it could have been Attleboro,  
6 too, but I don't see going there. I don't  
7 remember going there with it.

8 Q. Do you recall picking up waste from any other  
9 Carol Cable facilities?

10 A. Got the one in Lincoln. There was another  
11 one, where was it? There was another one. I  
12 can't remember where it was, though.

13 MR. JACKSON: Okay. Let's mark that.

14 (Plaintiffs' Exhibit Number 3 was so  
15 marked.)

16 A. The one that stands out is the one in Lincoln.

17 Q. Okay. Mr. Rocha, I've handed you what's been  
18 marked as Rocha Exhibit 3. It's two pages. Let  
19 me direct your attention to the first page which  
20 is Bates numbered GC01383 and particularly the  
21 dump ticket in the lower right-hand corner -- I'm  
22 sorry -- the upper left-hand corner. My  
23 apologies. Dump ticket 36778. Do you see that?

24 A. Yes.

25 Q. Okay. Is that your signature?

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1 A. Yes.

2 Q. Okay. And what's it say above that?

3 A. Carol Cable.

4 Q. And do you know which Carol Cable facility that  
5 refers to?

6 A. No, I couldn't tell you that.

7 Q. And what's the date on this one?

8 A. 2/16/82.

9 Q. So does this dump ticket indicate that on 2/16/82  
10 you dumped a load from a Carol Cable facility at  
11 J.M. Mills?

12 A. Yes.

13 Q. Let's look at the next page. Focusing on the  
14 dump ticket in the upper left-hand corner again,  
15 dump ticket 45992. Is that your signature?

16 A. Yes.

17 Q. Again, does that say Carol Cable?

18 A. Yes.

19 Q. Okay. And do you know which Carol Cable facility  
20 that refers to?

21 A. No, I cannot answer that.  
22 Q. The other Carol Cable facility that you  
23 mentioned, do you recall anything about that?  
24 A. I can't remember where it was even. Maybe  
25 they only had one. I don't know. I can't  
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1 remember.  
2 Q. Okay.  
3 MR. JACKSON: All right. Why don't we  
4 go ahead and take a lunch break at this point.  
5 45 minutes?  
6 (A noon recess was taken.)  
7 MR. JACKSON: Okay. Let's go back on  
8 the record.  
9 Q. Okay, Mr. Rocha, back from lunch. I'll remind  
10 you you're still under oath. I've got a few more  
11 questions for you about a few other customers.  
12 Do you recall a company called Wyman &  
13 Gordon?  
14 A. Yes.  
15 Q. Do you recall whether you had occasion to pick up  
16 waste from any Wyman & Gordon facility?  
17 A. May have been, yeah.  
18 Q. Do you recall where their facilities were  
19 located?  
20 A. Millbury, I think.  
21 Q. And do you recall visiting that facility?  
22 A. Yeah, I've been there before.  
23 Q. Okay. Do you recall whether you picked up waste  
24 there?

25 A. Yeah, I must have. That's the only reason I'd  
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1 have to be there.

2 Q. Do you recall how big a facility that was?

3 A. No, I -- I can't remember. It would -- it had  
4 to be big. It had to be big because they had the  
5 gate and everything else there to go through and  
6 all. It was a big operation.

7 MS. FOGELL: Move to strike.

8 Q. Did you have any understanding of what kind of  
9 operations took place there?

10 A. I think they made stuff for the military, I  
11 think. I'm not sure, though.

12 Q. Do you recall what type of waste containers they  
13 had there?

14 A. They had a 50-yard container. That's the only  
15 one I know of.

16 Q. Do you recall where at the facility that was  
17 located?

18 A. Right inside the gate to the right. It was  
19 actually in front of the building.

20 Q. Do you recall whether there were any special  
21 procedures you had to go through to pick up waste  
22 at that facility?

23 A. Yeah, they had a guard at the gate. They let  
24 you in and let you out.

25 Q. Do you recall whether there was any paperwork you  
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1 had to fill out?

2 A. No, I never had any.

3 Q. Do you recall how often you had occasion to pick  
4 up that container?

5 MS. FOGELL: Objection.

6 A. Not very often. I was there two or three  
7 times maybe, that was the tops. I never migrated  
8 that far away from Attleboro.

9 Q. And do you recall whether you had occasion to  
10 observe any of the waste that was in that  
11 container?

12 A. I can't remember what was in there now. I  
13 never went there often enough to -- I simply  
14 can't remember.

15 (Plaintiffs' Exhibit Number 4 was so  
16 marked.)

17 Q. I'm going to hand you what's been marked as Rocha  
18 Exhibit Number 4, which has Bates number WG00622,  
19 and I'll direct your attention to the dump ticket  
20 in the upper right-hand corner which is dump  
21 ticket Number 35982. Do you see that?

22 A. Yes.

23 Q. Is that your signature?

24 A. Yes.

25 Q. And what does it say above the signature?

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1 A. Wyman & Gordon.

2 Q. And do you recall does that refer to the facility  
3 we were just talking about?

4 A. Yeah, I believe so.

5 Q. So does this dump ticket indicate -- well, strike

6 that.

7 What's the date on this?

8 A. 12/31/81.

9 Q. So does this dump ticket indicate that on

10 12/31/81 you dumped a load of waste from the

11 Wyman & Gordon facility at J.M. Mills?

12 A. Yes.

13 Q. I think you testified earlier that you would on

14 occasion pick up waste from a facility when

15 another driver was out sick?

16 A. That's correct.

17 Q. Okay. Do you recall, would that have been the

18 case when you were picking up from Wyman &

19 Gordon?

20 MS. FOGELL: Objection.

21 A. It's very well possible, yes. It's very well

22 possible.

23 Q. Do you recall discussing with any other drivers

24 whether they picked up waste from Wyman & Gordon?

25 MS. FOGELL: Objection.

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1 A. No, I don't -- even if I did, I can't remember

2 it anyway now.

3 Q. Okay. Mr. Rocha, are you familiar with a company

4 called Hollingsworth & Vose?

5 A. Yes, I am.

6 Q. And how are you familiar with Hollingsworth &

7 Vose?

8 A. I still go there yet today.

9 Q. And when you say "there," where are you referring  
10 to?

11 A. Hollingsworth & Vose. I haul trash out of  
12 there right now.

13 Q. Okay. And where is the facility you're referring  
14 to?

15 A. Walpole.

16 Q. And do you recall when you first started picking  
17 up waste at that Walpole facility?

18 A. Yeah. Yes.

19 Q. Do you recall when that was?

20 A. I'd say about the same time I picked all the  
21 rest of them up.

22 Q. And do you recall -- when you first started  
23 picking up waste there, do you recall what size  
24 container they had?

25 A. There's a 50-yard closed one there and there's  
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1 a 30-yard open top there or it's two 30-yard open  
2 tops there.

3 Q. And, again, focusing on this early period when  
4 you first started picking up waste there, do you  
5 recall where these containers were located at the  
6 facility?

7 MS. BARRY: Objection.

8 A. Yeah, there's one at the end of the building,  
9 the furthest end of the building. Well, there's  
10 two there, the open top and the -- there's two of  
11 them there, the open top and the closed 50-yarder



12 side-by-side at the end of the building.  
13 Q. And you said there were two 30-yard open tops?  
14 A. Yeah, there's one in the back of the building,  
15 right in the center of the building in the back.  
16 Q. Do you recall, when you first started picking up  
17 waste there were there any special procedures you  
18 followed in picking up waste at that facility?  
19 A. No, just do what's on the sheet. You went in  
20 there and picked it up and dumped it.  
21 Q. Do you recall filling out any paperwork?  
22 A. No.  
23 Q. Okay. Do you recall having to talk to anybody in  
24 particular while you were there?  
25 A. No.

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1 Q. And, again, focusing on this time when you first  
2 started picking up waste there, did you have  
3 occasion to observe the type of waste that was in  
4 the 50-yard container?  
5 A. Yeah.  
6 Q. And what do you recall about the waste?  
7 A. It's -- it's waste from gasket material. It's  
8 like, I don't know, a paper with, like, a  
9 fiberglass or something in it. I don't know,  
10 it's -- they use it for car gaskets on the  
11 motors.  
12 Q. Any particular color?  
13 A. Gray.  
14 Q. And can you describe for me what form it came in?  
15 MS. BARRY: Objecti on.

16 A. Some of it's in rolls. In the open top,  
17 there's rolls because they're too big to put in  
18 the compactor. The other one's got, like,  
19 squares in there tied together and they just  
20 threw them in there.

21 Q. Okay. Focusing again on the 50-yarder, you  
22 mentioned the gasket material. Any other types  
23 of waste you recall --

24 MS. BARRY: Objecti on.

25 Q. -- observi ng?

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1 A. No. Most of the time it's just filled with  
2 that. Got a few trash bags in there, just  
3 general trash, but that don't amount to nothing.  
4 It's basically all that material that they can't  
5 use.

6 Q. How about the 30-yard open top at the end of the  
7 building?

8 A. At the end of the building, that's the same  
9 thing only it's in rolls and stuff. It's the  
10 same material as the compactor one. The pieces  
11 are too big to put in the compactor so they put  
12 it in the open top.

13 Q. Anything else you recall observi ng in that  
14 container, again, in this period when you first  
15 started picking up waste there?

16 A. Oh, there's a few trash bags that the guys  
17 from work throw in there.

18 Q. How about the other 30-yard container, do you  
19 recall observi ng the waste in that container when

20 you first started picking up?  
21 A. Had wood and all bulky items like that, wood  
22 and some shelving and a little bit of metal and  
23 stuff, whatever they had in the building that  
24 they --  
25 Q. Anything else you recall seeing?  
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1 A. No.  
2 Q. Okay. Do you recall -- again, focusing on this  
3 period when you first started picking up waste  
4 there, do you recall seeing rags in any of those  
5 containers?  
6 MS. BARRY: Objection.  
7 A. No, I -- I've never seen any in there, not  
8 that I can recall anyway. It's mostly all that  
9 heavy material.  
10 Q. Okay. And just to clarify, did you have occasion  
11 to pick up waste from each of those containers  
12 that we talked about?  
13 A. Yeah, at one time or another.  
14 Q. Again, during this early period when you first  
15 started picking up waste there, do you recall  
16 about how often you would pick up waste from that  
17 facility?  
18 MS. BARRY: Objection.  
19 A. I can't answer that. I don't remember. I was  
20 in and out of there, but I -- I couldn't give you  
21 a figure.  
22 Q. When you did pick up waste there and in this  
23 early period, do you recall where you took the

24 waste?

25 MS. BARRY: Objection.

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1 A. Probably Attleboro more than likely. It may  
2 have -- some of it may have gone to Mills, too.  
3 I don't know. Pretty hard to remember what you  
4 done then. A lot of it you're reading it off a  
5 piece of paper, so it don't penetrate in your  
6 head anyway reading it off a piece of paper. You  
7 just do what you're told.

8 Q. Okay. Do you recall a company called A.T. Cross?

9 A. Yes, I do.

10 Q. And how are you familiar with A.T. Cross?

11 A. They make all the pens and -- well, they did  
12 make all the pens and pencils.

13 Q. Have you had occasion to visit any A.T. Cross  
14 facilities?

15 A. Yes, I have.

16 Q. And did you have occasion to pick up waste?

17 A. Yes.

18 Q. Okay. And where was that?

19 A. Lincoln.

20 Q. Lincoln. And do you recall when you first  
21 started picking up waste at that facility?

22 A. Around the same time.

23 Q. Do you recall how big that facility was?

24 A. I don't know. It's probably, again, the size  
25 of a Stop & Shop, I guess.

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- 1 Q. Do you recall what kind of waste containers they  
2 had there?
- 3 A. The only one I remember, they had a 50-yard  
4 closed container there.
- 5 Q. And do you recall where at the facility that was  
6 located?
- 7 A. I can't remember now. I can't remember what  
8 was in it either.
- 9 Q. Do you recall how often you picked up waste at  
10 that facility?
- 11 A. Wasn't very often. Not often at all.
- 12 Q. When you did pick up waste there, do you recall  
13 where you took it?
- 14 A. Oh, if I picked it up there, more than likely  
15 I went to Cumberland with it -- I mean, Mills.
- 16 Q. Mr. Rocha, are you familiar with a company called  
17 Leach & Garner?
- 18 A. Yes, I am.
- 19 Q. And how are you familiar with that company?
- 20 A. I don't know. I'm still picking the trash up  
21 there yet today.
- 22 Q. And when you say "there," you're referring to a  
23 particular facility?
- 24 A. Leach & Garner.
- 25 Q. Where is the facility located?

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- 1 A. Attleboro.
- 2 Q. And do you recall when you first started picking  
3 up waste there?

4 A. About the same time as all the rest of them.  
5 Q. Do you recall -- how big is that facility?  
6 A. Oh, it's a pretty big building, pretty  
7 good-size building.  
8 Q. And do you have an understanding of what type of  
9 operations are conducted there?  
10 MS. HOLT: Objection.  
11 A. Yeah, they make jewelry and rings and stuff  
12 like that, as far as I know.  
13 Q. And when you first started picking up waste  
14 there, do you recall what kind of containers they  
15 had?  
16 A. 50-yard container.  
17 Q. Is that a single 50-yard container?  
18 A. Yeah.  
19 Q. Do you recall where that was located at the  
20 facility?  
21 A. Let's see. The front door's on that side.  
22 It's directly behind the building.  
23 Q. And when you first started picking up waste  
24 there, were you able to observe any of the waste  
25 that was in the 50-yard container?

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1 A. Yeah.  
2 Q. And what do you recall observing about the waste  
3 that was in the container?  
4 A. What I seen was they have the trash from the  
5 cafeteria in there, then they've got some -- I  
6 don't know, it's like clay moldings like they use  
7 on a -- for inside the building there. It's like

8 a clay material, it's all hard moldings. And  
9 occasionally you get a plastic five-gallon  
10 container, stuff like that and some cardboard.  
11 That one there has rags in it once in a while.  
12 That one had Speedy Dry in it once in a while.

13 Q. Anything else you recall?

14 A. No, that about sums it up.

15 Q. You mentioned plastic five-gallon containers?

16 A. It's -- probably it's some kind of solvent  
17 they use inside the building, I would imagine.

18 MS. HOLT: Objection. Move to strike.

19 A. But I never bothered to pay any attention to  
20 what's written on them, though.

21 Q. What do the containers look like?

22 A. They're either round or square and the cap is  
23 at the top of them.

24 Q. Any particular color?

25 A. Usually white most of the time.

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1 Q. Did you ever observe any material in the  
2 containers?

3 A. No. The only ones I've ever seen are all  
4 empty.

5 Q. When you first started picking up the waste  
6 there, do you recall how often you picked it up?

7 A. No, I can't remember.

8 Q. On those occasions -- during that period when you  
9 first started picking up the waste -- on those  
10 occasions when you did pick up the waste, do you  
11 recall where you disposed of it?

12 A. Attleboro.  
13 Q. Do you recall whether you took any of that waste  
14 in that time period to J.M. Mills?

15 MS. HOLT: Objection?

16 A. It's possible. I don't recall, but it's  
17 possible.

18 (Plaintiffs' Exhibit Number 5 was so  
19 marked.)

20 Q. Okay. Mr. Rocha, I'm handing you what's been  
21 marked as Rocha Exhibit Number 5 which has Bates  
22 number LG00011. I would direct your attention to  
23 the dump ticket in the upper right-hand corner,  
24 which is dump ticket 45330. Is that your  
25 signature?

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1 A. Yes.

2 Q. And is that your handwriting above your  
3 signature?

4 A. It looks like it, but I don't know. That  
5 couldn't be -- yeah, that would be, yeah.

6 Q. Can you make out what that says?

7 A. It says Leach something. I don't know what  
8 it -- what the end of it is, but it says Leach.

9 Q. Is it your recollection that that referred to the  
10 facility we were just referring to?

11 MS. HOLT: Objection.

12 A. I don't see why I would have put it on there  
13 like that. I don't know if it's that one or not.  
14 I don't know.

15 Q. Do you recall ever picking up waste from any



16 other facility with the name Leach?  
17 A. No.  
18 Q. Okay. Mr. Rocha, do you recall a company by the  
19 name of Thompson?  
20 A. Thompson Chemical? Thompson what? The only  
21 one I know of was Thompson Chemical.  
22 Q. Okay. What do you recall about Thompson  
23 Chemical?  
24 A. They used to be part of Teknor Apex.  
25 Q. Okay.

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1 A. If it's the right place.  
2 (Plaintiffs' Exhibit Number 6 was so  
3 marked.)  
4 A. That was the Attleboro facility for Teknor  
5 Apex.  
6 Q. Okay. I'll hand you what's been marked as Rocha  
7 Exhibit 6, a two-page document. The first page  
8 contains, on the left-hand side, dump ticket  
9 38753. Is that your signature?  
10 A. Yes.  
11 Q. And, I'm sorry, can you tell me again what  
12 that -- first of all, what does it say above your  
13 signature?  
14 A. That that's Thompson.  
15 Q. Okay. I'm sorry. Tell me again what that refers  
16 to.  
17 A. Thompson Chemical.  
18 Q. Okay. And you indicated that that was the  
19 Attleboro facility?

20 A. Teknor Apex in Attleboro. That's what they  
21 called it.  
22 Q. Okay.  
23 A. That was the name of it years ago.  
24 Q. All right. Let's look at the second page.  
25 Directing your attention to the upper left-hand  
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1 corner, dump ticket 33777. Is that your  
2 signature?  
3 A. Yes, it is.  
4 Q. Okay. And, again, what does that say above that?  
5 A. Thompson.  
6 Q. And is that your handwriting?  
7 A. Yes.  
8 Q. Does that refer to the same facility?  
9 A. Yeah, that's Thompson Chemical. That's Teknor  
10 Apex in Attleboro.  
11 MR. JACKSON: Okay. Just give me one  
12 moment, Mr. Rocha.  
13 (P A U S E)  
14 MR. JACKSON: Okay. Mr. Rocha, I think  
15 that's all the questions I have for you right  
16 now. Thank you. Mr. Murphy is going to ask you  
17 some questions and then some of these other folks  
18 may have a few questions for you as well.  
19 EXAMINATION BY MR. MURPHY  
20 Q. Good afternoon.  
21 A. Good afternoon.  
22 Q. You pronounce it Rocha or Rocha?  
23 A. Rocha.

24 Q. Rocha. Mr. Rocha, I represent CCL Industries now  
25 known as KIK Custom Manufacturing. They are the  
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1 predecessors to Peterson Puritan. And I'm going  
2 to be asking you similar questions about some  
3 different companies. I have a few general  
4 questions I'd like to ask first.

5 Do you recall a point in time when the J.M.  
6 Mills landfill closed or they stopped accepting  
7 waste?

8 A. I can't remember that date. I do know they  
9 did close down.

10 Q. All right. Any idea --

11 A. It was a while ago.

12 Q. Okay.

13 A. It was quite a while ago now.

14 Q. And do you recall, did you bring waste there up  
15 to the date, essentially, that it closed?

16 A. Yes.

17 Q. With the same frequency that you told Mr. Jackson  
18 earlier?

19 A. Yeah. Yeah. I didn't -- I didn't bring a  
20 whole lot there, but I was in and out of there.

21 Q. All right. And you indicated this morning in  
22 your testimony that you started working for  
23 Goditt & Boyer in 1981?

24 A. Yeah.

25 Q. And I think you suggested that you might not have  
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- 1 begun rolling -- driving roll-off trucks until  
2 approximately a year later?
- 3 A. Yeah, I know that, but I don't know. I don't  
4 remember all of that there. I know it was  
5 sometime -- I was in the garage for a while, then  
6 I started driving a truck after that.
- 7 Q. Okay. But you've seen, for example, that we had  
8 a ticket from September 1st of 1981?
- 9 A. Yeah, I know it.
- 10 Q. So does that kind of --
- 11 A. I was --
- 12 Q. Would that be an accurate date when you were  
13 driving roll-offs by then?
- 14 A. Yeah.
- 15 Q. All right.
- 16 A. Yeah.
- 17 Q. So it was your best -- best recollection this  
18 morning about the tickets, whatever the date on  
19 the tickets --
- 20 A. Yeah.
- 21 Q. -- are would be accurate?
- 22 A. Yeah.
- 23 Q. Okay.
- 24 A. Because I was in and out of trucks and, you  
25 know, that was a long time ago.

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- 1 Q. Right. Okay. When you were at the J.M. Mills  
2 landfill, do you remember seeing any other, you

3 know, hauling companies, trucking companies when  
4 you were there?  
5 A. No. Most of the time -- most of the time when  
6 I was in there, there was maybe a couple of  
7 people with pickups or something like that, but I  
8 didn't see any other hauling companies in there.  
9 Q. All right. I'm going to ask you about a couple  
10 of different names of people who we've learned  
11 from other documents worked at the J.M. Mills  
12 landfill and I just want to know if you remember  
13 anything about these people. The first one is an  
14 Ed Niemi ec, that's N-I-E-M-I-E-C?  
15 A. No.  
16 Q. Do you remember a --  
17 A. Never heard of that before.  
18 Q. You don't remember a guy named Ed?  
19 A. No, I don't remember him. I might remember  
20 him if I seen him, but I don't remember him.  
21 Q. Okay. Do you remember the identities of any of  
22 the guys who would have been operating the  
23 bulldozers other than the fellow Mills Junior?  
24 A. Mills Junior was running it.  
25 Q. Right. Do you remember a guy by the name of  
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1 McCaffrey (phonetic spelling), last name  
2 McCaffrey?  
3 A. No.  
4 Q. Or a guy by the name of Gendron, G-E-N-D-R-O-N?  
5 THE WITNESS: What was his first name?  
6 Q. I think Gendron was Lou. I think his first name

7 was --  
8 A. Lou, Lou, Lou, yeah.  
9 Q. Do you remember a Lou?  
10 A. Yeah, he was working over there.  
11 Q. What do you remember about --  
12 A. Come to think of it, he was. He was one of  
13 the operators over there.  
14 Q. Okay. So when you started in 1981 at Goditt &  
15 Boyer --  
16 A. He wasn't there then.  
17 Q. Okay.  
18 A. He started later on. He had to be one of the  
19 new guys that come in later on.  
20 Q. Do you know where he worked before --  
21 A. No, I have no --  
22 Q. -- J.M. Mills?  
23 A. I have no clue.  
24 Q. What is it that you remember he did at the J.M.  
25 Mills landfill?

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1 A. The little bit I remember, he more than likely  
2 was an operator if it's the guy I'm thinking  
3 about.  
4 Q. Yeah, I think actually his full name was Lucien,  
5 L-U-C-I-E-N, but I guess they call him Lou.  
6 A. I don't know where he came from. I have no  
7 clue. I never really had that much contact with  
8 him.  
9 Q. And then there's a fellow James McCaffrey, that  
10 was his first name. Do you remember a guy named

11 James or Jimmy?

12 A. No.

13 Q. I'm trying to get a better understanding of your  
14 role, you know, in the early '80's at Goditt &  
15 Boyer as it relates to driving roll-offs. Were  
16 you basically a relief driver?

17 A. Yeah, I was in and out. I wasn't a -- I  
18 didn't drive steady. I was only -- when somebody  
19 was out or they needed an extra truck for the day  
20 or something like that. When I first started  
21 out, I was everywhere. I was in a different  
22 truck all the time. And the tickets will show  
23 you that. Some days I'm in the truck, some days  
24 I'm not. Some days I'm everywhere.

25 Q. All right. So you'd go to locations that were --  
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1 Let me ask you this: Did you go to locations  
2 that you knew were Goditt & Boyer customers?

3 A. Yeah, they always were because they're the  
4 ones that give me the paperwork.

5 Q. All right. And it was your understanding that  
6 there were other Goditt & Boyer drivers who more  
7 likely than not picked up with some frequency at  
8 those locations?

9 A. Yeah.

10 Q. Or on a regular basis?

11 A. Because I was doing the same work that they  
12 were doing.

13 Q. All right.

14 A. I'd be -- they'd be out sick or something or

15 they didn't show up or vacation or something and  
16 I'd be doing what they were doing, so there was  
17 somebody else from Goditt & Boyer that was doing  
18 it before I done it.

19 Q. Okay. So if I ask you questions as we move  
20 forward with the companies, I'm going to be  
21 asking you about this afternoon with respect to  
22 frequency. During that period of time from, I  
23 guess, 1981 to whenever J.M. Mills closed, are  
24 there any customers where you'd know kind of how  
25 regularly the containers were picked up?

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1 A. No, I wouldn't know the exact, you know,  
2 volume from them because I didn't pick them up  
3 often enough to know it.

4 Q. All right. So other drivers would have more  
5 knowledge of the frequency --

6 A. Yeah.

7 Q. -- than you?

8 A. (Nods head in the affirmative).

9 Q. All right. I'm going to ask you -- let me ask  
10 you about some companies.

11 MR. MURPHY. Can we mark -- I've got  
12 another set here. Can we mark that as Exhibit --  
13 what is that going to be, Rocha --

14 MR. JACKSON: 7.

15 (Plaintiffs' Exhibit Number 7 was so  
16 marked.)

17 Q. And just so you know how I'm going to do this,  
18 Mr. Rocha, what I'm going to do is I'm going to



19 ask you, there's a number of companies here that  
20 have dump tickets. I want to ask you first with  
21 respect to each of them, you know, just a few  
22 preliminary questions about what you remember  
23 about those companies and then what I'm going to  
24 try to do to make things move along is I just  
25 want to make sure that wherever those companies  
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1 are listed on the tickets that you're able to  
2 identify your signature as yours. And I'll try  
3 to move through these tickets quickly so that we  
4 don't spend too much time on each particular  
5 ticket. All right?

6 A. (Nods head in the affirmative).

7 Q. So let's start with Ann & Hope. Do you recall  
8 picking up from Ann & Hope at any point in time?

9 A. Yes.

10 Q. And what did you understand Ann & Hope to be?

11 A. A department store.

12 Q. And do you recall when you first picked up from  
13 them?

14 A. Oh, about the same time as all the rest of  
15 them.

16 Q. All right. So I guess the tickets will tell us  
17 some information.

18 A. Well, the tickets are more accurate with the  
19 dates than my memory.

20 Q. Okay. I gotcha. All right. And was there one  
21 Ann & Hope store that you picked up from or more  
22 than one?

23 A. No, there was one in -- wait a minute. There  
24 was one in Cumberland. There was another one.  
25 Where's the other one? There was one in -- oh,  
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1 man, where was the other one? Cumberland. I  
2 can't remember where the other ones were. There  
3 was two or three of them. I can't remember where  
4 they were. I know I picked up the one in  
5 Cumberland.

6 Q. And, again, that would have been as a relief  
7 driver?

8 A. Yeah.

9 Q. Do you recall what size containers they used?

10 A. There was a 50-yard container there.

11 Q. At each one?

12 A. Yeah.

13 Q. Each facility?

14 A. Yeah.

15 Q. Do you remember what kind of waste they had in  
16 the container?

17 A. Yeah, general trash and cardboard and stuff --  
18 all the stuff that they threw out in the store.

19 Q. All right.

20 A. Some furniture and whatever else they'd throw  
21 in there.

22 Q. Did they sell appliances there? Do you know? Do  
23 you remember?

24 A. All small appliances. I don't remember any  
25 big ones, but they'd sell the small ones, like  
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- 1           mixers and stuff like that there.
- 2       Q. Did they sell paint?
- 3           A. That's a good question. I would say yes.
- 4       Q. Did you ever see any paint cans in the
- 5           containers?
- 6           A. Yeah. More than likely, yes.
- 7       Q. Any other sort of any oil or oily rags or
- 8           products with solvents that you might have seen
- 9           thrown out in the store?
- 10          A. The only thing are pool chemicals, maybe.
- 11       Q. Okay. They sold pool chemicals there?
- 12          A. Yeah. Maybe pool chemicals. That would be
- 13          about the only thing I would -- I would tend to
- 14          remember.
- 15       Q. And you don't recall how often Goditt & Boyer --
- 16          or let me ask you it a different way. Do you
- 17          know the frequency --
- 18          A. No, I wouldn't know.
- 19       Q. -- with which -- let me finish the question --
- 20          with which Goditt & Boyer picked up at the Ann &
- 21          Hope stores?
- 22          A. No, I wouldn't know that.
- 23       Q. All right. Let's look at the tickets. I'm going
- 24          to ask you about the first one, and then for the
- 25          rest of the tickets I just want to confirm a few
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- 1           things. But if we're looking at the first or the
- 2           second page of Rocha Exhibit 7, the bottom

3 right-hand corner, Ticket 35500. Do you see  
4 that?

5 THE WITNESS: The second page?

6 MR. MURPHY: Yeah. Well, the first page  
7 is the cover page.

8 THE WITNESS: Okay. Okay. I'm in the  
9 wrong place. I'm sorry.

10 Q. Do you see that one in the bottom right-hand  
11 corner?

12 A. Yes.

13 Q. All right. So your handwriting is only -- which  
14 entry is on this?

15 A. My name and Ann & Hope.

16 Q. So just so I understand that, typically when you  
17 would get the dump ticket at the gatehouse at  
18 J.M. Mills, would somebody at J.M. Mills fill out  
19 the date and Goditt & Boyer --

20 A. Yeah.

21 Q. -- and the truck or plate number?

22 A. Yeah, they'd fill all that out, and all I was  
23 responsible for is my name and where it came  
24 from.

25 Q. So did you regularly put both the company that  
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1 you picked up from and your signature?

2 A. Yeah.

3 Q. All right. Was that something you were required  
4 to do by Goditt & Boyer?

5 A. No. I'd done it, more or less, on my own so  
6 at the end of the day I'd know which ones went

7 with which to keep track with on my own.  
8 Q. Okay.  
9 A. It really wasn't a requirement, but it made my  
10 job easier.  
11 Q. Okay. And that's your signature there, right?  
12 A. Yes, it is.  
13 Q. All right. So, for example, on this particular  
14 ticket on November 20th of 1981, this confirms  
15 that you brought a 50-yard container from Ann &  
16 Hope and dumped it at the J.M. Mills landfill,  
17 correct?  
18 A. It could have been a 50 or it could have been  
19 a 30, but I would tend to believe 50, yes.  
20 Q. Now, let me ask you that. Was there any practice  
21 with the J.M. Mills dump tickets as to whether it  
22 was a 30- or a 50-yard container --  
23 A. No.  
24 Q. -- entered on the ticket?  
25 A. No, it -- it never made it -- it wasn't a  
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1 requirement. It was just you brought a load in  
2 there and that was it.  
3 Q. Do you know how -- did Goditt & Boyer know what  
4 size container was brought there or --  
5 A. Yeah, they would know by the cover sheet  
6 they'd have in the office, the sheet that they  
7 give me originally to follow with. You have it  
8 sitting in the truck and you don't just drive all  
9 over the state, you have to follow the sheet,  
10 that cover sheet. It says what size container

11 and it says where they want it dumped on that  
12 cover sheet.  
13 Q. All right.  
14 A. That's what I followed.  
15 Q. All right. So particularly in the first period  
16 of time that you worked at Goditt & Boyer would  
17 the route sheet tell you where you were supposed  
18 to bring the container?  
19 A. It -- it'd tell you the stop, the size of the  
20 container and where the disposal was all on that  
21 sheet.  
22 Q. Okay.  
23 A. Where they wanted it disposed of.  
24 Q. All right. Now, what I want you to do is there's  
25 only one more -- if you look at the second page,  
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1 is that your signature on Ticket 46281?  
2 A. Yes.  
3 Q. So that also confirms that on that date on that  
4 ticket you also brought an Ann & Hope container  
5 to J.M. Mills?  
6 A. Yes.  
7 Q. Let's go to the -- the next entry is a company  
8 called Berger Paper?  
9 A. Yes.  
10 Q. Do you remember picking up from Berger Paper?  
11 A. Yeah.  
12 Q. Where were they located?  
13 A. Pawtucket.  
14 Q. And do you recall what size facility that was?

15 A. Just a little small -- it's like a three-car  
16 garage, a little dinky place.

17 Q. What did they do? What was your understanding of  
18 what they did there?

19 A. They recycled like aluminum, copper and stuff  
20 like that. There was a recycling facility,  
21 paper, cardboard, aluminum. It's a recycling  
22 facility.

23 Q. Are they still in business? Do you know?

24 A. Yeah.

25 Q. And do you remember the address in Pawtucket?  
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1 A. Front Street. That's all I know is Front  
2 Street. It's right on the water.

3 Q. And what size container did Berger Paper have?

4 A. That was an open top. That would be an open  
5 top 30.

6 Q. And do you recall what sort of waste was in the  
7 container?

8 A. All the stuff they picked out of the cardboard  
9 that wasn't recycled. You'd dump cardboard loads  
10 and they'd pick out whatever wasn't recyclable  
11 and they'd bale it and stick the bales in the  
12 container.

13 Q. What sort of stuff?

14 A. Like garbage and plastic and whatever they  
15 could -- whatever they couldn't recycle, it all  
16 went -- they baled it and then stuck it in the  
17 container and we took it to the dump.

18 Q. Was there ever any liquid or anything in the

19 bottom of that container? Do you recall?  
20 A. No.  
21 Q. It was all dry stuff?  
22 A. It was all bales. It was all baled up big  
23 blocks and they just slid them in the container.  
24 Most of it was all paper and plastic that wasn't  
25 recyclable.

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1 Q. Do you know how often Goditt & Boyer picked up at  
2 that customer?  
3 A. I can't answer that. It was on call. You  
4 know, whenever they cleaned up that's when they  
5 done it.  
6 Q. Okay. I'm not going to refer to the dates. I'm  
7 just going to ask you some quick questions here.  
8 The next page, look at Ticket 35403. Is that  
9 your signature on that document?  
10 THE WITNESS: Oh, right here?  
11 MR. MURPHY: Yeah.  
12 A. Yes, it is.  
13 Q. Okay. Let's go to the next page. There's  
14 another ticket, 45455. Is that your signature?  
15 A. Yes.  
16 Q. And next page, 45320, your signature? Is that  
17 your signature? Oh, can't get to the page?  
18 A. I can't get to the page. Yes.  
19 Q. So all three of these tickets reflected on the  
20 date written on the ticket you brought Berger  
21 Paper waste to J.M. Mills?  
22 A. Yes.



23 Q. Did you ever bring that waste to any other  
24 landfill?

25 A. It could have gone to Attleboro. It's  
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1 possible.

2 Q. How often -- do you remember the total number of  
3 times you picked up there?

4 A. I can't answer that. I honestly can't answer  
5 it. I don't know.

6 Q. Let's go to the next company, Bradley's. That  
7 was the discount store?

8 A. Yeah.

9 Q. And did you pick up at one Bradley's or more than  
10 one?

11 A. Oh, a lot of them. We done, I think, every  
12 one of them on the East Coast at one time.

13 Q. And was there a particular area that you  
14 serviced?

15 A. Nope. Anywhere and everywhere.

16 Q. But I'm talking about -- I mean, all over the  
17 state of Rhode Island, you'd picked up roll-offs?

18 A. Rhode Island, Mass, didn't make any  
19 difference. Wherever I was sent to.

20 Q. All right. And do you recall what size  
21 containers they used?

22 A. They had 50-yard containers. They had  
23 20 yards in the front with trash and the back  
24 half, the 30 yards in the back, was cardboard and  
25 it was recycled. It had a divider door in the

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1 middle.

2 Q. Do you recall in the 20-yard section of the  
3 container what types of trash was in there?

4 A. Just general store trash, stuff they couldn't  
5 throw out -- I mean, sell. Yes, there was paint  
6 in there occasionally, not every day, but there  
7 was some paint. There was some pool chemicals.

8 Q. Do you recall seeing any other materials like  
9 motor oil, anything like that?

10 A. No, I don't recall seeing any motor oil or  
11 anything like that, no.

12 Q. Any aerosol cans?

13 A. Well, that's possible. I mean, I -- I don't  
14 remember, but it's possible.

15 Q. Any appliances?

16 A. No. Maybe a TV or two. They did sell TV's in  
17 there at one time.

18 Q. Do you know with what frequency Goditt & Boyer  
19 picked up from Bradley's.

20 A. They were on call. I can't answer that. I  
21 didn't do them often enough to know.

22 Q. All right. Let's look at the tickets. I'm going  
23 to just read the number to you at the bottom and  
24 I want you to just confirm that it's your  
25 signature. 46984, in the lower right-hand

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1 corner?

2 A. Yes.  
3 Q. All right. On the next page, there's two  
4 tickets, 37173 and 37188?  
5 A. Yes and yes.  
6 Q. Okay. 35949, on the next page?  
7 A. Yes.  
8 Q. 45509, on the next page?  
9 A. Yes.  
10 Q. 47003 --  
11 A. Wait a minute.  
12 Q. -- on the next page, do you see that upper  
13 left-hand corner?  
14 A. Yes.  
15 Q. All right. Next one, lower right-hand corner --  
16 A. Yes.  
17 Q. -- 36085?  
18 Let me ask -- I've got to ask the question  
19 first. Let me read the number and then do it.  
20 Next page, 34476?  
21 A. Yes.  
22 Q. Next one is 45217?  
23 A. Yes.  
24 Q. Next page, 34568?  
25 A. Yes.

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1 Q. Next page, lower left-hand corner, 47357?  
2 A. Yes.  
3 Q. Next page is 45980?  
4 A. Yes.  
5 Q. Next page is 35233?

6 A. Yes.

7 Q. Okay. Now, with respect to all those tickets for  
8 which you said yes, on the date written on the  
9 ticket did you bring your 50-yard container from  
10 one of the Bradley's stores and dump them at the  
11 J.M. Mills landfill?

12 A. Yeah.

13 Q. Was J.M. Mills the only landfill that you brought  
14 Bradley's waste to?

15 A. No.

16 Q. Okay.

17 A. Attleboro, too.

18 Q. Did you do more Bradley stops than other  
19 locations as far as your position as a relief  
20 driver?

21 A. I done Bradley's -- I done a lot of Bradley's.  
22 Done a lot of Stop & Shops, too, but they're on  
23 the same list because they're all the same  
24 company.

25 Q. All right. Do you remember when you did the Stop  
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1 & Shops?

2 A. Probably the same time as the Bradley's  
3 because most of them were side-by-side.

4 Q. Do you remember was Stop & Shop known by a  
5 different name back in the early '80's or was it  
6 always called Stop & Shop?

7 A. It was always Stop & Shop.

8 Q. Do you recall what size containers they had at  
9 the Stop & Shop?

10 A. Same thing.  
11 Q. 50-yarders?  
12 A. Yeah, 50-yarders, 20 yards in the front with  
13 trash, divide the door and 30-yard in the back.  
14 Q. And what sort of waste did you see in the 20-yard  
15 section?  
16 A. General store trash, meat boxes and all kinds  
17 of junk like that. Food they couldn't sell.  
18 Q. What about any kind of hard goods, cleaning  
19 products? Do you recall seeing any cleaning  
20 products in there or --  
21 A. Yeah, whatever they couldn't sell that was  
22 damaged, it went out.  
23 Q. Aerosol cans?  
24 A. Possible.  
25 Q. You don't have a specific recollection of --  
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1 A. No.  
2 Q. Any oily rags?  
3 A. No, not that I can remember.  
4 Q. But you do recall bringing some Stop & Shop  
5 containers to J.M. Mills?  
6 A. Yeah. Yeah, it -- I wouldn't doubt it a bit  
7 that they did end up there.  
8 Q. Now, did there come a point in time after your  
9 first initial period of working at Goditt & Boyer  
10 where you were given some discretion as to where  
11 to bring the containers or were you always  
12 directed?  
13 A. I was always directed.

14 Q. Okay.  
15 A. Always directed. I didn't want to make the  
16 decisions on my own.  
17 Q. I'm going to ask you about a company that we  
18 don't seem to have any tickets for for you, but  
19 do you remember a company called Brockton  
20 Adhesive?  
21 A. Yes.  
22 Q. Where were they located?  
23 A. Pawtucket.  
24 Q. Do you recall how many times you went to Brockton  
25 Adhesive?

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1 A. Oh, I don't know. I was there on and off. I  
2 wasn't there very often, though.  
3 Q. Again, because you were a relief driver?  
4 A. Yeah.  
5 Q. By the way, any of the companies that I've asked  
6 you about so far or that Mr. Jackson asked you  
7 about, you indicated in response to a couple of  
8 the companies that you're still picking up from  
9 them today?  
10 A. Yeah.  
11 Q. Did some of those stores end up, you know, later  
12 on your regular route? Do you have a regular  
13 route?  
14 A. Yeah.  
15 Q. All right. So some of the stores where you said  
16 you're picking up today, do you now know the  
17 frequency with which those current customers get

18 picked up?  
19 A. Well, yeah, some of them.  
20 Q. All right. I, mean did you still act as a relief  
21 driver or do you have --  
22 A. No, I've got a steady section now. And once  
23 in a while, I'll end up out in different places,  
24 but it's not like it was before.  
25 Q. All right. But during the period of the early  
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1 '80's, which is the -- just so you understand why  
2 I'm focusing on that period is because this case  
3 is about the J.M. Mills landfill, so, you know, I  
4 want to talk about 1981, 1982, possibly 1983.  
5 You know, that's really the only time period --  
6 A. Yeah.  
7 Q. -- that's relevant in this case.  
8 So during that entire period, you were always  
9 a relief driver?  
10 A. Yeah. I never had any steady thing, just  
11 moving around.  
12 Q. And you were also doing some of the other jobs at  
13 Goditt & Boyer in addition to driving a roll-off?  
14 A. Yes.  
15 Q. So let's get back to Brockton Adhesive. Where  
16 were they located in Pawtucket? Do you remember?  
17 A. I don't know. I can't remember. Over near  
18 the cemetery, I know that. I think it was off  
19 of, what is that, Pawtucket Avenue. It might  
20 have been off of Pawtucket Avenue. It was in  
21 Pawtucket there right -- it was Pawtucket Avenue.

22 It's off one of them side streets over there.  
23 Q. All right. How big was the facility?  
24 A. Oh, it was just a little -- little place.  
25 Q. And do you recall what size container's there?  
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1 A. There was a 50-yard container there.  
2 Q. And how many times did you go there?  
3 A. I don't know.  
4 Q. Is it your understanding that there was some  
5 regular frequency with which it was picked up by  
6 other Goditt & Boyer drivers?  
7 A. Yeah, but I wouldn't -- I never paid attention  
8 to what the frequency was because I was just  
9 there for the day and I'd be somewhere else the  
10 next day, so it really didn't make much  
11 difference to me.  
12 Q. What do you remember about the contents of the  
13 50-yard container?  
14 A. It was bag -- paper bags in there and glue.  
15 Q. When you say "glue," what did it look like in the  
16 container?  
17 A. They just dumped it in piles till it got tacky  
18 and then they threw it right in the container.  
19 Q. Do you remember any smells associated with the  
20 glue?  
21 A. Just normal smell, the smell of glue. I don't  
22 know. It did have a little odor to it, but --  
23 Q. Did you ever get any of the glue on your clothing  
24 or --  
25 A. On my gloves. I'd have to -- every time I



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- 1           went over there, I threw the gloves away because  
2           they were all sticky.
- 3       Q. Was it water-based, do you know, or --
- 4           A. I don't know.
- 5       Q. Did it require some sort of a solvent to --
- 6           A. I never tried to wash it off. I just got rid  
7           of them. Threw the gloves away, it's faster.
- 8       Q. All right. And you brought some of the Brockton  
9           Adhesive waste to J.M. Mills?
- 10           A. Yeah, I believe so.
- 11       Q. Was there any regular frequency with which you  
12           picked up there?
- 13           A. Nope.
- 14       Q. Did you ever see any drums in the Brockton  
15           Adhesive containers?
- 16           A. No, I don't recall any drums in it. They did  
17           have a 30-yarder over there they put drums in  
18           special, but I think -- pretty near positive they  
19           took them to the junkyard and they crushed them  
20           for recycled metal.
- 21       Q. All right. Anything else you remember about the  
22           waste that was in the Brockton Adhesive  
23           containers other than the ones that we --
- 24           A. No, that's about it.
- 25       Q. Okay. The next ticket or category is Caldwell,  
          ALLIED COURT REPORTERS, INC. (401) 946-5500

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- 1           C-A-L-D-W-E-L-L?

2 A. Wait a minute. I'm on the wrong page. Here  
3 we are. Okay.

4 Q. Do you remember picking up from a company called  
5 Caldwell?

6 A. No.

7 Q. Do you remember anything about what that company  
8 was?

9 A. No. I've got dump tickets here for it, but I  
10 don't remember it.

11 Q. Well, let's do this, let's just look at the  
12 tickets and we have -- I'm just going to read the  
13 dump tickets to you and I just want you to tell  
14 me whether it's your signature that appears on  
15 the tickets. All right? 36582?

16 A. Yes.

17 Q. Next page, 38751?

18 A. Yes.

19 Q. Okay. So with those two that on the date  
20 indicated you brought a container of some size  
21 from a company called Caldwell to J.M. Mills?

22 A. Yes.

23 Q. But you don't have any recollection of what their  
24 waste stream was?

25 A. No, I can't remember it.

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1 Q. All right.

2 A. I don't remember the place even.

3 Q. Let's go to the next category. There's a company  
4 called Cameri, C-A-M-E-R-I, Plaster?

5 A. Cameri Plaster.

6 Q. Do you recall anything about that company?  
7 A. Yeah, it was an open top 30-yarder full of  
8 Sheetrock.  
9 Q. What is it that they did?  
10 A. Sheetrocking houses and buildings and stuff.  
11 Q. Was it a joint compound of any type in there?  
12 A. Yeah, the five-gallon buckets. The empty ones  
13 and the ones that had a little bit in the bottom  
14 and all, they threw the five-gallon buckets in  
15 there when they got done with them.  
16 Q. And this would have been some joint compound --  
17 A. In the buckets.  
18 Q. -- in the containers?  
19 A. Yeah, because you can't get it all out, so it  
20 would have had some in it.  
21 Q. And what years -- 1981/1982 you recall seeing --  
22 A. Yeah.  
23 Q. -- that type of waste?  
24 A. Yeah.  
25 Q. And there was, what, broken pieces of gypsum  
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1 board, drywall?  
2 A. Yeah. Sheetrock, yeah.  
3 Q. All right. Anything else you remember in those  
4 containers?  
5 A. No, maybe a bag or two of trash one of the  
6 employees threw in there, but that was about it.  
7 Q. Did they have a motor shop or did they service  
8 their own vehicles there? Do you remember?  
9 A. No, I don't remember that.

10 Q. So you never saw any kind of automotive shop  
11 waste of any type?  
12 A. No.  
13 Q. Any other oily waste of any type?  
14 A. Not that I can recall.  
15 Q. Do you know whether they -- were they just  
16 drywall contractors or did they also have a  
17 painting business?  
18 A. No, as far as I know they were just Sheetrock.  
19 That was it.  
20 Q. Did you ever see any paint thinner or paint --  
21 A. No.  
22 Q. -- waste?  
23 A. Not that I can remember, no.  
24 Q. And let's go to the tickets. I'm just going to  
25 read the ticket numbers for you. 36721, in the  
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1 upper right-hand corner?  
2 A. Yes.  
3 Q. 45999, on the next page bottom right-hand corner?  
4 A. Yes.  
5 Q. And also at the top, 45408?  
6 A. Yes.  
7 MR. CONNORS: Objection on the bottom  
8 one.  
9 MS. PERANER-SWEET: Objection.  
10 Q. I'm sorry. That's the wrong one. It's your  
11 signature, but it's not the right company.  
12 45408, that's your signature, correct?  
13 A. Yes.

14 Q. So with those tickets, you just confirmed on  
15 those dates written on the tickets you brought  
16 dumpsters to -- 30-yard containers from Cameri  
17 Plaster to J.M. Mills?

18 A. Yes.

19 Q. By the way, with any of the companies that we've  
20 mentioned so far, any of those do you remember --  
21 do you have any recollection of ever having any  
22 conversations with any other Goditt & Boyer  
23 drivers about any particular issues they had with  
24 the waste that was in any of the containers?

25 MS. PERANER-SWEET: Objection.

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1 MS. BARRY: Objection.

2 MS. FOGELL: Objection.

3 A. I wasn't -- I wasn't part of the drivers, per  
4 se.

5 Q. All right.

6 A. I was kind of an outcast because when they  
7 wasn't there I was.

8 Q. All right.

9 A. So up until recently, I didn't even know half  
10 the drivers. I made it a point not to. It's  
11 good business practice.

12 Q. I gotcha. Fair enough. Let's go to -- there's a  
13 company called City Fence. Do you recall picking  
14 up waste from them?

15 A. Yes.

16 Q. What did they do, City Fence?

17 A. Put up chain link fence and wood fence and

18 fence fence (sic).  
19 Q. Do you know what kind of wooden fences they put  
20 up?  
21 A. Yeah, the stockade ones like and the post and  
22 rail ones.  
23 Q. Did they do any paint finishing on-site before  
24 installation? Do you know?  
25 A. Yes.

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1 Q. All right.  
2 A. They did.  
3 Q. And was there any sort of paint waste or thinners  
4 and solvents that you saw in the dumpster?  
5 A. Not liquids, but I seen the buckets. They  
6 threw the buckets in the container.  
7 Q. When you say "not liquids," you're saying you  
8 don't remember seeing full containers?  
9 A. No, there was always empty buckets in it.  
10 Q. Do you recall any liquid in the bottom of the  
11 dumpster?  
12 A. No.  
13 Q. Do you know how they cleaned their painting  
14 equipment?  
15 A. I have no clue.  
16 Q. What else do you remember in their dumpster?  
17 A. Chain link wire, that wood, the buckets and  
18 general trash from the office. That's it.  
19 Q. Did they use -- I guess with the chain link  
20 fences they would have used some sort of steel  
21 posts?

22 A. Yeah.  
23 Q. Did you ever see anything that would be  
24 associated with cutting oil for, like, cutting  
25 the --

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1 A. No.  
2 Q. -- fence posts?  
3 A. Every time I ever seen them, they had a torch.  
4 They cut them with a torch when I seen them.  
5 Q. All right. Do you remember seeing any sort of  
6 oily rags or anything that would contain oils --  
7 A. Not that I --  
8 Q. -- in the dumpsters?  
9 A. Not that I can remember, no.  
10 Q. And, again, at the time, relevant period 1981  
11 until J.M. closed, you were a relief driver --  
12 A. Yeah.  
13 Q. -- for City Fence?  
14 And let's just look at the tickets. 33134,  
15 is that your signature?  
16 A. Yes.  
17 Q. Same question for the next page, 35102?  
18 A. Yes.  
19 Q. Okay. So on those two occasions, we have tickets  
20 that indicate that on the date listed you brought  
21 a container from City Fence to the J.M. Mills  
22 landfill?  
23 A. Yes.  
24 Q. And where were they located, City Fence?  
25 A. South Attleboro. I can't tell you the street.

♀

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- 1 I don't know the street, but I know it was in  
2 South Attleboro.
- 3 Q. All right. And did you go there more than the  
4 two times reflected on these tickets?
- 5 A. Oh, yeah.
- 6 Q. And do you recall how many times you picked up?
- 7 A. I don't know. I was over there about, maybe,  
8 once every couple of months, maybe. I don't know  
9 exactly. I know I was there more than them two  
10 tickets. I know that.
- 11 Q. And did City Fence waste always go to J.M. Mills?
- 12 A. No. Went to Attleboro, too.
- 13 Q. And do you know the frequency with which they  
14 picked up?
- 15 A. I can't answer that.
- 16 Q. Goditt & Boyer?
- 17 A. (Shakes head in the negative).
- 18 Q. Let's go to the next category of the tickets,  
19 Codex Corporation, C-O-D-E-X. Do you remember a  
20 company called Codex?
- 21 A. Yeah.
- 22 Q. Where are they located?
- 23 A. At that time there, Mansfield, I believe, at  
24 that time. They moved several times. I believe  
25 it was Mansfield in the industrial park. There

♀

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1           was three separate buildings.

2       Q. Do you recall in total how many times you would

3           have picked up from Codex?

4           A. No, maybe -- maybe once a month, if at all.

5       Q. What size containers were --

6           A. 50-yard closed ones at all three buildings.

7       Q. So three separate 50-yard closed containers?

8           A. At three separate buildings.

9       Q. Now, when Mr. Jackson was questioning you on

10           Blackstone Valley Electric, there were six

11           tickets and each of them -- there was two for the

12           same day, three pairs of two on the same day?

13           A. Yeah. I never realized there was more than

14           one container there until I started looking at

15           the tickets. That's because there was two

16           30-yard containers there.

17       Q. So if I see two different tickets with the same

18           date, would that indicate to you that you went

19           and picked up a container from that location,

20           brought it to the J.M. Mills and then went back

21           and got a second container?

22           A. Yeah.

23       Q. All right. And do you recall whether Codex was

24           one of those accounts where you'd do that on

25           occasion?

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1           A. Yes.

2       Q. What is it that Codex did?

3           A. That's a good question. They made electronic

4           pieces for some -- something. I don't know if it

5 was televisions or radios or something. I don't  
6 know. They did some electronic things,  
7 components they made in there.

8 Q. And what do you remember about the waste that was  
9 in those containers?

10 A. It was all general trash, just like cafeteria  
11 trash and stuff like that except for one of them  
12 had long plastic square tubes about a foot long  
13 and they used to have some kind of components  
14 come in them, the whole container. That's all it  
15 was full of was them plastic tubes about a foot  
16 long in with the trash. The other ones, though,  
17 were just basic, general trash.

18 Q. When you say "general trash," do you mean paper  
19 and --

20 A. Yeah, paper and cafeteria stuff, cardboard.

21 Q. Okay. But on the one that had the foot-long  
22 plastic tubes, when you say there were components  
23 inside those tubes --

24 A. I think they shipped them some kind of  
25 component that they worked with in there and

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1 they -- it's like -- I don't know. Like you get  
2 a box, you take the product out of it, then  
3 you've got the box left.

4 Q. You said the tube was about a foot long?

5 A. Yeah, it was a foot long and it was square,  
6 like about that big around.

7 Q. It wasn't a cylinder, it was a square?

8 A. Yeah, it was a square about that big.

9 Q. All right. And what was -- did you ever look  
10 inside any of those?  
11 A. No. They were empty. They were all empty.  
12 Q. The plastic tubes were empty?  
13 A. Yeah.  
14 Q. Did you ever see any of their electrical  
15 components that they manufactured that maybe  
16 didn't pass muster or were a reject?  
17 A. No, they never threw any of that stuff in the  
18 container. That was all secured stuff. I don't  
19 know what they did with it. It was all secured.  
20 Q. And this was as of 1981?  
21 A. Yeah.  
22 Q. Do you know why they secured it?  
23 A. I have no clue. They had security guards at  
24 the door. You couldn't even get in the building.  
25 And I'm not interested in that. I was interested  
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1 in staying out in the parking lot.  
2 Q. I gotcha. Do you know how long Codex had been a  
3 customer of Goditt & Boyer?  
4 A. Oh, several years. I don't know how long, but  
5 it was several years.  
6 Q. And you don't know the -- do you know the  
7 frequency with which --  
8 A. I can't --  
9 Q. -- G&B picked up from them?  
10 A. I can't answer that for you.  
11 Q. Let's look at the tickets. There's ticket 47265  
12 in the lower right-hand corner. Do you see that

13 one?  
14 A. Yes.  
15 Q. Is that your signature?  
16 A. Yes.  
17 Q. All right. So on that date, you brought a  
18 container from Codex to the J.M. Mills landfill?  
19 A. Yes.  
20 Q. How many times did you bring Codex waste to the  
21 J.M. Mills landfill?  
22 A. It wasn't very often because I didn't do it  
23 very often. Very, very frequent -- I mean, not  
24 very frequent.  
25 Q. Your understanding, though, is that some other  
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1 Goditt & Boyer drivers would have picked up at  
2 Codex with more regularity?  
3 A. Oh, yeah, definitely.  
4 Q. Do you remember who they were?  
5 A. No. I know Tommy did a few times, but that's  
6 only because --  
7 Q. Castello?  
8 A. Yeah. He was probably the only one I talked  
9 to more frequent than anybody was him.  
10 Q. Do you know what kind of machinery was inside the  
11 plant at Codex?  
12 A. Nope. They had security at the door, so never  
13 could get in there.  
14 Q. Okay. Do you remember any smells associated with  
15 what was in the dumpster?  
16 A. Just the smell of the plastic, like them

17 plastic tubes. They've got -- plastic has a  
18 distinct smell to it. That's the only thing.  
19 Q. No solvents or any chemical smells?  
20 A. Nothing that I ever saw.  
21 Q. Did you ever see any oily rags or anything --  
22 A. No.  
23 Q. -- that might have been associated with cleaning  
24 equipment?  
25 A. Nope, nothing that I can remember.

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1 Q. Did they have a fleet of vehicles that they  
2 serviced on-site? Do you remember?  
3 A. No. Them guys there, they sent everything  
4 out. There was a lot of money floating around in  
5 that place.  
6 Q. Let's go to the next set of tickets. Cumberland  
7 Engineering, do you remember that company?  
8 A. Yes.  
9 Q. Where were they located?  
10 A. Cumberland.  
11 Q. Do you remember where in Cumberland?  
12 A. It was down off of Diamond Hill Road. I don't  
13 know what the road was. It was off of Diamond  
14 Hill, though, I know that, down in the back over  
15 there.  
16 Q. The road near the public library over there? Do  
17 you know?  
18 A. No, it was down further. It was closer to  
19 295, down that end.  
20 Q. On Mendon Road?

21 A. Yeah, it might have been Mendon Road.  
22 THE WITNESS: Do you know where the  
23 apple orchards were?  
24 MR. MURPHY: I don't, no.  
25 A. The way you was talking about Mendon Road, I  
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1 thought you knew. It was Mendon Road, I think,  
2 now that you mentioned it.  
3 Q. And --  
4 A. It was right by the apple orchards. There was  
5 a big apple orchard right across the street.  
6 Q. Do you know what Cumberland Engineering did?  
7 A. Yeah.  
8 Q. What business were they in?  
9 A. They were like -- they were turning metal,  
10 like -- for different places with lades. That  
11 thing had -- that had oil in it. That had oily  
12 rags in it. They had Speedy Dry in it. It had  
13 all the metal filings from the machines from  
14 turning down the metal. That one had everything  
15 you can think of in that container. It had paint  
16 in it.  
17 Q. Do you know whether there was any solvents to  
18 clean the --  
19 A. The solvent that they used for the cutting the  
20 metal there that -- I don't know, usually it's  
21 vegetable oil and water, whatever they use, that  
22 solvent that they use for cutting the metal on  
23 the lades, that was in there. It was so bad  
24 sometimes you couldn't even pick it up off the

25 ground. You had to leave it there because it was  
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1 running out. Couldn't even drive out with it.  
2 Q. There was liquid in the bottom of the container?  
3 A. Yeah.  
4 Q. Did it have, like, a smell? Smell of oil?  
5 A. Yeah.  
6 Q. Not just mineral oil, but petroleum-based oil as  
7 well?  
8 A. Yeah, it had -- it was definitely an oily  
9 film, whatever it was.  
10 Q. How much paint do you remember in there?  
11 A. Occasionally, you'd get a paint can in there  
12 every now and then, because some of the parts  
13 that they turned on the lade they'd have to paint  
14 them. So when they got done with the cans,  
15 they'd throw them in the container.  
16 Q. Do you remember any paint thinners or solvents  
17 or --  
18 A. No. No, I never -- I don't remember that, but  
19 I do know there was paint and oil and everything  
20 in that container. That thing had a little bit  
21 of everything in there.  
22 Q. What size container did Cumberland engineering  
23 have?  
24 A. 30-yard open top.  
25 Q. Do you remember how many times you brought  
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1 30-yard open tops to J.M. Mills?  
2 A. I don't know. I can't answer that. I've done  
3 it on and off and I can't remember.  
4 Q. And during the period of time at issue, for all  
5 the companies you were a relief driver, all the  
6 ones I'm going to ask about?  
7 A. Yeah.  
8 Q. If it's between 1981 and, say, 1984, you were a  
9 relief driver?  
10 A. I didn't start until just the last five or six  
11 years I started. I want to retire now. I just  
12 want to just ride it out and get away from it  
13 all.  
14 Q. I gotcha. Let's look at the tickets for  
15 Cumberland Engineering. 45522, upper left-hand  
16 corner, is that your signature?  
17 A. Yes.  
18 Q. All right. The next page, 35850, is that your  
19 signature?  
20 A. Oh, yes.  
21 Q. That's your signature?  
22 A. Yes.  
23 Q. Now, those two I'm seeing -- let's just look at  
24 the dates for a minute. The first ticket is  
25 dated October 8th of 1981. Do you see that?  
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1 THE WITNESS: Is that an eight or a  
2 five?  
3 MR. MURPHY: The first one looks like  
4 10-8-81.



5 A. Okay.

6 Q. Okay. But now if you go to the next page, Ticket  
7 35850 is dated 10/5/81. It's a different ticket  
8 number. Did they have more than --

9 MR. JACKSON: He's not looking at the  
10 same one as you.

11 MR. MURPHY: Yeah.

12 Q. Yeah, go to the first page of -- the first  
13 Cumberland ticket, 45522.

14 A. Oh, I thought we went by that one.

15 Q. We did, but I wanted to go back to it for a  
16 second to ask you a question.

17 A. I know what you're asking me and, yes, I  
18 believe you're right. I think there was two of  
19 them there. I believe you're correct.

20 Q. Or is it possible that they filled the container  
21 up in --

22 A. No. No, I believe there was two of them there  
23 because on and off they would order a second one  
24 and you'd put them back-to-back. It wasn't a  
25 regular thing, though. And when the tickets were

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1 coming up that day, I think the answer to your  
2 question is yes.

3 Q. Do you know if they were a will call or a regular  
4 pick-up?

5 A. It was on call on the phone.

6 Q. And you wouldn't bring the container to the J.M.  
7 Mills landfill unless it was full, is that  
8 typically when they called you?

9 A. Yeah.

10 Q. Okay. So we've gone through those two tickets.

11 Go to the next page, 39504, is that your

12 signature?

13 THE WITNESS: 39504?

14 MR. MURPHY: Yeah, lower left-hand

15 corner.

16 A. Oh, yes. We're way over here. Yeah. Okay.

17 Yes, it is.

18 Q. All right. Let's go to the next page, 38715.

19 A. Yes.

20 Q. And then below that another ticket, 38725?

21 A. Yes.

22 Q. Is that also your signature?

23 A. Yes.

24 Q. They're both for Cumberland Engineering, right?

25 A. Yes.

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1 Q. Okay. And that looks like -- I can't make out

2 the date on the top one.

3 A. The top one I can't make it out either. I

4 can't.

5 Q. All right. Let's go to the next page. 45516, is

6 that your signature?

7 A. Yes.

8 Q. Let's go to the next page, 45522?

9 A. Yes.

10 Q. Next page, 35527?

11 A. Yes.

12 Q. Right next to that, 35535?

13 A. Yes.  
14 Q. Again, I see what looks like two different ticket  
15 numbers on October 20th of 1981.  
16 A. Yes.  
17 Q. So you would have brought --  
18 A. There would have been two containers, yes.  
19 Q. Two full containers you would have brought to  
20 J.M. Mills on the same day from Cumberland  
21 Engineering?  
22 A. Yes.  
23 Q. All right. Let's go to the next page. Same  
24 thing, two tickets, 36016 and 36009, is that your  
25 signature on both of those?

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1 A. Yes.  
2 Q. And those, again, are on the same date as well?  
3 A. Yes.  
4 Q. Next page, same thing, two tickets, 36029 and  
5 then 36019?  
6 A. Yes. Yes.  
7 Q. Your signature on both of those. Next page looks  
8 like 35806 and below that 35811. Those are your  
9 signature?  
10 A. Yes.  
11 THE WITNESS: That's the same date, too,  
12 right?  
13 MR. MURPHY: Yes.  
14 Q. Now, during your period as relief driver, was  
15 Cumberland Engineering one of the companies you  
16 picked up with more frequency than some of the

17 others?

18 A. Yeah, obviously.

19 Q. Any reason why that is? I mean, was there some  
20 companies that, as a relief driver, they just  
21 figured you would have that as a regular part of  
22 your route, maybe?

23 A. It wasn't the best stop in the world, and the  
24 other guys wouldn't do it so I ended up there.

25 Q. Why wasn't it the best stop?

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1 A. Because they didn't like the oil and all of  
2 the material that was in it.

3 Q. I mean just because of the smell or the liquid  
4 or --

5 A. Well, some guys are hauling trash and they  
6 want to have a suit on and tie on like you, and  
7 then other guys they haul trash with whatever  
8 they've got on.

9 Q. All right. So there are other drivers who  
10 complained about all the oil and liquid in the  
11 bottom of the containers?

12 A. They didn't want to get their gloves dirty.

13 Q. Gotcha. And with every one of the tickets that  
14 you indicated your signature was on, on the date  
15 listed you would have brought a full 30-yard  
16 container to J.M. Mills, correct?

17 A. Correct.

18 Q. Let's go to the next one. E.A. Adams?

19 MS. PERANER-SWEET: Can we take a break?

20 MR. MURPHY: Absolutely.

21 MS. PERANER-SWEET: Thank you.

22 (A recess was taken.)

23 Q. The next tickets are from E. A. Adams. Do you  
24 remember a company E. A. Adams?

25 A. No. I've been trying to think about it. I  
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1 don't -- I don't remember it.

2 Q. Do you know if that --

3 A. I obviously hauled it a few times, but I don't  
4 remember it.

5 Q. Was there a company called Adams Drug? Is that  
6 the same company or a different company?

7 A. Adams Drug was Brooks Drug. No, I think  
8 they're different.

9 Q. All right.

10 A. I think. I think they're two different  
11 companies.

12 Q. You don't remember anything about the company  
13 E. A. Adams?

14 A. No, I don't.

15 Q. All right. Well, let's just then go through the  
16 tickets if you don't remember.

17 A. I can't recall it. I don't know if I will  
18 later, but right now I can't recall it.

19 Q. Well, if something jogs loose during the  
20 deposition, let me know, but, otherwise, let's  
21 just confirm that you brought these containers  
22 there. The first ticket, 33162, is that your  
23 signature?

24 A. Yes.

25 Q. Next page, 35514?  
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1 A. Yes.  
2 Q. Next page -- well, now, this one has Adams Drug.  
3 A. Yeah. See, they're two different companies.  
4 Q. Right. Okay. Next page, 35592, is that your  
5 signature?  
6 A. Yes.  
7 Q. The next page, 45137, is that your signature?  
8 A. Yes.  
9 Q. Do you know whether that's Adams Drug versus E. A.  
10 Adam? Can you tell which that might be?  
11 A. I would tend to believe that's Adams Drug  
12 because the next page is -- I've got the same  
13 wording on it and it's got "drug" on the end of  
14 it. I would say that's Adams Drug --  
15 Q. All right.  
16 A. -- I would tend to believe.  
17 Q. So the next ticket, 46754, is also Adams Drug?  
18 A. Yes.  
19 Q. All right. So for the E. A. Adams' tickets that I  
20 just asked you about on the dates indicated, you  
21 brought --  
22 A. Yes.  
23 Q. -- containers from E. A. Adams to J. M. Mills?  
24 A. Yes.  
25 Q. Do you have any recollection of the size of the  
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1 container?

2 A. No, I don't recall the stop even.

3 Q. Okay. Let me ask you about Adams Drug. Do you

4 pick up from them periodically?

5 A. Yes.

6 Q. Where did you pick up from Adams Drugs?

7 A. Warehouse. Central Falls, I think. I think

8 it was Central Falls.

9 Q. And do you recall how many containers they had?

10 A. One 30-yarder.

11 Q. Do you remember the contents of that container?

12 A. Yeah. It was all like pill bottles that were

13 empty and general trash, like everyday office

14 trash. And every now and then, they'd have a

15 couple of display cases they'd throw in there and

16 just general.

17 Q. Okay. Do you know whether they had an automotive

18 shop or any --

19 A. No, just a warehouse.

20 Q. And, again, you were just a relief driver for

21 Adams Drug?

22 A. Yes.

23 Q. One location or more than one location?

24 A. There was only that one. It was a warehouse.

25 Q. All right. And with respect to the warehouse,  
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1 the tickets that we mentioned a few minutes ago

2 that were for Adams Drug, you brought containers

3 to the J.M. Mills landfill on the dates of those,

4 correct?

5 A. Yeah, I believe there was two of them.

6 Q. Let's go to the next company, Ferland,

7 F-E-R-L-A-N-D?

8 A. Ferland Corporation.

9 Q. Yeah.

10 A. Apartment building maintenance. Yeah.

11 MS. PERANER-SWEET: I'm sorry. I didn't  
12 hear your answer.

13 MR. MURPHY: He said Ferland Company's  
14 apartment building maintenance.

15 MS. PERANER-SWEET: Thank you.

16 Q. Is that what business they were in?

17 A. Yeah.

18 Q. Okay. And where would you have picked up their  
19 containers from, what location or locations?

20 A. Pawtucket.

21 Q. Was there a Central office or shop that Ferland  
22 had?

23 A. Yeah, Pawtucket.

24 Q. What would you describe the operations out of  
25 that building?

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1 A. They done, like, cabinet making and stuff in  
2 there. They'd make up the cabinets for the  
3 apartments and rug and all general construction  
4 material, waste. They, like, prepared everything  
5 there and then they went and done the apartments  
6 with it when they were rebuilding them and stuff,  
7 rerenovating them.



8 Q. Did they have a paint shop there?  
9 A. Yeah.  
10 Q. And how big were they, by the way? Do you  
11 remember?  
12 A. Only a small building. I don't know. About  
13 the size of a six-car garage or something. I  
14 don't know. Wasn't that big.  
15 Q. Okay. What do you remember about the containers?  
16 A. Had wood, rug, rug padding, windows, doors,  
17 just general construction stuff that they took  
18 out of the apartments.  
19 Q. Do you remember any paint waste or solvent?  
20 A. There was empty paint cans in there and  
21 wallpaper paste boxes and just stuff to do with  
22 apartments.  
23 Q. When you say "empty paint cans," I mean, did any  
24 of them have some paint in the bottom?  
25 A. Oh, they may have. I didn't inspect them all,  
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1 but for the most part the ones I seen were empty.  
2 You know, you kick them, either they're full or  
3 they're empty. If there's something in them,  
4 you're not going to --  
5 Q. Any other oily waste of any type that you can  
6 remember?  
7 A. No, not that I can remember.  
8 Q. Did they --  
9 A. They refinished cabinets so they had, like,  
10 the lacquer and urethane and all that stuff, but  
11 I -- I never seen them throw any of it out.

12           There was just the cans and all that stuff it was  
13           in.

14       Q.   Do you remember smelling what smelled like  
15           lacquer or polyurethane in the dumpster?

16           A.   Yeah.  When you throw a can in there, you can  
17           smell the can.

18       Q.   So it wasn't completely dry, there was some  
19           residue in the cans?

20           A.   Possible.

21       Q.   Anything else you remember about their waste?

22           A.   No.

23       Q.   Let's go to the tickets.  By the way, do you  
24           remember what size container?

25           A.   30-yard open top.

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1       Q.   One or more than one?

2           A.   That's a question -- sometimes they'd have an  
3           extra one in there if they called for it, but  
4           most of the time it was one permanent one there.  
5           There was one that was there all the time and  
6           then occasionally they'd call for a second one.

7       Q.   Do you know, did they service boilers in their  
8           buildings and things like that as well?

9           A.   Not to my knowledge.

10       Q.   What about window air-conditioning units?

11           A.   Not to my knowledge.  I never seen it, so no.

12       Q.   All right.  Appliances?

13           A.   No, I never seen any of that either.

14       Q.   Okay.  Let's go to the tickets.  I'm just going  
15           to read the numbers.  First page, 38456, is that

16 your signature?  
17 A. Yes.  
18 Q. Same question for 34236 on the next page.  
19 A. Yes.  
20 Q. Same question, next page, 34228.  
21 A. Yes.  
22 Q. So on each of those three occasions, you brought  
23 containers from Ferland to J.M. Mills, correct?  
24 A. Yes.  
25 Q. Let's go to Handy & Harmon. Do you remember  
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1 picking up waste from Handy & Harmon?  
2 A. Not very often, but yes. I -- that there was  
3 top security. I didn't go over there very often.  
4 Q. Do you know why they were top security?  
5 A. Yeah, a lot of gold and jewelry in there.  
6 They'd strip search you when you went in and when  
7 you went out. A lot of gold in that place.  
8 Q. And what business were they in?  
9 A. Rings. Rings and necklaces and all gold.  
10 Q. Was it your understanding that Handy & Harmon was  
11 a regular Goditt & Boyer customer?  
12 A. Yes.  
13 Q. Were they customer before you started picking up  
14 from them?  
15 A. Yes.  
16 Q. Do you recall what size container or containers  
17 they used?  
18 A. They had a 50-yard compactor. They had a  
19 30-yard open top. There was two buildings.

20           There was one in North Attleboro. There was one  
21           in Attleboro.  
22       Q. And you said there's a 50-yard compactor and a  
23           30-yard open top. One in each of the facilities  
24           or did the --  
25       A. There was a 50 and 30 at one, 50 and 30 at the  
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1           other.  
2       Q. Okay.  
3       A. Total of four containers.  
4       Q. And are you able to distinguish between the North  
5           Attleboro and the Attleboro facility as to what  
6           they did in those two facilities? Was there  
7           something they did at one that they didn't do at  
8           the other?  
9       A. There was, but I can't -- I can't tell you  
10           what it was because I never get into the  
11           building. They'd even stand there with a shotgun  
12           watching you change the thing out, so I -- all I  
13           know is what I seen and I didn't see much.  
14       Q. What do you recall about the waste that came from  
15           the North Attleboro facility?  
16       A. That was basically all general trash, paper,  
17           cardboard and cafeteria waste and stuff like that  
18           there. I never seen much of anything in that  
19           one.  
20       Q. What about the main Attleboro facility?  
21       A. That one there had -- had them -- had general  
22           trash in it, and it had the five-gallon buckets,  
23           them white ones with some kind of a polishing

24 stuff, a liquid of some sort was inside them. I  
25 don't know what was in them, but they had  
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1 something that was in them they used for the  
2 jewelry, some kind of a polishing stuff or  
3 something. I don't know what it was.

4 Q. Do you remember what it smelled like?

5 A. No.

6 Q. Did it have an odor associated with it?

7 A. It did have an odor to it, but I don't know  
8 what it was. I can't remember that now. It's  
9 too far off.

10 Q. Do you know if they did any plating there?

11 A. I don't know. I can't answer that. If I had  
12 to guess, I would say yes. But I'm not guessing,  
13 so --

14 Q. Other than the polishing liquid, do you remember  
15 any other sort of liquid waste or oily waste that  
16 were generated --

17 A. No.

18 Q. -- by either of those two facilities?

19 A. There was occasionally rags and Speedy Dry in  
20 there, but I don't know what was on them and  
21 stuff.

22 Q. Out of which facility?

23 A. The one in Attleboro. The one in North  
24 Attleboro was basically just general trash you  
25 get every day from a company.

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- 1 Q. How often did you pick up there or how many times  
2 in total did you pick up from Handy & Harmon?  
3 A. I don't know. Rarely when somebody was out --  
4 Q. Okay.  
5 A. -- it could vary. Could have gone there three  
6 times in a month and maybe twice a month. I  
7 don't know. I never had any real schedule, so --  
8 Q. Any other waste that you remember coming out of  
9 the Attleboro facility other than what you just  
10 mentioned?  
11 A. The open tops, both of them had wood in them.  
12 That's all they had was wood in each one of the  
13 open tops.  
14 Q. All right.  
15 A. But the rest of the stuff, that -- basically  
16 what was there.  
17 Q. Do you remember any solvents for cleaning the  
18 jewelry of any type?  
19 A. No, all I seen was just the empty jugs. I  
20 never -- never seen any liquids anywhere.  
21 Q. Anything else you remember about their waste?  
22 A. No, that's about it.  
23 Q. Let's go to the tickets. The first ticket is  
24 34528. Is that your signature?  
25 A. Yes.

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- 1 Q. And next one, 46241, is that your signature?  
2 A. Yes.  
3 Q. And the next one is 46771. Is that your

4 signature?  
5 A. Yes.  
6 Q. Next one is 46771. Is that your signature?  
7 A. Yes.  
8 Q. So on each of those four occasions, you brought  
9 containers from Handy & Harmon to J.M. Mills?  
10 A. Yes.  
11 Q. Are you able to state whether these were the 50-  
12 or 30-yard containers?  
13 A. Could have been either one of them. I really  
14 can't tell. The only way you could tell is if  
15 the dates are the same day and I have to take  
16 this mess apart to do it. There's 11/6 there,  
17 11/6 there. Yeah, got two tickets that were the  
18 same date so that would have been a 50 and a 30.  
19 The times that -- no, wait a minute. The times  
20 are identical.  
21 MS. PERANER-SWEET: For the record,  
22 these two are the same.  
23 MR. MURPHY: Oh, we have a dupe?  
24 MS. PERANER-SWEET: Yeah.  
25 MR. MURPHY: All right. I gotcha.

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1 A. Yeah, I didn't notice that until just now.  
2 Q. I didn't either.  
3 A. So it was only a total of two containers and  
4 not four.  
5 Q. Is there somebody else who you know picked up  
6 with regularity at Handy & Harmon during that  
7 time period? Was there a regular assigned to

8 Handy & Harmon?

9 A. Yeah. I don't know who it was, but, yeah, if  
10 they had the paperwork out of the office you  
11 could tell it was -- it was a regular customer.

12 Q. Let's go to IGA. Was that the stores or the  
13 warehouse?

14 A. That's a good question.

15 THE WITNESS: Which one are you looking  
16 for?

17 MR. MURPHY: Well, I don't know.

18 Q. What IGA facilities did you pick up from?

19 A. The stores and the warehouse, too. The  
20 warehouse is right next door to -- well, was  
21 right next door to Peterson Puritan. It was  
22 side-by-side.

23 Q. On Martin Street in Cumberland?

24 A. Yeah, it was right at the end of the road.

25 Q. And what do you remember coming out of the

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1 warehouse -- I'm sorry. At the warehouse, what  
2 size containers?

3 A. Two 50's and a 30.

4 Q. By the way, at some point in time, did IGA -- did  
5 that location become a Roger Williams?

6 A. Yeah. IGA, Roger Williams and Value -- was it  
7 Value Land or value something. It was all the  
8 same company.

9 Q. All right.

10 A. You know it as Roger Williams Foods, right?

11 Q. Today, right?



12 A. Yeah.  
13 Q. But --  
14 A. That was IGA originally.  
15 Q. Do you remember when they changed the name to --  
16 or when that warehouse was called Roger Williams,  
17 when that switch --  
18 A. I don't know when the switch took place, I  
19 can't remember that, but I know it did switch.  
20 Q. Do you remember if the warehouse on Martin Street  
21 had any automotive servicing facilities for the  
22 Fleet?  
23 A. They did.  
24 Q. Now, did you ever see any waste associated with  
25 vehicular maintenance in the containers?

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1 A. The open top had empty oil cans and tires, and  
2 I don't know, that's about it, I guess. They  
3 used to put that 30-yard open top right next to  
4 the maintenance shop and the other two -- one of  
5 them was cardboard in the 50-yarder and the other  
6 one had just general fruit and vegetables and  
7 whatever else they threw out of the -- it was all  
8 just food from the stores.  
9 Q. Well, other than the food from the stores, do you  
10 recall seeing any other products that might have  
11 been damaged that were unsalable that they were  
12 throwing out?  
13 A. No, there was no solvents or none of that --  
14 no aerosol cans or nothing in there. That was  
15 mostly all food, at least that's what I remember

16            anyway, let's put it that way.  
17        Q.    How often did you have occasion to go to the IGA  
18            warehouse?  
19            A.    I don't know. About as often as every other  
20            place, I guess.  
21        Q.    You were relief driver, right?  
22            A.    Yeah.  
23        Q.    And then what about the IGA stores?  
24            A.    The stores, they used to be on a schedule of  
25            once a month, I think. I'm pretty sure the  
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1            stores were on a once-a-month schedule and they  
2            were just cardboard. They had 50-yard closed  
3            containers with cardboard. That's all that was  
4            at the stores.  
5        Q.    Do you recall any other containers at the stores  
6            for, you know, damaged merchandise?  
7            A.    Front load containers. They had the small  
8            ones there for the regular store trash.  
9        Q.    Did the front load containers go to J.M. Mills,  
10            too?  
11            A.    I have no clue. That I don't know.  
12        Q.    All right.  
13            A.    Depending on who was picking up and where they  
14            ended up, I guess, I don't know.  
15        Q.    But the IGA warehouse was about two miles from  
16            the J.M. Mills landfill, right?  
17            A.    Yeah, you could see it -- if you looked out  
18            their window, you could see the top of the hill.  
19        Q.    Was there a back road to J.M. Mills landfill

20 right from Martin Street?  
21 A. Yeah, but the only ones that could in there  
22 was the fire trucks or the ambulance. Nobody  
23 else could go through there.  
24 Q. So you had to go up Martin Street, take a right  
25 on Mendon and go down --

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1 A. Yeah, go down to Stop & Shop. It's there now  
2 but it never was.  
3 Q. And take a right there?  
4 A. Yeah, right at the railroad tracks.  
5 Q. All right. Let's go through the IGA tickets.  
6 Oh, by the way, any other waste that you recall  
7 coming out of the IGA warehouse?  
8 A. No, that about sums it up.  
9 Q. So let's go to -- I lost my place.  
10 A. I already done that twice already.  
11 Q. That's not good. Here we go. I'm going to read  
12 the tickets off and it's going to be the same  
13 question for every one, which is is that your  
14 signature on there. Let's go to the first page,  
15 35999?  
16 A. Yes.  
17 Q. Next page is 38798?  
18 A. Yes.  
19 Q. Next page, 39088?  
20 A. Yes.  
21 Q. Next page, 35879?  
22 A. Yes.  
23 Q. Next page, 35245?

24 A. Yes.  
25 Q. Next page, 45316?  
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1 A. Yes.  
2 Q. Next page, 46889?  
3 A. Yes.  
4 Q. Next page is 46254?  
5 A. Yes.  
6 Q. Next page is 45126?  
7 A. Yes.  
8 Q. Next page is 45045?  
9 A. Yes.  
10 Q. The next page is 35999?  
11 THE WITNESS: That's a rerun, isn't it?  
12 MR. MURPHY: Is it?  
13 THE WITNESS: Or was the other one  
14 34999?  
15 MR. MURPHY: No, you're right. That's a  
16 copy of the first one. That's a duplicate.  
17 Thanks for catching that.  
18 Q. Actually, it looks like we've got that page yet  
19 again.  
20 A. Yeah, there we go again.  
21 Q. We've got three of those. I guess I liked that  
22 one. I liked it so much we put three copies in  
23 there.  
24 A. I didn't think I was that awake.  
25 Q. Particularly this time of day.  
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- 1           Let's go to the next one, 37108?
- 2           A. Yes.
- 3           Q. Next one, 36443?
- 4           A. Yes.
- 5           Q. Next one, 33193?
- 6                        THE WITNESS: Are you sure these are not  
7           duplicates?
- 8                        MR. MURPHY: Could be.
- 9           Q. I'll tell you what, to the extent to which  
10           they're duplicates, you know, we'll -- although,  
11           I don't see that one.
- 12           A. That one can't be a duplicate because the  
13           ticket's crooked. All the other ones are  
14           straight.
- 15           Q. Yeah. I just want to confirm your signature.
- 16           A. Yeah.
- 17           Q. If some of them are duplicates, we'll, you  
18           know --
- 19           A. That's the last one anyway.
- 20           Q. All right. And so on each of the occasions that  
21           we went through those tickets, on the date  
22           indicated you brought a container -- a 50-yard  
23           container or a 30-yard container from the  
24           warehouse to J.M. Mills?
- 25           A. Yes. Now that we're on that there, okay, let  
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- 1           me go one more now.
- 2           Q. Okay.

3 A. There was some Roger Williams Foods that were  
4 running under IGA that had trash containers in  
5 them. There was one in Pawtucket and there was  
6 one in Warwick, I think. I think it was Warwick.  
7 And some of them tickets could have been the  
8 stores because they were running under Roger  
9 Williams Foods but they were actually IGA. I  
10 know that's confusing, huh?

11 Q. No, that's okay. So it would have been on the  
12 IGA account that you would have listed IGA?

13 A. Well, not if the paperwork that I had in the  
14 truck said IGA. I would have listed it as IGA  
15 and not Roger Williams. That's what you just  
16 said, yes, the answer to your question.

17 Q. All right. And do you remember how often you  
18 picked up the 30-yard container that had the  
19 automotive --

20 A. Oh, I don't know.

21 Q. -- maintenance waste?

22 A. I don't know. I didn't do it that often. I  
23 want to say like once every couple of months  
24 because they didn't -- that didn't go very often.

25 Q. The bigger container, would you go more

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1 frequently with --

2 A. Yeah, sometimes that 50-yard one, the trash  
3 one over there, that thing would go two or three  
4 times a week. I remember doing it at least twice  
5 a week there at different times. That one went  
6 quite often. The cardboard went quite often.

7 Q. So your recollection is that the one with the  
8 automotive waste would have gone --  
9 A. I don't know. Just for conversation's sake,  
10 say once every six weeks just for conversation's  
11 sake.  
12 Q. Do you remember seeing any other products out of  
13 the warehouse, aerosol cans or cleaning  
14 materials?  
15 A. No. No.  
16 Q. Okay. Let's go to Key Con, which I believe is  
17 Key Container.  
18 A. Yes, it is.  
19 Q. Did you pick up waste from Key Container?  
20 A. Yes, I did.  
21 Q. Where were they located?  
22 A. Pawtucket.  
23 Q. What business were they in?  
24 A. They were making cardboard boxes.  
25 Q. Was there one facility or more than one facility?  
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1 A. There was just that one.  
2 Q. Okay. I lost my place again. What size  
3 container did they have?  
4 A. There was a 50-yard closed container there and  
5 there was a 30-yard open top.  
6 Q. And you said they made, basically, cardboard  
7 boxes?  
8 A. Yeah.  
9 Q. What do you remember about the contents of their  
10 waste?

11 A. I don't know. Just all pieces of cardboard  
12 all ground up and dust and stuff and general  
13 office trash.  
14 Q. Was there any kind of wet sludgy cardboard or  
15 anything?  
16 A. Yeah, on occasion it was.  
17 Q. Do you remember any machine --  
18 A. I think they wet it down so they could pick it  
19 up and throw the dust into the compactor with  
20 water.  
21 Q. Do you remember any other shop waste of any type  
22 in there?  
23 A. No.  
24 Q. Any --  
25 A. Occasionally you'd get some rags in there from  
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1 the machines. They clean the oil off the  
2 machines because that cardboard they had to keep  
3 that clean in there. Occasionally you'd get some  
4 rags in there, but that was very -- hardly ever.  
5 Q. How big was the facility?  
6 A. It was a pretty big building.  
7 Q. Did they have their own vehicles there?  
8 A. No, they were all leased.  
9 Q. There wasn't any auto maintenance?  
10 A. No.  
11 Q. Any other type of waste you remember coming out  
12 of there other than the cardboard and the oily  
13 rags?  
14 A. No.



15 Q. Let's go to tickets. I just want to confirm that  
16 your signature's on there. The first one is  
17 47031.

18 A. Yes.

19 Q. Next one is 35546.

20 A. Yes.

21 Q. And then on both of those tickets that you  
22 identified your signature, you would have brought  
23 a container from Key Container to J.M. Mills  
24 landfill?

25 A. Yes.

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1 Q. And do you remember how many times in total you  
2 went there?

3 A. I don't know. I can't answer that. I don't  
4 know. It wasn't too often. The thing only  
5 went -- when it was on schedule and they had it  
6 picked up, it was going, like, every three weeks.  
7 So even if somebody else went over there, it  
8 didn't go that often, as far as I can remember.  
9 I know it wasn't something that was there every  
10 day. I know that.

11 Q. We're going to skip Leach & Garner because I  
12 think you were already questioned about that.

13 A. Yeah, we already went on that one.

14 Q. So let's go to Merdon, M-E-R-D-O-N. Do you ever  
15 pick up waste from Merdon?

16 A. No.

17 Q. Is it Mendon? Oh, okay. That's a typo. It's  
18 Mendon. Oh, Mendon warehouse. Okay. I had

19 somebody in my office that didn't get it.  
20 Do you recall a facility called Mendon  
21 warehouse?  
22 A. Yeah. I can't remember what they did there,  
23 though. I wonder if that was Brooks Drug  
24 warehouse.  
25 Q. Is that something that you're not sure of but is  
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1 a possibility as to what --  
2 A. Yeah, it's a possibility. I'm not sure of  
3 that, though. Mendon warehouse, it rings a bell.  
4 I think it was Brooks Drug warehouse.  
5 Q. Where was that located?  
6 A. That was in Pawtucket if that, in fact, was  
7 the one.  
8 Q. What size container did you have at the Mendon  
9 warehouse? Do you remember?  
10 A. 30-yard open top, if, in fact, that was it.  
11 Q. I'm assuming there's also a town called Mendon,  
12 right?  
13 A. Yeah. Mendon warehouse had nothing to do with  
14 Mendon the town, though.  
15 Q. Okay.  
16 A. I'm almost sure that's Brooks Drug warehouse.  
17 Q. All right.  
18 A. Because eventually they sold out to Rite Aid  
19 and it changed from Mendon warehouse to Rite Aid.  
20 Q. Okay.  
21 A. I think it's all the same building, if my  
22 memory serves me right.

23 Q. What do you remember about the waste in those  
24 containers?  
25 A. Just general office trash and empty pill  
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1 bottles and probably a couple of aerosol cans,  
2 maybe something they threw out, wood pallets,  
3 display cases. It's normal stuff out of  
4 warehouses.

5 Q. Did the warehouse also have kind of a facilities  
6 operation shop of any type?

7 A. I don't think so, not that place.

8 Q. Any vehicles maintenance there?

9 A. No. They didn't have any trucks that I know  
10 of. If that's the place I'm thinking about, all  
11 it was was the Brooks Drugs' trailers.

12 Q. Was any of the waste kind of non-kind of  
13 medicine-type waste, but, you know, cleaning  
14 products or --

15 A. Not that I can recall, no.

16 Q. So the aerosols that you saw were all aerosols  
17 associated with some of the kind of medical or  
18 personal needs?

19 A. I don't know. I didn't examine them all. You  
20 see that stuff. You don't examine it. It could  
21 have been either way.

22 Q. Other than the general office trash and the  
23 aerosol cans and that sort of waste, and the  
24 wooden pallets, do you remember anything else  
25 about the contents of the Mendon warehouse

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- 1 pick-ups?
- 2 A. No, that's about it. As I recall, that was
- 3 the place. That was Brooks Drug warehouse.
- 4 Q. Let's go to the tickets. The first one is --
- 5 again, same question, is this your signature,
- 6 35266?
- 7 A. Yes.
- 8 Q. 33145?
- 9 A. Yes.
- 10 Q. 37210?
- 11 A. Yes.
- 12 Q. 39993?
- 13 A. Yes.
- 14 Q. 36520?
- 15 A. Yes.
- 16 Q. 36134?
- 17 A. Yes.
- 18 Q. 36038?
- 19 A. Yes.
- 20 Q. 45826?
- 21 A. Yes.
- 22 Q. For each of those tickets that you just
- 23 confirmed, on the date listed on the ticket did
- 24 you bring waste to J.M. Mills landfill?
- 25 A. Yes.

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- 1 Q. The Providence Post Office is listed next. What
- 2 kind of waste did they have from the Providence

3 Post Office?  
4 A. All mail that never was delivered.  
5 Q. Anything else?  
6 A. That's about it, that and regular cafeteria  
7 waste. That was about it.  
8 Q. You don't remember any sort of --  
9 A. Oh, wait a minute. You know something? They  
10 had a 30-yard open top there for the maintenance  
11 on the trucks. That's the one that had tires in  
12 it and batteries and --  
13 Q. At the Providence Post Office?  
14 A. Yeah, they had a 30-yard open top container  
15 there and a compactor. The compactor had all the  
16 mail that never got delivered and the 30-yarder  
17 had the stuff in the maintenance garage in it.  
18 Q. Okay. So the 50-yarder was basically paper  
19 trash; is that right?  
20 A. Uh-huh. Yeah.  
21 Q. You don't remember anything other than paper  
22 trash in the --  
23 A. In fact, it goes to the paper shop. Now they  
24 bale it. That's how clean that one is.  
25 Q. All right. Now, tell me about the 30-yard  
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1 container. What do you remember about that?  
2 A. That thing had tires, batteries, wood, truck  
3 parts. They had a little bit of everything in  
4 that one.  
5 Q. Any used motor oil? Do you remember?  
6 A. I don't remember, but it's very well possible.

7 Q. Anti freeze?  
8 A. No, I never seen any of that.  
9 Q. Any kind of empty solvent cans from spraying  
10 anything?  
11 A. (Shakes head in the negative).  
12 Q. Lubricants of any type?  
13 A. (Shakes head in the negative).  
14 Q. Empty lubricant containers?  
15 A. (Shakes head in the negative).  
16 THE REPORTER: Could you answer out  
17 loud, please.  
18 A. Oh, no. I'm getting carried away over here.  
19 My head's going.  
20 Q. Do you remember bringing some of those 30-yard  
21 containers to the J.M. Mills landfill?  
22 A. Yes.  
23 Q. Any other landfills you might have brought the  
24 Providence Post Office waste to?  
25 A. Central.

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1 Q. So your recollection is you brought some  
2 Providence Post Office waste to J.M. Mills and  
3 some to Central?  
4 A. It's very well possible. See, you can't tell  
5 by the tickets or anything else and I can't  
6 remember, so it's possible.  
7 Q. All right. Well, these tickets are all J.M.  
8 Mills dump tickets --  
9 A. Yeah.  
10 Q. -- so we know these are J.M. Mills.

11 A. Yeah. See, the problem with all of this here  
12 is the size of the containers was never written  
13 on it, so it's one -- it's one missing piece to  
14 the puzzle.

15 Q. Okay. When did they start baling the paper waste  
16 and sending that off? You indicated at some  
17 point they were recycling the paper?

18 A. About, I don't know, I want to guess about,  
19 maybe, six years ago, seven years ago, maybe,  
20 something like that.

21 Q. All right. So before then, it went to J.M.  
22 Mills?

23 A. Yeah.

24 Q. By the way, if there are tickets for what's  
25 called the "main post office," is that the same  
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1 as the Providence Post Office?

2 A. Yes, that's the same building.

3 Q. So do you recall any other type of waste other  
4 than the waste that you've described as being in  
5 the 50- and the 30-yard container?

6 A. No, that's it.

7 Q. Let's go to the tickets. Again, I'm going to ask  
8 you to confirm that it's your signature. 35374.

9 A. Yes.

10 Q. All right. And I believe we're going to get  
11 to -- somewhere I thought I saw an entry for the  
12 main post office but we'll get to that. But on  
13 this date, the date listed on that ticket that  
14 you just identified as your signature, did you

15 bring waste from the Providence Post Office to  
16 J.M. Mills?  
17 A. Yes.  
18 Q. The next listing is Star Market. What do you --  
19 do you recall picking up for Star Market?  
20 A. Yes.  
21 Q. And where were they located? Was it one location  
22 or more than one location?  
23 A. I can't remember where it was located. I  
24 think there was two of them. I can't remember  
25 where they were, though. I think one of them was  
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1 in Central Falls and the other was in Pawtucket,  
2 I think, but I'm not positive.  
3 Q. Do you recall what size containers?  
4 A. They'd have to be 50-yard compactors.  
5 Q. And I'm assuming Star Market was kind of a  
6 grocery store?  
7 A. Yeah.  
8 Q. What do you recall about the waste contained in  
9 the 50-yard container?  
10 A. It was all -- sorry. It was like food waste  
11 and paper and cardboard and just general store  
12 trash.  
13 Q. Any kind of hard goods other than perishable  
14 foods that ended up in the container?  
15 A. No, not that I ever seen anyway, not that I  
16 can remember.  
17 Q. Let's go to the tickets. First one is 46299.  
18 A. Yes.



19 Q. Is that your signature?  
20 A. Yes.  
21 Q. The next one is 45593, in the lower right-hand  
22 corner?  
23 A. Yes.  
24 Q. The next one is 35298?  
25 A. Yes.

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1 Q. Next one is 45593?  
2 A. Yes.  
3 Q. And on each of those occasions, did you bring a  
4 container from a Star Market to J.M. Mills?  
5 MR. CONNORS: Objection to the extent  
6 45999 is a repeat.  
7 THE WITNESS: Yeah, I was just going to  
8 say that. You caught it before me. It's right  
9 here. No. It's here somewhere, though.  
10 MR. MURPHY: I see it, yeah.  
11 (Off the record discussion.)  
12 Q. All right. Let me ask you about -- do you  
13 remember Schoolhouse Candy?  
14 A. Yes.  
15 Q. Was there any waste in Schoolhouse Candy that was  
16 anything other than food waste?  
17 A. That's all it was, lollipops and jelly beans.  
18 Q. Okay. Well, on each of the tickets that are  
19 listed after that -- there's three pages of  
20 tickets. Where it lists "Schoolhouse," is your  
21 signature on each of those?  
22 A. Yes.

23 Q. And did you bring their waste to the --

24 A. Yes.

25 Q. -- J.M. Mills Landfill --

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1 A. Yes.

2 Q. -- on the dates indicated?

3 A. Yes.

4 MR. CONNORS: Did you say just three  
5 pages?

6 MR. MURPHY: It's actually more. I'm  
7 sorry.

8 THE WITNESS: Yeah, I'm still flipping  
9 them here.

10 Q. Keep flipping through. There should be on each  
11 page at least one ticket that's written out as  
12 Schoolhouse that appears to be your signature.

13 A. Yes.

14 Q. And if you can confirm that every one of the  
15 tickets that's a part of Exhibit 7, and more  
16 specifically Schoolhouse Candy, has your  
17 signature on each of those.

18 A. Yes.

19 Q. Just flip through to the end, and if you can  
20 confirm that there's a ticket on each page that's  
21 signed by you.

22 A. Yes.

23 Q. Okay. Let's go to Truex. Do you remember  
24 picking up waste from Truex?

25 A. Yes.

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- 1 Q. Where were they located?
- 2 A. Pawtucket, Pawtucket, Pawtucket, Pawtucket. I
- 3 think it was Mendon Road, Mendon Avenue in
- 4 Pawtucket.
- 5 Q. What did Truex do? What was their business?
- 6 A. It was a spinoff of Carol Cable.
- 7 Q. And --
- 8 A. All he had there was a 30-yard open top.
- 9 Basically had wood and tires and some truck parts
- 10 because that was, like, their maintenance area
- 11 over there.
- 12 Q. Do you recall seeing any oils or oily residue or
- 13 oil waste in that 30-yard open top?
- 14 A. No, not to my knowledge.
- 15 Q. What about oily rags?
- 16 A. Occasionally you may get a couple in there.
- 17 Q. Any other type of waste you can recall?
- 18 A. No.
- 19 Q. When you say "some truck parts," anything more
- 20 specific to that or generally different parts of
- 21 a truck?
- 22 A. Like an old alternator or a door or a fender
- 23 or something, because that was their maintenance
- 24 garage over there. Whenever they had any truck
- 25 parts and broken pallets, that's what went in
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1 there, and wood.

- 2 Q. Do you know, by the way, whether they had a paint  
3 shop to paint their own vehicles?  
4 A. Not to my knowledge.
- 5 Q. Did they have a paint shop there for any other  
6 facilities?  
7 A. Not to my knowledge.
- 8 Q. Other than the waste you've already identified is  
9 in the containers, do you remember any other  
10 types of waste in the Truex 30-yard open top?  
11 A. No, not that I can recall.
- 12 Q. Let's go to the tickets. I'm just going to read  
13 the ticket and tell me whether your signature's  
14 on there. 46787?  
15 A. Yes.
- 16 Q. Next page, 46739?  
17 A. Yes.
- 18 Q. Next page, 36121?  
19 A. Yes.
- 20 Q. The next page is 35520?  
21 A. Yes.
- 22 Q. The next page is 47018?  
23 A. Yes.
- 24 Q. Next page is 37120?  
25 A. Yes.

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- 1 Q. Next page is 32737?  
2 A. Yes.
- 3 Q. Next page is 36729?  
4 A. Yes.
- 5 Q. Next page is 33118?

6 MR. CONNORS: Objection. I think it's  
7 33116.

8 MR. MURPHY: I'm sorry. There you go.  
9 Your eyes are better than mine.

10 Q. 33116?

11 A. Yes.

12 Q. Next page is 40751?

13 A. Yes.

14 Q. Next page is 35262?

15 A. Yes.

16 Q. Okay. Was the Truex facility one that you made  
17 more relief stops at than some of the others?

18 A. Yeah.

19 Q. Do you have any recollection as to why that was?

20 A. I just happened to be in the area and it was  
21 an open top. I done a lot more open tops than I  
22 did closed ones, just that I was in the area.

23 Q. All right. Other than the truck parts and the  
24 tires, do you remember any other types of solvent  
25 waste?

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1 A. No.

2 Q. Any oily rags?

3 A. Occasionally you'd get one or two in there,  
4 but it was nothing that was -- nothing that was a  
5 steady thing.

6 Q. And it's your understanding -- I know I was  
7 asking you this before -- but that this was just  
8 for vehicle maintenance, it wasn't for other  
9 facility maintenance?

10 A. Yeah. They had -- no, no other facility  
11 maintenance, no, but they had their warehouse  
12 building there, they'd throw the pallets and  
13 broken wood in there and stuff, but it's actually  
14 a warehouse right there.

15 Q. Was there any of their manufactured goods in the  
16 warehouse that were thrown out in that larger  
17 box, the 50-yarder?

18 A. No, Truex never had a 50-yarder.

19 Q. Okay. So the warehouse would use the same  
20 30-yard dumpster?

21 A. Yeah.

22 Q. All right. So on the tickets that we've  
23 indicated on each of those that you've  
24 confirmed --

25 A. They were all open tops.

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1 Q. All right. But on each of those occasions, you  
2 brought an open top container from Truex and  
3 dumped it at the J.M. Mills landfill?

4 A. Yes.

5 Q. Let's go to United Paper. Did you pick up waste  
6 from United Paper?

7 A. Yes.

8 Q. Okay. Where were they located?

9 A. In Pawtucket.

10 Q. What business were they in?

11 A. Recycled paper.

12 Q. What exactly did they do? Were they only like a  
13 waste station where the paper would come in and

14 then go out to some other facility or it did they  
15 actually --

16 A. They'd bale it. You'd dump the cardboard  
17 there and the paper, they'd separate all the  
18 trash and they -- the cardboard goes out as clean  
19 cardboard, the paper goes out as paper, and the  
20 trash they bale it up and at the time they put it  
21 back in the container and we take it over to the  
22 dump. Same business Berger's in, only Berger's  
23 got metal and United's only paper.

24 Q. What do you recall about the trash bales? What  
25 was in the trash bales?

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1 A. Mostly all trash that he couldn't recycle,  
2 like plastic and wood and whatever else you can't  
3 recycle.

4 Q. Any other type of waste that you remember seeing  
5 in the containers from United?

6 A. Nope, that's it.

7 Q. And let's go to the tickets. First page, 35826,  
8 is that your signature?

9 A. Yes.

10 Q. Same question for the next page, 45393?

11 A. Yes.

12 Q. By the way, was there any other company called  
13 United that you remember picking up from back in  
14 those days?

15 A. No, but now that I seen this ticket, it's  
16 bringing back -- no, that's the only one I can  
17 think of.

18 Q. When you say it brings back, is there --  
19 A. I was trying to think if there was another  
20 company with United, but, no, that would be the  
21 only one. I can't think of anything else with  
22 United.  
23 Q. You know about United Sanitation?  
24 A. Yeah.  
25 Q. But that --  
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1 A. That's a whole different situation.  
2 Q. Gotcha.  
3 A. That's a whole different company.  
4 Q. The next ticket is 45939?  
5 A. Yes.  
6 Q. Okay. And --  
7 MR. CONNORS: Objection. Is that 935?  
8 MR. MURPHY: 45939.  
9 MR. CONNORS: On the wrong page.  
10 MR. MURPHY: No, it's just my brain  
11 getting tired.  
12 THE WITNESS: It was 39 because I seen  
13 it, unless I'm on the wrong page.  
14 MR. CONNORS: I jumped ahead there.  
15 Sorry.  
16 Q. 45939, right?  
17 A. Yeah. That's where we are right now, right?  
18 Q. Yeah. Next page, 45935, do you see your  
19 signature only that page?  
20 A. Yes.  
21 Q. Okay. Next ticket, 45815, your signature?



22 A. Yes.  
23 Q. Next page, 3514 -- no, sorry. 35156?  
24 A. Yes.  
25 Q. Next page, 46381?  
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1 A. Yes.  
2 Q. Next page, 39580?  
3 A. Yes.  
4 Q. Next page, 33960?  
5 A. Yes.  
6 Q. Next page, 34484?  
7 A. Yes.  
8 Q. Next page, 34458?  
9 A. Yes.  
10 Q. Next page, 35100?  
11 A. Yes.  
12 Q. Next page, 35047?  
13 A. Yes.  
14 Q. Next page, 35016?  
15 A. Yes.  
16 Q. Next page, 47009?  
17 A. Yes.  
18 Q. Next page, 32760?  
19 A. Yes.  
20 Q. Next page is 32679?  
21 A. Yes.  
22 Q. Next page is 32822?  
23 A. Yes.  
24 Q. Next page is 34759?  
25 A. Yes.

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- 1 Q. Next page is 35692?  
2 A. Yes.  
3 Q. Next page, 36681?  
4 A. Yes.  
5 Q. Next page, 39574?  
6 A. Yes.  
7 Q. Next page, 39522?  
8 A. Yes.  
9 Q. Next page, 39752?  
10 A. Yes.  
11 Q. Next page, 40000?  
12 A. Yes.  
13 Q. Next page, 33425?  
14 A. Yes. 39122.  
15 Q. On the next page, that's the United?  
16 A. Yes.  
17 Q. Next page, 39068?  
18 A. Yes.  
19 Q. Next page, 37042?  
20 A. Yes.  
21 Q. Next page, 46596?  
22 A. Yes.  
23 Q. Next page, 37250, I believe?  
24 A. That's what it looks like, yes.  
25 Q. Next page is 36753?

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- 1 A. Yes.

2 Q. Next page, 37338?  
3 A. Yes.  
4 Q. Next page 37345?  
5 A. Yes.  
6 Q. And the last page of the United is 35283?  
7 A. Yes.  
8 Q. And on each of those tickets that you confirm  
9 your signature, does it reflect that on the date  
10 listed you brought a container from United Paper  
11 to J.M. Mills landfill?  
12 A. Yes.  
13 Q. What size container did United Paper use? Do you  
14 remember?  
15 A. It could have been a 50 or a 30. It didn't  
16 make much difference. Whatever you had on the  
17 truck, they'd just slide the bales in. So it  
18 could have been a 50-yard closed or it could have  
19 been a 30-yard open.  
20 So what we did at the time was you'd dump all  
21 the cardboard, you'd back up, they'd load it up  
22 with bales and you'd go back to the dump with a  
23 load on rather than going empty.  
24 Q. Okay. Do you remember any unusual smells coming  
25 in from the bales of general trash?

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1 A. Yeah, chicken and the fish rotting.  
2 Q. Anything else?  
3 A. No, that's it.  
4 Q. Any petroleum-based smell?  
5 A. No.

6 Q. There seems to be quite a few tickets during this  
7 time frame for United. Do you know why you would  
8 have --

9 A. Yeah, because we're dumping Bradley's trash in  
10 there and the Stop & Shop trash and they were  
11 baling it rather than taking half a container.  
12 See, the containers were split in the middle,  
13 there was trash in the front and cardboard in the  
14 back. You dumped the cardboard on this side, you  
15 dumped the trash on that side. And then when  
16 they got enough trash, they'd bale it and then  
17 they'd take the bales and put them in the  
18 container and we'd go to the dump with it.

19 Q. So they'd take the cardboard out to recycle?

20 A. Yeah.

21 Q. And they'd replace that with the bales of trash  
22 and you'd bring that to J.M. Mills?

23 A. Yes.

24 Q. But this seemed to be a pretty regular stop for  
25 you as a relief driver. Any recollection as to  
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1 why that is?

2 A. Yeah, because I'd done a lot of Stop & Shops  
3 because they were calling steady every other day.  
4 Stop & Shop, we had some of them we were doing  
5 every single day and we didn't have enough  
6 drivers, so I was a designated driver.

7 Q. Do you remember any other waste that came out of  
8 the recycling facility?

9 A. No. It was all just -- mostly all just paper

10 and garbage. That's all it was.

11 Q. Were the baling machines fairly large baling  
12 machines, big commercial, industrial baling  
13 machines?

14 A. Yeah. The bales are a ton-and-a-half a piece  
15 when they come out of it.

16 Q. And did you ever see any machine or maintenance  
17 waste, oily rags for servicing or keeping the  
18 baling machines --

19 A. No.

20 Q. -- lubricated and oiled?

21 A. No, I never get into that. Never looked that  
22 far into it.

23 Q. All right. Well, on each of the occasions where  
24 you've confirmed your name on the ticket, you  
25 brought either a 30- or a 50-yard container from  
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1 United Paper to the J.M. Mills landfill; is that  
2 correct?

3 A. Yes. About 95 percent of that was all Stop &  
4 Shop and Bradley's stuff. We dumped it on the  
5 ground, we baled it and took it out of there.

6 Q. All right.

7 A. But it's listed under United because once you  
8 dump it on the ground it's their trash.

9 Q. All right. Any of the trash that came from Stop  
10 & Shop or any of the other facilities contained  
11 any aerosol cans or other retail hard goods that  
12 were sold in any of the stores?

13 A. No, you couldn't transport that stuff. Even

14 then you couldn't transport it. You're not even  
15 supposed to transport that, so they never put it  
16 in there. Because they hand loaded all of that.  
17 The guys in the store hand loaded all of that  
18 stuff.

19 Q. Were there other guys from Goditt & Boyer that  
20 were picking up from United Paper?  
21 A. Yeah.

22 Q. You were picking up only as a relief driver  
23 there?  
24 A. Yeah.

25 Q. Any reason why you made so many stops as a relief  
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1 driver to United Paper?  
2 A. Yeah.

3 Q. Seems like quite a few.  
4 A. Because I was doing a lot of the Stop & Shops  
5 and Bradley's, and when you dump you dump a load  
6 and you take a load out.

7 Q. All right.  
8 A. There was a while there when he got the  
9 contract for the whole East Coast we were gone  
10 24 hours a day sometimes trying to keep things  
11 going because he took the whole East Coast over.  
12 So anybody that had a warm body was behind the  
13 wheel.

14 Q. Okay. Let's go to the next company, Vinyl  
15 Packaging. Do you remember picking up from a  
16 company called Vinyl Packaging, Inc.?  
17 A. No, I don't even recall that one. I don't

18 even know where it is even. I obviously was  
19 there, but I don't remember it.  
20 Q. All right. Well, if you don't remember -- so you  
21 wouldn't remember what they made?  
22 A. No.  
23 Q. Do you have any recollection as to the size of  
24 the containers?  
25 A. No.

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1 Q. Do you have any recollection as to what was in  
2 their containers, what their waste was?  
3 A. No, I don't even know what the company was. I  
4 don't recall it.  
5 Q. Okay. Let's go, then, to the tickets and we'll  
6 kind of confirm those. And, again, just confirm  
7 that it's your signature. The first one is  
8 34468?  
9 A. Looks kind of weird, but I'd say yes, because  
10 I do have a weird signature.  
11 Q. Do you have any recollection as to -- general  
12 recollection as to where the facility was even  
13 located?  
14 A. No, it don't ring a bell. I was there a  
15 couple of times and it just don't ring a bell. I  
16 don't know.  
17 Q. Let's go to the next ticket, 35092. Is that your  
18 signature?  
19 A. Yes.  
20 Q. Next page, 35052, is that your signature?  
21 A. Yes.

- 22 Q. Next page is 35558?  
23 A. Yes.  
24 Q. And I believe there's a -- below that on the same  
25 page, 35564?

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- 1 A. Hang on a second.  
2 Q. There's two dump tickets on the same page.  
3 A. Yeah. Yes.  
4 Q. Both went to Vinyl Packaging, correct?  
5 A. Yes.  
6 Q. They appear to be -- they're two different ticket  
7 numbers on the same date. Would that indicate to  
8 you they had more than one Goditt & Boyer  
9 container on-site at times?  
10 A. Yeah. Yeah, there would have to be. You know  
11 what that might be, that might be Crystal Thermal  
12 Plastics before they changed the name. And if  
13 that was the case, that's off Diamond Hill Road  
14 in Cumberland and what they did was they made all  
15 them plastic containers. Like you know you get  
16 the take out in a pizza place and they put the  
17 burgers and stuff in them plastic containers  
18 that's square and about that high?  
19 Q. Yeah.  
20 A. That's what they did, they'd stamp them  
21 plastic containers in there. And that did have a  
22 30 and a 50 there. The 30 was out in the parking  
23 lot with wood in it.  
24 Q. Do you have a recollection of picking up, at some  
25 point, at a predecessor to Crystal Thermal



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- 1 Plastic?
- 2 A. Yeah.
- 3 Q. Before they changed their name?
- 4 A. Yeah, I think that's what that was.
- 5 Q. Okay.
- 6 A. Now that I'm thinking back, I think it is
- 7 anyway. And if that's the case, it was at --
- 8 they made plastic containers, that clear plastic,
- 9 the ones they used for catering and all that
- 10 stuff like that.
- 11 Q. What do you recall in the waste that was in
- 12 the -- either the 30 or 50-yard container?
- 13 A. 30-yarder was all wood. There was wood in the
- 14 30. The 50 had all the discarded plastic that
- 15 they couldn't use, the scraps, oily rags, oil
- 16 residue from the machines, if, in fact, that's
- 17 the place, which I think it is. I'm almost
- 18 positive it is.
- 19 Q. And on each of the tickets that you confirm your
- 20 signature --
- 21 A. Yes.
- 22 Q. -- you brought a load to the J.M. Mills landfill;
- 23 is that right?
- 24 A. Yes.
- 25 Q. Let me make sure here. I don't know if we

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1 finished all of these. Let's keep going.  
2 There's a few more.  
3 A. I think we got up to the --  
4 Q. The double?  
5 A. Yeah, the double one, then we went into the  
6 35007. I think that's where I cut you off, I  
7 think.  
8 Q. That's right. So let's do that. 35007, your  
9 signature?  
10 A. Yes.  
11 Q. 33434?  
12 A. Yes.  
13 Q. 36805?  
14 A. Yes.  
15 Q. 35289?  
16 A. Yes.  
17 Q. 36882?  
18 A. Yes.  
19 Q. 37446?  
20 A. Yes.  
21 Q. Okay. To the best of your recollection, Vinyl  
22 Packaging, Inc., was a predecessor to Crystal  
23 Thermal Plastics?  
24 A. Yeah, I'm almost positive they changed the  
25 name. They changed the building, too, come to  
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1 think of it. They moved down the street. I'm  
2 pretty near positive that's Crystal Thermal  
3 Plastics, which they're not around no more  
4 either. They're gone now, too.

5 Q. Do you know if they got sold to another company?  
6 A. Possibly. I don't know. I don't know. All I  
7 know was I was told that they're not there  
8 anymore.  
9 Q. So you recall also picking up the same type of  
10 waste from Crystal Thermal Plastics?  
11 THE WITNESS: As --  
12 Q. I mean it was the same location?  
13 A. It was the same company, yeah, same building.  
14 Q. All right.  
15 A. Same company, different name, whatever.  
16 Q. And what you told me about what was in the  
17 containers at Vinyl Packaging, Inc., it was the  
18 same after the name changed?  
19 A. Yep. The only thing that changed was the  
20 name. I think somebody else had the cash.  
21 Q. Do you have any recollection of any other waste  
22 other than what you've told me about the clear  
23 containers, the oil residue from cleaning the  
24 machines?  
25 A. Just general -- general office trash, but that  
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1 was it. That's what was in there.  
2 Q. Did you ever see any absorbant of any type,  
3 Speedy Dry?  
4 A. No, I never -- I've never seen any in there.  
5 Q. Any drums of any type?  
6 A. No.  
7 Q. Any --  
8 A. Not that I can recall.

9 Q. Any solvents?  
10 A. Not that I recall, no.  
11 Q. Any unusual odors?  
12 A. Just from the plastic. That plastic has a  
13 distinct odor on its own.  
14 Q. Okay. There's a category here called  
15 miscellaneous.  
16 A. Okay.

17 THE WITNESS: Could I interrupt you for  
18 one minute, please?

19 MR. MURPHY: Absolutely.  
20 A. I know I don't want to waste any time, but you  
21 mentioned earlier on about the post office. I  
22 just got one over here, main post office. It's  
23 not one of my tickets, but it's on -- it's on one  
24 of these pages here.

25 Q. Which one, in the miscellaneous?  
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1 A. No.  
2 Q. Or back?  
3 A. It's in between the Vinyl here.  
4 Q. All right. That's where I indicated to you that  
5 I had seen --  
6 A. Yeah, you know, you mentioned it and I just  
7 spotted it here.  
8 Q. Okay.  
9 A. It's gone now, but it is, in fact, the same  
10 place.  
11 Q. The Providence Post Office?  
12 A. Yeah.

13 Q. All right. I want to just walk through the  
14 miscellaneous. First ticket, 45991, that's your  
15 signature?  
16 A. Yes.  
17 Q. And that's, again, Adams Drug --  
18 A. Yes.  
19 Q. -- that you told us before what was in those --  
20 A. Yep.  
21 Q. -- containers?  
22 A. Yes, we already went over that one.  
23 Q. All right. Let's go to the next page. Ticket  
24 Number 45677, do you know where that's from?  
25 A. Have no clue.

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1 Q. All right. What does that say, by the way, under  
2 the "half load"? What does it say? Can you make  
3 out --  
4 THE WITNESS: What, my signature?  
5 MR. MURPHY: No, above the signature.  
6 Q. Where it says "type of truck," does that say  
7 "roll-off"? I can't make out above "half load"  
8 what that -- oh, you didn't write that, correct?  
9 A. No, I didn't write that.  
10 Q. All right. So you're not sure where that's from?  
11 A. I don't know if that's roll-off. That might  
12 say "push out." Does it say "push out"?  
13 Q. Yeah, I think so.  
14 A. If it's a push out, that was a rear loader.  
15 That was a different truck. Yeah, see, it's got  
16 "push out" on the bottom ticket right under it, a

17 different ticket.  
18 Q. Tell me what a push out truck is.  
19 A. That was a rear load truck. That was  
20 probably -- I don't know where it came from. It  
21 might have been in the yard and I was fixing it  
22 and I had to dump it or something. I don't know.  
23 Because they leave them in the yard loaded and I  
24 wasn't supposed to get in a truck loaded and fix  
25 them. I'd have to dump them. That's a total

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1 different truck.  
2 Q. All right. Let's go to the next page. There's a  
3 signature of yours on 38766; is that right, upper  
4 left-hand corner?  
5 A. Oh, yes. Yeah.  
6 Q. Do you recognize the company there?  
7 A. Yeah, Zayre's. That's a department store.  
8 Q. And what was Zayre's?  
9 A. A department store.  
10 Q. How often did you pick up from it? Do you  
11 remember?  
12 A. I haven't got a clue. No, I can't answer  
13 that.  
14 Q. Do you remember the size container?  
15 A. 50 yards.  
16 Q. One location or more than one location?  
17 A. There was a lot of locations. The main  
18 warehouse was in Mansfield and then you had one  
19 in -- one in Warwick. There was one in  
20 Pawtucket.

21 Q. Warehouses or stores?  
22 A. Stores.  
23 Q. All right.  
24 A. There was one main warehouse in Mansfield.  
25 There was a store in Warwick. There was a store  
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1 in Pawtucket. I can't think of where the other  
2 ones were. There was a few of them, though.  
3 Q. And what kind of waste do you remember seeing in  
4 the containers?  
5 A. Same as Bradley's and the rest of them, just  
6 general department store trash.  
7 Q. Did they sell paint? Was it that type of  
8 department store or was it more like a Macy's  
9 kind of clothing?  
10 A. It was more of a Macy's-type deal.  
11 Q. All right.  
12 A. I think. I'd never seen any paint in there,  
13 so --  
14 Q. Any sort of solvents or oils?  
15 A. No, not in that one there. I've never seen  
16 any. There may have been, but I never seen it.  
17 Q. All right. But your signature here indicates you  
18 brought at least one load from Zayre to J.M.  
19 Mills, right?  
20 A. Yeah.  
21 Q. And the next page, is that another Zayre?  
22 A. Yes, it is.  
23 Q. Okay. That's Ticket 36540, also your signature,  
24 correct?

25

A. Yes.

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1 Q. The next page, can you make out the ticket at the  
2 top, 35676?

3 A. I have no clue what that is. Looks like it  
4 starts with an S, though.

5 Q. All right.

6 A. My handwriting's not the best. This is  
7 actually pretty good down here.

8 Q. Let's go to the next page, bottom right-hand  
9 corner, 33104.

10 A. Yes.

11 Q. Is that Englehardt?

12 A. Yes.

13 Q. What do you remember about Engelhardt?

14 A. That was another jewelry finishing place.  
15 That was jewelry in there, another one a security  
16 gate, the whole nine yards.

17 Q. How often did you go there?

18 A. Not very often.

19 Q. Is it your understanding that Engelhardt was a  
20 regular Goditt & Boyer customer?

21 A. Yeah. There was a compactor there and there  
22 was an open top 30 for wood there at the same  
23 place.

24 Q. The open top 30-yard container only had wood?

25 A. Yeah.

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1 Q. What was in the 50-yard compactor?  
2 A. General office trash, paper, cardboard,  
3 pallets. I don't know. They done jewelry  
4 finishing in there, probably had the buckets in  
5 there from the polishing, buckets empty and  
6 stuff, too.  
7 Q. I'm trying to get at what your specific  
8 recollections are as to what you remember being  
9 in there. I don't want you to guess if you're  
10 not sure.  
11 A. The only thing I can remember is that it was  
12 just general trash in there, general office trash  
13 and cardboard and stuff.  
14 Q. And so I don't have to ask you again, if I see  
15 your signature -- if we confirm your signature,  
16 that meant on the date for any of these companies  
17 on the ticket you would have brought that --  
18 A. I dumped them, yeah.  
19 Q. -- load to J.M. Mills, correct?  
20 A. Yes.  
21 Q. Let's go to the next page. If I saw two tickets,  
22 for example, this one is 39754, that just says  
23 "roll-off."  
24 A. Yeah.  
25 Q. So that could be from anywhere, correct?  
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1 A. Could be from anywhere. Unknown.  
2 Q. All right. And the next ticket down, 39753?  
3 A. That's another one unknown.  
4 Q. Can you make out what that -- what your writing

5 is on that?  
6 A. The only writing of mine on there is just my  
7 signature. The rest of it was made out by Mills.  
8 Q. All right. I think we'll skip the next two  
9 because -- on the next page because -- well, no,  
10 actually, the ticket to the right I can't make  
11 out the ticket number. Are you able to make  
12 out --  
13 A. I can't make out the ticket number, but I can  
14 make out the signature.  
15 Q. That's your signature, right?  
16 A. Yeah, I can make out that.  
17 Q. Can you read any of your writing on that?  
18 A. No, I can't read it. It's too dark.  
19 Q. The next page, Ticket 36432, where it says P0 --  
20 A. That's post office.  
21 Q. Would that be the Providence Post Office --  
22 A. Yeah.  
23 Q. -- that you indicated before?  
24 A. Yep. That was the Providence Post Office,  
25 yes.

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1 Q. The next page, 32657, it says RI Tex?  
2 A. Rhode Island Textile.  
3 Q. How often did you pick up from Rhode Island  
4 Textile?  
5 A. That was a beauty. I was over there, I don't  
6 know, probably twice a month, maybe.  
7 Q. And what size containers did they have at Rhode  
8 Island Textile?

9 A. Two 50-yarders.  
10 Q. Where were they located?  
11 A. Right inside the gate on the side of the  
12 building.  
13 Q. But where was the facility located?  
14 A. Oh, Pawtucket.  
15 Q. And they were in the textile business?  
16 A. Yeah, shoe strings and bra straps, too.  
17 Q. What do you remember about the contents of the  
18 containers that you picked up from there?  
19 A. General office trash and shoe strings and bra  
20 straps by the yard, tons and tons and tons of  
21 them.  
22 Q. Other than the general office trash and the  
23 straps and the strings --  
24 A. That was it.  
25 Q. -- nothing that related to --  
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1 A. Nothing hazardous.  
2 Q. -- a machine?  
3 A. No, nothing. And the other 50-yarder next to  
4 it was cardboard.  
5 Q. Okay. Let's go to the next page, 45102. It says  
6 "Phoebe's," do you know what that is?  
7 A. Had to be some -- probably somebody's house  
8 more than likely, a cleanout job.  
9 Q. All right.  
10 A. Because I -- that don't sound like any  
11 business I've been to.  
12 Q. Any hazardous waste that comes to mind when you

13 see that name?  
14 A. No.  
15 Q. Let's go to the next page, ticket Number 45204.  
16 I can't make out -- there's something written in  
17 there, but --  
18 A. Looks like Harbor Mill, H-A-B-O-R, M-I-L-L.  
19 That's what it looks like to me.  
20 Q. Do you remember picking up from a place called  
21 Harbor Mill?  
22 A. No, I don't.  
23 Q. Any recollection of what that might be?  
24 A. No, I have no clue.  
25 Q. Next ticket, 46116, that's your signature,  
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1 correct?  
2 A. Yeah.  
3 Q. It appears to say "Merchants"?  
4 A. Yeah.  
5 Q. Does that ring a bell as to what that is?  
6 A. I think that was Merchant Tire. They had an  
7 open top 30 there.  
8 Q. Okay. And Merchant Tire was located where?  
9 A. \$6,000,000 question. I think, Pawtucket, I  
10 think.  
11 Q. Do you remember going more than once to Merchant  
12 Tire and picking up a 30-yard container?  
13 A. I don't remember going more than once, no.  
14 Q. Was it a regular Goditt & Boyer customer?  
15 A. Yeah. They had a front load container there,  
16 though, and they could only put the 30 in there

17 when they were cleaning the yard up or something.  
18 It was only a temporary thing. They'd put it in  
19 and take it back out again.

20 Q. And when they cleaned out the yard, what would  
21 they put in the 30-yarder?

22 A. Could have been tires, wood, branches,  
23 whatever they cleaned out of the yard.

24 Q. Do you have a specific recollection of the  
25 30-yarder containing tires?

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1 A. Yeah, there was tires in it.

2 Q. Now, do you recall --

3 A. Any time you done it, it had tires in it.

4 Q. Can you say with what -- can you say what  
5 percentage of the 30-yarder would have been  
6 tires?

7 A. I don't know. There would be a dozen of them  
8 anyway.

9 Q. And the front-end loader was also picked up by a  
10 different Goditt & Boyer driver using a front-end  
11 loader?

12 A. Yeah.

13 Q. Do you know whether Merchant Tire, in addition to  
14 the tire business, whether they also did  
15 automotive work?

16 A. I don't know that. I never seen any going on  
17 over there, so I don't know.

18 Q. Do you know anything about what was in the  
19 front-end loader?

20 A. No, I never done it, so I don't know.

21 Q. Let's go to the next page, 35707. I can't make  
22 that out. That's your signature, correct?  
23 A. Yeah.  
24 Q. What is that?  
25 A. I have no clue.  
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1 Q. Chateau Han, H-A-N? Yes? No?  
2 A. Yeah, might be. Looks like that's what it  
3 says. I don't know. That had to be somebody's  
4 house or something. I done a lot of open top  
5 work, cleanout jobs.  
6 Q. All right.  
7 A. That had to be somebody's house or something.  
8 Q. Let's go to the next one, 35691.  
9 A. Carlton Aluminum.  
10 Q. Carlton, C-A-R-L-T-O-N. How often did you pick  
11 up from Carlton Aluminum?  
12 A. Not very often. I did do it a couple of  
13 times, though.  
14 Q. Was Carlton Aluminum a Goditt & Boyer -- regular  
15 Goditt & Boyer customer?  
16 A. I can't answer that. I don't remember.  
17 Q. Do you remember anything about the size of the  
18 containers that were there?  
19 A. It was an open top.  
20 Q. Open 30-yarder?  
21 A. Yeah. I can't remember where it was, though,  
22 now. I know I recognize the name, but I don't  
23 remember where I picked it up from.  
24 Q. And what do you recall about the contents of the

25 30-yard open top container?

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1 A. I can't answer that. I don't even know where  
2 it is. I just recognize the name of it.

3 Q. You did bring at least one container from Carlton  
4 Aluminum to J.M. Mills, right --

5 A. Yes, I did.

6 Q. -- as reflected in that ticket?

7 A. Yes.

8 Q. Let's go to -- oh, I think, yeah, next page,  
9 46964 is Jeffson or Jefferson?

10 A. Jefferson Bottling.

11 Q. Yeah. What was that?

12 A. They bottled sodas and waters and stuff, and  
13 that was in Jefferson Boulevard, Warwick.

14 Q. And any hazardous waste of any type that you ever  
15 recall in any of the containers you hauled for  
16 them?

17 A. No, it was all discarded soda bottles, full,  
18 empty, busted.

19 Q. Let's go to the next. Ticket Number 37042,  
20 that's your signature?

21 A. Yes, it is.

22 Q. What is Grossman?

23 A. Grossman's Lumber, then they went to  
24 Somerville Lumber, then they went bankrupt.

25 Q. Any hazardous waste in that? Do you remember?

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1 A. He had paint in there and fertilizers and --  
2 fertilizer is not hazardous. Had paint in there,  
3 though.

4 Q. So Grossman was bought out by somebody? Who was  
5 it?

6 A. Sommerville Lumber bought him out.

7 Q. And then you recall Sommerville Lumber?

8 A. Yeah, we didn't do it -- when it changed  
9 hands, we never done it no more. We done  
10 Grossman's and that was the end of it, it was  
11 gone.

12 Q. Do you recall how often you picked up for  
13 Grossman?

14 A. I don't know. Maybe once a month. They  
15 didn't go that often.

16 Q. Let's go to the next page. Ticket 35199, that's  
17 your signature?

18 A. Yes, it is.

19 Q. What is Child World?

20 A. Toy store. All it is is kids' toys.

21 Q. Any hazardous waste in that?

22 A. No.

23 Q. Go to the next page. Got to ask.

24 A. Just doing your job.

25 MR. CONNORS: Lead paint.  
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1 MR. MURPHY: Lead paint, there you go,  
2 choking hazards.

3 Q. Next page is Ticket Number 37508.



4 A. That would be the black one down at the  
5 bottom, right?  
6 Q. Darker one at the bottom left-hand corner.  
7 Standard Metal, is that what that is?  
8 A. Yeah.  
9 Q. Do you remember a facility called Standard Metal?  
10 A. I recognize the name, but I can't -- I have no  
11 clue. I don't remember it.  
12 Q. So you don't recall what their operations were?  
13 A. No.  
14 Q. Any recollection of what was in the containers?  
15 A. No, I can't remember where it was even.  
16 Q. All right. But you did bring at least one  
17 container for --  
18 A. Yeah. Yes, I did.  
19 Q. Okay. Of Standard Metal to the landfill?  
20 A. Yes.  
21 Q. J.M. Mills, right?  
22 A. Yes.  
23 Q. Let's go to the next page. Ticket Number 39388  
24 has got your signature, correct?  
25 A. 388, yes.

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1 Q. What is Masterson?  
2 A. Mattresses. They're a furniture company.  
3 Q. Any hazardous waste in there?  
4 A. No, it was all mattresses and box springs.  
5 Q. Let's go to the next page, 39703. Is that your  
6 signature?  
7 A. Yes.

8 Q. It appears to say, what is it, Data, D-A-T-A?  
9 What's the second word?  
10 A. Looks like M-E-D-I-X.  
11 Q. Is it Medi x?  
12 A. Yeah, that's what it looks like.  
13 Q. Do you remember picking up from a company called  
14 Data Medi x?  
15 A. No, I have no clue.  
16 Q. So you don't recall what was in those containers?  
17 A. No, I don't.  
18 Q. All right. Let's go to the next page. Ticket  
19 Number 38699. Can you tell me what that is?  
20 A. Pondbrook Farm. That's what it looks like,  
21 right?  
22 Q. Yeah.  
23 A. Had to be some cleanout job or something,  
24 cleaning a house out or something.  
25 Q. Okay. Now, the next set of tickets, and I think  
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1 this is the last category, I'm going to ask you  
2 generally about this. On each page from here to  
3 the end is your signature, and basically there's  
4 a street address and nothing else listed on  
5 these.  
6 A. Yeah.  
7 Q. Tell me what these tickets represent when you  
8 wrote just an address.  
9 A. It was somebody's house more than likely,  
10 doing a house cleanout or a remodeling job or  
11 something. It was a 30-yard open top, and that's

12           how I could tell where I -- most of the time I  
13           couldn't spell the people's names so I just put  
14           the street address on there and I could tell  
15           where it came from.

16       Q.   So these, basically, would have been containers  
17           left at a job site where there was some manner of  
18           construction or remodeling going on?

19           A.  Yeah, I would assume that's what it is.

20       Q.  Okay.  There's a couple of companies that we  
21           don't have tickets for I want to try to go  
22           through quickly and then I'll be finished.

23           Do you remember picking up from the Chrysler  
24           warehouse?

25           A.  Yes.

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1       Q.  Where was that located?

2           A.  Where was that, Dedham?  I think it was  
3           Dedham.  Wait a minute.  They moved out of  
4           Dedham.  They were in Mansfield, too.  I think  
5           originally when I picked them up they were in  
6           Dedham, though.

7       Q.  Do you recall the size of the container?

8           A.  50-yarder.

9       Q.  And what do you recall the contents of that  
10          50-yarder?

11          A.  Paper, cardboard and car parts.

12       Q.  What kind of car parts?

13          A.  Fenders, doors, alternators.  I don't know,  
14          all kinds of car parts.  There was times they put  
15          a whole car in there if they could fit it in

16           there.  
17       Q.   The whole car?  
18           A.  If they could fit it in the container, they  
19           would have.  
20       Q.  I mean, do you remember there being engine  
21           blocks, completely assembled motors?  
22           A.  No, but there was engine blocks but not  
23           completely assembled.  
24       Q.  Any oil, oily parts?  
25           A.  I don't recall any, no.

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1       Q.  Do you remember any liquid residue of any type?  
2           A.  No.  No, I don't remember any.  I don't recall  
3           any liquids at all in that one.  Nothing.  
4       Q.  How often did you bring waste to J.M. Mills from  
5           the Chrysler warehouse?  
6           A.  I can't answer that.  I don't know.  I don't  
7           remember where I took it.  
8       Q.  Do you have a recollection of bringing at least  
9           one container of waste from the Chrysler  
10           warehouse to J.M. Mills?  
11           A.  It's very possible, yes.  Very well could have  
12           been.  
13       Q.  During your period as a relief driver, was there  
14           another Goditt & Boyer driver who had a regular  
15           stop at the Chrysler warehouse?  
16           A.  Yeah.  
17       Q.  Do you remember who that was?  
18           A.  No.  There was another guy that done it  
19           regularly, though.

20 Q. Okay. Coca-Cola, do you remember picking up --  
21 making relief stops at a Coca-Cola bottling  
22 plant?

23 A. The one in Providence, yeah.

24 Q. Was there any hazardous waste in those  
25 containers?

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1 A. No, it was all soda bottles, regular trash,  
2 office trash.

3 Q. Okay. And Crystal Thermal Plastics we've --

4 A. We already hit that already.

5 Q. That was Vinyl Packaging?

6 A. I'm almost positive that was Vinyl Packaging.

7 Q. There's a company Display Novelties, do you  
8 remember them?

9 A. Yeah.

10 Q. Any hazardous waste in those containers?

11 A. Yeah.

12 Q. What was in Display Novelties?

13 A. They -- what do you call it -- not lacquer but  
14 urethane and stuff like that because they -- they  
15 done, like, kitchen cabinets and stuff like that  
16 there, display cases, and they'd stain them with  
17 a stain and all that. They'd throw the empty  
18 containers out.

19 Q. Were there paint thinners and those sorts of  
20 solvents?

21 A. I never seen any solvents or paint thinners,  
22 but I seen the cans from the urethane and all of  
23 that stuff there. They'd throw them in.

24 Q. Anything else you recall in their waste stream?  
25 A. No, just paper and the wood cutoffs and stuff  
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1 I like that. There was a lot of wood and sawdust  
2 in there and all that stuff.

3 Q. Do you recall where you brought their waste?  
4 Where were they located, by the way, Display  
5 Novel ties?

6 A. Warwick, I think. Pretty sure that was  
7 Warwick.

8 Q. And do you recall bringing at least one load of  
9 Display Novel ties' waste to J.M. Mills?

10 A. No, I don't think so because I don't -- I  
11 don't even recall doing it at the time that Mills  
12 was open. All the times I done it I recall  
13 taking it to Central.

14 Q. All right. Let's go to Kaiser Aluminum. Do you  
15 remember picking up from them?

16 A. Yep.

17 Q. What was in in their dump waste, any hazardous  
18 waste?

19 A. Yeah, there was -- that had -- they done  
20 basically the same thing as Cumberland  
21 Engineering. They done a lot of metal  
22 fabricating and stuff and there was oily residue  
23 there, rags, Speedy Dry.

24 Q. Anything else you can recall?

25 A. General trash, wood and office trash.

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- 1 Q. Do you remember the size of the container?  
2 A. 50-yarder closed.
- 3 Q. Do you remember how many times you went to that  
4 facility?  
5 A. I don't know. I was there a couple of times  
6 anyway at least. I don't know. I don't know how  
7 many times -- I don't know what their schedule  
8 was.
- 9 Q. Did you bring any of their waste to J.M. Mills?  
10 A. Not to my knowledge, I didn't.
- 11 Q. Okay. Mandeville Signs, did you pick up from  
12 them ever?  
13 A. Yep.
- 14 Q. Do you remember where they were located?  
15 A. Central Falls. That might have been  
16 Pawtucket. Central Falls, I think.
- 17 Q. What business were they in?  
18 A. Signs, the big store signs and all them big  
19 displays, the road displays and all that.
- 20 Q. Were there any neon lights?  
21 A. Yep.
- 22 Q. And --  
23 A. Fluorescent bulbs, yep.
- 24 Q. What size container?  
25 A. 30-yard open top.

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- 1 Q. What do you remember as the contents of the  
2 container that you picked up?  
3 A. Wooden signs. That's all that was ever in it.

4 Q. Did you ever see any waste from old neon signs,  
5 neon tubes?  
6 A. Yeah, they'd take the whole sign and throw the  
7 whole sign right in the container. Everything  
8 was in there.  
9 Q. So when you say "wooden sign," the structure was  
10 wood but there'd be --  
11 A. No, not -- they're not wooden signs. They are  
12 signs, the ones on the side of the buildings, you  
13 know the big, big display signs, like, say,  
14 Bradley's or Stop & Shop?  
15 Q. Right.  
16 A. They'd take them down, the whole sign and  
17 throw it right in the container, just the way  
18 they took it down.  
19 Q. Okay.  
20 A. So everything that was in that sign went with  
21 it.  
22 Q. All right. So any transformers or anything --  
23 A. All that stuff was all in there.  
24 Q. Okay. Any other sort of trash you remember from  
25 Mandeville Sign?

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1 A. Wood, paper. That's about it.  
2 Q. Did they make new signs as well?  
3 A. Yeah.  
4 Q. Did they have a painting facility there for  
5 painting the signs?  
6 A. I don't know. I never noticed it. I never  
7 noticed.



8 Q. How often were you there?  
9 A. I don't know. I didn't go there very often  
10 either. Three or four times, maybe.  
11 Q. And did some of the containers go to J.M. Mills?  
12 A. That I can't answer. I don't remember.  
13 Q. All right.  
14 A. I don't remember it. I really don't.  
15 Q. Microfibers, do you remember picking up from  
16 Microfibers?  
17 A. Oh, yeah. Oh, yeah. Scratch and sniff.  
18 Q. What was that? What was it? What business were  
19 they in, Microfibers?  
20 A. They make the covering for the couches, the  
21 microfiber stuff.  
22 THE WITNESS: You know that fine, fine  
23 fiber?  
24 MR. MURPHY: Yeah.  
25 A. It's like dust, that's what they make, the  
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1 fabric for the couches.  
2 Q. Where were they located?  
3 A. Pawtucket.  
4 Q. What size containers did they have?  
5 A. 50-yard closed.  
6 Q. And do you remember how many times you went to  
7 Microfibers?  
8 A. I was the bottom man on the pole. I was there  
9 several times.  
10 Q. All right. And tell me what was in the  
11 containers.

12 A. All dust, that fiber dust and general  
13 cafeteria trash. That was it, dust, dust and  
14 more dust.  
15 Q. Do you know what the constituent -- what this  
16 dust was -- what it was made of? Was it a  
17 synthetic fiber of some sort?  
18 A. I don't know. It's a fiber that they have on  
19 couches. That's all I know.  
20 Q. Any other shop waste of any type?  
21 A. No.  
22 Q. No machine waste or --  
23 A. Nope.  
24 Q. -- maintenance waste?  
25 A. That's all that was in there.

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1 Q. Did you bring some Microfibers containers to J.M.  
2 Mills?  
3 A. Yep, definitely did. I don't know how many,  
4 but I did take it there.  
5 Q. Were there any other landfills that you might  
6 have brought Microfiber waste?  
7 A. Yeah, Central.  
8 Q. Is there any way of you telling me what  
9 percentage of the Microfibers containers went to  
10 J.M. Mills versus Central?  
11 A. Yeah, about one out of every ten went to Mills  
12 and the other nine went to Central. In fact, I  
13 might be wrong but I think in this miscellaneous  
14 here there was a Microfibers' ticket in here. I  
15 may be wrong. The miscellaneous in there, take

16 an hour to go find it, and I'm not interested in  
17 it.  
18 Q. Yeah, I'm not. Let's go to Pawtucket Memorial  
19 Hospital.  
20 A. Oh, yes.  
21 Q. Was there any shop waste in there?  
22 A. No, that was just all medical stuff.  
23 Q. You don't remember any hazardous waste?  
24 A. No. Nope.  
25 Q. Pearson Yacht. What do you remember about  
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1 Pearson Yacht?  
2 A. Oh, I've been there. Fiberglass. I can't  
3 tell you exactly what was in the container other  
4 than fiberglass. When I used to do it, they used  
5 to break up all the old yachts, stick them in an  
6 open top, but the other guys used to do the  
7 compactor. I have no clue what was in it.  
8 Q. All right. So you're not familiar with the  
9 compactor?  
10 A. Nope, but I am the open top. I used to haul  
11 them yachts.  
12 Q. Okay. But it was just broken hulls basically?  
13 A. Yeah. They'd drive over them with a machine  
14 and flatten them out, throw them in the  
15 container.  
16 Q. Any of the -- you know, any of the components of  
17 any hardeners or epoxies or resins that were  
18 used?  
19 A. No. These here are the ones that were in the

20 water. They just pulled them out of the water,  
21 crushed them, and in the container they went.  
22 Q. Was it the entire yachts that were pulled out and  
23 thrown in the container?  
24 A. Yeah, they'd just take the motors and the  
25 metal out of them and the rest of it they'd throw  
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1 it in the container.  
2 Q. Any hazardous waste in the open tops that you  
3 brought?  
4 A. Not that I know of. I never seen any.  
5 Q. Okay. Any batteries, anything like that, that  
6 might have got in there?  
7 A. I never seen any.  
8 Q. Okay. Let's go to -- by the way, so the  
9 compactor, just to confirm, you're not aware of  
10 what the contents were, but you knew Goditt &  
11 Boyer also picked up --  
12 A. Yeah.  
13 Q. -- Pearson Yacht's --  
14 A. Yeah, somebody -- someone else picked it up,  
15 yes, but what was in it I don't know.  
16 Q. Did you bring any of the Pearson Yacht open  
17 containers to J.M. Mills?  
18 A. Yes. Some of them did go over there. I don't  
19 know the percentage. It was very, very few, but  
20 some did go.  
21 Q. What's Rustcraft, R-U-S-T-C-R-A-F-T?  
22 A. They make greeting cards. Well, they used to.  
23 They're bankrupt, but they used to make greeting

24 cards. You know like the Hallmark cards? Same  
25 thing.

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1 Q. What do you remember being in that container?

2 A. Cards, cardboard and display cases.

3 Q. Any ink?

4 A. No.

5 Q. Anything from printing operations?

6 A. Nope. They didn't print them there. All they  
7 done was it was just a warehouse. They'd dropped  
8 them off in the trailer and they distributed them  
9 to different places. That's the place that was  
10 in Dedham, right?

11 Q. I'm not sure where it was, but to your  
12 recollection it was in Dedham?

13 A. Yeah. They built a cinema right there now.

14 Q. Do you remember a company called -- it's my last  
15 company I want to ask you about -- Sisakraft?

16 A. Sisakraft. Fortifibre, yeah.

17 Q. What did you call it?

18 A. Fortifibre.

19 Q. Do you remember picking up from there?

20 A. Yeah, yesterday.

21 Q. Okay. So you're still picking up from them.

22 Back in the early '80's, you were a relief stop  
23 for that location?

24 A. I'm sorry.

25 Q. That's okay. Everybody's getting a little

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- 1 punchy. Do you remember picking up in the early  
2 '80's?  
3 A. Yeah.  
4 Q. Where were they located? Where are they located?  
5 A. Attleboro.  
6 Q. And is that the only location where you've ever  
7 picked up their waste?  
8 A. Yeah.  
9 Q. What size containers did they have during your  
10 relief period, say, '81 to '84?  
11 A. At that time, they had 2, 50-yard closed  
12 containers and an open top 30.  
13 Q. And what business were they in?  
14 A. They make, I don't know, it's like they take  
15 paper and they put a fiberglass reinforcement in  
16 it, like, for building materials and stuff on the  
17 roofs and stuff. It's, like, two pieces of paper  
18 and they run it down the machine and they put a  
19 fiberglass reinforcement in the center of it.  
20 Q. And what do you recall about the contents of the  
21 containers from Sisakraft Fortifibre?  
22 A. Paper, paper and more paper all shredded in  
23 the 50-yarders.  
24 Q. Any hazardous material in the 50-yarders that you  
25 recall --

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- 1 A. No.  
2 Q. -- of any type?

3 A. I never seen any.  
4 Q. What about the 30-yarder?  
5 A. That's got all big rolls in it. The rolls  
6 are, like, four-foot round that they can't stick  
7 in the compactor that are rejected. They throw  
8 them in there.  
9 Q. Any hazardous waste that you recall picking up in  
10 the 30-yard containers?  
11 A. No. Always the rolls.  
12 MR. MURPHY: Okay. I have no further  
13 questions.  
14 THE WITNESS: Good.  
15 MR. MURPHY: Now, I guess we --  
16 MR. JACKSON: It's 5 o'clock.  
17 MS. PERANER-SWEET: We're not finishing  
18 today.  
19 MR. CONNORS: We're off the record.  
20 MR. JACKSON: Yeah, let's go off the  
21 record.  
22 (Off the record.)  
23 MR. JACKSON: Okay. Back on the record  
24 briefly. So we're going to continue the  
25 deposition and we'll conclude at a later date.

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1 Thank you, Mr. Rocha.  
2 THE WITNESS: You're welcome.  
3 THE REPORTER: Ms. Pelczarski, copy?  
4 MS. PELCZARSKI: No.  
5 MR. NEWTON: No.  
6 MR. CONNORS: Yes, please.

7 MR. COBURN: Please. Thank you.  
8 MR. SOMMER: Yes.  
9 MS. FOGELL: I just want a mini.  
10 MS. PERANER-SWEET: Yes.  
11 MS. BARRY: Yes, please. I'll just take  
12 a mini of this one.  
13 MR. BENIK: Mini.  
14 MR. SOMMER: Can I just do a mini as  
15 well?  
16 MR. MURPHY: Yes.  
17 MR. JACKSON: Yes.  
18 MS. HOLT: Can I just get an E-tran?  
19 THE REPORTER: Nothing except for an  
20 E-tran?  
21 MS. HOLT: No, just an E-tran. Thank  
22 you.

23 (Deposition adjourned at 5:03 p.m.)

24 \* \* \* \* \*

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1 C E R T I F I C A T E

2  
3 I, Devin J. Baccari, a Certified Shorthand  
4 Reporter and Notary Public within and for the State of  
5 Rhode Island, do hereby certify that I am expressly  
6 approved as a person qualified and authorized to take  
7 depositions pursuant to the Rules of Civil Procedure  
of this Court, especially, but without restriction  
thereto, under Rule 30 of said Rules; that the witness  
was first sworn by me; that the foregoing is a true,  
accurate, and complete transcript of my notes taken in  
the above entitled proceedings.

8 I further certify that the exhibits are  
9 attached and copies furnished to counsel.

10 I further certify that I am not counsel,  
attorney or relative of either party or clerk or  
stenographer of either party, or of the attorney of



11 either party, or otherwise interested in the event of  
12 this suit.

13 I further certify that neither the deponent  
14 nor any party requested a review of the transcript.

15 IN WITNESS WHEREOF, I hereunto set my hand  
16 this 8th day of April, 2009.

17

18

19

20

---

DEVIN J. BACCARI, CSR, NOTARY PUBLIC  
My Commission Expires 8/17/10

21

22

DATE: MARCH 25, 2009  
IN RE: UNILEVER BESTFOODS VS. TEKNOR APEX  
WITNESS NAME: ERNEST ROCHA

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

UNI LEVER BESTFOODS and KIK CUSTOM  
PRODUCTS, INC., f/k/a CCL CUSTOM  
MANUFACTURING, INC.

vs. C. A. No. 01-496L

TEKNOR APEX COMPANY, et al.,

-----  
KIK CUSTOM PRODUCTS, INC., f/k/a  
CCL CUSTOM MANUFACTURING, INC.

vs. C. A. No. 01-511L

A.T. CROSS COMPANY, et al.

VOLUME I

DEPOSITION OF STEVEN MARCACCI O, a Witness in  
the above-entitled case, taken on behalf of the  
Plaintiff, Uni lever, before Linda L. Guglielmo,  
RPR-RMR, a Notary Public in and for the State of  
Rhode Island, at the offices of Blish & Cavanagh,  
LLP, 30 Exchange Terrace, Providence, Rhode Island  
on May 7, 2009 at 10:00 A.M.

Job No. : 202335

0002

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-and-

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 22  
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 0003

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 5 FIVE PALISADES DRIVE  
 ALBANY, NY 12205

6 FOR THE  
 7 DEFENDANT/WITNESS...GIARRUSSO, NORTON, COOLEY &  
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 BY: CURTIS A. CONNORS, ESQUIRE  
 8 308 VICTORY ROAD  
 QUINCY, MA 02171

9

10 PRESENT VIA TELEPHONE:  
 FOR THE DEFENDANT.....BLANK ROME, LLP  
 (General Cable) BY: SCOTT E. COBURN, ESQUIRE  
 11 130 NORTH 18TH STREET  
 PHILADELPHIA, PA 19103-6998

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0005

(DEPOSITION COMMENCED AT 10:10 A.M.)

STEVEN MARCACCIO

Being duly sworn, deposes and testifies as follows:

THE REPORTER: Would you state

your full name for the record, please.

THE WITNESS: Steven Marcaccio.

EXAMINATION BY MR. JACKSON

Q. Good morning, Mr. Marcaccio.

A. Good morning.

Q. My name is Tom Jackson, I'm an attorney with the law firm of Baker Botts, and we represent one of the plaintiffs in some litigation that's currently pending here in the Federal District Court in Rhode Island involving the J.M. Mills Landfill. Have you ever been deposed before, Mr. Marcaccio?

A. No.

Q. Let me just tell us about what's going to happen and give you a few ground rules that we'll try to follow during the course of the day. I'm going to ask you a series of questions about certain aspects of your former work and what I'm going to ask you to do is listen carefully to my question. If, for some reason, you don't understand my question, please let me know, I'll be happy to try to rephrase it. Once I've -- I'll ask you to let

0006

me finish my question before you start responding because it's hard for the court reporter to get it all down when both of us are talking. We'll probably slip up, both of us, from time to time because it's just human nature to talk over each other, but let's try to not talk at the same time. I'm going to ask you to give a verbal response as opposed to nodding or shaking your head because the court reporter can't really take that down very well.

A. Okay.

Q. Okay. If at any point you need a break, just let me know. This is not an endurance contest in any form, so if you need to use the rest room, you need to make a phone call, whatever you need to do is fine, just let us know and we'll take a break.

A. All right.

Q. Okay. Is that fairly clear?

A. Yes.

Q. Okay, very good. And then once I'm finished with my questioning, some of these other folks may have questions for you as well.

22

23 A. Okay.  
24 Q. All right. Where do you currently reside,  
25 Mr. Marcaccio?  
0007  
1 A. Smithfield, Rhode Island, 43 MacArthur Drive.  
2 Q. And how old are you, Mr. Marcaccio?  
3 A. 58.  
4 Q. So what's your date of birth?  
5 A. 12-3-50.  
6 Q. And you're generally in good health?  
7 A. Yes.  
8 Q. Are you currently employed?  
9 A. No.  
10 Q. Okay. What is -- can you tell me a little bit  
11 about your education?  
12 A. High school, I finished high school, 12th  
13 grade, graduated.  
14 Q. What high school was that?  
15 A. Johnston High School.  
16 Q. And what year did you finish high school?  
17 A. 1968.  
18 Q. What did you do after you finished high school?  
19 A. I tried Roger Williams College for a few  
20 months and decided it was not for me, and I joined  
21 the United States Coast Guard.  
22 Q. And how long were you in the Coast Guard?  
23 A. Four years.  
24 Q. And where were you stationed, if that's the right  
25 term?

0008  
1 A. I was stationed out of Base Boston, I was in  
2 Governors Island, New York, and I was out of Coast  
3 Guard Station, Point Judith, Rhode Island.  
4 Q. And what did you do when you were in the Coast  
5 Guard?  
6 A. I was a boatswain's mate, which is a class  
7 designation.  
8 Q. Can you describe for me a little bit what your  
9 duties entail?  
10 A. Handling of small boats, maintenance, rope,  
11 knot tying, whatever.  
12 Q. And did you do essentially the same -- have the  
13 same duties throughout the time you were with the  
14 Coast Guard?  
15 A. Yes.  
16 Q. So, what year did you leave the Coast Guard?  
17 A. 1973.  
18 Q. And what did you do after that?  
19 A. I went to work for Goditt & Boyer.  
20 Q. And how long did you work for Goditt & Boyer?  
21 A. 13 years.  
22 Q. So that would have been until 1986?  
23 A. That is correct.  
24 Q. We'll come back to that, but let's just finish the  
25 history, if you will. What did you do after you

0009  
1 left Goditt & Boyer?  
2 A. I went to work for the Central Landfill in  
3 Johnston, which is now called Rhode Island  
4 Resource Recovery Corp.  
5 Q. Where is that located?  
6 A. Johnston, Rhode Island, 65 Shun Pike.  
7 Q. And what did you do when you worked at Central  
8 Landfill?  
9 A. I was a machine operator, then I was moved up

10 to a foreman, then I was moved up to a supervisor,  
11 and finally a superintendent.  
12 Q. I'm sorry, you started off as a machine operator?  
13 A. Correct.  
14 Q. How long did you do that, approximately?  
15 A. Three years, four years, I don't remember.  
16 Q. And I'm sorry, what was your next position?  
17 A. Foreman.  
18 Q. Okay. And how long approximately?  
19 A. Five years, maybe longer, I don't know.  
20 Q. And I'm sorry, again, after that?  
21 A. Supervisor.  
22 Q. And approximately how long?  
23 A. Same thing, five years.  
24 Q. And then you said superintendent?  
25 A. Superintendent.

0010

1 Q. And again, approximately how long?  
2 A. About two to three years on that.  
3 Q. Okay. So that would take us up to what year?  
4 A. 2008. December of 2008.  
5 Q. I take it that that was your last job at Central  
6 Landfill?  
7 A. Yes.  
8 Q. Let's go back, can you describe for me a little  
9 bit about what you do as a machine operator?  
10 A. I ran a bulldozer or a compactor, excavator,  
11 whatever needed to be done, mostly it was  
12 bulldozer and compactor in the landfill.  
13 Q. How about as foreman, what were your duties as  
14 foreman?  
15 A. I was in charge of the, what they called at  
16 the time the small dump, the commercial recycling  
17 area where the pickups and vans and cars were  
18 allowed to dump their refuse on a daily basis.  
19 They tried to keep the pickups and vans out of the  
20 mainstream of large trucks for fear of accidents  
21 and whatnot.  
22 Q. So that was physically a separate part of the  
23 landfill --  
24 A. Yes.  
25 Q. -- operation. And how about as supervisor?

0011

1 A. I was actually watching, running the  
2 day-to-day operation in the landfill itself, the  
3 five to nine operators that were assigned to  
4 pushing, compacting and burying trash on a daily  
5 basis.  
6 Q. And approximately how many people did you have  
7 working for you at that point?  
8 A. On any given day, it could have been five to  
9 nine people working in the landfill.  
10 Q. And how about superintendent, what were your  
11 duties as superintendent?  
12 A. I was overseeing basically the whole  
13 operation of the landfill, construction,  
14 landfilling, working with the vendors on and off  
15 site.  
16 Q. What type of vendors would you have been working  
17 with?  
18 A. They had vendors come in as far as laying gas  
19 line, methane gas lines, crushing, tree removal,  
20 stuff like that. Liner companies, as far as  
21 expansions of new cells.  
22 Q. And who did you report to as superintendent?

23 A. It used to be Dennis aRusso, and then it  
24 switched over to Brian Card. Dennis aRusso was  
25 also let go from the landfill and Brian Card was  
0012 brought in as landfill manager, and then I was  
1 answering to him for the last year and a half, or  
2 about a year.  
3  
4 Q. So there was an overall manager of the landfill --  
5 A. Yes.  
6 Q. -- who you would have been reporting to?  
7 A. Yes.  
8 Q. And I take it from your prior statement that you  
9 were let go?  
10 A. Yes. My job was eliminated.  
11 Q. Let's go back and talk some about the years when  
12 you were working for Goditt & Boyer?  
13 A. Okay.  
14 Q. That's what we want to focus on today. So you  
15 started at Goditt & Boyer in 1973?  
16 A. Correct.  
17 Q. Do you recall what time of year it was?  
18 A. I believe it was the end of February, early  
19 March. It was after I got out of the service.  
20 Q. And how did you come to work for Goditt & Boyer,  
21 if you recall?  
22 A. I knew one of the workers there, Harold  
23 Bernard.  
24 Q. And what was Mr. Bernard's position with Goditt &  
25 Boyer?  
0013 A. Truck driver.  
1 Q. So you were -- you knew Mr. Bernard?  
2 A. Yes.  
3 Q. And he worked for Goditt & Boyer. How then did it  
4 happen that you came to work for Goditt & Boyer?  
5 A. Harold was also in the United States Coast  
6 Guard where I met him, we got friendly, as  
7 couples. He said that they were looking for help,  
8 and I should, you know, apply, and I went up there  
9 and I was hired.  
10 Q. When you say you went up there --  
11 A. I went up to Attleboro, Massachusetts, where  
12 Goditt & Boyer was located.  
13 Q. And do you recall who you spoke to?  
14 A. Dave Brask.  
15 Q. And what was your understanding of Mr. Brask's  
16 position with the company?  
17 A. The owner.  
18 Q. So was he the one who hired you?  
19 A. Yes.  
20 Q. And what did you do for Goditt & Boyer when you  
21 were first hired?  
22 A. I started out as a mechanic working in the  
23 garage.  
24 Q. Can you describe for me, generally, what you were  
0014 doing as a mechanic?  
1 A. Changing flat tires, general maintenance on  
2 the trucks, oil changes, repairs as needed.  
3 Q. And do you recall how many trucks they had at that  
4 point, roughly?  
5 A. I believe at the time there was roughly 12  
6 trucks, there was front loaders and roll-offs.  
7 Q. Just so the record is clear, can you describe for  
8 me generally what a front loader is?  
9

10 A. The trucks that had the, for example, they  
11 drive around, they pick up the containers with the  
12 sleeves. They pick them up from the front, and  
13 basically as a front loader they dump them into  
14 the top of the truck and compact them.  
15 Q. And so the record is clear, can you describe for  
16 me generally what a roll-off is?  
17 A. Roll-off is basically a lift bed truck  
18 without a bed, you can pull up to a container,  
19 whatever, and basically roll the container on and  
20 off from the truck to the ground.  
21 Q. And do you recall when you first started, of the  
22 12 trucks, approximately how many were front  
23 loaders and how many were roll-offs?  
24 A. I believe there was five and seven. Five  
25 front and seven roll-off.

0015

1 Q. About how long did you work as a mechanic?  
2 A. Approximately five years.  
3 Q. What did you do for Goditt & Boyer after you were  
4 a mechanic?  
5 A. I started driving roll-off trucks.  
6 Q. Do you recall approximately when that was?  
7 A. I'm going to say roughly '77, '78, somewhere  
8 in that area, I started driving full time.  
9 Q. Now, you say you started driving full time, had  
10 you driven trucks at all previously?  
11 A. Being a mechanic, you had to move the trucks  
12 or make sure they were operational for the next  
13 morning so, yeah, you drove the truck to move it  
14 around, to work it, to operate it, so it was safe  
15 to go on the road the next day.  
16 Q. But during the time that you were working as a  
17 mechanic, you weren't picking up loads with the  
18 trucks?  
19 A. No.  
20 Q. And so you started driving the roll-offs some time  
21 around, full time, some time around '77 or '78?  
22 A. Correct.  
23 (MS. BARRY ENTERED AT THIS POINT)  
24 Q. How long did you do that, drive roll-offs?  
25 A. Until I left in '86.

0016

1 Q. Okay. When you were -- when you first started  
2 driving roll-offs, did you have a set route that  
3 you would follow on a given day?  
4 A. No. We were dispatched on a daily basis.  
5 Q. And can you describe for me generally how that  
6 process worked?  
7 A. We had clipboards hanging on the wall with  
8 our name on it. We used to walk in in the  
9 morning, pick up your clipboard and examine the  
10 stops that were on the sheet, check out your  
11 truck, and leave.  
12 Q. Was there a particular truck that you were  
13 assigned?  
14 A. Basically, yes. There was, you know, one  
15 truck, we were assigned to one truck, but if your  
16 truck was down for maintenance, then there was  
17 another truck available for you.  
18 Q. So as I understand it, the sheet on the clipboard  
19 would list the stops that you were to make that  
20 day?  
21 A. Correct.  
22 Q. And do you know who made up those sheets?



23 A. Linda Terry.  
24 Q. And what was her position with Goditt & Boyer?  
25 A. Office personnel, dispatcher.  
0017  
1 Q. And generally speaking, how many loads would you  
2 pick up typically in the day?  
3 A. It varied upon the work. I mean, it could  
4 have been three to nine. You know, depended on  
5 where you were dispatched and how far you had to  
6 go to get the loads.  
7 Q. When you first started driving the roll-offs, was  
8 there a particular geographic area that you  
9 typically worked in?  
10 A. No. I mean, at any given time you could have  
11 been -- we could have been down at the Cape or we  
12 could have been in Providence, Lincoln,  
13 Cumberland, Boston.  
14 Q. Were there -- generally speaking, were there  
15 certain stops that you made more regularly than  
16 others?  
17 A. No, not really. I mean --  
18 MR. SALLY: Can I interrupt. We  
19 didn't put any stipulations on the record. I  
20 assume it's the same ones we've used in the other  
21 depositions?  
22 MR. JACKSON: That's fine.  
23 Q. During this period when you first started driving  
24 the roll-offs, do you recall how many other  
25 drivers Goditt & Boyer had?  
0018  
1 A. I'm going to say five to six. I don't really  
2 remember offhand.  
3 Q. Do you recall who any of those drivers were?  
4 A. There was a Tom Costello, there was a John  
5 Costello, there was a Luis, I don't remember his  
6 last name. Sonny Luthier (phonetic), I believe  
7 his real name was Sonny, nickname, Luthier, Mike  
8 Mallowin (phonetic).  
9 Q. Were there other drivers who were subsequently  
10 hired that you recall during the time when you  
11 were driving roll-offs?  
12 A. There were other drivers. I don't  
13 remember -- there was a driver Rick that worked  
14 for a few years, he just quit, I don't remember  
15 his last name, either. There was subcontract  
16 drivers. I don't really remember -- Winfred  
17 Elderkin.  
18 Q. Was he -- do you recall was he a driver for Goditt  
19 & Boyer?  
20 A. Goditt & Boyer.  
21 Q. Do you recall who any of the subcontractors were?  
22 A. Bruce Buffington. There was a Phil, I  
23 believe it was Lapre (phonetic) that worked for  
24 Bruce.  
25 Q. Any others you recall?  
0019  
1 A. Not offhand. There was a Dave Perry, Dave  
2 Perry was a subcontractor.  
3 Q. P-e-r-r-y?  
4 A. Yes.  
5 Q. Any others you remember?  
6 A. No, I don't. There's one other. Dick  
7 Gousie, I remember.  
8 Q. Was he at Goditt & Boyer?  
9 A. Goditt & Boyer.

10 Q. Do you know how to spell his last name?  
11 A. No, I do not, and also Al Martonis  
12 (phonetic).  
13 Q. Do you know how to spell that?  
14 A. No.  
15 Q. Okay. Do you know if Mr. Gousie was there in '77,  
16 '78?  
17 A. I don't believe so. I believe it was later  
18 on. I think it was probably early '80s that he  
19 came on.  
20 Q. How about Mr. Martonis?  
21 A. About the same time.  
22 Q. Do you know where Mr. Gousie is today?  
23 A. I have no idea, no.  
24 Q. How about Mr. Martonis?  
25 A. No.

0020

1 Q. Do you know Mr. Buffington's whereabouts?  
2 A. No, I do not.  
3 Q. How about Mr. Perry?  
4 A. I believe he's still in Attleboro.  
5 Q. Did you have any understanding as to how Ms. Perry  
6 came to assign you the particular stop she did for  
7 a given day?  
8 A. I don't understand.  
9 Q. You would come in in the morning and you would get  
10 your clipboard?  
11 A. Yes.  
12 Q. And it would have your stops for the day?  
13 A. Okay.  
14 Q. Okay. Did you have any -- it was your  
15 understanding that Ms. Terry was the one who  
16 filled out that sheet?  
17 A. Correct.  
18 Q. Do you have any understanding as to how Ms. Terry  
19 came to send you to those particular places on  
20 that day, as opposed to sending you somewhere  
21 else?  
22 A. No. I don't know what her method was for  
23 dispatching, but she was the dispatcher.  
24 Q. Okay. Can you describe for me generally, again,  
25 what information was on the sheet?

0021

1 A. Just the name of the stop, it would be  
2 whatever, Stop & Shop, Carol Cable, you know,  
3 Lincoln, Providence, Pawtucket, wherever the store  
4 was located, whatever accounts we had at the time,  
5 those were the accounts that were listed, and the  
6 city or town that they were in, and where they  
7 were to be disposed off.  
8 Q. So it would also list the disposal location?  
9 A. Yes.  
10 Q. And were the stops listed in order, in the order  
11 that you were supposed to pick them up?  
12 A. Yes.  
13 Q. So you would just follow the sheet, basically?  
14 A. Basically, yes.  
15 Q. From top to bottom?  
16 A. Right.  
17 Q. Again, during this -- focus on this period when  
18 you first started driving the roll-offs, '77, '78.  
19 At that point do you recall what disposal  
20 locations you were being sent to?  
21 A. There was the various town dumps, but there  
22 was also Mills down in Cumberland and Central down

23 in Johnston, besides the paper warehouses, United,  
24 Berger & Company.

25 Q. When you say paper warehouses, can you describe

0022  
1 for me what those were?

2 A. The cardboard and newspaper loads would go to  
3 the paper warehouses.

4 Q. During the course of the day, I mean, you had  
5 this, can we call it a route sheet?

6 A. Yes.

7 Q. So you had a route sheet that you were following?

8 A. Yes.

9 Q. During the course of the day, did you fill out any  
10 paperwork?

11 A. On occasion we had to sign the slips going in  
12 and out of the facility and/or the disposal sites.

13 Q. And what would you do with that paperwork?

14 A. It would be all turned in with the clipboard  
15 at the end of the night, at the end of your shift.

16 Q. And generally speaking, how long was your typical  
17 day?

18 A. Eight, ten hours, usually.

19 Q. Starting roughly when?

20 A. Usually early in the morning, 6:00, 7:00,  
21 sometimes earlier if we were going down to the  
22 Cape, Cape Cod.

23 Q. How many days a week did you work?

24 A. Five, six.

25 Q. Five or six?

0023  
1 A. Depending on the workload, yes, five or six.

2 Q. Okay. So you said when you first started driving  
3 roll-offs in this '77/78 period, that you were  
4 disposing of loads at various town dumps as well  
5 as the J.M. Mills and the Central Landfill in  
6 Johnston?

7 A. Yes.

8 Q. Did that change over time?

9 A. Yes. Later on in, I don't know, later on  
10 during the career, my career, all the town dumps  
11 started closing, so the majority of the waste  
12 stream went to Mills and Central.

13 Q. Okay. And was J.M. Mills open the entire time you  
14 were driving roll-offs?

15 A. I don't know, I don't remember exactly when  
16 they closed, but somewhere in the 1982 period we  
17 were -- I mean, we were the sole hauler for Stop &  
18 Shop. We were all basically -- the majority of  
19 the trucks were switched over to Stop & Shop runs.  
20 You know, the trucks were dedicated to Stop & Shop  
21 as myself, I was mostly Stop & Shop.

22 Q. Okay. And so you think that was around 1982?

23 A. Somewhere in that area, yes, but I don't  
24 remember when -- if they were still open when I  
25 left in '86 or not.

0024  
1 Q. Meaning, J.M. Mills?

2 A. J.M. Mills, yes.

3 Q. Did there come a time when you stopped going to  
4 J.M. Mills?

5 A. Yeah. Basically, when I started hauling all  
6 the Stop & Shop containers.

7 Q. Okay. Where were those being taken to?

8 A. They had their own facility in Walpole, and  
9 some of them were going to United Paper Stock

10 depending on where they were located.  
11 Q. So, do you recall approximately when you would  
12 have first gone to J.M. Mills?  
13 A. When I first -- yeah, when I first started  
14 driving roll-offs in '77, '78.  
15 Q. Can you describe for me generally what the  
16 landfill looked like, how big it was, if you  
17 recall?  
18 A. It was relatively large, it was down in,  
19 obviously, Cumberland, but it was long and flat in  
20 the '70s, and it just started growing to --  
21 Q. How did you access the J.M. Mills landfill, do you  
22 recall?  
23 A. Right off Mendon Road, there was an access  
24 road along the railroad tracks that led into the  
25 facility.

0025

1 Q. Do you recall whether there was a gate that you  
2 had to pass through?  
3 A. Yes, there was a makeshift gate down towards  
4 the end.  
5 Q. Describe for me, generally, the process that you  
6 went through when you dumped the load at J.M.  
7 Mills?  
8 A. You would drive up, drive through the gate.  
9 There was usually a guard shack or a small storage  
10 trailer. You would tell the gate person the load  
11 that you had, and basically drive up to the dump  
12 site and just dump the load out, close the door  
13 and leave.  
14 Q. Was there someone working at the dump site to  
15 direct you where to dump the load?  
16 A. Yes.  
17 Q. I'm sorry, was there paperwork you had to fill  
18 out?  
19 A. Yes. There was a slip you signed.  
20 Q. And what happened to that slip after you signed  
21 it?  
22 A. It was turned in with the clipboard, with the  
23 rest of the paperwork.  
24 Q. Can you describe for me in a little more detail  
25 the process of actually dumping the load?

0026

1 A. There would basically be one or two operators  
2 that would direct you, point in a general area  
3 where to dump, you would back the truck up, open  
4 the back door and raise the bed until all the  
5 cargo that was in the container fell out, pull  
6 forward, let the body down, close the door and  
7 leave the facility.  
8 Q. Okay. During this process, did you ever have  
9 occasion to get out of the truck yourself?  
10 A. Yes, to open and close the door.  
11 Q. When you were dumping loads, did you have occasion  
12 to observe the waste material that you were  
13 dumping?  
14 A. Yes.  
15 Q. How was it that you observed it?  
16 A. You had to look to make sure the container  
17 was empty, first of all, so you looked at the load  
18 that was on the ground, you looked inside the  
19 container and then closed the door.  
20 Q. Okay. Do you recall any of the individuals who  
21 worked at the J.M. Mills landfill?  
22 A. J.M. Mills himself, Joe, and I believe his

23 son, but other than that, there were just workers,  
24 laborers, whatever.

25 Q. Do you recall seeing Joe there on a regular basis?

0027

1 A. Pretty much, Joe, yes. Yes. He was there on  
2 pretty much a regular basis.

3 Q. And the times that you observed him, what was he  
4 doing?

5 A. Either pushing trash with the bulldozer or  
6 just walking around or just directing trucks where  
7 to dump.

8 Q. How about his son?

9 A. Same.

10 Q. Do you recall any of the individuals who worked  
11 in, I think you called it the guard shack?

12 A. No, I do not.

13 Q. The slips you filled out after you turned them in  
14 at the end of the day, do you know what happened  
15 to them?

16 A. No.

17 Q. During this period when you were driving  
18 roll-offs, and let's focus now on the period  
19 when -- between when you first started driving  
20 roll-offs in '77, '78, and 1982 when you started  
21 doing the Stop & Shop.

22 A. Yes.

23 Q. Let's focus on that time period. During that time  
24 period, what kinds or sizes of containers were you  
25 generally handling?

0028

1 A. 30 yard, which an open-top container, and 42  
2 yard and 50 yards were closed.

3 Q. The 42 yarders and 50 yarders, are those also  
4 sometimes referred to as compactors?

5 A. Yes.

6 Q. And during that period, can you -- strike that.  
7 During that period, can you tell me approximately  
8 how frequently you have dumped loads at J.M. Mills  
9 as compared to the other landfills you referred  
10 to?

11 A. Not most frequently, but most of the stops  
12 around J.M. Mills went to J.M. Mills.

13 Q. Was that true throughout this period we're  
14 focusing on, '77, '78 to '82?

15 A. Yes.

16 Q. Can you describe for me generally, what you did at  
17 the end of the day?

18 A. Just went back to the yard, fueled the truck,  
19 parked it, hung your clipboard up, got in your  
20 vehicle and left.

21 Q. We've talked a little about Ms. Terry, and I think  
22 you mentioned Mr. Brask. You said he was the  
23 owner?

24 A. Yes.

25 Q. And with respect to Mr. Brask, did you see him on

0029

1 a daily basis?

2 A. No. I did not.

3 Q. Generally speaking, how often do you recall seeing  
4 him?

5 A. Sometimes he was there, you know, once, twice  
6 a week, sometimes you wouldn't see him for months.

7 Q. After you were initially hired, did you have  
8 occasion to talk to Mr. Brask?

9 A. On occasion, yes, I did talk to him.

10 Q. Okay. And generally, what was the subject of  
11 those conversations?  
12 A. How are you doing, how's your family, what's  
13 going on, stuff. Just friendly chit chat.  
14 Q. Were there, aside from Ms. Terry, David Brask and  
15 aside from the other drivers, were there others  
16 who worked for Goditt & Boyer, who you interacted  
17 with regularly?  
18 A. There was Russell Brask.  
19 Q. And what was his role in the company?  
20 A. General manager. I don't know, vice  
21 president.  
22 Q. And can you describe for me, generally, what he  
23 was doing on a day-to-day basis?  
24 A. He made sure the trucks were running. He  
25 made sure everybody was working, scheduled

0030

1 maintenance as needed.  
2 Q. Anybody else you interacted with on a regular  
3 basis?  
4 A. There was a Davey Viera, he was also a  
5 mechanic, and Alan Messier.  
6 Q. Okay. What was his position?  
7 A. Mechanic, also.  
8 Q. Okay. Anybody else you recall?  
9 A. No.  
10 Q. Generally speaking, when you picked up a  
11 container, was it full?  
12 A. Yes.  
13 Q. Can you describe for me, generally, what kinds of  
14 waste you were picking up?  
15 A. Depending on what you were picking up, what  
16 facility you were at, basically whatever they  
17 manufactured or were making or building, what they  
18 were throwing away.  
19 Q. When you were driving roll-offs, were you  
20 servicing generally industrial or commercial  
21 accounts?  
22 A. Yes.  
23 Q. During the period we're focusing on, '77, '78 to  
24 '82, do you recall at any point during that period  
25 that J.M. Mills landfill was closed for an

0031

1 extended period?  
2 A. No.  
3 Q. Do you recall what the hours of operation of the  
4 landfill were?  
5 A. I believe they were like 7:00 to 3:00 or 7:00  
6 to 4:00, somewhere in there. I'm not quite sure  
7 on the start time.  
8 Q. Do you know how many days a week they were open?  
9 A. I believe they were open five or six.  
10 Q. Anything else -- strike that. I'd like to focus  
11 on some particular customers' accounts and ask you  
12 about some of them. Do you recall a company  
13 called Teknor Apex?  
14 A. Yes.  
15 Q. And what do you recall about Teknor Apex?  
16 A. They were basically located in Pawtucket.  
17 Q. Do you recall what kind of operations they had  
18 there?  
19 A. It was basically a rubber -- rubber  
20 manufacturing facility.  
21 Q. Do you recall, generally, can you describe for me  
22 generally the size of the facility?

23 A. It was quite large. I mean, it took up a  
24 couple of city blocks over in Pawtucket.  
25 Q. And did you have occasion to pick up waste there?  
0032  
1 A. Yes.  
2 Q. Do you recall what size containers they had?  
3 A. They had all the sizes, they had open tops,  
4 they had 42s and 50s, depending on what was  
5 dropped off from the previous swap.  
6 Q. And do you recall approximately when you first  
7 picked up waste at the Pawtucket facility?  
8 A. I don't remember, no, exactly, the first  
9 time.  
10 Q. Do you recall generally about how long it would  
11 have been after you started driving roll-offs that  
12 you first picked up waste at that facility?  
13 A. Within the first few months.  
14 Q. Can you describe for me generally where in the  
15 facility various containers were located?  
16 A. There was one container basically on the  
17 sidewalk, it was -- it ran along the main road, I  
18 don't remember the name of the road, but that was  
19 the main container.  
20 Q. Do you recall what size that container was?  
21 A. It would have been a 50 or a 42, depending  
22 what was dropped off from the previous switch.  
23 Q. So it would have been a compactor?  
24 A. Yes.  
25 Q. And were there other containers at that facility?  
0033  
1 A. Yes, there was another compactor on the  
2 opposite side of the building on another side  
3 road. It was Apex's dust.  
4 Q. Okay. Any other containers that you recall  
5 surfacing?  
6 A. They had a 30-yard open top for construction  
7 material just located in a parking lot in another  
8 building down the street off the industrial  
9 highway.  
10 Q. Do you recall any special procedures associated  
11 with picking up waste at the Pawtucket facility?  
12 A. No, I don't know if that required a slip to  
13 be signed or not. Some of the accounts needed a  
14 slip signed saying that you were actually  
15 switching the container out.  
16 Q. But you don't recall right now whether that was  
17 the case for this facility?  
18 A. No, I don't.  
19 Q. Let's focus on what you referred to as the main  
20 container.  
21 A. Yes.  
22 Q. Do you recall approximately how often you picked  
23 up that container?  
24 A. I believe that was done on a daily basis.  
25 Q. Do you recall approximately how often you  
0034  
1 personally picked up that container?  
2 A. No. Probably once a week.  
3 Q. Do you recall -- strike that. Did you have  
4 occasion to observe the types of waste that were  
5 in that container?  
6 A. Yes; when you dumped out the container.  
7 Q. Okay. Can you tell me what you recall about the  
8 waste that was in that container?  
9 A. There was rubber, there was standard trash,

10 cardboard, metal banding, manufacturing-type  
11 waste.  
12 Q. When you say manufacturing-type waste, can you  
13 describe for me what you're referring to?  
14 A. Gaylords, pallets, metal banding, empty  
15 containers, whatever their product was shipped in  
16 or out of.  
17 Q. Anything else you recall?  
18 A. No.  
19 Q. The rubber that you referred to, can you describe  
20 for me a little bit more what that looked like?  
21 A. It was just globs of rubber. There was no  
22 set pattern to it, it was just -- it was black or  
23 white, it was very dirty, I know that.  
24 Q. These globs of rubber, can you describe for me  
25 generally how big they were?  
0035  
1 A. They ranged anywhere from a baseball size to,  
2 you know, half a wooden pallet.  
3 Q. When you say they were very dirty, can you  
4 describe for me what you're referring to?  
5 A. Whatever you touched or whatever it touched,  
6 it was stuck to you, it was on your hands, your  
7 clothing, your shoes, the truck tires, it was  
8 everywhere. It was a very messy stop.  
9 Q. Can you describe for me what was getting stuck to  
10 you?  
11 A. The rubber powder, I guess. I don't know,  
12 the chemical buildup of the material.  
13 Q. So, this material, I mean, did it have sort of a  
14 powdery consistency?  
15 A. Yes. Basically, it looked like baby powder,  
16 it was white, but if you touched it or disturbed  
17 it, it became black.  
18 Q. Do you ever recall seeing rags in the container?  
19 MR. BENIK: Objection.  
20 A. Yes, on occasion.  
21 Q. On those occasions when you recall seeing rags,  
22 can you describe what they looked like?  
23 A. Just dirty rags.  
24 Q. Do you recall how often you recall seeing them in  
25 the load?  
0036  
1 A. No, I do not.  
2 Q. Do you recall ever seeing any drums in the  
3 container.  
4 MR. BENIK: Objection.  
5 A. I don't -- no, I don't remember -- I don't  
6 remember seeing drums.  
7 Q. Do you recall seeing any liquid wastes in the  
8 container?  
9 A. No.  
10 Q. Are you familiar with Speedy Dry?  
11 A. Yes.  
12 Q. Do you ever recall seeing anything like that in  
13 that particular container?  
14 MR. BENIK: Objection.  
15 A. Yes.  
16 MR. SALLY: What was the answer?  
17 THE WITNESS: Yes.  
18 Q. Let's talk a little bit about the other compactors  
19 that were on a side road?  
20 A. Yes.  
21 Q. I think you referred to that as Apex dust?  
22 A. Correct.



23 Q. So that, again, would have been a 42- or 50-yard  
24 container?  
25 A. That is correct.

0037  
1 Q. And did you have occasion to pick up that  
2 container as well?  
3 A. Yes.  
4 Q. Do you recall approximately how often you picked  
5 up that container?  
6 A. I'm going to say once a week.  
7 Q. Do you know if other drivers were also picking up  
8 that particular container?  
9 A. Yes.  
10 Q. What's the basis for that statement?  
11 A. Basically everybody that was there picked  
12 that container up at one time or another.  
13 Q. Did you have any understanding as to how often  
14 that one was picked up by Goditt & Boyer?  
15 A. I believe that was picked up once a day,  
16 also.  
17 Q. Did you have occasion to observe the waste that  
18 was in that container?  
19 A. That was basically dust. I mean, it was just  
20 a powdery substance, a dust. It was also very  
21 dirty and very dusty.  
22 Q. The dust, did it have a particular color?  
23 A. Usually it was a gray color.  
24 Q. You say usually gray, were there other --  
25 A. On occasion it would be black or white, but  
0038  
1 most of the time it was a gray, grayish color.  
2 Q. Was the powder in some sort of container, smaller  
3 container, or was it just loose --  
4 A. It was.  
5 Q. -- in the compactor?  
6 A. It was loose.  
7 Q. And generally speaking, when you picked it up, can  
8 you describe how full that container was?  
9 A. Usually if they called, it was full. I mean,  
10 that was the whole purpose of the business.  
11 Q. Do you recall seeing any other types of waste in  
12 that container?  
13 A. Not -- no, not on the dust.  
14 Q. The dust, did it have any sort of odor to it, do  
15 you recall?  
16 A. It was a rubber smell.  
17 Q. I think you referred to 30 yard open top?  
18 A. Correct.  
19 Q. That was down the street a little bit?  
20 A. Yes.  
21 Q. Did you have occasion to pick up waste from that  
22 container?  
23 A. Yes, I did.  
24 Q. Did you have occasion to observe the waste in that  
25 container?  
0039  
1 A. Correct.  
2 Q. And I think you mentioned construction-type waste,  
3 can you tell me generally what type of waste you  
4 recall being in that container?  
5 A. That had reels and barrels and cardboard  
6 container barrels, gaylords, lumber, sweepings,  
7 floor sweepings, metal banding.  
8 Q. Anything else you recall?  
9 A. No.

10 Q. Okay. You mentioned cardboard barrels?  
11 A. Yes.  
12 Q. Do you recall what size the barrels were?  
13 A. Normal trash barrel size. I don't know, 30  
14 gallons, 33 gallons, somewhere in that vicinity.  
15 Q. Okay. Do you recall whether there was anything in  
16 the barrels?  
17 A. Trash, rags, sweepings, floor sweepings,  
18 coffee cups.  
19 Q. How about the gaylords -- first of all, again so  
20 the record is clear, can you tell me what a  
21 gaylord is?  
22 A. Basically, a cardboard box that's stapled to  
23 a wooden pallet.  
24 Q. And the gaylords that you observed in this  
25 open-top container; do you recall whether they had  
0040  
1 anything in them?  
2 A. No, just -- they could have been empty, just  
3 people throwing trash over the top of the  
4 container which is the way it was loaded. Could  
5 have gone in the gaylord, could have been placed  
6 in there full, I don't know.  
7 Q. Okay. You also mentioned reels?  
8 A. Wooden reels.  
9 Q. Like something you would wind a cord around?  
10 A. Yes.  
11 Q. Was there anything on these reels?  
12 A. Some had cable or cable insulation or  
13 whatever, casing, some were empty. Most of them  
14 were broken.  
15 Q. Do you recall how often you had occasion to pick  
16 up that container?  
17 A. No. Every couple of weeks, maybe. I really  
18 don't remember. I know I picked it up once or  
19 twice.  
20 Q. Just so I'm clear, that open top container, that  
21 was -- was that associated with a different  
22 building than the other two --  
23 A. Yes.  
24 Q. -- containers. But your understanding was, it was  
25 generally part of the same facility?  
0041  
1 A. Correct.  
2 Q. When you picked up these various containers at the  
3 Pawtucket facility, do you recall where you  
4 disposed of that waste?  
5 A. Probably J.M. Mills.  
6 Q. And why do you say probably?  
7 A. Well, it was the closest facility.  
8 MR. JACKSON: Why don't we take a  
9 five-minute break.  
10 (BRIEF RECESS)  
11 MR. JACKSON: Are you still there,  
12 Scott?  
13 MR. COBURN: I'm here.  
14 Q. Let's go back on the record, Mr. Marcaccio. We  
15 spent some time talking about your recollections  
16 concerning Teknor Apex's Pawtucket facility?  
17 A. Yes.  
18 Q. Do you recall any other Teknor Apex facilities  
19 that you picked up waste from?  
20 A. No, I don't remember any other facilities.  
21 Q. Okay. Do you recall an entity called Custom  
22 Color?

23 A. Yes, I do, now that you mention it, yes, I  
24 remember Custom Color.

25 Q. What do you recall about Custom Color?

0042

1 A. I remember the stop. I don't remember -- I  
2 just don't remember anything about it.

3 Q. Do you recall where it was located?

4 A. Cumberland or Lincoln, I'm not even sure on  
5 that.

6 Q. Do you have any recollection as to what kind of  
7 facility it was?

8 A. No, I do not.

9 Q. Do you recall whether you picked up waste there?

10 A. I'm sure I did. I just don't remember -- I  
11 mean, just remembering the name, I know I would  
12 have picked up there, but I just don't remember  
13 the stop.

14 (PLAINTIFF'S EXHIBIT 1  
15 MARKED FOR IDENTIFICATION)

16 Q. Mr. Marcaccio, I'm going to hand you what's been  
17 marked as Exhibit Number 1 for purposes of this  
18 deposition and ask you to take a look at that. Do  
19 you recognize, generally what these documents are?

20 A. Yeah, they would be slips from J.M. Mills  
21 facility.

22 Q. Okay. Looking at Page 1, which has Bates label TA  
23 00319. Let me direct your attention to the slip  
24 in the lower left-hand corner, it has -- the slip  
25 number is 53626?

0043

1 A. Lower right-hand corner.

2 Q. I'm sorry, my apologies. Lower right-hand corner.  
3 Do you see the one I'm referring to?

4 A. Apex dust.

5 Q. Does this slip contain your handwriting?

6 A. Yes, it does.

7 Q. Which is your handwriting?

8 A. The one that says Mac.

9 Q. And the Apex dust, is that your handwriting?

10 A. I believe so, yes.

11 Q. Does this ticket have a date on it?

12 A. 1-15-81.

13 Q. And below it it says Goditt & Boyer?

14 A. Yes.

15 Q. Is that your handwriting?

16 A. I believe it is.

17 Q. And there's a number below that, listed under  
18 truck or plate number?

19 A. 4611.

20 Q. Do you know what that refers to?

21 A. That was the license plate of the number that  
22 I drove.

23 Q. Okay. And the time?

24 A. 3:03.

25 Q. Do you know what that refers to?

0044

1 A. I would assume it was the time I entered the  
2 facility.

3 Q. Then it says roll off, that refers to the kind of  
4 truck you were driving?

5 A. Correct.

6 Q. Can you describe for me again, generally, how you  
7 came to fill out this type of slip?

8 A. Okay, just to back up, I don't believe that  
9 Goditt & Boyer writing is mine because if you look

10 at the other slips it sort of matches. I'm just  
11 saying whoever handed me the ticket, wrote you  
12 know, 1-15-81, Goditt & Boyer and the plate and  
13 the time and roll-off, but I did sign it as Mac.  
14 Q. Who would have handed you the ticket?  
15 A. The person at the gate or whoever was  
16 attending to the landfill at that time.  
17 Q. So just to be clear, they would have given you  
18 this ticket, you would have signed it?  
19 A. Yes.  
20 Q. And then you kept it?  
21 A. Yes, attached it to the clipboard to be  
22 turned in.  
23 Q. So, does this ticket indicate that you disposed of  
24 a load of waste from Apex dust at the J.M. Mills  
25 Landfill?

0045

1 A. According to the ticket, yes.  
2 Q. Okay. Let's look at the next page, it is Bates  
3 label TA 00322. Directing your attention to the  
4 lower left-hand corner --  
5 A. Okay.  
6 Q. -- number 52902?  
7 A. Correct.  
8 Q. Do you recognize that handwriting?  
9 A. Yes, I do.  
10 Q. And this one has the -- is the same date as the  
11 previous one, 1-15-81?  
12 A. Correct. It also has 1-14-81 in the bottom  
13 right-hand corner of the ticket.  
14 Q. Do you have any understanding as to why there  
15 would have been two different dates on this one?  
16 A. None whatsoever. Neither one of them are my  
17 writing. The 57 is mine, the Mac and the Apex  
18 dust is mine. That is my signature.  
19 Q. Okay. Now I notice this is a different plate  
20 number than --  
21 A. It says truck or plate number 57.  
22 MR. JACKSON: Oh, okay.  
23 A. It was either the truck number or the license  
24 plate number that they wrote on the particular --  
25 Q. I see. So, each truck was assigned a number?

0046

1 A. Yes.  
2 Q. Okay. And that was the number that was assigned  
3 by Goditt & Boyer?  
4 A. That is correct.  
5 Q. Did that number appear on the truck?  
6 A. Yes, it did.  
7 Q. So, does this ticket indicate that you disposed of  
8 a second load from the Teknor Apex?  
9 A. Apex dust.  
10 Q. Apex dust at J.M. Mills?  
11 A. I believe so.  
12 Q. Let's look at the next one which has Bates labeled  
13 TA 00324, directing your attention to the lower  
14 left-hand corner, ticket number 52802. Again, do  
15 you see your handwriting there?  
16 A. Yes, I do.  
17 Q. And again, that says Apex?  
18 A. Yes, it does.  
19 Q. Okay. What's the date on that one?  
20 A. 1-16-81. It also has another date on the  
21 bottom right corner of the ticket, 1-15.  
22 Q. Again, you're not sure why there are two different

23 dates?  
24 A. No, I am not.  
25 Q. Let's look at the next one. Bates labeled TA  
0047  
1 00363 which has ticket number 58830 in the lower  
2 left-hand corner. Do you recognize that  
3 handwriting?  
4 A. Yes.  
5 Q. What does it say there?  
6 A. It says Mac and Apex.  
7 Q. Again, that would have represented the load of  
8 waste from Teknor Apex facility?  
9 A. Yes.  
10 Q. Let's look at the next page. This time directing  
11 your attention to the upper right-hand corner,  
12 ticket number 56854. Do you recognize that  
13 handwriting?  
14 A. Yes. Mac and Apex.  
15 Q. Let's look at the next page. Lower right-hand  
16 corner this time, ticket number 55035. Do you  
17 recognize that handwriting?  
18 A. Yes, I do.  
19 Q. It says Mac and Apex?  
20 A. Correct.  
21 Q. Let's look at the next page. Again, drawing your  
22 attention to the upper right-hand corner, ticket  
23 number 45387; do you recognize that handwriting?  
24 A. Yes, I do.  
25 Q. And is that your handwriting?  
0048  
1 A. Yes, it is.  
2 Q. Again, it says Mac and Apex?  
3 A. Yes.  
4 Q. Let's look at the next page, again, upper  
5 right-hand corner, ticket number 43398, do you  
6 recognize that handwriting?  
7 A. Yes. Apex, Packer, Mac.  
8 Q. The Apex, Packer, do you know what that would  
9 refer to?  
10 A. That was the main building. That wouldn't be  
11 the dust. I don't know why it was written as  
12 packer, but --  
13 Q. So that's what you referred to earlier as the main  
14 container?  
15 A. Correct.  
16 Q. Okay. Again, I'm sorry, that is your handwriting?  
17 A. Yes.  
18 Q. Okay. Let's look at the last page, in the upper  
19 right-hand corner, ticket number 44838, do you  
20 recognize that handwriting?  
21 A. Yes, Mac, Custom Color.  
22 Q. Again, is that your handwriting?  
23 A. Yes. It also has another date of 5-19 on the  
24 bottom right corner. 5-18, I'm sorry.  
25 Q. There's also what appears to be a number 19 that's  
0049  
1 circled?  
2 A. Correct. I have no idea what that is.  
3 Q. Okay. Each of these tickets or slips that we've  
4 looked at represent a load of waste that was  
5 disposed of J.M. Mills?  
6 A. Correct.  
7 MR. JACKSON: Are you awake, Scott?  
8 MR. COBURN: I'm here.  
9 Q. Mr. Marcaccio, I think you mentioned earlier Carol

10 Cable?  
11 A. Yes.  
12 Q. Can you tell me what you recall about Carol --  
13 hang on one second, Scott, can you hear okay?  
14 MR. COBURN: Yeah, I'm fine.  
15 Q. Their counsel is on the phone, I just want to make  
16 sure he can hear okay. Go ahead. Do you recall?  
17 A. Yes, I do. Carol Cable, I remember.  
18 Q. What do you recall about Carol Cable?  
19 A. I remember a facility in Lincoln Industrial  
20 Park, Carol Cable, Lincoln. I believe they had  
21 two closed containers and one or two open tops.  
22 They may have also had a front-load container, I  
23 don't remember.  
24 Q. Okay. What was your understanding about what  
25 sorts of operations were conducted at that

0050

1 facility?  
2 A. Cable manufacturing company, insulated wire.  
3 Q. Can you describe for me generally the size of the  
4 facility?  
5 A. It was quite large. I don't know square  
6 footage. I wouldn't even begin to -- it was -- --  
7 it was bigger than a football field.  
8 Q. Okay. Fair enough. That's a good description. I  
9 think you said they had two --  
10 A. Compactors.  
11 Q. -- two compactors, can you describe for me  
12 generally where those compactors were located in  
13 the facility?  
14 A. One was located on the left side of building  
15 driving in and the other was located at the top  
16 right corner of the building opposite side.  
17 Q. Let's talk first about the first one you referred  
18 to, you said it was on the left of the building --  
19 A. Yes.  
20 Q. -- as you went in. Did you have occasion to pick  
21 up that container?  
22 A. Yes.  
23 Q. And do you recall about how often you picked up  
24 that container?  
25 A. I'm going to say a couple times a week. I

0051

1 don't remember exactly.  
2 Q. Do you know if other Goditt & Boyer drivers were  
3 picking up that container during the same time  
4 period?  
5 A. Yes.  
6 Q. So do you have an understanding whether that  
7 container was picked up on a regularly scheduled  
8 basis?  
9 A. I assume it was picked up every day back in  
10 the '70s and '80s, manufacturing was well, it was  
11 doing very well.  
12 Q. Did you have occasion to observe the waste in that  
13 container?  
14 A. Yes, I did, when it was dumped out.  
15 Q. What do you recall about the waste that was in  
16 that container?  
17 A. It was wire casing, wire, rubber, everything,  
18 wood, floor sweepings, general trash, rubber dust  
19 also in that container.  
20 Q. Anything else you recall?  
21 A. No.  
22 Q. The dust, can you describe that a little more for

23 me?  
24 A. Basically the same consistency as the Teknor  
25 Apex dust, the rubber coating, talcum powder dust.  
0052  
1 Q. Did it have a particular color?  
2 A. Usually white or gray. Sometimes black.  
3 Q. Do you recall whether it had an odor associated  
4 with it?  
5 A. A rubber smell.  
6 Q. I think you mentioned there was also rubber in  
7 that container?  
8 A. Yes.  
9 Q. Can you describe generally for me what that looked  
10 like?  
11 A. Basically, same thing, you know, dried globs  
12 of rubber, colored rubber.  
13 Q. And what colors?  
14 A. All colors.  
15 Q. Again, what sizes roughly were they, these globs?  
16 A. Baseball to basketball size.  
17 Q. Now, the wire that you mentioned, what form was  
18 that in?  
19 A. Pieces, cuts, rolls, all different various  
20 sizes and shapes of wire.  
21 Q. Was it copper wire?  
22 A. Copper wire.  
23 Q. And the wire casing that you mentioned, can you  
24 describe that for me a little bit more?  
25 A. The rubber casing or the plastic-coated

0053  
1 rubber casing that comes on insulated wire, jumper  
2 cables, power cables, wire.  
3 Q. Do you recall ever seeing any rags in that  
4 container?  
5 A. No, I do not.  
6 Q. Do you recall seeing any liquids in the container?  
7 A. No.  
8 Q. Let's talk a little about the other compactor that  
9 you mentioned which you think was up at the --  
10 A. Upper right-hand corner.  
11 Q. Okay. Did you have occasion to pick up that  
12 container as well?  
13 A. Yes, I did.  
14 Q. Do you recall about how often you picked that one  
15 up?  
16 A. Same interval, twice a week, couple times a  
17 week on two or three times, I don't know.  
18 Q. Again, do you know whether there were other Goditt  
19 & Boyer who also picked that up?  
20 A. Yes, there were.

21 MR. JACKSON: Try to wait until I  
22 finish my question.

23 THE WITNESS: Sorry.

24 MR. JACKSON: No problem.

25 Q. Did you have occasion to observe the waste in that  
0054  
1 container?  
2 A. Yes, I did.  
3 Q. And what do you recall about the waste in that  
4 container?  
5 A. That had large quantities of hot and cold  
6 rubber, plastic material.  
7 Q. Did you say hot and cold?  
8 A. Yes.  
9 Q. Okay. How could you tell the difference between

10 the two?  
11 A. Some of the material was soft, some of it was  
12 hard, but it was -- that container was always a  
13 problem because of the workers dumping the hot  
14 rubber into the hopper of the machine and then  
15 packing it at the end of the load. When it dried,  
16 it would stick to the container and it was  
17 terrible to get out.  
18 Q. What color was the rubber?  
19 A. All colors.  
20 Q. How big are the pieces of rubber?  
21 A. Wheelbarrow size. They used to dump it into  
22 the hopper of the machine with metal dump carts.  
23 Q. Anything else you recall in that container?  
24 A. Your basic trash was also in there, wood,  
25 lumber, metal strapping.

0055

1 Q. Do you recall any sweepings in that container?  
2 A. I don't, not offhand, no, I don't recall  
3 sweepings in that.  
4 Q. Do you recall seeing any rags in that container?  
5 A. No, I do not.  
6 Q. I think you also said that there were one or two  
7 open-top containers?  
8 A. Correct.  
9 Q. Do you recall where those were located in the  
10 facility?  
11 A. Anywhere -- they were dropped off anywhere at  
12 the facility, in the parking lot, next to the  
13 building, loading dock or whatever.  
14 Q. Again, were there any special procedures that you  
15 had to follow in picking up the containers at the  
16 Carol Cable facility?  
17 A. They required a signed slip, proof of  
18 purchase that you were actually taking the  
19 container, switching it.  
20 Q. Can you describe for me generally how that process  
21 worked, if you recall?  
22 A. Basically you would pull up with the truck,  
23 go inside the building and announce you that were  
24 there to swap out the container or switch the  
25 container. So they didn't run the container on

0056

1 you while you were changing it, and at the same  
2 time you got a signed slip saying that you were  
3 changing the container.  
4 Q. Okay. And did that same process apply to all the  
5 different containers we've talked about, the  
6 compactors and the open tops?  
7 A. The compactors, yes. I don't remember if it  
8 applied to the open tops.  
9 Q. Was -- do you recall there was a particular person  
10 you were supposed to talk to?  
11 A. No, I don't remember.  
12 Q. Okay. So they had you sign the slip?  
13 A. Yes.  
14 Q. Okay. Do you know what happened to it after that?  
15 A. No.  
16 Q. You don't recall that you kept a copy of it?  
17 A. I don't recall.  
18 Q. Okay. Do you -- strike that. Did you have  
19 occasion to pick up the open-top containers?  
20 A. Yes, I did.  
21 Q. Okay. And did you have occasion to observe the  
22 waste in those containers?



23 A. Yes, I did.  
24 Q. What do you recall about the waste in those  
25 containers?  
0057  
1 A. That contained the wooden reels. It was the  
2 same thing, floor sweepings, that had rags in it,  
3 different cardboard barrels, throw-away barrels,  
4 trash barrels and whatnot, cable insulation  
5 wrappings.  
6 Q. When you say wrappings, what are you referring to?  
7 A. The casing on the wire.  
8 Q. Oh, okay. Anything else you recall?  
9 A. No.  
10 Q. The cardboard barrels you referred to, again, do  
11 you recall whether there was anything in them?  
12 A. No.  
13 Q. They did not, or you don't recall?  
14 A. I don't recall.  
15 Q. Do you recall seeing any liquid in the open-top  
16 containers?  
17 A. No, I don't recall.  
18 Q. On those occasions when you picked up these  
19 containers from the Carol Cable facility in  
20 Lincoln, do you recall where you dumped those  
21 loads?  
22 A. I'm assuming I dumped them at Mills, but they  
23 could have gone to Central.  
24 Q. Why do you believe you would have dumped them at  
25 J.M. Mills?  
0058  
1 A. Proximity of location.  
2 Q. Was J.M. Mills the closest landfill?  
3 A. Yes.  
4 Q. And why do you say some of it might have gone to  
5 Central?  
6 A. Depending on where you were dispatched. I  
7 mean, if you were going -- just where your next  
8 stop would be. I mean, you wouldn't leave  
9 Cumberland to go to South County. If you're going  
10 to South County in the first place, you would drop  
11 it off at Central and then continue to South  
12 County. There was no rhyme or reason, it was just  
13 a dispatching --  
14 Q. Mr. Marcaccio, do you recall a company called  
15 Wyman-Gordon?  
16 A. Yes, I do.  
17 Q. What do you recall about Wyman-Gordon?  
18 A. It was a military installation in North  
19 Grafton, Massachusetts.  
20 Q. Did you have an understanding as to what sorts of  
21 operations took place at that facility?  
22 A. It was a military installation, that I know.  
23 They worked for the Government, whatever.  
24 Q. You said that was in North Grafton?  
25 A. Yes.  
0059  
1 Q. Okay. Did you have occasion to pick up waste at  
2 that facility?  
3 A. Yes, I did.  
4 Q. Do you recall what kind of containers?  
5 A. Compactors.  
6 Q. Do you recall whether there was more than one?  
7 A. No, I do not.  
8 Q. You do recall a compactor at that facility?  
9 A. Yes, I do.

10 Q. Do you recall where in the facility it was  
11 located?  
12 A. In the facility. No, I don't remember where  
13 it was located. I know it was inside the  
14 facility. You had to pass through a gate. It was  
15 abutted, obviously abutted to the building at that  
16 facility.  
17 Q. Okay. Can you describe for me generally the size  
18 of this facility?  
19 A. Extremely large.  
20 Q. More than one building?  
21 A. That I don't remember.  
22 Q. So you had to pass through a gate?  
23 A. Yes.  
24 Q. Any other procedures you recall picking up waste  
25 at this facility?

0060

1 A. No, I don't remember any other procedure.  
2 Q. Do you recall if you had to check in with anyone  
3 when you went there?  
4 A. I may have, I don't remember if we did or we  
5 didn't.  
6 Q. Do you recall approximately when you would have  
7 first gone to the Wyman-Gordon facility?  
8 A. No, I do not.  
9 Q. Do you recall approximately how long it would have  
10 been after you first started driving roll-offs?  
11 A. No. Within the first year of driving I would  
12 assume. I don't remember exactly going, the day  
13 and date I went there.  
14 Q. But you think some time within a year of the time  
15 you started?  
16 A. Yes.  
17 Q. Actually, I think I forgot to ask you a question  
18 about -- let's go back to Carol Cable for a  
19 moment.  
20 A. Go ahead.  
21 Q. Do you recall when you first picked up waste at  
22 that facility?  
23 A. No, I do not.  
24 Q. Again, do you recall about how long it would have  
25 been after you first started driving roll-offs?

0061

1 A. Probably as soon as I had started driving.  
2 Q. Okay. Did you have occasion to observe the waste  
3 that was in the compactor at Wyman-Gordon?  
4 A. Yes.  
5 Q. What do you recall about that waste?  
6 A. It had your general trash, it also had large  
7 quantity of metal, metal grindings, Speedy Dry,  
8 oily rags, and so on and so forth.  
9 Q. The metal grindings, can you describe those for me  
10 in a little more detail?  
11 A. Grindings affiliated with manufacturing metal  
12 or drilling metal. I don't know. Shavings,  
13 filings from metal work.  
14 Q. Okay. Could you tell what kind of metal?  
15 A. Steel.  
16 Q. Okay. Do you recall whether those metal grindings  
17 had any liquid associated with them?  
18 A. Oil.  
19 Q. And the rags, can you describe those for me a  
20 little bit?  
21 A. Oily rags with metal filings attached to  
22 them.

23 Q. The metal grindings, do you recall how often you  
24 saw those in the loads you picked up?  
25 A. Every time you picked up a container.

0062  
1 Q. How about the Speedy Dry?  
2 A. Same.  
3 Q. How about the rag?  
4 A. Yes.  
5 Q. You said it was a large quantity, can you try to  
6 quantify it for me, generally, in a given  
7 container how much of it would have consisted of  
8 the grindings, the Speedy Dry and the rags?  
9 A. 25, 30 percent.  
10 Q. All right. So we've got -- we talked about the  
11 general trash. We talked about the metal  
12 grinding, Speedy Dry and the rags, anything else  
13 you recall being in those containers?  
14 A. They had large lifting straps, rope lifting  
15 straps, cables, whatever, chokers as they're  
16 referred to.  
17 Q. Anything else you recall?  
18 A. No.  
19 Q. And do you recall -- do you recall about how often  
20 you picked up that particular container?  
21 A. I'm going to say once a week, but I don't --  
22 I don't remember exactly.  
23 Q. Again, was it your understanding that there were  
24 other Goditt & Boyer drivers who also picked up  
25 that container?

0063  
1 A. Yes.  
2 Q. And on those occasions when you picked up that  
3 container, did you recall where you dumped that  
4 load?  
5 A. It would have been J.M. Mills or Central.  
6 Q. Do you recall whether the loads would have gone to  
7 one or the other J.M. Mills or Central more  
8 frequently than the other?  
9 A. I would say J.M. Mills more frequently.

(PLAINTIFF'S EXHIBIT 2  
MARKED FOR IDENTIFICATION)

10 Q. Mr. Marcaccio, you've been handed what's been  
11 marked for identification as Exhibit Number 2.  
12 Again, can you describe for me generally what  
13 these documents are?  
14 A. They look like slips from J.M. Mills,  
15 Incorporated.  
16 Q. These were similar to the witness we talked about  
17 previously in connection with Teknor Apex?  
18 A. Yes, they are.  
19 Q. Let's look at the first page, which has Bates WG  
20 00599, lower right-hand corner --  
21 A. Yes.  
22 -- number 58749?  
23 A. Correct.

0064  
1 Q. Do you recognize that handwriting?  
2 A. Yes, I do.  
3 Q. Is that your handwriting?  
4 A. Yes, it is.  
5 Q. And which handwriting is yours?  
6 A. It says Mac Wyman-Gordon.  
7 Q. And that refers to the facility we were just  
8 talking about?  
9 A. Correct.

10 Q. What's the -- can you make out the date on that  
11 one?  
12 A. 3-5-81.  
13 Q. And again, the truck or plate number?  
14 A. Plate number is 4611.  
15 Q. That would have been the plate number of the truck  
16 you were driving?  
17 A. That's correct.  
18 Q. So this dump ticket would indicate that you  
19 disposed of a load of waste from Wyman-Gordon at  
20 J.M. Mills?  
21 A. Correct.  
22 Q. Let's look at the next page. Directing your  
23 attention to the -- well, the upper left-hand  
24 corner, slip number 59722, do you recognize that  
25 handwriting?

0065

1 A. Yes, I do.  
2 Q. Okay. Again, is that your handwriting?  
3 A. Yes, it is, Mac, Wyman.  
4 Q. Does that refer to the same facility?  
5 A. Yes.  
6 Q. Okay. Let's look at the next page, upper  
7 right-hand corner, 47389, do you recognize that  
8 handwriting?  
9 A. Yes. Mac, Wyman-Gordon.  
10 Q. Again, that's your handwriting?  
11 A. That part is, yes.  
12 Q. Let's look at the next page, upper left-hand  
13 corner, slip number 44055, do you recognize that  
14 handwriting?  
15 A. Yes, I do.  
16 Q. Again, that's your handwriting?  
17 A. Yes.  
18 Q. Let's look at the next page. Slip number 38489,  
19 upper left-hand corner?  
20 A. Yes.  
21 Q. Do you recognize that handwriting?  
22 A. Yes.  
23 Q. Again, the Mac and Wyman-Gordon, is that your  
24 handwriting?  
25 A. Correct.

0066

1 Q. Okay. Let's look at the last page, upper  
2 right-hand corner?  
3 A. Okay.  
4 Q. Slip number 37217, do you recognize that  
5 handwriting?  
6 A. Yes, I do. Mac, Wyman-Gordon.  
7 Q. Again, that's your handwriting?  
8 A. Correct.  
9 Q. So, again, each of the slips we've looked at,  
10 would indicate a load from the Wyman-Gordon  
11 facility that was disposed of at J.M. Mills?  
12 A. Correct.  
13 MR. JACKSON: Why don't we go ahead  
14 and take a lunch break at this point.  
15 (LUNCH RECESS 12:25 To 1:31 P.M.)  
16 Q. Let's go back on the record. Okay, Mr. Marcaccio  
17 we're back after a lunch break, I remind you  
18 you're still under oath.  
19 A. Yes.  
20 Q. All right. I want to talk to you about a few more  
21 customers.  
22 A. Okay.

23 Q. Again we're going to continue to focus on this  
24 time frame between when you first started driving  
25 roll-offs in 1977, '78 and when you started doing,

0067

1 focusing on the Stop & Shop work in 1982, again  
2 that's the time period we're focused on. Do you  
3 recall a company called Hollingsworth and Vose?

4 A. I do.

5 Q. What do you recall about Hollingsworth and Vose?

6 A. I believe they were located in Walpole, but  
7 all I remember of them they had the large rolls of  
8 paper, extremely large, like, you know, two and  
9 three, four feet around large.

10 Q. Okay. I take it you recall having occasion to  
11 pick up waste at that facility?

12 A. Yes.

13 Q. You believe they were located in Walpole?

14 A. I believe.

15 Q. Okay. Do you have any understanding of what type  
16 of operations were conducted at that facility?

17 A. No, I do not.

18 Q. Do you recall what size container or containers  
19 they had?

20 A. Pretty much they had open tops that I  
21 remember. I don't remember if they had closed --  
22 compactor boxes.

23 Q. Do you recall, again, any particular procedures  
24 involved in picking up waste at that facility?

25 A. No, I do not.

0068

1 Q. The rolls of paper you described, you said they  
2 were two to four feet in diameter?

3 A. Yes.

4 Q. About how long were they?

5 A. Three to four feet long. I don't remember  
6 anything longer. I just remember large rolls in  
7 the open container.

8 Q. Can you tell me anything about the paper, do you  
9 recall what color it was?

10 A. I remember all colors, you know. I don't  
11 remember a specific color.

12 Q. Now, do you recall any other types of waste in  
13 those containers?

14 A. No, I do not.

15 Q. Do you recall how frequently you picked up waste  
16 at that facility?

17 A. That I do not know.

18 Q. Do you recall whether it was more than once?

19 A. Yes, it was more than once, but I don't  
20 remember exactly.

21 Q. Do you recall when you would have first visited  
22 that facility?

23 A. I would imagine within the first couple of  
24 months of driving.

25 Q. On those occasions when you picked up waste at

0069

1 that facility, do you recall where you disposed of  
2 the waste?

3 A. I believe it went to J.M. Mills.

4 (PLAINTIFF'S EXHIBIT 3  
5 MARKED FOR IDENTIFICATION)

6 Q. Mr. Marcaccio, you've been handed what's been  
7 marked for identification as Exhibit 3, and can  
8 you tell me generally what these documents are?

9 A. They're slips from J.M. Mills facility.

10 Q. Okay. Let me direct your attention to the slip in  
11 the upper right-hand corner, number 58998?  
12 A. Yes.  
13 Q. Do you recognize any of that handwriting?  
14 A. I do. I recognize my signature and the word  
15 Hollingsworth.  
16 Q. Does that refer to the facility we were just  
17 discussing?  
18 A. Yes.  
19 Q. So, does this indicate that you dumped a load of  
20 waste at that facility at J.M. Mills?  
21 A. Yes, it does.  
22 Q. Anything else you recall about Hollingsworth and  
23 Vose?  
24 A. No, I do not.  
25 Q. Do you recall an entity called Blackstone Valley  
0070  
1 Electric?  
2 A. Yes.  
3 Q. What do you recall about Blackstone Valley  
4 Electric?  
5 A. They're located I believe -- I'm pretty sure  
6 it's Lincoln, 116, Lincoln.  
7 Q. When you say 116 --  
8 A. Route 116.  
9 Q. And do you recall whether you had occasion to pick  
10 up waste at that facility?  
11 A. Yes.  
12 Q. Did you have an understanding what sort of  
13 operations took place at that facility?  
14 MR. SALLY: Objection.  
15 A. It was an electrical facility.  
16 Q. Do you recall generally the size of the facility?  
17 A. Quite large. A city block.  
18 Q. Do you recall whether there was more than one  
19 building?  
20 A. I believe there was. I'm not positive, but I  
21 believe there was more than one.  
22 Q. Do you recall when you would first have gone to  
23 that facility?  
24 A. Within the first few months of driving.  
25 Q. Do you recall what types of waste container they  
0071  
1 had at that facility?  
2 A. They had open-top containers, 30 yard.  
3 Q. Do you recall whether it was more than one?  
4 A. I believe they had more than one, yes.  
5 Q. Did you have occasion to observe the waste in  
6 those containers.  
7 MR. SALLY: Objection.  
8 A. Yes, I did.  
9 Q. And what do you recall about the waste in those  
10 containers.  
11 MR. SALLY: Objection.  
12 A. There was telephone poles, cross braces,  
13 metal bracing, I don't know, porcelain insulators,  
14 I believe. Brown and gray insulators, or whatever  
15 they put on the cross braces. In fact that's  
16 what they're called, insulators.  
17 Q. Anything else you recall?  
18 A. It was the galvanized --  
19 MR. SALLY: Objection.  
20 A. Guide wires and regular trash, you know,  
21 cardboard, paper, cups.  
22 Q. You mentioned telephone poles, can you describe

23 those for me in more detail.  
24 MR. SALLY: Objection.  
25 A. Telephone poles, sections of telephone poles,  
0072  
1 broken poles.  
2 Q. To clarify, we're talking about wooden telephone  
3 poles?  
4 A. Correct.  
5 Q. And generally, how big were the sections?  
6 A. They ranged anywhere from two to three feet  
7 to 15 feet.  
8 Q. Do you recall how frequently you would see the  
9 telephone poles in the containers?  
10 MR. SALLY: Objection.  
11 A. Basically every time we picked a container  
12 up.  
13 Q. How much of a given load would typically consist  
14 of telephone poles?  
15 MR. SALLY: Objection.  
16 A. A third.  
17 Q. Do you recall whether those poles had any sort of  
18 coating on them?  
19 MR. SALLY: Objection.  
20 A. They had -- I believe it to be creosote, the  
21 black stickie substance.  
22 Q. I think you mentioned bracing.  
23 A. Yes.  
24 Q. Can you describe that for me a little bit more?  
25 A. The metal strap bracings they use from the

0073  
1 poles to the cross bars on the top of the pole.  
2 Q. I think you mentioned guide wires?  
3 A. Yes. The galvanized guide wires to keep the  
4 poles straight, level.  
5 Q. You mentioned telephone poles, bracings  
6 insulators, guide wires, regular trash. Anything  
7 else you recall?  
8 MR. SALLY: Objection.  
9 A. No.  
10 Q. Do you recall ever seeing any rags in those  
11 containers?  
12 A. No.  
13 MR. SALLY: I'm sorry, I missed the  
14 question.  
15 Q. Do you recall ever seeing liquid of any kind in  
16 those containers?  
17 MR. SALLY: Objection.  
18 A. No, I do not.  
19 Q. Do you recall ever seeing any transformers?  
20 MR. SALLY: Objection.  
21 A. No.  
22 Q. Do you recall how frequently you picked up waste  
23 at this Blackstone Valley facility?  
24 A. Once a month.  
25 Q. Do you recall on those occasions when you picked

0074  
1 up waste at this facility, where you disposed of  
2 the waste?  
3 MR. SALLY: Objection.  
4 A. J. M. Mills.  
5 (PLAINTIFF'S EXHIBIT 4  
6 MARKED FOR IDENTIFICATION)  
7 Q. Mr. Marcaccio, you've been handed what's been  
8 marked for identification as Exhibit 4, and would  
9 you agree with me these are the same kind of slips

10 that we've seen in the prior exhibits?  
11 A. Yes, they are.  
12 Q. Okay. Let's look at the first page. Let me  
13 direct your attention to the upper right-hand  
14 corner, slip number 56143?  
15 A. Yes.  
16 Q. Do you recognize that handwriting?  
17 A. Yes, I do. BVE and Mac.  
18 Q. And BVE refers to what?  
19 MR. SALLY: Objection.  
20 A. Blackstone Valley Electric.  
21 Q. Does that refer to the facility we were just  
22 discussing?  
23 MR. SALLY: Objection.  
24 A. Yes.  
25 Q. Let's look at the next page, again, upper  
0075  
1 right-hand corner, slip number 45456. Do you  
2 recognize that handwriting?  
3 A. Yes. Mac, BVE.  
4 Q. Okay. Again, referring to the facility we just  
5 discussed?  
6 A. Correct.  
7 Q. So, both of these dump tickets will represent  
8 loads of waste from the BVE facility that was  
9 disposed of at J.M. Mills?  
10 MR. SALLY: Objection.  
11 A. Correct.  
12 Q. Again, do you recall any sort of special  
13 procedure, any particular procedure associated  
14 with picking up the waste at the BVE facility?  
15 A. No.  
16 Q. Do you recall on those occasions when you picked  
17 up the open-top containers from the facilities how  
18 full they were?  
19 MR. SALLY: Objection.  
20 A. They were usually full.  
21 Q. Mr. Marcaccio, do you recall an entity called A.T.  
22 Cross?  
23 A. Yes, I do.  
24 Q. What do you recall about A.T. Cross?  
25 A. They're also located in Lincoln, they're on  
0076  
1 Route 116.  
2 Q. Did you have -- do you have an understanding of  
3 what sort of operations were conducted at that  
4 facility?  
5 A. Manufacturer of pens.  
6 Q. And can you describe for me generally the size of  
7 that facility?  
8 A. It was one building, probably a half a city  
9 block.  
10 Q. Did you have occasion to pick up waste at that  
11 facility?  
12 A. Yes.  
13 Q. Do you recall when you would have first picked up  
14 waste at that facility?  
15 A. Within the first few months of driving.  
16 Q. Do you recall what kind of container or containers  
17 they had at that facility?  
18 A. It was a closed container, it was a  
19 compactor. They may have had an open top on  
20 occasion.  
21 Q. So the compactor, again, that would have been a  
22 42- or 50-yard container?



23 A. Correct.

24 Q. And do you recall where in relation to the

25 building that compactor was located?

0077

1 A. It was next to the loading dock.

2 Q. And where was the loading dock, is that at the

3 front of the facility, back of the facility?

4 A. Looking at the facility, it would have been

5 to the right of the main entrance.

6 Q. Did you have occasion to observe the waste in that

7 container?

8 A. Yes, I did.

9 Q. What do you recall about the waste in that

10 container?

11 A. Basically, anything that had to do with the

12 manufacturing of pens, I mean, the barrels, the

13 refill cartridges, the points, whatever, ink.

14 Q. Anything else you recall?

15 A. No -- the plastics and the metal used to

16 manufacture the pens. Regular, you know, everyday

17 trash.

18 Q. Anything else you recall seeing in those

19 containers?

20 A. No.

21 Q. So I think you mentioned barrels of the pens?

22 A. Yes.

23 Q. Refill cartridges?

24 A. Yes.

25 Q. Ink?

0078

1 A. Yes.

2 Q. What form was the ink in?

3 A. Loose, it was in containers, plastic

4 containers.

5 Q. Do you recall what size containers those were?

6 A. No, I do not.

7 Q. Do you recall the color of the ink?

8 A. Mostly black and blue.

9 Q. Can you describe for me -- can you give me further

10 description of what these plastic containers

11 looked like?

12 A. They would could have been one-gallon

13 container, five-gallon container, just plastic

14 containers.

15 Q. On those occasions when you picked up the waste,

16 do you recall how much of the load would have

17 consisted of these containers?

18 A. A small portion, 10 percent.

19 Q. I think you said that sometimes the ink was loose?

20 A. Yes.

21 Q. So, when it was loose, would it have collected in

22 the bottom of the container?

23 A. That's correct.

24 Q. On those occasions when you picked up waste at

25 this facility, do you recall how often you saw the

0079

1 plastic containers in the waste?

2 A. No, I don't recall how often they were in

3 there, but I do remember seeing them there.

4 Q. Okay. On those occasions when you picked up waste

5 at the A.T. Cross facility, do you recall where

6 you disposed of that waste?

7 A. J.M. Mills.

8 Q. Mr. Marcaccio, do you recall a company called

9 Leech & Garner?

10 A. I remember the name, but I don't recall the  
11 company.  
12 MR. NEWTON: I'm sorry, I didn't hear  
13 that.  
14 THE WITNESS: Leech & Garner.  
15 Q. Do you recall whether you picked up waste there?  
16 A. I may have. I remember the name, but I don't  
17 remember, you know, whether I did or I didn't.  
18 MR. JACKSON: Give me one minute,  
19 Mr. Marcaccio.  
20 (PAUSE)  
21 MR. JACKSON: Mr. Marcaccio, thank  
22 you. That's all the questions I have for you  
23 right now. Mr. Murphy is going to go next and ask  
24 you some questions.  
25 MR. MURPHY: Can we take a two-minute

0080

1 break.

2 (BRIEF RECESS)  
3 (PLAINTIFF'S EXHIBIT 5  
4 MARKED FOR IDENTIFICATION)  
5 EXAMINATION BY MR. MURPHY

6 Q. Good afternoon, Mr. Marcaccio.  
7 A. Good afternoon.  
8 Q. I'm Jonathan Murphy, I represent KIK Custom  
9 Products in this case, and I have some questions  
10 also for you on a number of different companies.  
11 Before I do that, I have a few follow-up  
12 questions, basically same kind of rules apply.  
13 You know, if any of the questions that I ask you  
14 are in any way unclear, please feel free to, you  
15 know, indicate that to me because if you answer  
16 the question as I ask it, there is an assumption  
17 that you understood the question?  
18 A. Okay.  
19 Q. If you have a yes or no answer, please try to  
20 answer verbally. Were you required at any point  
21 in time, other than handing in the clipboard with  
22 the paperwork, that you've already testified to  
23 were you required to generate any sort of other  
24 route sheet, reports or manifests of any type?  
25 A. No.

0081

1 Q. So the documents that you would get, for example,  
2 from J.M. Mills, the dump tickets, was that kind  
3 of the entire universe of paperwork that you would  
4 have to fill out?  
5 A. Yes.  
6 Q. You mentioned Harold Bernard as a fellow Coast  
7 Guardsman that went to work for Goditt & Boyer.  
8 Is he still alive?  
9 A. I believe he is, and he's living in Florida.  
10 Q. Do you have any idea where in Florida he lives?  
11 A. No.  
12 Q. Do you know how long he worked for G & B; do you  
13 remember?  
14 A. I'm going to say five years, roughly.  
15 Q. Do you recall what he did for Goditt & Boyer?  
16 A. Driver, also.  
17 Q. Did he drive front-end loaders or roll-offs?  
18 A. Roll-offs.  
19 Q. You mentioned that you recall at J.M. Mills, Joe  
20 M. and his sons as two of the employees that  
21 worked there?  
22 A. Yes.

23 Q. Do you recall any of the other people that worked  
24 at the gate?  
25 A. No, I do not.

0082

1 Q. Did you ever know a fellow by the name of Albert  
2 Dumont?

3 A. Al Dumont, operator of the Attleboro  
4 landfill.

5 Q. At any point in time do you remember Mr. Dumont  
6 leaving the Attleboro landfill and running the  
7 gate at J.M. Mills?

8 A. No, I do not. I don't remember that.

9 Q. By the way, did you keep any paperwork at all from  
10 your years driving as a roll-off driver for Goditt  
11 & Boyer?

12 A. No.

13 Q. Do you recall during the times that you were  
14 actually on site at J.M. Mills the names of any  
15 other trucking company that were bringing waste to  
16 the site?

17 A. I remember Buffington, Bruce Buffington, he  
18 had his own truck. I can't remember anybody  
19 else's name offhand.

20 Q. Do you remember seeing other companies bringing  
21 waste there other than --

22 A. Oh, yes, there were other companies that  
23 brought waste there. It wasn't just Goditt &  
24 Boyer.

25 Q. Typically, when you were there, was there a wait

0083

1 time to get up to the dumping area?

2 A. Not typically, but I mean, there was more  
3 than one truck in the facility at a time. There  
4 could be upwards of five, six trucks dumping.

5 Q. Do you remember and, again, I don't want to beat a  
6 dead horse, do you remember the identities of any  
7 of those companies as you sit here?

8 A. No, I do not. I don't.

9 Q. You indicated when you were questioned by  
10 Mr. Jackson, that you recall as best you could  
11 recollect that J.M. Mills closed in around 1982?

12 A. I'm assuming that it closed somewhere around  
13 '82. Again, I switched over mainly to Stop &  
14 Shop, the Stop & Shop run. So I mean, I don't  
15 believe I was going to J.M. Mills. I don't know  
16 whether it was open or not. It could have still  
17 been open, but I wasn't frequenting that facility.

18 Q. Do you have any knowledge as to why J.M. Mills  
19 closed?

20 A. No, I do not.

21 Q. Did you come to learn at some point in time it did  
22 shut down completely?

23 A. Yes, I did.

24 Q. You testified when Mr. Jackson questioned you that  
25 there was a point in time when many of the local

0084

1 town landfills started to close and then most of  
2 the waste went to J.M. Mills or Central; do you  
3 recall that?

4 A. Yes.

5 Q. When did that first start happening?

6 A. I don't remember the year exactly, but I know  
7 they started closing the -- there was the North  
8 Providence Landfill, there was -- I'm trying to  
9 think what other towns had -- Smithfield had a

10 landfill, Davis Landfill, Smithfield, William  
11 Davis, that was closing. I don't remember anybody  
12 else offhand. North Kingstown had their own  
13 landfill.

14 Q. Do you have any recollection as to a point in time  
15 when J.M. Mills was one of the last landfills open  
16 that you could bring waste to other than Central?

17 A. I'm going to say in the mid-'80s. Again, I  
18 don't remember the exact year but -- I assume it  
19 was still open in '82, '83.

20 Q. Well, we have dump tickets that you've seen from  
21 1981 and 1982?

22 A. Right.

23 Q. In the -- you indicated that around 1982 you  
24 started driving doing the Stop & Shop runs?

25 A. Yes.

0085

1 Q. Do you remember in 1982 that J.M. Mills was one of  
2 the last landfills that you could bring waste to  
3 at that point in time?

4 A. Yes.

5 Q. What about 1981?

6 A. It was still open, but I don't remember if  
7 the small towns dumps were open at that point.

8 Q. Is it fair to state that because of that  
9 circumstance, where, in 1982, J.M. Mills was one  
10 of the last landfills open, is that while you were  
11 making regular runs?

12 A. Yes.

13 Q. That you were bringing more of your loads to J.M.  
14 Mills than in the past?

15 A. Yes.

16 Q. Near the end of your roll-off driving, before the  
17 Stop & Shop switch, how many loads a day do you  
18 think you were bringing to J.M. Mills?

19 A. Five.

20 Q. How did that change from previous years, years  
21 prior to 1982?

22 A. It was basically the same. I mean, there was  
23 still five loads a day. I mean, I don't know if  
24 we could make any more than five loads a day given  
25 the time period with the hours of operation.

0086

1 Q. Would it depend on where you had been dispatched  
2 as to how often you went to J.M. Mills?

3 A. Yes.

4 Q. Near the end, in 1982, though, did you bring  
5 pretty much all of your loads to J.M. Mills even  
6 if you were farther away than you normally would  
7 have brought a load?

8 A. I don't remember exactly if all the loads  
9 went there, but I mean, it would be safe to say,  
10 yes.

11 Q. When most of the town landfills had closed and  
12 your options were J.M. Mills or Central, did you  
13 tend to go to one of those landfills more than the  
14 other?

15 A. It was about average.

16 Q. 50/50?

17 A. Yeah.

18 Q. Did it depend on where you were picking the load  
19 up?

20 A. Correct.

21 Q. Tell me how that worked, in other words, was there  
22 kind of --

23 A. If you were in the southern part of the state  
24 down towards Warwick, Wakefield, Coventry, down  
25 that area, you would go to Central because they

0087

1 were located off 295 in Johnston, as opposed to  
2 coming all the way back to Cumberland. Basically,  
3 all the Pawtucket, Central Falls, Lincoln, that  
4 area went to J.M. Mills, because of the location,  
5 proximity of the stops.

6 Q. And then is it fair to state that that was true  
7 also of any areas in Southern Massachusetts, did  
8 they go to J.M. Mills, near the end, as opposed to  
9 Central?

10 A. Yes.

11 Q. Was that because J.M. Mills was closer?

12 A. Correct.

13 Q. I want to ask you some questions about a number of  
14 different facilities. Do you remember hauling  
15 waste from Newell Lumber?

16 A. Yes.

17 Q. By the way, do I have the name of that company  
18 right, Newell?

19 A. Yes, Newell Lumber, it was on the Industrial  
20 Highway in Pawtucket.

21 Q. Do you know whether they're still in business?

22 A. I do not.

23 Q. Did they have one facility or more than one  
24 facility?

25 A. One, that I know of.

0088

1 Q. And was it a typical lumberyard?

2 A. Yes.

3 Q. Was there anything -- any sort of unusual products  
4 that came out of that facility?

5 A. No.

6 Q. How big was the lumberyard?

7 A. Half a city block.

8 Q. Do you remember actually making pickups at Newell  
9 Lumber?

10 A. Yes.

11 Q. When for the first time did you pick up there?

12 A. Within the first few months of starting to  
13 drive.

14 Q. During the times you were dispatched down into the  
15 Pawtucket area, did you make regular stops at  
16 Newell Lumber?

17 A. Yeah, if they needed -- if they were on the  
18 list to be picked up, yes, if they called in while  
19 you were in the area, yes.

20 Q. Did you understand that Newell Lumber was a  
21 regularly scheduled stop or a will call?

22 A. I believe it was a will call.

23 Q. And what's -- just so the record is clear, was  
24 there a difference at Goditt & Boyer between a  
25 regularly schedule pickup and a will call; how

0089

1 did those two work, how were they different?

2 A. A regularly scheduled, they were on a  
3 schedule. I mean, it was a day-to-day or a  
4 week-to-week schedule, you know, pick us up  
5 whenever, Tuesday, Thursday, Friday. But a will  
6 call was when their container was full, they would  
7 call up and say, you know, we need a pickup.

8 Q. Do you have a recollection one way or the other  
9 what Newell Lumber was?

10 A. No, I don't. I believe they were on will  
11 call.  
12 Q. Other than yourself, did any of the other Goditt &  
13 Boyer drivers pick up in Newell?  
14 A. Yes.  
15 Q. You indicated when Mr. Jackson was questioning you  
16 about how many different drivers might have picked  
17 up from various locations, that at least for  
18 certain locations, probably at one point or  
19 another every Goditt & Boyer roll-off driver had  
20 picked up a certain facility, do you remember  
21 giving him that answer?  
22 A. Yes.  
23 Q. Is that pretty much true of every customer that  
24 Goditt & Boyer had?  
25 A. Yes.

0090

1 Q. That pretty much every roll-off driver at some  
2 point in time would have picked up at every  
3 customer?  
4 A. Yes.  
5 Q. Was that because the dispatching by Linda Terry  
6 tended to rotate drivers through different  
7 customer areas?  
8 A. I don't know if it was a rotation or just,  
9 you know, the way it it came out, but just about  
10 everybody picked up everything. I mean --  
11 Q. Did you have any geographic areas that you were  
12 assigned more than other areas?  
13 A. No.  
14 Q. For what period of time did you pick up at Newell  
15 Lumber?  
16 A. The length of time that I drove roll-off,  
17 from '77 to '86, I believe when I left. I don't  
18 know if and when they did close.  
19 Q. Any idea on frequency?  
20 A. Once a week.  
21 Q. Do you recall the size of the container?  
22 A. 30-yard open top.  
23 Q. Did you have to fill out any forms there?  
24 A. I don't remember.  
25 Q. Did the Newell Lumber pickups all go to J.M.

0091

1 Mills?  
2 A. Yes.  
3 Q. Was there one or more than one 30 yard?  
4 A. I believe there was just the one.  
5 Q. Do you recall the contents of the containers that  
6 came from Newell?  
7 A. Just general lumberyard material.  
8 Q. When you say general lumberyard material, any more  
9 specific information?  
10 A. I mean, whatever a lumberyard would sell,  
11 wood, paints, whatever, varnish, whatever came out  
12 of a lumberyard, basically.  
13 Q. Do you have any specific recollection while  
14 dumping Newell loads at J.M. Mills of seeing any  
15 paint cans or varnish cans?  
16 A. No, just what was on the wood itself.  
17 Q. Okay. What about pressure treated lumber, do you  
18 recall pressure treated lumber --  
19 A. Yes.  
20 Q. -- scraps in there?  
21 A. Yes.  
22 Q. Was there a lot of scrap lumber in the Dumpster?

23 A. Yes.  
24 Q. Was it your understanding that came from them kind  
25 of custom cutting or trimming?

0092

1 A. Correct.  
2 Q. What percentage of the containers do you think  
3 had -- of every load, if you're able to do this,  
4 had pressure treated materials versus, you know,  
5 untreated lumber?

6 A. I would say a third.  
7 Q. Again, that would be a third of a 30-yard  
8 container?

9 A. Yes.  
10 Q. Other than the lumber and other kind of what you  
11 call general lumberyard trash, any recollection of  
12 any liquid waste of any type?

13 A. No.  
14 Q. If you could look at what we've marked as Exhibit  
15 5. I've broken these down by categories. I'm  
16 going to ask you to look simultaneously at the  
17 first two pages after the cover page.

18 A. Okay.  
19 Q. One is ticket 42004?

20 A. Yes.  
21 Q. And the next one is 35621?

22 A. Correct.  
23 Q. Do you see those two tickets?

24 A. Yes, I do, sir.  
25 Q. Are they both signed by you?

0093

1 A. Yes, they are.  
2 Q. The questions that Mr. Jackson asked you about how  
3 the tickets were filled out and what you wrote in  
4 versus what J.M. Mills wrote in, do those apply  
5 equally to these tickets as well?

6 A. Yes.  
7 Q. Do these two tickets reflect that on the two dates  
8 listed on these tickets you brought 30-yard  
9 containers to J.M. Mills and dumped them there?

10 A. Yes.  
11 Q. Do you recall picking up waste or hauling waste  
12 from Pearson Yacht?

13 A. Yes.  
14 Q. Where were they located?  
15 A. Either Portsmouth or Middletown, Rhode  
16 Island, I don't remember exactly the town but --

17 Q. How far is that from Cumberland?  
18 A. 40 miles.

19 Q. To your knowledge, are they still in business?

20 A. I don't know. I do not know.  
21 Q. Did they have one facility or more than one  
22 facility?

23 A. One facility.  
24 Q. And do you know what kind of facility it was, what  
25 they did there?

0094

1 A. Made sailboats, boats.  
2 Q. Did they make just sailboats, or did they also  
3 make powerboats?

4 A. I believe they made powerboats also.  
5 Q. Did that include installation of any sort of  
6 diesel or gasoline engines, did they make inboard  
7 boats, to your recollection?

8 A. I believe they did, yes.  
9 Q. How big was the facility?

10 A. A city block.  
11 Q. And when, for the first time, did you pick up  
12 there?  
13 A. Within the first few months of driving.  
14 Q. Fair to state that most Goditt & Boyer drivers at  
15 some point in time picked up at Pearson Yacht?  
16 A. Yes.  
17 Q. Do you know whether that was a regularly scheduled  
18 stop or a will call?  
19 A. I believe it was a will call.  
20 Q. For what period of time did you pick up at  
21 Pearson?  
22 A. Between '77 and '86.  
23 Q. Do you know how often you picked up there?  
24 A. I'm going to say once a week.  
25 Q. When you serviced a facility, could you just drive  
0095  
1 up to the containers, or did you have to go  
2 through any sort of security clearance?  
3 A. That I don't remember. I believe you could  
4 just drive to the container.  
5 Q. Was there any sort of paperwork you had to fill  
6 out for Pearson Yacht at that end of the pickup?  
7 A. I don't remember that.  
8 Q. Now, did some of the Pearson Yacht waste go to  
9 J.M. Mills?  
10 A. Yes.  
11 Q. Do you know whether, in addition to J.M. Mills,  
12 any of the Pearson Yacht waste went to any other  
13 landfills?  
14 A. Some of it went to Central.  
15 Q. As between J.M. Mills and Central, do you have any  
16 recollection or ability to tell me on a percentage  
17 basis how much of Pearson Yacht's waste that you  
18 hauled went to one versus the other?  
19 A. I would say 50/50.  
20 Q. Was there any factor that was dependent on which  
21 one you went to?  
22 A. Again, just dispatching. It was where we --  
23 Q. When you say dispatching, would that mean if you  
24 had a pickup at Pearson Yacht, and your next  
25 pickup was somewhere closer to J.M. Mills, you'd  
0096  
1 bring it to J.M. Mills?  
2 A. Correct.  
3 Q. And if you were heading south into the southern  
4 part of the state, you'd probably go to Central?  
5 A. Central, yes.  
6 Q. Is that pretty much how that worked?  
7 A. Yes.  
8 Q. So, it depended on the order of the route as Linda  
9 Terry dispatched you?  
10 A. Correct.  
11 Q. Did you pretty much bring at least some of the  
12 Pearson Yacht loads to J.M. Mills during the  
13 entire period you drove roll-offs?  
14 A. Yes.  
15 Q. What type of containers did you service at that  
16 facility?  
17 A. Closed container compactors.  
18 Q. So that would be either a 42 or 50 yard?  
19 A. Correct.  
20 Q. Do you remember how many containers they had?  
21 A. I believe they just had the one.  
22 Q. Any recollection as to whether the number of



23 containers changed over time?  
24 A. No, I do not.  
25 Q. Do you have any recollection of their business  
0097  
1 expanding or shrinking at any point in time during  
2 the period you picked up there?  
3 A. No.  
4 Q. So is it your recollection that pretty much during  
5 the period of time you picked up at Pearson Yacht,  
6 it kind of -- the waste they were generating was  
7 about the same throughout the period of time you  
8 picked up?  
9 A. Yes.  
10 Q. Volumewise?  
11 A. Correct.  
12 Q. Fair to say that the containers were full at the  
13 time you picked them up?  
14 A. Yes, they were.  
15 Q. And were you in a position to see the type of  
16 waste that was contained in the Pearson Yacht  
17 containers?  
18 A. Yes.  
19 Q. What do you recall?  
20 A. It was Fiberglass, there was glue, paint,  
21 plastics, wiring, sawdust, paint, rags, brushes.  
22 Q. Anything else you remember?  
23 A. No.  
24 Q. Do you remember any sort of oil byproducts from  
25 the powerboats?  
0098  
1 A. No, I do not.  
2 Q. When you say glue, do you recall anything more  
3 specific about the glue?  
4 A. There would be containers with one-gallon  
5 containers of soft and hard glue, some with  
6 brushes stuck in them, some with just the glue  
7 itself. Some would be in a semi-liquid form and  
8 some would be in just solid where they dried up.  
9 Q. Were there any odors associated with the  
10 Dumpsters --  
11 A. Yes.  
12 Q. -- the containers you picked up?  
13 A. Yes, there was.  
14 Q. How would you describe the odor?  
15 A. Very strong, varnish, Fiberglass. If anybody  
16 has experienced the smell of Fiberglass, the  
17 resin.  
18 Q. Do you know whether there any kind of hardening  
19 compounds that were in the containers?  
20 A. I assume there were, yes.  
21 Q. Do you have a specific recollection, though, any  
22 sort of --  
23 A. Just the evidence that, I mean, the material  
24 that was in there was hard.  
25 Q. You said paint, you saw paint in there?  
0099  
1 A. Yes.  
2 Q. Could you describe it in any more detail when you  
3 say you saw paint in the containers?  
4 A. Small containers of paint, loose paint, paint  
5 on rags.  
6 Q. What about, you said you saw plastics, what do you  
7 remember about the plastics you saw?  
8 A. I believe it was the plastics used to build  
9 the inside of the boat.

10 Q. Do you recall any other liquid waste?  
11 A. No, I do not.  
12 Q. The various waste that you just described, was  
13 there some of all of that waste in every container  
14 you picked up?  
15 A. Yes.  
16 Q. Anything else you recall about the types of waste  
17 that were coming out of Pearson Yacht?  
18 A. No.  
19 Q. Do you remember any kind of solvents of any type?  
20 A. No, I do not.  
21 Q. Let's go to -- back to Exhibit 5 in the Pearson  
22 Yacht category. I want you to look, if, you  
23 would, there's nine pages in Exhibit 5 and if you  
24 flip through each of them, there is at least one  
25 ticket on each page that has Mac, and then the

0100

1 word Pearson listed. I ask you looking at the  
2 exhibit if you agree with me with that statement?  
3 MR. CONNORS: Is there more than one?  
4 MR. MURPHY: There may be some pages  
5 that have more than one Pearson on them, that's  
6 correct. But I mean, I'm going to ask you to  
7 look --  
8 A. Yes.  
9 Q. And in each of these nine pages, if I see Mac,  
10 M-a-c on the ticket, does that mean that's your  
11 signature on those ticket?  
12 A. Yes.  
13 Q. Okay. If either Pearson or Pearson Yacht is  
14 written on these tickets, where it also says Mac,  
15 is it your handwriting?  
16 A. Yes.  
17 Q. So on each of the -- for each of these tickets do  
18 they reflect that you brought a closed container,  
19 either a 42- or 50-yard container from Pearson  
20 Yacht and dumped it at the J.M. Mills Landfill?  
21 A. Correct.  
22 Q. Just out of curiosity, if you look at -- if you go  
23 to the second page of the Pearson Yacht tickets,  
24 in the lower left-hand corner, ticket 58561; do  
25 you see that?

0101

1 A. Yes.  
2 Q. All right. That's dated on March 2nd, 1981; is  
3 that correct?  
4 A. Correct.  
5 Q. If you go to the next page, in the lower  
6 right-hand corner, ticket number 58818 is dated  
7 March 6th of 1981?  
8 A. Correct.  
9 Q. It appears to be about four days apart.  
10 A. Okay.  
11 Q. Does that refresh your recollection as to whether  
12 you ever went to Pearson Yacht more than once a  
13 week?  
14 A. Yes. But on some occasions, we would pick  
15 the container up and miss the landfill closing, so  
16 it would get dumped the next day, so that --  
17 Q. But if we have two tickets, it means you brought  
18 two closed containers, right?  
19 A. Yes.  
20 Q. So these tickets do reflect there were times when  
21 you made more than one run of a 42- or 50-yard  
22 container from Pearson Yacht to J.M. Mills,

23 correct?  
24 A. Yes.  
25 Q. Do you recall picking up waste from Mandeville  
0102 Signs?  
1 A. Yes.  
2 Q. Do I have the name of that company correct?  
3 A. Yes, you do.  
4 Q. Where were they located?  
5 A. I believe they were also in Lincoln on 116,  
6 Route 116.  
7 Q. To your knowledge, are they still in business?  
8 A. I do not know.  
9 Q. Did they have one facility, or more than one  
10 facility?  
11 A. I believe they had one.  
12 Q. And what did they do there, what kind of facility  
13 was it?  
14 A. They made signs, all different types of  
15 signs, billboard signs and personal business  
16 signs.  
17 Q. Did they make neon signs as well?  
18 A. Yes, they did.  
19 Q. Any other kind of lit signs or electric signs, to  
20 your recollection?  
21 A. Yes.  
22 Q. Other than the neon signs, do you recall the other  
23 types of electric or lighted signs that they  
24 manufactured?  
25  
0103  
1 A. Fluorescent lighting, regular standard  
2 lighting signs.  
3 Q. How big was the facility?  
4 A. Mandeville wasn't that big. Quarter of a  
5 city block.  
6 Q. When, for the first time, did you pick up there?  
7 A. Within the first few months of driving.  
8 Q. Was it a location that you went to on a regular  
9 basis; do you remember the period of time you  
10 drove roll-offs?  
11 A. Yes.  
12 Q. And do you recall if it was a regularly scheduled  
13 stop or a will call?  
14 A. I believe it was will call.  
15 Q. So on a will call, then, I'm assuming -- strike  
16 that. On a will call, would somebody in the  
17 office at Goditt & Boyer receive a call and then  
18 put a will call location on one of the driver's  
19 dispatch sheets; is that how that worked?  
20 A. Yes.  
21 Q. For what period of time did you make pickups at  
22 Mandeville, was it the entire period you drove  
23 roll-offs?  
24 A. Yes.  
25 Q. Do you recall the frequency with which you went to  
0104 Mandeville signs?  
1 A. No, I do not.  
2 Q. When you serviced the facility, could you drive  
3 right up to the container?  
4 A. Yes.  
5 Q. Do you have any recollection of having to fill out  
6 any paperwork for Mandeville Sign?  
7 A. No, I do not.  
8 Q. And did the Mandeville Sign waste all go to J.M.  
9

10 Mills?  
11 A. Yes.  
12 Q. And do you recall the type of container you  
13 serviced at that facility?  
14 A. 30-yard open top.  
15 Q. Was there one or more than one?  
16 A. I believe there was just the one.  
17 Q. Any recollection of a change in the number of  
18 containers over the period of time you serviced  
19 them?  
20 A. No.  
21 Q. Any recollection of any change in the volume of  
22 their business that you recall?  
23 A. No.  
24 Q. Were the containers always full when you picked  
25 them up?  
0105  
1 A. Yes.  
2 Q. When you made pickups or dumped loads from  
3 Mandeville Signs, were you in a position to see  
4 the type of waste that was inside the container?  
5 A. Yes.  
6 Q. What do you recall about the contents of their  
7 waste?  
8 A. Just the general structure of material of  
9 making and building signs, you know, neon signs,  
10 fluorescent signs, standard lighting signs, metal,  
11 wood, plastics.  
12 Q. What about paint?  
13 A. Yes.  
14 Q. Do you recall seeing any paint cans in their  
15 waste?  
16 A. No. Just the paint that was associated with  
17 the product.  
18 Q. Now, when you say neon signs, were there actual  
19 kind of old neon signs or neon lighting components  
20 in the waste?  
21 A. Yes.  
22 Q. What about fluorescent lights, did you see --  
23 A. Same thing.  
24 Q. Did you see like, you know what the ballast is for  
25 fluorescent lights?  
0106  
1 A. Correct.  
2 Q. Was there ballasts in there as well, do you  
3 recall?  
4 A. Yes.  
5 Q. Were the lighting components, the neon lighting  
6 components and the fluorescent lighting  
7 components, did you see some of that waste in  
8 every container you picked up?  
9 A. Yes.  
10 Q. Any other -- was there any liquid waste you recall  
11 from Mandeville Sign?  
12 A. No.  
13 Q. Anything else you remember about their waste?  
14 A. No, I do not.  
15 Q. Let's look at Exhibit 5 again, there is one ticket  
16 number 56811, does that got your signature on it?  
17 A. Yes, it does.  
18 Q. Is it reflected on that date you dumped a load,  
19 container from Mandeville Sign at J.M. Mills?  
20 A. Yes.  
21 Q. Fair to state that there would have been other  
22 dump tickets generated at other periods of time --

23 A. Yes.  
24 Q. -- from Mandeville. Just so you know, we have  
25 only been able to get dump tickets for 1981 and  
0107  
1 1982 in this case. But in 1977, 1978 when you  
2 first started driving, was J.M. Mills issuing dump  
3 tickets then?  
4 A. Yes.  
5 Q. Were they essentially in the same form?  
6 A. Yes.  
7 Q. Do you have any recollection of any period of time  
8 when you brought waste to J.M. Mills when they  
9 didn't issue dump tickets?  
10 A. No.  
11 Q. So with all the companies we've talked about so  
12 far, is it fair to state that there's many more  
13 dump tickets for each of these customers than we  
14 have in this stack?  
15 A. Yes.  
16 Q. Let's go to Kaiser Aluminum. Do you have a  
17 recollection of ever picking up from Kaiser  
18 Aluminum?  
19 A. Yes.  
20 Q. Now, do I have the name of the company right, was  
21 it Kaiser Aluminum or Kaiser Aluminum & Chemical  
22 or something else?  
23 A. All I understood the company being was Kaiser  
24 Aluminum. It was never dispatched as Kaiser  
25 Aluminum & Chemical Corp.  
0108  
1 Q. Was there one facility, or more than one facility  
2 that you picked up at?  
3 A. I believe there was only one facility.  
4 Q. Where was that?  
5 A. Portsmouth. It was next to or right in the  
6 same vicinity as Pearson Yacht.  
7 Q. Are they still in business?  
8 A. I don't know.  
9 Q. And do you know what they did at that facility?  
10 A. I don't know. Built, designed aluminum, I  
11 don't really know, no. It was a machine shop,  
12 steel working facility.  
13 Q. And how big was that facility?  
14 A. A city block.  
15 Q. When, for the first time, did you pick up there?  
16 A. Within the first few months of driving.  
17 Q. And did you pick up from Kaiser from when you  
18 first started driving roll-offs straight through  
19 until you started doing the Stop & Shop runs?  
20 A. Yes.  
21 Q. Was it a regularly scheduled stop or a will call?  
22 A. I believe it was will call.  
23 Q. Did you -- strike that. Do you recall the  
24 frequency with which you picked up at Kaiser?  
25 A. I'm going to say once a week.  
0109  
1 Q. When you say once a week, that was you personally  
2 going there once a week?  
3 A. Yes.  
4 Q. And to your knowledge, in addition to you, did  
5 other Goditt & Boyer drivers also make pickups  
6 there?  
7 A. Yes.  
8 Q. So, is it your recollection that more than one  
9 container a week was coming out of Kaiser

10 Alumi num?  
11 A. Yes.  
12 Q. Do you know the total number of containers?  
13 A. No.  
14 Q. When you serviced that facility, did you have to  
15 go through any access gates, or could you drive  
16 right up to the container?  
17 A. You could drive right up to that container.  
18 Q. Was there any paperwork filled?  
19 A. No, not that I remember.  
20 Q. Did you transport some of Kaiser's waste to J.M.  
21 Mills?  
22 A. Yes.  
23 Q. And did you bring all of the Kaiser containers to  
24 J.M. Mills?  
25 A. No. Some of it went to Attleboro.

0110  
1 Q. Any other landfills other than Attleboro?  
2 A. I don't remember -- I mean, one or two loads  
3 could have gone to Central, but I don't remember  
4 offhand.  
5 Q. As between the Attleboro Landfill and the J.M.  
6 Mills Landfill, can you state on a percentage  
7 basis how much what percentage of the loads from  
8 Kaiser that you drove went to J.M. Mills versus  
9 Attleboro?  
10 A. I don't know, 75 percent went to J.M. Mills.  
11 Q. What's that recollection based on?  
12 A. Again, just dispatching.  
13 Q. You're pretty clear on that recollection, though,  
14 75 percent?  
15 A. Yes.  
16 Q. Attleboro, is that the landfill that was run by  
17 Mr. Dumont?  
18 A. Yes.  
19 Q. What type of container or containers did you  
20 service at Kaiser?  
21 A. Closed container, 42 or 50 yard.  
22 Q. And was there one or more than one?  
23 A. I believe there was just the one.  
24 Q. Could the number or the size of the containers  
25 change over the period of time you serviced them?

0111  
1 A. No.  
2 Q. Do you remember any change in their production  
3 capacity or volume of waste over time?  
4 A. No, I do not.  
5 Q. Were the containers always full when you picked  
6 them up?  
7 A. Yes.  
8 Q. And when you were positioned, when you picked up  
9 or dumped those loads, to see what kind of waste  
10 was in the containers?  
11 A. Yes.  
12 Q. What do you recall being in those containers?  
13 A. Your basic industrial waste but, you know,  
14 also there was metal filings and shavings.  
15 Q. When you say your basic industrial waste --  
16 A. Your cardboard, your metal banding, your  
17 plastics, wire and stuff.  
18 Q. Any waste associated with the machine shop of any  
19 type?  
20 A. Yes, the metal grindings of aluminum and  
21 metal, oily substance on the grindings.  
22 Q. Any rags?

23 A. Yes.

24 Q. Did the rags have any oily substance on them?

25 A. Yes, they did.

0112

1 Q. Were there -- did the metal filings and grindings  
2 that you said had oily substance on them, was that  
3 type of waste in every container you picked up  
4 there?

5 A. Yes.

6 Q. On a percentage basis, how much of the container  
7 had that sort of waste?

8 A. 10 percent.

9 Q. What about the oily rags?

10 A. About the same, 10 percent.

11 Q. Was there any other liquid waste of any type that  
12 you recall?

13 A. No.

14 Q. Any sort of empty containers of any type?

15 A. No, not that I remember.

16 Q. Any other -- do you recall any sort of drums?

17 A. No.

18 Q. Do you know whether they did any plating  
19 operations there?

20 A. I don't know that.

21 Q. Were there any particular odors that were  
22 associated with the containers from Kaiser?

23 A. Just an oily substance smell, machine shop  
24 smell.

25 Q. Anything else you recall about the waste that was  
0113  
1 in the Kaiser containers?

2 A. No.

3 Q. And let's go to Exhibit 5 now. There's one ticket  
4 dated February 24, 1981; does it have your ticket?

5 A. Yes, it does.

6 Q. Does it reflect that you brought a closed  
7 container from Kaiser and dumped it at J.M. Mills?

8 A. Yes, it does.

9 Q. And is it fair to state that there were many other  
10 J.M. Mills dump tickets that were generated for  
11 other trips where you dumped Kaiser containers at  
12 J.M. Mills?

13 A. Yes.

14 Q. I'm going to ask you about a customer facility  
15 that's variously written in the dump tickets that  
16 are attached to Exhibit 5 as United or United  
17 Paper, some of them also seem to say S & S; do you  
18 remember a company United?

19 A. United, yes, United Paper Stock.

20 Q. What was it called?

21 A. United Paper Stock.

22 Q. And where were they located?

23 A. Industrial Highway in Pawtucket.

24 Q. Do you know if they're still in business?

25 A. I believe they are.

0114

1 Q. Did they have one facility or more than one?

2 A. One.

3 Q. What did they do?

4 A. They would receive the cardboard and  
5 newspaper loads from all different trash  
6 companies.

7 Q. So did you bring cardboard and paper there?

8 A. Yes.

9 Q. Did you also pick up containers from them and

10 bring it to J.M. Mills?  
11 A. Yes.  
12 Q. They had -- as I recall, you did indicate there  
13 was sometimes loads of various paper products that  
14 were brought there to United, correct?  
15 A. Correct.  
16 Q. Do you know whether Goditt & Boyer received  
17 payment for those loads?  
18 A. I don't know.  
19 Q. How big was that facility?  
20 A. A city block.  
21 Q. And when for the first time did you pick up from  
22 United?  
23 A. Within the first couple of months.  
24 Q. Did you pick up from United during the entire time  
25 that you were a roll-off driver?

0115

1 A. Yes.  
2 Q. Was it a will call or a regularly scheduled stop?  
3 A. Will call.  
4 Q. Do you know with what frequency you went to  
5 United?  
6 THE WITNESS: Dumping or picking up?  
7 MR. MURPHY: Picking up.  
8 A. Once every couple weeks, I believe.  
9 Q. In addition to yourself, were there other Goditt &  
10 Boyer drivers also going to pick up when you  
11 weren't? --  
12 A. Yes.  
13 Q. -- during the same time period?  
14 A. Yes.  
15 Q. Could you just drive right up to the containers,  
16 or did you need to check in some security  
17 checkpoint?  
18 A. No. It was just drive right up to the  
19 container.  
20 Q. Any recollection of having to fill out any  
21 paperwork there?  
22 A. No.  
23 Q. Did you bring the United Paper waste that you  
24 picked up there to J.M. Mills?  
25 A. Yes.

0116

1 Q. Did it all go to J.M. Mills?  
2 A. Yes.  
3 Q. Do you recall the type of container or containers  
4 that you picked up to take away from United?  
5 A. 30 yard open top.  
6 Q. Was there one or more than one?  
7 A. I believe there was just one.  
8 Q. And did the number of those containers change over  
9 time?  
10 A. No.  
11 Q. Would you have occasions where you'd go to -- how  
12 did you bring the cardboard and paper to United  
13 when you were dropping off, was it also in  
14 containers?  
15 A. Yes.  
16 Q. Would you bring a container and drop it off full  
17 and leave it for them, and then pick up a waste  
18 container? Do you know what I mean? Was a  
19 two-purpose stop, to drop off and pick up?  
20 A. Yes. Just for example, say, we went with  
21 Stop & Shop, Mineral Spring Avenue, we would go to  
22 United Paper Stock, dump off, call up and say I'm



23 empty at United Paper Stock. Linda would say pick  
24 up their 30 yarder and take it to Cumberland or  
25 J.M. Mills, and return it, and by then wait for

0117

1 the phone to ring for another customer, when you  
2 got back, I'm done at United. It was come back to  
3 the yard or go do whatever.

4 Q. Okay. Were the containers full when you -- always  
5 full when you took them away from United?

6 A. Yes.

7 Q. Did you have occasion to see what was in their  
8 containers?

9 A. Yes.

10 Q. What do you recall being in there?

11 A. There was everything in their containers.

12 Q. When you say everything, what do you mean?

13 A. All sorts of trash, wood, metal, glass, all  
14 different types of containers that were coming  
15 out -- whatever was picked out of the cardboard  
16 and newspaper stream went into the trash  
17 containers.

18 Q. When you say all sorts of containers, what do you  
19 mean by containers?

20 A. Food containers, dog food bags, whatever.

21 Q. Do you recall ever seeing anything that had any  
22 chemical constituency to it in the waste?

23 A. Cleaning products.

24 Q. How often did you see cleaning products in the  
25 Dumpsters there, the containers that were leaving

0118

1 Uni ted?

2 A. Probably every time it was picked up.

3 Q. So it's your understanding that what you were  
4 hauling away from United was the stuff that they  
5 sorted out of the cardboard and paper loads?

6 A. Yes.

7 Q. Was it a fairly consistent kind of cross-section  
8 of kind of -- general kind of municipal waste --

9 A. Yes.

10 Q. -- would you say?

11 A. Yes.

12 Q. Did you ever see any paint cans in there?

13 A. No.

14 Q. Any liquid waste?

15 A. Yeah, I mean, you know, cleaning products,  
16 Lestoil, whatever, soda.

17 Q. Caustics of any type that you recall?

18 A. No.

19 Q. Aerosol cans?

20 A. Yes.

21 Q. What percentage of the Dumpsters had aerosol cans  
22 in them, do you recall?

23 A. Five percent.

24 Q. Any sort of automotive waste of any type?

25 A. No.

0119

1 Q. Any other liquid waste that you recall?

2 A. No.

3 Q. Any particular odors that you recall from Uni ted?

4 A. No, just a trash smell, garbage smell.

5 Q. Any plastics contained or rubber contained in any  
6 of those Dumpsters?

7 A. Plastics, yes.

8 Q. What type of plastics?

9 A. Shelving plasti c, container plasti c,

10 wrapping.

11 Q. Any oily rags?

12 A. No.

13 Q. Any other industrial-type waste that you recall?

14 A. No.

15 Q. Let's go to the tickets here. Maybe we can flip

16 through these together just quickly. You wrote

17 where it says on the first ticket number 43559

18 United 30?

19 A. United 30 yarder.

20 Q. So, now is there a reason why you put 30 there

21 as -- on the other ticket you didn't write a

22 number, do you know why?

23 A. Just to verify that it was a 30-yard

24 container. It was an open top container.

25 Q. All right. So, as we flip through the next number

0120

1 of pages, the page after that, 40291, that's also

2 a United 30?

3 A. Yes.

4 Q. The next one, 42938 is a United 30?

5 A. Yes.

6 Q. Next page, 40910 is a United 30?

7 A. Yes.

8 Q. Next one, 36449, it says United, but it doesn't

9 have a number. Do you know whether that would

10 mean that it was larger than a 30, or that you

11 just omitted writing it?

12 A. I just probably omitted writing 30.

13 Q. Next page, 45775, that was from United?

14 A. Yes.

15 Q. Next page, 43047 was from United?

16 A. Yes.

17 Q. Next page, 33798 was from United?

18 A. Yes.

19 Q. Next page, 46925 was from United?

20 A. Yes.

21 Q. Next page, 46938 from United?

22 A. Yes.

23 Q. Next page, 35248 was from United?

24 A. Yes.

25 Q. Next page, 37431 was from United?

0121

1 A. Yes.

2 Q. Next page, 45937 was from United?

3 A. Yes.

4 Q. On the next page which appears to be two tickets,

5 44854 and 44872 all from United? I'm sorry, one

6 of them is not signed by you; is that correct?

7 A. That's correct.

8 Q. Just the one in the upper left-hand corner?

9 A. That's correct.

10 Q. That's got your signature?

11 A. I believe there is also a duplicate of that.

12 Q. The one before that, okay. There may be a couple

13 of duplicates in there, that's possible. Let's go

14 to the next one, 45146, from United?

15 A. Yes.

16 Q. Next page, 45912 is from United?

17 A. Yes.

18 Q. Next page, 45232 is from United?

19 A. Yes.

20 Q. Next page, 43809 from United?

21 A. Yes.

22 Q. By the way, all the tickets I've mentioned so far

23 were signed by you, correct?  
24 A. Correct.  
25 Q. Okay. Next ticket, 45370 is from United?  
0122  
1 A. Yes.  
2 Q. Next page, 47295 is from United?  
3 A. Yes.  
4 Q. Next page, 43109 is from United?  
5 A. Yes.  
6 Q. Next page, 38369 is from United?  
7 A. Yes.  
8 Q. Next page, 38411 is from United?  
9 A. Yes.  
10 Q. Now the next two pages are duplicates, so I'll  
11 just refer to the first one, there is two tickets  
12 on this page, tickets 38395 and 38382. Those are  
13 both from United?  
14 A. Yes.  
15 Q. And by the way, those are both on the same date;  
16 is that correct?  
17 A. Yes. One says 30 and one says 50.  
18 Q. So one of them was a 50. They did have --  
19 A. They would have a --  
20 Q. Closed container?  
21 A. No, a larger container, an open top.  
22 Q. All right. And so there were times when you were  
23 bringing more than one container in the same day  
24 to J.M. Mills; is that right?  
25 A. Yes.  
0123  
1 Q. Skip the next page, that's a duplicate. Next  
2 page, 41140, that's from United?  
3 A. Yes.  
4 Q. Next page, 41257 is from United?  
5 A. Yes.  
6 Q. Next page, 41915 is from United?  
7 A. Yes.  
8 Q. Next page, lower right-hand corner, 42040 is from  
9 United?  
10 A. Yes.  
11 Q. Next page, 41376 from United?  
12 A. Yes.  
13 Q. Next page, 42130 is from United?  
14 A. Yes.  
15 Q. Next page, 42007 is from United?  
16 A. Yes.  
17 Q. Next page, 47098 is from United?  
18 A. Yes.  
19 Q. Next page, 47052 is from United?  
20 A. Yes.  
21 Q. Okay. Now the next page, ticket number 56839  
22 dated March 21 of 1981, it says S & S United?  
23 A. Stop & Stop to United. It was rejected.  
24 Q. When you say rejected, explain to me what you mean  
25 by that?  
0124  
1 A. United Paper Stock would not accept the load  
2 that was generated from Stop & Shop.  
3 Q. Is there a reason why they would reject a load?  
4 A. Too many contaminants, there wasn't a  
5 concentrated cardboard load.  
6 Q. When you say too many contaminants, what is the  
7 Stop & Shop waste that was in there that was  
8 deemed to be contaminants, can you tell me the  
9 type of waste that was in this container?

10 A. Food products other than cardboard.  
11 Q. Only food or only cleaning products and aerosol  
12 cans and that sort of thing?  
13 A. Yes. It could have been cleaning products  
14 and aerosol cans.  
15 Q. Well, do you remember when you picked up from Stop  
16 & Shop, when you were bringing a load like this,  
17 that there was kind of a cross-section of whatever  
18 was on the shelves at the supermarket? --  
19 A. Yes.  
20 Q. -- typically?  
21 A. Yes.  
22 Q. Any other sorts of particularly troublesome waste  
23 that you recall caused United to reject the Stop &  
24 Shop paper load?  
25 A. No.

0125

1 Q. Do you recall any Speedy Dry in the Stop & Shop  
2 containers?  
3 A. I don't recall.  
4 Q. If we go to the next ticket, 56673, that would be  
5 the same circumstance, the S & S United?  
6 A. Yes.  
7 Q. That would mean that it was a load from Stop &  
8 Shop that you brought to United, but United  
9 rejected?  
10 A. Yes.  
11 Q. Next ticket, same circumstance, 51946, that's a  
12 rejected Stop & Shop load?  
13 A. Yes.  
14 Q. Next ticket, 51370, that's a rejected Stop & Shop  
15 load?  
16 A. Yes.  
17 Q. Now the next ticket, 56865, dated March 19 of  
18 1981?  
19 A. Yes.  
20 Q. Is that a United -- was this associated with  
21 United, or was this a Stop & Shop load that went  
22 directly to J.M. Mills from Stop & Shop?  
23 A. It would have been a direct load, Stop & Shop  
24 to J.M. Mills.  
25 Q. So, if we go to the next ticket, 57068, where it

0126

1 says S & S 50, that would have also been a direct  
2 load from Stop & Shop to --  
3 A. Yes.  
4 Q. J.M. Mills?  
5 A. Correct.  
6 Q. The next ticket, 58789, would be a rejected Stop &  
7 Shop load that United rejected?  
8 A. Yes.  
9 Q. Same circumstances because of contaminants?  
10 A. Yes.  
11 Q. The next ticket, 58771, that would be a direct  
12 Stop & Shop load?  
13 A. Yes.  
14 Q. Next ticket, 56290, would that be a rejected Stop  
15 & Shop load that United wouldn't take?  
16 A. Correct.  
17 Q. Next ticket, 56371, was a direct Stop & Shop  
18 load --  
19 A. Yes.  
20 Q. -- to J.M. Mills?  
21 A. Yes.  
22 Q. Next ticket, 55048, that's a direct load from Stop

23 & Shop to J.M. Mills, correct?  
24 A. Yes.  
25 Q. Next ticket 56 -- two on this?  
0127  
1 A. One below it, 56718.  
2 Q. That was a rejected load from Stop & Shop, right?  
3 A. Correct.  
4 Q. And the one above, that 55048 was a direct load  
5 from Stop & Shop to J.M. Mills, correct?  
6 A. Correct.  
7 Q. On the next page, 53166, that was a rejected Stop  
8 & Shop load that United did not want due to  
9 contamination?  
10 THE WITNESS: I'm sorry, I missed  
11 it?  
12 MR. MURPHY: 53166.  
13 A. Yes.  
14 Q. Next page, ticket number 54434, another rejected  
15 Stop & Shop load?  
16 A. Yes.  
17 Q. Next ticket, 54273, another Stop & Shop rejected  
18 load?  
19 A. Yes.  
20 Q. Next ticket, 50018, another Stop & Shop rejected  
21 load?  
22 A. Yes.  
23 Q. Next page, 50194, another Stop & Shop rejected  
24 load?  
25 A. Yes.  
0128  
1 Q. The last ticket for this section, 36582, was a  
2 United --  
3 A. It would have been a 50 yard from United.  
4 Q. Of the sorted-out waste, correct?  
5 A. Yes.  
6 Q. All right. Now for every ticket that we've just  
7 mentioned, your signature appears on each of  
8 those, correct?  
9 A. Yes.  
10 Q. For every one of these tickets reflect that you  
11 brought a container to J.M. Mills and dumped it  
12 there on the date indicated, correct?  
13 A. Yes.  
14 Q. Let me ask you a little bit about Stop & Shop,  
15 then. Was there one Stop & Shop location or more  
16 than one Stop & Shop location that you picked up  
17 from?  
18 A. More than one.  
19 Q. Do you recall which locations you picked up from  
20 that would have gone to J.M. Mills?  
21 A. Could have been any one of them. I mean,  
22 there was Stop & Shops located everywhere.  
23 Mineral Spring Avenue, there was Warwick,  
24 Yarmouth, Falmouth, Hyannis, there was Stop &  
25 Shops everywhere.  
0129  
1 Q. And when we looked at the tickets that just said S  
2 & S, which were direct loads, am I correct that  
3 those were not loads that were supposed to be  
4 paper loads that were going to United, they  
5 were -- it was a different type of waste, correct?  
6 A. Correct.  
7 Q. So, in the non-United destination loads from Stop  
8 & Shop, do you recall the contents of the  
9 containers from Stop & Shop?

10 A. I don't know, just general clean up of the  
11 store trash, spills in the aisles, cardboard,  
12 paper toweling, glass, metal containers, canned  
13 foods, smashed, you know, dented.

14 Q. Were there aerosol cans contained in those?  
15 A. Yes, at times.

16 Q. Typically, if there were aerosol cans, would it  
17 have been damaged merchandise that was being  
18 thrown away, to your knowledge?  
19 A. Yes.

20 Q. Same thing with cleaning products?  
21 A. Yes.

22 Q. Any sort of bug sprays or insecticide cans you  
23 remember being seen thrown away in Stop & Shop  
24 containers?  
25 A. There may have, I don't remember exactly  
0130 seeing, you know, a specific name.

1 Q. Any other sort of chemical or industrial waste  
2 that you might have seen in there?  
3 A. Cleaning products. Lestoil, Ajax and stuff.

4 Q. Ever see any Speedy Dry?  
5 A. No, I don't remember.

6 Q. Did you pick up, in addition to Stop & Shop  
7 stores, did you ever pick up from Stop & Shop, any  
8 warehouses that they operated?  
9 A. Yes.

10 Q. Where were the Stop & Shop warehouses located?  
11 A. It was in Mass., I don't want to say Dedham,  
12 it was the opposite direction, it was right off  
13 Route 128. It was a Stop & Shop -- Readville,  
14 Stop & Shop, Readville, Mass.

15 Q. Did any of the Readville, Mass., warehouse waste  
16 go to J.M. Mills?  
17 A. Yes.

18 Q. How often?  
19 A. As often as I picked it up.

20 Q. So all of the Readville warehouse Stop & Shop  
21 waste that you picked up all went to J.M. Mills?  
22 A. Yes.

23 Q. Did the warehouse have any facilities to service  
24 any of the Stop & Shop fleet, do you recall?  
25 0131

1 A. The trucks had their own personal -- yes.

2 Q. Was there -- do you recall any automotive waste in  
3 the containers that you picked up?  
4 A. No, I don't remember. I don't remember if  
5 there was automotive waste in the containers.

6 Q. Do you recall whether the warehouse had any sort  
7 of forklifts or equipment like that?  
8 A. Yes. Pallet jacks, yes. Pallet jacks.

9 Q. Do you ever recall either smelling or seeing any  
10 sort of hydraulic fluids or oily components that  
11 were associated with maintenance of the warehouse  
12 vehicles used to move pallets around?  
13 A. Yes, on occasion. Yes, there was an oily  
14 substance in the containers associated with  
15 hydraulic oil.

16 Q. Other than that, was there any other -- how would  
17 you describe the waste other than that, that came  
18 from the warehouse?  
19 A. Nasty.

20 Q. In the sense that it was --  
21 A. It was all food, produce and meat and  
22 whatever that was damaged or destroyed in the

23 warehouse or rotted, pressed into the container.  
24 Q. In addition to the food products, were there any  
25 cleaning products, or --  
0132  
1 A. Yes.  
2 Q. Aerosol products that were in there?  
3 A. Yes.  
4 Q. On a percentage basis, could you quantify what the  
5 percentage was of the nonfood products that were  
6 contained, say, in aerosol cans?  
7 A. No, I can't. I couldn't.  
8 Q. Did you pick up from Stop & Shop stores during the  
9 entire time that you drove roll-offs?  
10 A. Yes.  
11 Q. I'm talking about before you did the dedicated  
12 Stop & Shop runs?  
13 A. Yes.  
14 Q. Did you pick up from the Readville warehouse  
15 during the entire time you drove roll-off?  
16 A. Yes.  
17 Q. Let me just go back to United for a moment. There  
18 were quite a number of tickets from United to J.M.  
19 Mills?  
20 A. Okay.  
21 Q. Would you characterize United as a fairly high  
22 volume stop that you made?  
23 A. Yes.  
24 Q. How often did you go to United to pick up their  
25 segregated waste to bring to J.M. Mills?  
0133  
1 A. Daily.  
2 Q. When you say daily, did you go to United daily  
3 during most of the years you drove roll-off?  
4 A. Yes.  
5 Q. By the way, at the United Paper facility, did they  
6 have any mechanical equipment, machinery that they  
7 used to bail paper?  
8 A. Yes.  
9 Q. Do you recall any sort of waste associated with  
10 maintaining those machines that was contained in  
11 the United containers, the segregated containers  
12 that were going to J.M. Mills?  
13 A. Yes.  
14 Q. What do you remember about the machine?  
15 A. They had the broken wire strapping for the  
16 bails, they had parts, metal parts, nuts, bolts  
17 from the bailers and the forklifts, and what have  
18 you. The trucks, their own fleet of trucks. I  
19 mean, that was their mainstream of trash.  
20 Q. Was there automotive waste that you recall was  
21 contained in there?  
22 A. Yes.  
23 Q. What sort of automotive waste was in there?  
24 A. Oily rags, brake shoes, parts for the trucks.  
25 Q. Anything else you remember?  
0134  
1 A. No.  
2 Q. Do you know whether they changed the oil for the  
3 vehicles there?  
4 A. I'm assuming they changed the oil, but it  
5 wasn't in the container.  
6 Q. What about any sort of lubricants associated with  
7 the bailing machines, do you recall any sort of  
8 waste associated with that?  
9 A. No, I don't.

- 10 Q. Do you recall ever smelling or seeing anything  
11 that was associated with any sort of solvents that  
12 might have been used to clean the machinery?  
13 A. No.  
14 Q. School House Candy. Before I ask too many  
15 questions about School House, do you recall  
16 picking up from School House?  
17 A. Yes.  
18 Q. Do you recall the contents of the containers the  
19 waste?  
20 A. Candy and sugar.  
21 Q. Do you recall think sort of chemical or industrial  
22 waste of any type in those containers?  
23 A. No.  
24 Q. Let's move on. I don't want to ask any questions  
25 about that. Let's go to --

0135

- 1 MR. SALLY: Can we take a break?  
2 MR. MURPHY: Absolutely.  
3 (BRIEF RECESS)  
4 Q. Mr. Marcaccio, do you remember hauling waste from  
5 Cumberland Engineering?  
6 A. Yes.  
7 Q. Is that the name -- I've got the name of the  
8 company correct, to your recollection?  
9 A. Yes.  
10 Q. Where was Cumberland Engineering located?  
11 A. Pawtucket.  
12 Q. Do you know if they're still in business?  
13 A. That I do not know.  
14 Q. Did they have one facility or more than one  
15 facility?  
16 A. One, that I know of.  
17 Q. And what kind of facility was it?  
18 A. Manufacturing.  
19 Q. Do you know what they made?  
20 A. They made shearing machines, cutters, paper  
21 shredders and grinders, stuff of that sort.  
22 Q. How big was that facility?  
23 A. A city block.  
24 Q. Generally, do you remember picking up waste there?  
25 A. Yes.

0136

- 1 Q. Okay. And when for the first time did you pick up  
2 at Cumberland Engineering?  
3 A. Within the first few months of driving.  
4 Q. Did you pick up from Cumberland Engineering during  
5 the entire time you drove roll-offs between, say,  
6 '77 to '78 and '86?  
7 A. '86, yes.  
8 Q. Was it a regularly scheduled stop as far as Goditt  
9 & Boyer was concerned, or will call?  
10 A. I believe it was regularly scheduled.  
11 Q. What's that recollection based on?  
12 A. Just hearing the dispatch over the radio, the  
13 trucks going to, you know, Cumberland Engineering,  
14 you know.  
15 Q. Is it fair to state that like a lot of the other  
16 or most of the other customers, all of the other  
17 Goditt & Boyer drivers at one point or another  
18 would have also picked up from Cumberland  
19 Engineering?  
20 A. Yes.  
21 Q. Do you recall the frequency with which you went to  
22 Cumberland Engineering during that period of time?



23 A. Once or twice a week.  
24 Q. Did that frequency change at all over time?  
25 A. No.

0137  
1 Q. Do you have any recollection of Cumberland  
2 Engineering changing its name at any point in  
3 time?  
4 A. I believe it did. They got bought out as  
5 something Brown Company, or something to that  
6 effect, but exactly the name -- the exact name, I  
7 don't know.  
8 Q. Do you remember when that happened?  
9 A. No, I do not.  
10 Q. Was it during the period of time that you were  
11 still bringing waste to J.M. Mills that they  
12 changed the name?  
13 A. Yes.  
14 Q. And when you serviced the facility, were you able  
15 to access the containers directly, or did you need  
16 to go through a security checkpoint?  
17 A. Access directly.  
18 Q. And do you recall having to fill out any sort of  
19 paperwork?  
20 A. No, I do not.  
21 Q. At that end?  
22 A. At that end, no.  
23 Q. Did you bring all of the Cumberland Engineering  
24 waste to J.M. Mills?  
25 A. Yes.

0138  
1 Q. And did you bring it to J.M. Mills during the  
2 entire period of time that you drove roll-offs up  
3 until the date that you switched to Stop & Shop?  
4 A. Yes.  
5 Q. Do you recall the type of container or containers  
6 you serviced at Cumberland?  
7 A. Closed container, 50 yard, 42 yard.  
8 Q. How many were at the facility?  
9 A. One that I believe.  
10 Q. Did the number of containers change over time, to  
11 your recollection?  
12 A. Not to my knowledge, no.  
13 Q. Where was the container located at Cumberland  
14 Engineering?  
15 A. At Cumberland, I believe it was located on  
16 the left front corner of the building or the left  
17 side of the building.  
18 Q. And was the container full every time you serviced  
19 it?  
20 A. Yes.  
21 Q. Were you in a position, either during pickup or  
22 dumping at J.M. Mills to observe the nature of the  
23 waste in the container?  
24 A. Yes.  
25 Q. Can you describe for me what was in the container?

0139  
1 A. Standard industrial trash, metal, wood,  
2 plastics, cardboard, grindings, metal grindings in  
3 this one, also as opposed to the manufacturing of  
4 steel or the cutters used for the shredding  
5 machines.  
6 Q. The metal grindings that you observed, did they  
7 have any oil associated with them?  
8 A. Yes.  
9 Q. Are you able to state -- were there oily metal

10 grindings in every container you picked up?  
11 A. Yes.  
12 Q. Are you able to express a percentage of the  
13 container that would have had the grindings?  
14 A. Five, ten percent.  
15 Q. Is it your understanding that Cumberland actually  
16 made machines that they sold to other people, is  
17 that what they did?  
18 A. Yes.  
19 Q. Okay. Any sort of lubricants of any type that you  
20 recall in their containers?  
21 A. I don't recall in the containers, but I know  
22 they had them at the facility.  
23 Q. Do you recall any unusual or particular odors that  
24 were associated with the pickup?  
25 A. The same machine shop odor.

0140  
1 Q. What about -- you indicated that there were -- you  
2 recall plastics?  
3 A. Yes.  
4 Q. When you say plastics, tell me what you mean by  
5 that?  
6 A. Plastic for designing the machines, for  
7 encasing the switches or the machines themselves,  
8 panels, plastic panels, instrument panels.  
9 Q. Were there any -- when you say instrument panels,  
10 were there -- did you observe in the containers  
11 any discarded electrical components?  
12 A. On occasion, yes, there was electrical  
13 switches on the panels themselves.  
14 Q. Other than an electrical switch, do you remember  
15 any other sort of electrical components that would  
16 be contained?  
17 A. No.  
18 Q. Any paint of any type?  
19 A. Not that I remember, no.  
20 Q. Do you recall ever seeing any Speedy Dry?  
21 A. I don't -- no, I don't remember.  
22 Q. What about oily rags?  
23 A. Yes, on occasion.  
24 Q. Do you recall ever seeing any sort of discarded  
25 containers of lubricants or oils of any type?

0141  
1 A. No, I do not.  
2 Q. Other than what we've discussed, any other -- any  
3 other types of wastes that were in the Cumberland  
4 engineering containers that I haven't asked you  
5 about?  
6 A. No.  
7 Q. Anything else stand out in your mind about the  
8 Cumberland Engineering waste?  
9 A. No.  
10 Q. No other liquid waste you recall?  
11 A. No.  
12 Q. Okay. Let's go to the tickets in Exhibit 5 in the  
13 Cumberland Engineering section, there is -- first,  
14 page there's two tickets, 58849 and 58760?  
15 A. Correct.  
16 Q. Next page is 58760, next page has two tickets,  
17 44078 and 44093. The next page is a duplicate.  
18 A. The page before that is a duplicate also.  
19 MR. MURPHY: Okay.  
20 A. Not on the ticket number, but I mean 61181,  
21 and 61181.  
22 Q. I gotcha. Right. Okay. The next page, how many

23 of these tickets are yours? At the bottom of the  
24 page it's got a Bates stamp WM 2566; do you have  
25 that page open?

0142

1 A. Yes.  
2 Q. Okay. Are all four of these tickets generated by  
3 you based on the handwriting?  
4 A. Yes. Based on the handwriting, yes, I mean  
5 they're not signed, but --  
6 Q. One is signed, correct?  
7 A. Yeah, there is one signed, it says Cumberland  
8 Engineering, 30. It would be a 30 yarder. The  
9 other tickets are not signed.  
10 Q. But they do contain your handwriting?  
11 A. Yes.  
12 Q. So does it appear these all appear to be dated  
13 June 1st of 1981?  
14 A. That is correct.  
15 Q. And are they all truck number 57?  
16 A. Yes.  
17 Q. So, on June 1 of 1981 you would have brought four  
18 different containers from Cumberland Engineering?  
19 A. Yes.  
20 Q. Any recollection as to why you would have brought  
21 four containers?  
22 A. They must have had a cleanup of some sort,  
23 something -- I don't know. Some sort of cleanup  
24 going on. Open top containers, they're the  
25 easiest to dump into. Just bring the stuff out,

0143

1 you throw it over the top, throw it in the  
2 containers, it's full, done.  
3 Q. Do you have a recollection of periodically having  
4 to bring multiple containers on the same day from  
5 Cumberland Engineering?  
6 A. No.  
7 Q. Any recollection on that date that there was  
8 anything different or unusual about the waste  
9 stream other than what you've already told me?  
10 A. No.  
11 Q. On all the tickets that we've just mentioned that  
12 have your handwriting on it --  
13 A. Yes.  
14 Q. -- and/or your signature, do each one of these  
15 reflect that you brought a container of waste from  
16 Cumberland Engineering and dumped it at J.M.  
17 Mills?  
18 A. Yes.  
19 Q. Would it be fair to state that there are many more  
20 J.M. Mills dumps tickets for Cumberland  
21 Engineering that are not here but that reflect  
22 loads you dumped from Cumberland Engineering at  
23 J.M. Mills?  
24 A. That is correct.  
25 Q. Let's go to IGA. Let me ask you, did you pick up

0144

1 from one or more than one IGA facility?  
2 A. More than one.  
3 Q. Can you tell me where they were located?  
4 A. I remember we had an IGA, Pitman Street,  
5 which is on the East Side of Providence. I  
6 believe there was an IGA in Cumberland, right near  
7 the J.M. Mills facility.  
8 Q. When you say the IGA Cumberland, was that a  
9 warehouse or retail store?

10 A. I believe it was -- I think it was a  
11 warehouse, IGA. It was located down the bottom of  
12 the hill -- Peterson Puritan, correct.  
13 Q. Was it on Martin Street?  
14 A. Yes.  
15 Q. Do you remember an IGA warehouse on Martin Street?  
16 A. Yes.  
17 Q. The Pitman Street IGA, was that retail store?  
18 A. Yes.  
19 Q. Any other IGA retail stores that you picked up  
20 from and brought to J.M. Mills?  
21 A. Not that I remember, no.  
22 Q. Let me ask you first about the Martin Street  
23 warehouse, do you recall the number of containers  
24 at that location?  
25 A. I believe they just had the closed container.

0145

1 They may have a 30 yard open top on some  
2 occasions.  
3 Q. Did the IGA warehouse on Martin Street have any  
4 facilities for servicing a fleet of vehicles?  
5 A. Yes.  
6 Q. And do you recall whether in the 50-yard container  
7 that you picked up or in any open tops, any  
8 automotive waste associated with maintaining those  
9 vehicles?  
10 A. No. I don't remember that.  
11 Q. When did you first pick up at the Martin Street  
12 warehouse?  
13 A. Within the first few months of driving.  
14 Q. Okay. And did you pick up during the entire  
15 period of time you drove roll-offs there?  
16 A. Yes.  
17 Q. Until you switched to Stop & Shop?  
18 A. Correct.  
19 Q. So, you picked up from 1978 to 1982 at the Martin  
20 Street warehouse?  
21 A. Correct.  
22 Q. And the same period of time for the retail stores?  
23 A. Yes.  
24 Q. Did all of the waste from the IGA warehouse on  
25 Martin Street go to J.M. Mills?

0146

1 A. Yes.  
2 Q. What about the Pitman Street store and any other  
3 retail stores?  
4 A. Yes. It went to J.M. Mills.  
5 Q. So you didn't bring IGA waste to any place other  
6 than J.M. Mills, correct?  
7 A. Correct.  
8 Q. What do you recall about the contents of the  
9 containers that you picked up from the Martin  
10 Street warehouse?  
11 A. There would have been the same circumstances  
12 as the Stop & Shop warehouse in Readville. It  
13 was, you know, basically whatever they serviced or  
14 sold out of the warehouse, if it was broken or  
15 damaged or trashed, it went into the container.  
16 Q. Meaning, there was a lot of spoiled food products?  
17 A. Yes.  
18 Q. In addition to those, were there aerosol products?  
19 A. Yes.  
20 Q. Cleaning materials?  
21 A. Yes.  
22 Q. Do you know whether they operated any sort of

23 forklifts or any other warehouse equipment used to  
24 move pallets around?

25 A. Yes, they did.

0147

1 Q. Do you know whether they serviced them there?

2 A. I assume they did. I'm not for sure. I'm  
3 not sure whether they did or they didn't at that  
4 facility but --

5 Q. In any of the containers, any of the 50-yard  
6 containers that you dumped at J.M. Mills from the  
7 Martin Street warehouse, do you recall any type of  
8 petroleum-based waste that --

9 A. No.  
10 Q. Of any type?

11 A. No, I don't recall.

12 Q. Any Speedy Dry of any type?

13 A. No.

14 Q. So other than the aerosol cans and cleaning  
15 products that were part of that waste, do you  
16 recall any sort of industrial waste of any type?

17 A. No.

18 Q. Do you recall with what frequency you picked up  
19 from the IGA warehouse on Martin Street?

20 A. Once a week.

21 Q. In addition to you picking up once a week for the  
22 warehouse did other Goditt & Boyer drivers also  
23 pick up there?

24 A. Yes.

25 Q. And was that a will call stop or a regularly

0148

1 scheduled stop?

2 A. I believe it was will call.

3 Q. What about the retail facilities, how often did  
4 you pick up from them?

5 A. Once every two weeks.

6 Q. When you say once every two weeks, that would be  
7 for the Pitman Street location?

8 A. Yes.

9 Q. And do you recall the addresses of any of the  
10 other locations, was there one in Cumberland?

11 A. I believe there was one in Cumberland.

12 Q. A store in addition to the warehouse?

13 A. I believe there was one up on Mendon Road,  
14 just a retail store, but I don't -- it was further  
15 up.

16 Q. That you picked up from?

17 A. Yes.

18 Q. Other than those two retail stores, any other IGA  
19 stores you picked up from?

20 A. No. I don't remember.

21 Q. What do you recall about the -- what size  
22 container did they have at the Pitman Street  
23 location?

24 A. Closed container, 42 or 50 yard.

25 Q. What about the other retail location?

0149

1 A. Same also. Pitman had a 30 yarder, I don't  
2 remember the other store having a 30 yarder. But  
3 I remember that Pitman Street did have an open  
4 top.

5 Q. A 30 and a 50?

6 A. Yes.

7 Q. Do you recall the contents of the 30 yarder at  
8 Pitman Street?

9 A. Broken pallets, shopping carts, stuff of that

10 nature.  
11 Q. Any industrial sort of waste?  
12 A. No.  
13 Q. What about in the 50 yard, were there any aerosol  
14 cans or damaged cleaning products of any type?  
15 A. I can assume there were, but I don't recall  
16 them, you know, being in that load.  
17 Q. You don't have a specific recollection?  
18 A. Correct.  
19 Q. Do you recall at the Martin Street location, where  
20 the container was located?  
21 A. It was around the back of the building, it  
22 would have been facing the building, it would have  
23 been far left rear corner.  
24 Q. Were they always full when you picked them up?  
25 A. Yes.

0150

1 Q. That's true for both the retail facilities and the  
2 warehouse?  
3 A. Yes.  
4 Q. Let's go to the tickets under the IGA section.  
5 The first ticket, 45850, does this reflect the  
6 Pitman Street retail location?  
7 A. Yes.  
8 Q. This would have been a 50 yarder?  
9 A. Yes, because it's not marked otherwise.  
10 Q. If we go to the next page, 33049, it just says  
11 IGA. Any idea where that would have come from?  
12 A. No, I do not.  
13 Q. Is it possible it was from the warehouse?  
14 A. It could have been, yes.  
15 Q. Those are the only two tickets we have, both of  
16 those are signed by you, correct?  
17 A. Yes.  
18 Q. And is it -- do both of these tickets reflect  
19 loads that you brought from IGA, an IGA facility  
20 and you dumped at J.M. Mills?  
21 A. Correct.  
22 Q. Would it be fair to state that there are quite a  
23 few other IGA, J.M. Mills dump tickets that are  
24 generated that aren't here that reflect that you  
25 dumped more IGA loads at J.M. Mills?

0151

1 A. Yes.  
2 MR. MURPHY: This is probably a good  
3 time to break.  
4 MR. COBURN: Thanks, everyone.  
5 (DEPOSITION ADJOURNED AT 3:54 P.M.)  
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C-E-R-T-I-F-I-C-A-T-E

1 I, LINDA L. GUGLIELMO, a Notary Public in and for  
2 the State of Rhode Island, duly commissioned and  
3 qualified to administer oaths, do hereby certify  
4 that the foregoing deposition of STEVEN MARCACCI O,  
5 a Witness in the above-entitled cause, was taken  
6 before me on behalf of the Plaintiff, at the  
7 offices of Blish & Cavanagh, LLP, 30 Exchange  
8 Terrace, Providence, Rhode Island, on May 7, 2009,  
9 that previous to examination of said witness, who  
10 was of lawful age, he was first sworn by me and  
11 duly cautioned and sworn to testify the truth, the  
12 whole truth, and nothing but the truth, and that he  
13 thereupon testified as in the foregoing manner as  
14 set out in the aforesaid transcript.

15 I further certify that the foregoing deposition was  
16 taken down by me in machine shorthand and was later  
17 transcribed by computer and that the foregoing  
18 deposition is a true and accurate record of the  
19 testimony of said witness.

20 Pursuant to Rule 5 (d) and 30 (f) of the Federal  
21 Rules of Civil Procedure, original transcripts  
22 shall not be filed in court; therefore, the  
23 original is delivered and retained by Plaintiff's  
24 attorney, Thomas Jackson, Esquire.

25 Reading and signing was not requested by counsel  
or the deponent.

IN WITNESS WHEREOF, I have hereunto set my hand  
13th day of May 2009.

\_\_\_\_\_  
LINDA L. GUGLIELMO, NOTARY PUBLIC/RPR-RMR  
(MY COMMISSION EXPIRES AUGUST 13, 2009)

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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UNI LEVER BESTFOODS and KIK CUSTOM  
PRODUCTS, INC., f/k/a CCL CUSTOM  
MANUFACTURING, INC.,

vs. C. A. No. 01-496-L

TEKNOR APEX COMPANY, et al.,

-----  
KIK CUSTOM PRODUCTS, INC., f/k/a  
CCL CUSTOM MANUFACTURING, INC.

vs. C. A. No. 01-511-L

A. T. CROSS COMPANY, et al.

CONTINUED DEPOSITION OF JOHN CASTELLO,  
VOLUME II,

a witness in the above-entitled cause, taken on  
behalf of the Plaintiff, before Devin J. Baccari,  
CSR, at the Law Office of Blish & Cavanagh, LLP,  
30 Exchange Terrace, Providence, Rhode Island, on  
May 14, 2009, scheduled at 9:30 a.m.

Job No. : 202128

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0004

I N D E X

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WITNESS  
JOHN CASTELLO

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0005

1 (Deposition commenced at 9:35 a.m.)  
2 JOHN CASTELLO,  
3 Being duly sworn, deposes and testifies as follows:  
4 EXAMINATION BY MR. JACKSON  
5 Q. Good morning, Mr. Castello.  
6 A. Good morning, sir.  
7 Q. I would remind you you're still under oath.  
8 A. Yes.  
9 Q. I'm going to ask you some more questions this  
10 morning, first a few follow-up questions from  
11 yesterday, and then I'll ask you about a few  
12 other customers and then I'll let some of these  
13 other folks ask you some questions.  
14 A. Okay.  
15 Q. And I may have asked you this yesterday so I  
16 apologize, but when you picked up waste from the  
17 Custom Color facility --  
18 A. Yes.  
19 Q. -- do you recall where you took that waste?  
20 A. J.M. Mills.  
21 Q. Thank you. With respect to the Carol Cable  
22 Lincoln facility that we talked about  
23 yesterday --  
24 A. Yes.

0006

1 but do you recall when you first started picking  
2 up waste from that facility?  
3 A. I'd have to roughly guess probably mid-'70's.  
4 Q. Okay. And do you recall with what frequency you  
5 picked up waste from that facility, at that  
6 point, when you first started?  
7 A. That was my regular stop.  
8 Q. Okay. You also testified yesterday that there  
9 was some disposal of waste that occurred at the  
10 J.M. Mills facility at night?  
11 A. Yes.  
12 Q. And did you personally dispose of any waste at  
13 J.M. Mills at night?  
14 A. Yes, I did.  
15 Q. And when you did that, was that after the gate

16 had been installed at the landfill?  
17 A. Before and after.  
18 Q. When it happened after the gate was installed,  
19 when you arrived at the facility to dump at  
20 night, was the gate locked?  
21 A. Sometimes.  
22 Q. And what did you do when the gate was locked?  
23 A. I had a key to unlock it. And there was times  
24 that you'd look at the gate and you'd think it  
25 was locked but the lock wasn't locked. It was

0007

1 just on there to make people think it was locked.  
2 Q. Okay. So you said you did have a key to the  
3 lock?  
4 A. Yes.  
5 Q. And where did you get that key?  
6 A. From Goditt & Boyer.  
7 Q. Okay. All right. Mr. Castello, do you recall an  
8 entity called Blackstone Valley Electric?  
9 A. Yes.  
10 Q. And did you have occasion to pick up waste from a  
11 Blackstone Valley Electric facility?  
12 A. Yes, I did.  
13 Q. And where was that facility located?  
14 A. On 116 in -- I guess it's Lincoln.  
15 Q. And did you have any understanding of what sort  
16 of operations took place at that facility?  
17 A. Yes. I was under the impression it was, like,  
18 a maintenance yard.  
19 Q. And can you tell me about how big the facility  
20 was?  
21 A. Probably a couple hundred feet long. The yard  
22 where I picked up was, like, a couple hundred  
23 feet square. The office building was off to the  
24 side. That was a lot bigger.  
25 Q. And when you say "maintenance yards," what kind

0008

1 of maintenance are you referring to?  
2 A. The telephone poles and the wires and stuff  
3 like that.  
4 Q. Do you know whether they also did any truck  
5 maintenance at that facility?  
6 A. It didn't appear so.  
7 Q. Do you recall whether there were any particular  
8 procedures for picking up waste at that facility?  
9 A. No. It was just a regular pick-up. You just  
10 back up to the container and haul it up.  
11 Q. Okay. Do you recall when you first picked up  
12 waste from that facility, approximately?  
13 A. I'd have to say early '70's.  
14 Q. So would that have been after you came back --  
15 A. Yes.  
16 Q. -- the first time?  
17 A. (Nods head in the affirmative).  
18 Q. Do you recall at that period approximately how  
19 often you were picking up waste from that  
20 facility?  
21 A. I'd say about once a week.  
22 Q. Did you continue to pick up waste there  
23 throughout that --  
24 A. On and off, yes.  
25 Q. That five-year period we talked about from

0009

1 '71/'72 to '76/'77?  
2 A. Yeah, on and off.

3 Q. On and off. Did the frequency with which you  
4 picked up waste there during that period change?  
5 A. Yes, only because we -- they had more drivers.  
6 We had more stops. So if you were in that  
7 neighborhood they would send you there, but  
8 somebody else might be there first, you know, so  
9 they'd send them.

10 Q. So later during that roughly five-year period  
11 were you then picking up waste at the Lincoln  
12 facility less frequently?  
13 A. Yes.

14 Q. Okay. So by the end of that period, can you  
15 estimate about how often you were picking up  
16 waste at that facility?  
17 A. Anywhere from six months -- once every six  
18 months to eight months.

19 Q. Okay. How about during the period when you were  
20 subcontracting, did you continue to pick up waste  
21 at that facility?  
22 A. Not that I recall.

23 Q. Okay. We'll look at some documents.  
24 A. Okay.

25 Q. May refresh your recollection on that. When you  
0010 first started picking up waste there, what kind  
1 of containers did they have? Do you recall?  
2 A. Open tops, 30-yard containers, and then they  
3 had the special one off to the side for the  
4 office waste.  
5 Q. Did they have more than one 30-yard container?  
6 A. No. When I was doing it, they had the one for  
7 the general waste and then they had one for the  
8 office waste.  
9 Q. And I think you referred to that as a special  
10 one.  
11 A. Yes.

12 Q. And why was that special?  
13 A. Because a normal 30-yard container the whole  
14 top is open. On this one, it had a roof on it  
15 with doors on the side, so you could open up the  
16 door and throw the paper that was in there and  
17 close the door so the wind wouldn't come in and  
18 blow them all over the place.

19 Q. Did you have occasion to pick up the waste in  
20 both containers?  
21 A. Yes.

22 Q. Did you have occasion to observe the waste in  
23 both containers?  
24 A. Yes.

25  
0011

1 Q. Okay. Let's talk a little bit about the one with  
2 the office waste. Can you describe for me,  
3 generally, what kind of waste you observed in  
4 that container?  
5 A. Generally, papers or trash bags, coffee cups  
6 and that type of -- you know, general office  
7 waste.

8 Q. Do you recall seeing any waste in there that you  
9 associated with a photocopier?  
10 A. Yeah.

11 Q. Can you describe for me what that was?  
12 A. Empty cartridges once in a while. Most of the  
13 time it was just the papers that they threw away  
14 that they didn't want no more.

15 Q. Okay. Let's talk a little bit about the other

16 container.  
17 A. Okay.  
18 Q. Can you tell me what sort of waste you recall  
19 seeing in that container?  
20 A. Broken pallets, those big round reels that  
21 they transport the wire on for the poles, support  
22 wires, and every so often you'd catch telephone  
23 poles, parts of telephone poles in the container.  
24 Q. Okay. Anything else you recall seeing in that  
25 container?

0012

1 A. No, basically that was that, their waste.  
2 Q. The telephone poles, do you recall,  
3 approximately, how often you observed them in the  
4 container?  
5 A. Once to twice a month. I mean, once to twice  
6 every, you know, month or two. Sometimes you'd  
7 only have, like, one small piece. Other times  
8 you'd have a bunch of telephone poles in there.  
9 Q. Okay. When you did see the parts of telephone  
10 poles, can you describe for me, generally, what  
11 they looked like?  
12 A. They were round. They were probably --  
13 Q. How big were the pieces?  
14 A. Well, they went anywhere from 3 feet to, I  
15 would say, 20 feet.  
16 Q. Okay. And just to clarify, we're talking about  
17 wooden telephone poles?  
18 A. Yes.  
19 Q. Did you ever observe the telephone poles to have  
20 any sort of coating on them?  
21 MS. BAER: Objection.  
22 A. Yes, they had that black tar. That's what I  
23 call it, black tar on the outside of them.  
24 Q. Do you recall ever seeing any paint cans in that  
25 container?

0013

1 MS. BAER: Objection.  
2 A. No.  
3 Q. Do you recall ever seeing any rags?  
4 MS. BAER: Objection.  
5 A. Once in a while there would be some rags.  
6 Q. Do you recall ever seeing any oil filters in that  
7 container?  
8 MS. BAER: Objection.  
9 A. No.  
10 Q. During this period, would you pick up both  
11 containers at the same time?  
12 A. Sometimes. Other times, it was just one --  
13 one or the other.  
14 Q. Do you recall which one you picked up more  
15 frequently?  
16 A. Usually the one with the pallets and the poles  
17 in it.  
18 Q. On those occasions when you did pick up waste  
19 from the Blackstone Valley Lincoln facility, do  
20 you recall where you took the waste?  
21 A. To J.M. Mills.  
22 MS. BAER: I'm sorry. What was the  
23 answer?  
24 THE WITNESS: J.M. Mills.  
25 MS. BAER: Thank you.

0014

1 (Julie Barry is now present by  
2 telephone.)

3 (Plaintiff's Exhibit Number 4 was so  
4 marked.)  
5 Q. Okay. Mr. Castello, I've handed you what's been  
6 marked for identification as Exhibit 4, and are  
7 these the same kind of dump tickets you looked at  
8 yesterday?  
9 A. Yes, they are.  
10 Q. Okay. On the first page, let me direct your  
11 attention to the ticket in the upper right-hand  
12 corner, 51361. Do you see that?  
13 A. Yes, I do.  
14 Q. Okay. And do you recognize the handwriting on  
15 that?  
16 A. Yes, part of it's mine and part of it's not.  
17 Q. Okay. Which part is yours?  
18 A. My initials.  
19 Q. That's the JJC?  
20 A. Correct.  
21 Q. Okay. And can you tell what it says above that?  
22 THE WITNESS: The line above it?  
23 MR. JACKSON: Yes.  
24 A. BVE, Blackstone Valley Electric.  
25 Q. Okay. And what would that refer to?  
0015  
1 A. Refer to the site that we were just talking  
2 about on -- in Lincoln.  
3 Q. Okay. And as we discussed yesterday, who would  
4 have written down BVE?  
5 A. From the handwriting, it looks like whoever  
6 was at the gate at the J.M. Mills.  
7 Q. Okay. And where would they have attained --  
8 excuse me -- where would they have the attained  
9 the information that this load came from BVE?  
10 A. From myself.  
11 Q. So this dump ticket would represent a load of  
12 waste from the BVE Lincoln facility that you  
13 disposed of at J.M. Mills?  
14 A. Correct.  
15 Q. And can you tell from this ticket which of the  
16 containers --  
17 A. No.  
18 Q. -- you would have been -- okay.  
19 Let's look at the next one, upper right-hand  
20 corner, Number 51371. Do you recognize that  
21 handwriting?  
22 A. Yes, the initials are mine. The rest of the  
23 writing is whoever was at the gate.  
24 Q. Okay. And what facility does that refer to?  
25 A. Blackstone Valley Electric. And that also  
0016  
1 went to J.M. Mills.  
2 Q. Okay. Next page, lower right-hand corner, Number  
3 54046.  
4 A. Yes, the initials are mine. The rest of it  
5 isn't. And it says "Blackstone Valley Electric,  
6 Number" -- I can't make out if it's 01. I don't  
7 recall which one -- which container was one, if  
8 it was the office waste or the general trash.  
9 Q. Okay. That would have been one of the containers  
10 at that facility?  
11 A. Correct.  
12 Q. Okay. Let's look at the next page, upper  
13 right-hand corner, Number 54036. Do you  
14 recognize that handwriting?  
15 A. Yes, I do. The initials are mine. The rest

16 of it isn't. And this also says "Blackstone  
17 Valley Electric, Number 3." I don't remember the  
18 third container so I can't tell you much, but  
19 that means there was a third container that was  
20 at that site.  
21 Q. Okay. Let's go to the next page, upper  
22 right-hand corner, Number 53533.  
23 A. The initials are mine. It also says  
24 "Blackstone Valley Electric, Number 2." And that  
25 writing's not mine.

0017

1 Q. Okay. But, again, that would refer to the same  
2 facility?  
3 A. Correct.  
4 Q. Next page, upper right-hand corner, 56626.  
5 A. Blackstone Valley Electric. The initials are  
6 mine. The rest of it isn't. And that also  
7 refers to Blackstone Valley Electric in Lincoln,  
8 and it went to J.M. Mills.  
9 Q. Okay. Next page, upper left-hand corner, Number  
10 57697.  
11 A. The initials are mine. It says "Blackstone  
12 Valley Electric, Number 2." That went to J.M.  
13 Mills. And the rest of that writing's not mine.  
14 But I don't recall -- I believe the office  
15 container was Number 1, but I still don't  
16 remember the third one, though.  
17 Q. Okay. Next page, upper left-hand corner, Number  
18 55874.  
19 A. The initials are mine, and it says "Blackstone  
20 Valley Electric," which went to J.M. Mills, but  
21 that writing is not mine.  
22 Q. Okay. Next page, again, upper left-hand corner,  
23 Number 47191.  
24 A. The initials are mine. It says "Blackstone  
25 Valley Electric" which went to J.M. Mills, and

0018

1 that writing's not mine.  
2 Q. Okay. Next page, start with the upper left-hand  
3 corner, Number 46785.  
4 A. Okay. The initials are mine. It says  
5 "Blackstone Valley Electric, Number 1," which  
6 went to J.M. Mills, and that writing's not mine.  
7 Q. Then the one next to that, 46779.  
8 A. The initials are also mine. The rest of the  
9 writing's not mine, but it says "Blackstone  
10 Valley Electric, Number 2," which went to J.M.  
11 Mills.  
12 Q. Okay. And, again, both of those refer to the  
13 Lincoln facility?  
14 A. Correct.  
15 Q. Okay. Can you make out the dates on these two  
16 tickets?  
17 A. Yes, they both say 5/1/81.  
18 Q. So would this represent one of those instances  
19 where you picked up both of those containers on  
20 the same day?  
21 A. Correct.  
22 Q. Okay. Let's look at the next page, lower  
23 left-hand corner, Number 46236.  
24 A. Okay. The initials are mine. It also says  
25 "Blackstone Valley Electric, Number 3, went to

0019

1 J.M. Mills," and that writing's not mine.  
2 Q. Okay. Next page at the lower left-hand corner,

3 44806.  
4 A. Initials are mine. It says "Blackstone Valley  
5 Electric, Number 2, went to J.M. Mills," and this  
6 writing's not mine.  
7 Q. How about the one next to that, Number 44826?  
8 A. The initials are also mine. It says  
9 "Blackstone Valley Electric, Number 3, went to  
10 J.M. Mills," and that writing's not mine.  
11 Q. Okay. Next page, upper right-hand corner, Number  
12 44426.  
13 A. The initials are mine. It says "Blackstone  
14 Valley Electric, Number 1, went to J.M. Mills,"  
15 and that writing's not mine.  
16 Q. Next page the -- start with the lower left-hand  
17 corner, Number 43448.  
18 A. The initials are mine. It says "Blackstone  
19 Valley Electric went to J.M. Mills," and the rest  
20 of that writing's not mine.  
21 Q. And the one next to that, 43447?  
22 A. The initials are mine. It says "Blackstone  
23 Valley Electric went to J.M. Mills," and that  
24 writing's not mine. I can't make out what else  
25 it says.  
0020  
1 Q. All right. Next page, lower left-hand corner,  
2 Number 42561?  
3 A. The initials are mine. And it says  
4 "Blackstone Valley Electric, Number 2, went to  
5 J.M. Mills," and the rest of that writing's not  
6 mine.  
7 Q. Next page, again, lower left-hand corner, Number  
8 42810?  
9 A. The initials are mine. And it says  
10 "Blackstone Valley Electric, Number 1, went to  
11 J.M. Mills," and that writing's not mine.  
12 Q. Next page, upper left-hand corner, Number 42934?  
13 A. The initials are mine. It says "Blackstone  
14 Valley Electric, Number 3, went to J.M. Mills"  
15 and that writing is not mine.  
16 Q. Okay. Next page, lower right-hand corner, Number  
17 41879?  
18 A. The initials are mine. And it says  
19 "Blackstone Valley Electric, Number 2, went to  
20 J.M. Mills," and the rest of that writing is not  
21 mine.  
22 Q. Next page, upper right-hand corner, Number 39875?  
23 A. The initials are mine, it says "Blackstone  
24 Valley Electric, Number 3, went to J.M. Mills,"  
25 and that writing's not mine.  
0021  
1 Q. Next page, let's start with the one on the left,  
2 39367.  
3 A. The initials are mine. It says "Blackstone  
4 Valley Electric, Number 2, went to J.M. Mills,"  
5 and that writing's not mine.  
6 Q. And the one next to that, 39370?  
7 A. The initials are mine. It says "Blackstone  
8 Valley Electric, Number 1, went to J.M. Mills,"  
9 and it looks like "BVE Number 1" is my writing  
10 because of the way the B is.  
11 Q. Okay. Next page, upper right-hand corner, Number  
12 45553.  
13 A. Okay. The initials are mine. It says  
14 "Blackstone Valley Electric, Number 3, went to  
15 J.M. Mills," and the rest of that writing's not



16 mine.

17 Q. And same with the one in the lower left-hand  
18 corner, Number 45195?

19 A. The initials are mine, and it says "Blackstone  
20 Valley Electric, Number 2, went to J.M. Mills,"  
21 and the rest of that writing is not mine.

22 Q. Let's see. Next page, upper left-hand corner,  
23 Number 35650?

24 A. The initials are mine. It says "Blackstone  
25 Valley Electric, Number 2, went to J.M. Mills,"

0022

1 and the rest of that writing is not mine.

2 Q. Next page, let's start with the one in the upper  
3 left-hand corner, 39687.

4 A. The initials are mine. It says "Blackstone  
5 Valley Electric was dumped" but I can't make out  
6 the dump site.

7 Q. Okay. And this ticket looks like the other  
8 tickets we've looked at?

9 A. Yes, they do.

10 Q. Okay. Let's look at the one next to that, Number  
11 39688.

12 A. The initials are mine. It says "Blackstone  
13 Valley Electric was dumped," but, again, I can't  
14 make out the dump site.

15 Q. Okay. But, again, this ticket looks like the  
16 others?

17 A. Correct.

18 Q. Let's look at the next page, lower right-hand  
19 corner, Number 39517.

20 A. Okay. The initials are mine. It says  
21 "Blackstone Valley Electric, Number 1, went to  
22 J.M. Mills" and the rest of that writing's not  
23 mine.

24 Q. Okay. Let's look at the next page. Look at the  
25 upper right-hand corner, Number 33576. Can you

0023

1 make that out?

2 A. Yes, the initials are mine and it says  
3 "Blackstone Valley Electric, Number 2, was  
4 dumped," but I can't make out the dump site.

5 Q. Okay. Let's look at the next page, the lower  
6 left-hand corner, Number 38559.

7 A. The initials are mine and it says "Blackstone  
8 Valley Electric, Number 1, went to J.M. Mills"  
9 and the rest of that writing is not mine.

10 Q. Let's look at the next page, the upper right-hand  
11 corner, 39224.

12 A. My initials are not on that one.

13 Q. Okay. How about the one in the lower left-hand  
14 corner, looks like Number 39232, I believe it is.  
15 Can you make that out?

16 A. The initials are mine. It says "Blackstone  
17 Valley Electric." It looks like it's Number 3,  
18 but I wouldn't swear to that. And it went to  
19 J.M. Mills. That writing's not mine.

20 Q. Okay. And the last page, lower right-hand  
21 corner, Number --

22 A. The initials are mine and it says "Blackstone  
23 Valley Electric, Number 3, went to J.M. Mills"  
24 and that writing's not mine.

25 Q. Okay. And can you make out the date on that one?

0024

1 A. 4/1/82.

2 Q. And was that during the period when you were --

3 A. Operate.  
4 Q. -- driving as a subcontractor?  
5 A. Yes.  
6 Q. And looking at these documents, does it refresh  
7 your recollection as to whether you continued to  
8 pick up waste --  
9 A. Yes.  
10 Q. -- from BVE when you were operating as a  
11 subcontractor?  
12 A. Yes.  
13 Q. And each of the tickets that we've just looked at  
14 represents a load of waste that you dumped at  
15 J.M. Mills?  
16 A. Correct.  
17 Q. Do you recall picking up waste from any other  
18 Blackstone Valley Electric facilities?  
19 A. I know there was another facility that I'd  
20 pick up once in a while, but I couldn't swear  
21 where it was.  
22 Q. Do you recall anything about that one?  
23 A. No.  
24 Q. Okay. Do you remember an entity called  
25 Wyman-Gordon?  
0025  
1 A. Yes.  
2 Q. And did you have occasion to pick up waste from  
3 the Wyman-Gordon facility?  
4 A. Yes.  
5 Q. Do you recall where that was?  
6 A. I believe it was in Grafton.  
7 Q. What was your understanding as to the type of  
8 operations that were conducted at that facility?  
9 A. I knew it was some kind of a machine shop and  
10 I know that they did work for the federal  
11 government, security work.  
12 Q. Can you describe the facility for me, how big was  
13 it?  
14 A. I'd have to say it was probably half a  
15 football field, from what I can remember.  
16 MS. BARRY: It's Julie Barry. I can't  
17 hear the witness at all.  
18 MR. JACKSON: Okay.  
19 MR. SOMMER: You've got a lot of line.  
20 MR. JACKSON: We'll try to move you,  
21 Julie. Are you still there? Is that any better.  
22 MS. BARRY: That's better.  
23 MR. JACKSON: You're now very close to  
24 us.  
25 MS. BARRY: Thank you.  
0026  
1 MR. JACKSON: And we're talking about  
2 Wyman-Gordon now.  
3 Q. Do you recall whether there were any particular  
4 procedures involved in picking up waste at that  
5 facility?  
6 A. Well, first thing is when you got there, there  
7 was a guard -- you have to stop at the guard  
8 shack. And after you checked in with him, then  
9 you'd drive down the driveway to the building  
10 where the container was because it was inside the  
11 building and then you would just switch it out  
12 normally as you normally would do.  
13 Q. Do you recall whether there was any paperwork you  
14 had to fill out?  
15 A. Yes, we had to get a slip signed from somebody

16 on the dock.  
17 Q. So they signed your slip?  
18 A. Yes.  
19 Q. Okay. And do you recall what kind of container  
20 it was?  
21 A. 50-yarder.  
22 Q. Do you recall when you first started picking up  
23 waste from that facility?  
24 A. I'd just have to say around the mid-'70's.  
25 Q. Do you recall how frequently you picked up waste  
0027  
1 at that facility?  
2 A. I used to go there sometimes every week and  
3 then there was times I'd go there maybe once  
4 every two months. It wasn't a regular stop for  
5 me.  
6 Q. And over what period did you continue to pick up  
7 waste at that facility on occasion?  
8 A. I'd say for a couple of years in the  
9 mid-'70's, because once I become an  
10 owner/operator it was no longer profitable for me  
11 to do that distance.  
12 Q. During the period when you were picking up waste,  
13 was it your understanding that other Goditt &  
14 Boyer drivers were also picking up waste from  
15 that facility?  
16 MS. FOGELL: Objection.  
17 A. Yes.  
18 Q. Did you have occasion to observe the waste in  
19 that container?  
20 A. Yes.  
21 Q. And what do you recall about the waste in the  
22 container?  
23 A. It was heavy. It had steel shavings in it or  
24 metal shavings. It had pallets in it, cardboard.  
25 It had Speedy Dry, rags, oily rags.  
0028  
1 Q. Anything else you recall?  
2 A. No, basically that made up the bulk of the  
3 trash.  
4 Q. The metal shavings, did they have any sort of oil  
5 associated with them?  
6 A. Yes.  
7 MS. FOGELL: Objection. Sorry.  
8 Q. On those occasions when you picked up that  
9 container, do you recall how full it was?  
10 A. Oh, it was always very full. There was times  
11 I had trouble picking it up.  
12 Q. And can you tell me, generally speaking, on those  
13 occasions when you picked up that container about  
14 how much of the load would consist of the metal  
15 shavings?  
16 MS. FOGELL: Objection.  
17 A. I'd have to say a good quarter of the load.  
18 Q. How much would typically consist of the rags?  
19 MS. FOGELL: Objection.  
20 A. I'd say maybe a 55-gallon drum full.  
21 Q. How about the Speedy Dry?  
22 MS. FOGELL: Objection.  
23 A. There was a lot of that in there, so I'd have  
24 to say a few hundred pounds.  
25 Q. On those occasions when you did pick up waste  
0029  
1 from that facility, do you recall where you  
2 disposed of the waste?

3 A. J.M. Mills.  
4 Q. Do you recall picking up waste from any other  
5 Wyman-Gordon facilities?  
6 A. No, just that one.  
7 (Plaintiff's Exhibit Number 5 was so  
8 marked.)  
9 Q. Okay. Mr. Castello, I'm handing you what's been  
10 marked for identification as Exhibit 5. And  
11 would you agree that these are the same type of  
12 dump tickets we looked at previously?  
13 A. Yes.  
14 Q. Let me direct your attention to the ticket in the  
15 upper right-hand corner, Number 44542. Do you  
16 recognize any of that handwriting?  
17 A. Yes, the initials are mine, Wyman & Gordon are  
18 mine and the rest of it's somebody else's.  
19 Q. Okay. The Wyman & Gordon, does that refer to the  
20 facility we were just discussing?  
21 A. Yes, it does.  
22 Q. Okay. Can you make out the date?  
23 A. Yes, 5/11/81.  
24 Q. So does this indicate that on 5/11/81 you dumped  
25 a load of waste from Wyman-Gordon at J.M. Mills?  
0030  
1 A. Yes, it does.  
2 Q. And this would have been during the period when  
3 you were driving as a subcontractor?  
4 A. Yes, it would be which I don't remember  
5 picking it up on that date -- well, that latter  
6 years.  
7 Q. Okay. Mr. Castello, do you recall an entity  
8 called A.T. Cross?  
9 A. Yes, sir.  
10 Q. And did you have occasion to pick up waste from  
11 an A.T. Cross facility?  
12 A. Yes, sir.  
13 Q. And do you recall where that was located?  
14 A. Lincoln, across the street from the Lincoln  
15 Mall.  
16 Q. And did you have an understanding as to what  
17 types of operations were conducted at that  
18 facility?  
19 A. Yes, they made A.T. Cross pens and pencils.  
20 Q. What do you recall about the facility itself?  
21 A. It was neat. It was big.  
22 Q. Okay. What kind of container did they have  
23 there?  
24 A. A 50-yarder.  
25 Q. And do you recall where in that facility that  
0031  
1 that was located?  
2 A. If you're looking at the building, it would be  
3 to the right of the building.  
4 Q. Were there any particular procedures that you  
5 recall associated with picking up waste at that  
6 facility?  
7 A. No, it was typical pick up. You just switched  
8 out the container and got a slip signed.  
9 Q. Do you recall when you first started picking up  
10 waste from the A.T. Cross facility?  
11 A. No, I didn't do it too often. I did it but  
12 not too often, so it would be somewhere in the  
13 '70's.  
14 Q. Was it your understanding that during that period  
15 other Goditt & Boyer drivers also picked up that

16 container?  
17 A. Yes.  
18 MR. BENIK: Objection.  
19 Q. Okay. Over what period did you pick up waste  
20 from the A.T. Cross --  
21 MR. BENIK: Objection.  
22 Q. -- facility?  
23 A. I would have to say it was the '70's. I  
24 couldn't give you a time frame.  
25 Q. Okay. Did you have occasion to observe the  
0032  
1 waste --  
2 A. Yes.  
3 Q. -- in that container?  
4 And can you tell me what you recall about the  
5 waste in that container?  
6 A. Pallets, cardboard, office trash, metal  
7 shavings, oily rags, Speedy Dry.  
8 Q. Can you describe the metal shavings for me?  
9 A. It was like when you drill something and  
10 you've got the little curly pigtails.  
11 Q. Did those shavings have any sort of oily  
12 substance associated with them?  
13 A. Yes.  
14 MR. BENIK: Objection.  
15 Q. Anything else you recall seeing in that  
16 container?  
17 A. No, that's about what was in there --  
18 Q. Okay.  
19 A. -- that I recall.  
20 Q. Okay. Do you ever recall seeing any ink in that  
21 container?  
22 MR. BENIK: Objection.  
23 A. No, I wouldn't -- I'd have to say no.  
24 Q. Do you recall on those occasions when you picked  
25 up waste from the A.T. Cross facility where you  
0033  
1 disposed of the waste?  
2 A. J.M. Mills.  
3 (Plaintiff's Exhibit Number 6 was so  
4 marked.)  
5 Q. Okay. Mr. Castello, you've been handed what's  
6 been marked for identification as Exhibit 6. And  
7 would you agree with me that these are the same  
8 kind of tickets we've looked at previously?  
9 A. Yes.  
10 Q. Okay. Let's look at the first page and direct  
11 your attention to the ticket in the lower  
12 right-hand corner, Number 38481. Do you see  
13 that?  
14 A. Yes.  
15 Q. Do you recognize any of that handwriting?  
16 A. Yes, the initials are mine and it looks like  
17 A.T. Cross is mine. The rest of the writing is  
18 not mine. And the load went to J.M. Mills.  
19 Q. Okay. And does that refer to the facility we  
20 were just discussing?  
21 A. Yes.  
22 Q. Let's look at the next page, the one on the left,  
23 Number 35991. Do you recognize that handwriting?  
24 A. Yes, the initials are mine. The A.T. Cross  
25 could be mine. And the rest of it's not mine.  
0034  
1 That's a load that went to J.M. Mills.  
2 Q. And, again, does the A.T. Cross refer to the

3 facility we were just discussing?  
4 A. Yes.  
5 Q. Let's look at the next page, upper right-hand  
6 corner, Number 46411. Do you recognize that  
7 handwriting?  
8 A. Yes, the initials are mine. The rest of it  
9 isn't. And that's A.T. Cross, went to J.M.  
10 Mills.  
11 Q. Okay. Let's look at the next page, upper  
12 left-hand corner, Number 47285. Do you recognize  
13 that handwriting?  
14 A. The initials are mine. The rest of it isn't.  
15 Excuse me. And the rest of the writing's not  
16 mine. And that's a load that went to A.T. -- I  
17 mean, to J.M. Mills.  
18 Q. Let's look at the next one, next page, upper  
19 right-hand corner, 45307.  
20 A. The initials are mine. The rest of the  
21 writing's not mine. And it's a load that went to  
22 J.M. Mills.  
23 Q. And, again, that's from A.T. Cross?  
24 A. Correct.  
25 Q. Let's look at the next page, lower right-hand  
0035  
1 corner, Number 45109.  
2 A. The initials are mine. The rest of the  
3 writing isn't mine. And it's a load from A.T.  
4 Cross that went to J.M. Mills.  
5 Q. Next page, Number -- lower right-hand corner,  
6 35304?  
7 A. The initials are mine. The rest of the  
8 writing's not mine. And it's a load from A.T.  
9 Cross that went to J.M. Mills.  
10 Q. And, again, just to clarify, in a case like this  
11 where the A.T. Cross is not in your handwriting,  
12 who would have written that?  
13 A. The guy at the gate at the dump.  
14 Q. Okay. And where would he have gotten the  
15 information about A.T. Cross?  
16 A. From me.  
17 Q. Let's look at the next page, lower right-hand  
18 corner, 46009.  
19 A. The initials are mine. The rest of it's not.  
20 And it's a load from A.T. Cross that went to J.M.  
21 Mills.  
22 Q. Okay. Let's look at the next page, upper  
23 right-hand corner, Number 34942.  
24 A. The initials are mine. The rest of the  
25 writing is not mine. And it's a load from A.T.  
0036  
1 Cross that went to J.M. Mills.  
2 Q. Let's look at the next page, lower right-hand  
3 corner, Number 34662.  
4 A. The initial are mine. The rest of the writing  
5 is not mine. And it's a load from A.T. Cross  
6 that went to J.M. Mills.  
7 Q. Next page, upper left-hand corner, Number 32710.  
8 A. The initials are mine. The rest of it's not  
9 mine. And it's a load from A.T. Cross that went  
10 to J.M. Mills.  
11 Q. The next page, upper right-hand corner, Number  
12 35909.  
13 A. The initials are mine. The rest of the  
14 writing is not mine. And it's a load that --  
15 from A.T. Cross that went to J.M. Mills.

16 Q. Let's look at the next page, upper right-hand  
17 corner, Number 35704.  
18 A. The initials are mine. The rest of the  
19 writing is not mine. It's a load from A.T. Cross  
20 that went to J.M. Mills.  
21 Q. The next page, upper right-hand corner again,  
22 Number 35516.  
23 A. The initials are mine. The rest of the  
24 writing is not mine. And it's a load from A.T.  
25 Cross that went to J.M. Mills.

0037

1 Q. Next page, lower right-hand corner, Number 36155.  
2 A. The initials are mine. The rest of the  
3 writing is not mine. And it's a load from A.T.  
4 Cross that went to J.M. Mills.  
5 Q. Next page, upper right-hand corner, Number 33412.  
6 A. The initials are mine and it has "A.T. Cross"  
7 on it which the writing is not mine, and I can't  
8 make out where it went.  
9 Q. But, again, does this ticket look like the  
10 others?  
11 A. Yes, it does.  
12 Q. Let's look at the next page, lower right-hand  
13 corner, Number 39706.  
14 A. The initials are mine. The rest of the  
15 writing is not mine, but it's a load from A.T.  
16 Cross that went to J.M. Mills.  
17 Q. Let's look at the next page, upper right-hand  
18 corner, Number 36809.  
19 A. Okay. The initials are mine. The rest of the  
20 writing is not mine. It's a load from A.T. Cross  
21 that went to J.M. Mills.  
22 Q. Okay. Let's look at the next page, lower  
23 left-hand corner, Number 39902. Can you make  
24 that out?  
25 A. The initials are mine. It looks like it's

0038

1 A.T. Cross, but I really can't make out the  
2 "Cross" on it.  
3 Q. Okay. Do you recall any other customer you  
4 picked up from during that time period that would  
5 have been associated with the letters A.T.?  
6 A. No. And it went to J.M. Mills.  
7 Q. Let's look at the next page, the lower right-hand  
8 corner. I can't make out the number on that one.  
9 Can you make that out?  
10 A. The initials are mine. It doesn't look like  
11 the rest of the writing is mine. And it's a load  
12 from A.T. Cross that went to J.M. Mills.  
13 Q. Okay. Let's look at the next page, upper  
14 right-hand corner, Number 38706.  
15 A. The initials are mine. It says "A.T. Cross"  
16 on it, but, again, I can't make out the dump  
17 site.  
18 Q. Okay.  
19 A. The ticket looks like the same as the rest.  
20 Q. Okay. Next page, the lower right-hand corner?  
21 A. The initials are mine. The rest of the  
22 writing's not mine, and it's a load from A.T.  
23 Cross going to J.M. Mills.  
24 Q. And the last page, lower right-hand corner,  
25 Number 34305.

0039

1 A. The initials are mine, but I can't make out  
2 the name of the company it came from.

3 Q. Okay.  
4 MR. CONNORS: Tom, can we clarify which  
5 ticket you're looking at?  
6 MR. JACKSON: Sorry. I'm looking at the  
7 lower right-hand corner.  
8 A. Oh, lower right-hand corner.  
9 Q. My apologies. I may have misspoken.  
10 A. The initials are mine. The rest of the  
11 writing is not mine. And it's a load from A.T.  
12 Cross that went to J.M. Mills.  
13 Q. Okay. Looking at these documents, does it  
14 refresh your recollection as to the period of  
15 time of which you picked up waste from the A.T.  
16 Cross facility?  
17 A. Roughly. Not exactly.  
18 Q. Well, roughly.  
19 A. Yes, roughly.  
20 Q. Do you recall what period it was?  
21 MR. BENIK: Objection. Asked and  
22 answered three times now.  
23 A. In the '70's, late '70's.  
24 Q. Okay. Let's look at the first one. What's the  
25 date on the first ticket?  
0040  
1 A. 8/27/81.  
2 Q. Okay. What's the date on the -- what's the date  
3 on that ticket?  
4 A. 3/31/82.  
5 Q. So would these dump tickets indicate that you  
6 continued to pick up waste?  
7 A. Yes.  
8 MR. BENIK: Objection. Objection.  
9 Q. Okay. Mr. Castello, do you recall an entity  
10 called Hollingsworth & Vose?  
11 A. I never did Hollingsworth & Vose.  
12 Q. Do you recall an entity called Leech & Garner?  
13 A. That's another stop I also never did.  
14 MS. BARRY: I'm sorry to interrupt.  
15 It's Julie Barry.  
16 MR. JACKSON: Yes.  
17 MS. BARRY: Please repeat for me what  
18 Mr. Castello's response was to whether he  
19 recalled Hollingsworth & Vose.  
20 MR. JACKSON: Off the record.  
21 (Off the record discussion.)  
22 MR. JACKSON: Back on the record. He  
23 said that was a stop he did not do.  
24 MS. BARRY: Okay. Thank you.  
25 Q. Mr. Castello, did you have an understanding as to  
0041  
1 whether other Goditt & Boyer drivers picked up  
2 waste from Hollingsworth & Vose?  
3 A. Yes.  
4 Q. Did you have an understanding as to whether other  
5 Goditt & Boyer drivers picked up waste from Leech  
6 & Garner?  
7 MS. HOLT: Objection.  
8 A. Yes.  
9 MR. JACKSON: Give me one moment. I  
10 think I'm almost done.  
11 (P A U S E)  
12 MR. CONNORS: Can we take a five-minute  
13 break?  
14 MR. JACKSON: Sure.  
15 MR. CONNORS: I'm sorry. I'll wait to



16 hear if you've got more. I'll wait.  
17 MR. JACKSON: That's fine. We'll take a  
18 break now.

(A recess was taken.)

20 Q. Okay. Just a couple more questions,  
21 Mr. Castello, and then I'll be done.  
22 Yesterday we talked a little bit about your  
23 interactions with Mr. Brask early on.

24 A. Yes.  
25 Q. Did you continue to have interactions with David  
0042

1 Brask throughout the time you worked for Goditt &  
2 Boyer?

3 A. Yes.

4 Q. And how frequently, generally, did you interact  
5 with David Brask?

6 A. Oh, probably once a month or once every two  
7 months.

8 Q. Okay. And did you have occasion to speak to  
9 Mr. Brask?

10 A. Oh, yes.

11 Q. And what was the nature of those discussions?

12 A. Sometimes it was about a raise. Other times  
13 it was to complain about a stop, just stuff in  
14 general about work. And part of the time that I  
15 worked for them I drove over the road, so I  
16 delivered the --

17 Q. Delivered the equipment?

18 A. Right.

19 Q. Okay.

20 A. So a lot of that came from Dave because I  
21 would have to meet people in certain places,  
22 welders and people who installed the machines,  
23 because I didn't install the machine, I'd just  
24 deliver it. So I'd have to meet people in  
25 different places, and he would tell you the

0043  
1 people are gonna be there by such and such a  
2 time. So I'd get all my instructions, basically,  
3 from him for delivering the machinery.

4 Q. Do you recall ever having discussions with  
5 Mr. Brask about J.M. Mills?

6 A. No.

7 Q. Do you recall ever having discussions with David  
8 Brask about disposal locations generally?

9 A. Oh, we'd talk about them in general, just that  
10 this dump did better than this dump or that guy  
11 there was a jerk and this guy's not, just stuff  
12 like that.

13 Q. Okay. So you don't remember J.M. Mills ever  
14 coming up in those conversations?

15 A. Yeah, J.M. Mills would come up in the  
16 conversation at times.

17 Q. And do you recall what the nature of those  
18 conversations was?

19 A. At times, the dump was a horrible place to  
20 dump.

21 MR. SOMMER: I'm sorry. What was that?  
22 A. The dump was a horrible place to dump.

23 Q. And why was that?

24 A. Well, because the roll-off dump's like a dump  
25 truck. The body has to go up in the air, except

0044  
1 it goes up in the air higher than a regular dump  
2 truck, and if the -- where you're dumping isn't

3 level, when the container gets so far up it just  
4 goes right over along with the truck. And a lot  
5 of times you'd get up there, they were so busy  
6 they didn't have time to really pack it down and  
7 it would take you a long time to try and find a  
8 spot where you could dump. Because as soon as  
9 you go to lift the body up, it would start to  
10 lean one way or the other if you weren't level,  
11 and depending on how much it leaned depending on  
12 how bad it was leaning when it was all the way up  
13 and it could go over.

14 Q. Did that ever happen in your truck?

15 THE WITNESS: Flip it over?

16 MR. JACKSON: Yes.

17 A. No.

18 Q. Did you see it happen to other trucks at J.M.  
19 Mills?

20 A. Oh, it had -- it did happen to one truck. It  
21 was another company, but I don't recall the name  
22 of the other company.

23 Q. Do you recall any other discussions with David  
24 Brask regarding J.M. Mills?

25 A. No.

0045

1 Q. Did you continue to dump at J.M. Mills?

2 A. Yes.

3 Q. When we were talking earlier about the dumping at  
4 night, you mentioned a key?

5 A. Yes.

6 Q. And you said you had gotten that from Goditt &  
7 Boyer?

8 A. Correct.

9 Q. Do you recall specifically who you had obtained  
10 that key from?

11 A. Linda would just tell me it would be on my key  
12 ring, I mean, on my clipboard. So when I got  
13 there to pick up my route sheet, the key was  
14 attached to my clipboard. You wouldn't keep the  
15 key. You would -- if you used it, say, like this  
16 morning, when you'd come in at the end of your  
17 day you'd hand the key back in with your  
18 clipboard, with your route sheet. So today I  
19 could have it, tomorrow you could have it, you  
20 know, next day somebody else could have it, so it  
21 would just be attached to your clipboard when you  
22 needed it.

23 Q. Okay. And how would they know when you needed  
24 the key?

25 A. There would be times I'd have a -- I'd be

0046

1 going to do a stop early in the morning. Well,  
2 I'd tell them, "well, I can't do it because I  
3 have no place to dump." Then they would say,  
4 "well, you can dump at Mills in the morning," you  
5 know, early in the morning and "we'll just give  
6 you the key to dump there."

7 Q. When you had those type of conversations, who did  
8 you have them with?

9 A. Usually with Linda, but it would either be  
10 Linda or Russell.

11 Q. Do you know who they obtained the key from?

12 A. No, I don't.

13 MR. JACKSON: Okay. That's all the  
14 questions I have for now. Thank you,  
15 Mr. Castello.

16 THE WITNESS: You're welcome.  
17 MR. JACKSON: I'm going to turn things  
18 over now to Mr. Murphy.

19 EXAMINATION BY MR. MURPHY

20 Q. Good morning, Mr. Castello. How are you?  
21 A. Okay.

22 THE WITNESS: Yourself, sir?

23 MR. MURPHY: Good.

24 Q. I'm going to continue to ask you some questions,  
25 and it's mostly going to be about some other

0047

1 companies and dump tickets, but I have a few  
2 follow-up questions.

3 A. Okay.

4 Q. Let me just ask you one more question about this  
5 key. Did you ever have a key to any other  
6 landfill other than J.M. Mills or access to any  
7 other landfill keys?

8 A. No.

9 Q. J.M. Mills was the only one?

10 A. Yes.

11 Q. During the times that you brought loads to J.M.  
12 Mills, excuse me, was there anybody who was  
13 working for J.M. Mills that would inspect your  
14 load?

15 THE WITNESS: Before I dumped it or  
16 after I dumped it?

17 MR. MURPHY: Before you dumped it.

18 A. No. They would ask you what you had on.

19 Q. Okay.

20 A. And then usually they would tell you where to  
21 dump. Some of the loads, like I said before, Joe  
22 would go through them.

23 Q. Afterwards?

24 A. Once you dumped them.

25 Q. Okay.

0048

1 A. So if it was a load that he wanted to go  
2 through, he'd have you dump it off to the side.  
3 And if it was just a load he really didn't care  
4 about, then he'd have you dump it where they were  
5 dumping everybody else.

6 Q. Okay. And you mentioned the aerosol cans coming  
7 from Peterson Puritan?

8 A. Yes.

9 Q. Did he often tell you if it was a Peterson  
10 Puritan load to dump it off to the side?

11 A. No. As soon as you told him it was a Peterson  
12 Puritan load, he'd tell you to dump it off to the  
13 side.

14 Q. Automatically?

15 A. Uh-huh.

16 Q. You indicated that when they would pick through  
17 the cans that you said some of the cans were even  
18 half full?

19 A. Yes. Well, some of them were even full.

20 Q. Okay. And do you have knowledge as to how much  
21 of the load they'd kind of take out to bring to  
22 his trailer for sale?

23 A. Sometimes it was probably 70 percent of the  
24 load.

25 Q. Okay.

0049

1 A. Other times it would be, maybe, 10 percent.

2 Q. Okay.

3 A. It all depends on what they -- you know, how  
4 much stuff they found.

5 Q. At any point in time when you were bringing a  
6 load to J.M. Mills from any customer, were you  
7 ever turned away from J.M. Mills?  
8 A. No.

9 Q. You mentioned that you recalled a fellow by the  
10 name of Louie who ran a bulldozer?  
11 A. Yes.

12 Q. Do you know whether his last name was Gendron,  
13 G-E-N-D-R-O-N?  
14 A. No, I don't know his last name.

15 Q. Do you remember a guy by the name of Jimmy or  
16 James McCaffrey being an operator at the site?  
17 A. No.

18 Q. In the early morning or late night hours when you  
19 used the key to get into J.M. Mills, how did you  
20 know where to dump your load?  
21 A. You'd look for the freshest spot where --  
22 because after you'd -- at the end of the day when  
23 everybody's done dumping, they were covered over  
24 with dirt, and freshly laid dirt would be --  
25 that's where they were dumping all that day so  
0050  
1 that's where you'd automatically go to. You'd  
2 just look for the one that's the freshest.

3 Q. Yesterday you testified as to kind of the size of  
4 the landfill, kind of the dimensions of the  
5 landfill.  
6 A. Okay.

7 Q. And am I correct that you said that when you  
8 first started bringing loads to J.M. Mills it was  
9 essentially flat?  
10 A. Yes.

11 Q. When you say "flat," do you mean that it wasn't  
12 really any higher than the surroundings land?  
13 A. Yes. It wasn't as high as the railroad  
14 tracks. It was lower than --  
15 Q. The P&W (sic) --  
16 A. Yes.  
17 Q. -- railroad tracks --  
18 A. Yes.  
19 Q. -- were higher than --  
20 A. The landfill.  
21 Q. -- any of the materials in the dump?  
22 A. Yes.  
23 Q. And that was about what year?  
24 A. '69 or '70.

25 Q. Do you remember where the Blackstone River was in  
0051  
1 relation to the dump?  
2 A. Yes.  
3 Q. Where was it?  
4 A. It was off to the left side which I believe  
5 would be east of the dump.  
6 Q. Was it right --  
7 A. Right alongside of the dump.  
8 Q. Okay. And do you recall the Pratt (ph) Dam? Do  
9 you recall a dam being anywhere in that area?  
10 A. I believe there was a dam further north of --  
11 Q. Okay. Ashton?  
12 A. It would be south. By the 116. I guess it  
13 would be south.  
14 Q. Okay. You don't remember a dam right near the --  
15 A. No, not offhand.

16 Q. Do you remember an island out in the --  
17 A. Yes.  
18 Q. -- river?  
19 A. I do remember that.  
20 Q. Were you ever directed to bring any of your loads  
21 over to that island?  
22 A. No.  
23 Q. Did you ever see any activity with any trucks  
24 that were bringing in waste and dumping them in  
25 that island?

0052

1 A. No.  
2 Q. Do you remember when you brought your last load  
3 to J.M. Mills?  
4 A. Early '80's, that's all I can say, because I  
5 know I was out of the business by '84/'85, and  
6 then I moved to California in '86. And I was out  
7 of the business a good year-and-a-half, two years  
8 before I left for California, so it was still,  
9 basically, the early to mid-'80's.  
10 Q. And do you recall how high was the landfill when  
11 you last brought a load there?  
12 A. I thought it was Mount Everest. It was quite  
13 high.  
14 Q. During the times that you made your trips into  
15 J.M. Mills, did you ever assist the -- other than  
16 the loads when you used the key and you were  
17 there alone, I'm assuming when you went in with  
18 the key you were the only person at the landfill?  
19 A. Yes.  
20 Q. Other than that when you were making your, you  
21 know, regular hours of operation loads to J.M.  
22 Mills, did you ever assist any of the employees  
23 in deciding where to dump?  
24 A. No.  
25 Q. So you were always directed where to dump?

0053

1 A. Yes.  
2 Q. Do you remember the names of any other hauling  
3 companies that were bringing containers or loads  
4 to J.M. Mills?  
5 A. I know Truk Away was one of them. I seen BFI  
6 in there. There was others, but I don't recall  
7 their names.  
8 Q. When you say you saw BFI in there, did you see  
9 trucks that had markings that said BFI?  
10 A. Oh, yeah, they had blue tractors and the big  
11 letters BFI right across the doors.  
12 Q. Do you remember when for the first time you saw  
13 any BFI logos on trucks at J.M. Mills?  
14 A. No. I know I saw them in the beginning of the  
15 '80's, but you didn't see them too often before  
16 that.  
17 Q. All right. And do you recall with what frequency  
18 you saw them at BFI, and by that I mean, were  
19 they there every time you were there or --  
20 A. No, but they started going in there quite  
21 often, and what they would do is they -- they  
22 also started bringing in the transfer stations.  
23 I don't know if you're familiar with transfer  
24 stations. So they would bring in their transfer  
25 stations in there and dump their transfer

0054

1 stations there.  
2 Q. All right.

3 THE WITNESS: Excuse me. May I get my  
4 jacket?

5 MR. JACKSON: Absolutely.

6 THE WITNESS: Thank you.

7 MR. MURPHY: All set?

8 THE WITNESS: Yes.

9 Q. Mr. Castello, do you remember seeing any  
10 municipal trucks, town trucks, for any of the  
11 towns surrounding J.M. Mills bringing any waste  
12 to the J.M. Mills landfill?

13 A. No, not that I recall.

14 Q. Do you know whether the Town of Cumberland ever  
15 brought any of their waste treatment sludge to  
16 the J.M. Mills landfill?

17 A. Not that I know of.

18 Q. What about any of the other towns?

19 A. Not that I know of.

20 Q. Do you remember ever seeing a company Dan DeVi to  
21 Trucking bringing any waste from the City of  
22 Boston into J.M. Mills?

23 A. I know Boston brought their -- a lot of their  
24 trash in there with transfer stations, but I  
25 couldn't tell you the name on the side of the

0055

1 trucks.

2 Q. How do you know that Boston brought a lot of  
3 their transfer station waste to J.M. Mills?

4 A. Well, for one is it had -- they had  
5 Massachusetts plates on them. Another thing, I  
6 can remember Boston being on the door. And when  
7 I was working for Suffolks we used to run into  
8 dumps and stuff at our transfer station and then  
9 they used to haul it from there to other places.  
10 And I know they were the same trucks that was  
11 hauling into J.M. Mills. I just don't remember  
12 their name.

13 Q. Anything else you remember about any City of  
14 Boston waste coming into J.M. Mills?

15 A. No, just that a lot of this started coming in  
16 with the transfer station.

17 Q. Was there a period of time you remember when the  
18 City of Boston waste might have been coming in at  
19 a greater rate than other times?

20 A. Oh, yeah, near the end there when they thought  
21 they were starting to fill up and they weren't  
22 going to be able to -- they were going to get  
23 shut down. They started bringing in as much  
24 trash as they could.

25 Q. "They" being J.M. Mills?

0056

1 A. Yes.

2 Q. What do you remember about that, about the  
3 landfill getting -- you said the landfill was  
4 starting to get full and they were worried about  
5 getting shut down. What do you remember about  
6 that in connection with J.M. Mills?

7 THE WITNESS: As far as what?

8 MR. MURPHY: Just what you either heard  
9 or you know.

10 A. Well, just that they said that they thought  
11 they were getting too high and that the  
12 authorities were going to come in and shut them  
13 down because they were getting too high. They  
14 wanted to go out further, which they were trying  
15 to do, closer to the river and closer to the back

16 end of the dump, but they didn't think they could  
17 go out much further because then they would be  
18 going into the river. Which they didn't care  
19 about closing it off, but they were -- said there  
20 was a problem with the Wetlands Act, so they had  
21 to be careful about doing stuff like that,  
22 closing off the river.

23 Q. So they expressed concerns to you that they  
24 didn't want the waste actually going into the  
25 river?

0057

1 A. No, not -- well, they didn't want it to go in  
2 there only because they were trying not to get  
3 shut down, but they didn't mind diverting the  
4 river, which they wanted to do, so they could  
5 just keep on going further and further out.

6 Q. Did they ever divert the river, to your  
7 knowledge?

8 A. Not to my knowledge.

9 Q. Okay. But, now, near that -- near the end when  
10 the landfill was getting high, do you remember  
11 the tow of the landfill basically going from the  
12 river to the Providence and Worcester railroad  
13 tracks?

14 A. In the beginning when I first started going in  
15 there, it only went from the railroad tracks to,  
16 say, halfway between the railroad tracks and the  
17 river. But then as they started coming up, they  
18 started going out, so then they started getting  
19 closer and closer to the river. And then what  
20 they did was they just extended the base of the  
21 dump, then they started making it up like a  
22 pyramid.

23 Q. Was there a transfer station near the Mendon Road  
24 entrance, do you remember, at any point in time?

25 A. No, not that I know.

0058

1 Q. Do you ever remember a Nunes, a transfer station?

2 A. Yes. I remember Nunes, but I don't recall  
3 their transfer station being in there.

4 Q. Okay. And how did you actually gain access to  
5 the J.M. Mills landfill from Mendon Road?

6 A. You'd have a driveway right there on Mendon  
7 Road going into the dump.

8 Q. Did that go right by where the -- there's a big  
9 Stop & Shop now?

10 A. Yes.

11 Q. Was there a --

12 A. Well, there wasn't -- the river would be  
13 between the Stop & Shop and the dump entrance.

14 Q. Okay.

15 A. So it would be near Stop & Shop, but it  
16 wouldn't be, say, like on their property where  
17 their property would be now because the river  
18 would still be in between the two.

19 Q. But you'd take a road from -- a driveway from  
20 Mendon Road and that would bring you into the --  
21 was that the southern end of the landfill? Do  
22 you know? Do you know which way was north and  
23 south?

24 A. No, that's what I'm trying to think of. I  
25 believe it would be the north section.

0059

1 Q. Let me ask you this: The Blackstone River, does  
2 that run from the north to the south? Do you

3 know?  
4 A. I would say yes, but I'm only speculating.  
5 Q. Okay.  
6 A. I'm not really sure in that position where  
7 north is.  
8 Q. Okay. Maybe I won't use the compass points then.  
9 So when you entered the landfill from the Mendon  
10 Road driveway --  
11 A. Yes.  
12 Q. -- you, at some point, come along the road and  
13 get to the gate, correct?  
14 A. Correct.  
15 Q. And then did the landfill start there?  
16 A. No, you'd have to drive along the tracks a  
17 ways.  
18 Q. Okay.  
19 A. And then pull in. It would be like -- in the  
20 beginning it was, like, about the middle of the  
21 dump. You would pull in and then they would  
22 direct you which way to go. Near the end there  
23 it would be, when you pulled in you'd run along  
24 the tracks for a few feet and then the entrance  
25 would be right there.  
0060  
1 Q. All right.  
2 A. It depends on where they were dumping at what  
3 access you would access the dump at.  
4 Q. And when you were driving up the tracks, the  
5 landfill was on your left, right?  
6 A. Correct.  
7 Q. So let me ask you this: If you kept driving up  
8 the tracks, there was a point, I'm assuming,  
9 where the landfill ended; is that right?  
10 A. Yes, but the road didn't.  
11 Q. What's that?  
12 A. The road didn't.  
13 Q. The road went all the way to Martin Street?  
14 A. Yes. There was a gate -- a chain back there.  
15 There was another entrance back there.  
16 Q. And do you recall whether there was any  
17 discussion of continuing to dump at that end of  
18 the landfill as far up toward Martin Street as  
19 they could?  
20 A. No. I know they just wanted to keep extending  
21 it, but as far as I know they never got that far  
22 or got down that far.  
23 Q. Did you dump at times at that end -- at that back  
24 end of the landfill?  
25 A. Yes.  
0061  
1 Q. Do you ever recall seeing any road construction  
2 waste being brought there by any road crews?  
3 A. No, not offhand. I know construction waste  
4 did go in there because we even brought  
5 construction material in there, but to say it was  
6 road material, no.  
7 Q. Now, was there a --  
8 (A discussion was had out of the hearing  
9 of the reporter.)  
10 Q. Just to clarify, you've been using the word  
11 "they" when you said they wanted to, you know,  
12 bring as much waste into the landfill as  
13 possible. Are you talking about J.M. Mills, the  
14 owners?  
15 A. Yes.



16 Q. Mr. Joe Marszalkowski?  
17 A. Yes. I should say "he" instead of "they."  
18 Q. Okay. And "he" referring to the owner of the  
19 J.M. Mills landfill?  
20 A. Yes.  
21 Q. Was there a time in the early 1980's when J.M.  
22 Mills was one of the last landfills in the area  
23 that was even open?  
24 MR. SOMMER: Objection.  
25 A. Yes, I believe it was.

0062

1 Q. What do you remember about that?  
2 A. They were finding it harder and harder to find  
3 places to dump.  
4 Q. Do you mean Goditt & Boyer was finding it harder  
5 and harder?  
6 A. Everybody was. Not only Goditt & Boyer, all  
7 the trash companies were because the -- a lot of  
8 the cities that had their own dumps, they were  
9 closing, and they knew that J.M. Mills only --  
10 their days were being numbered. So even though  
11 we were dumping there now, they knew it wouldn't  
12 be too much farther down the road that you  
13 weren't going to be able to dump there no more.  
14 So there was a big concern on dumping facilities.  
15 And they even -- I know they even -- back  
16 then, they were talking about building a big  
17 incinerator and incinerate trash, try and open up  
18 a facility like that, because it was just getting  
19 so hard to get any land to dump on anymore.  
20 Q. During that period of time when more and more of  
21 the local town dumps were closing, did you notice  
22 any difference in the amount of waste that was  
23 coming into J.M. Mills?  
24 A. Yeah, that's about the time when all the  
25 transfer stations started coming in and even

0063

1 companies that I never even saw. I don't  
2 remember their names now, but back then I knew  
3 they weren't a regular customer.  
4 Q. For --  
5 A. And I know there was even semis that came in  
6 there that had New Jersey plates.  
7 Q. Do you remember anything about those, about those  
8 New Jersey semis?  
9 A. No. I just thought it was real weird that  
10 here's a New Jersey truck hauling trash from New  
11 Jersey all the way up to Cumberland, Rhode  
12 Island.  
13 Q. Did you ever learn that there was any waste that  
14 was supposed to go to some other landfill in  
15 Rhode Island that the landfill operators  
16 redirected to J.M. Mills?  
17 A. No.

18 MR. MURPHY: Let me see if I have  
19 anymore follow-up before I ask you about the  
20 other companies.  
21 (P A U S E)  
22 MR. MURPHY: Okay. Let me ask you about  
23 some companies, and I think the best way to do  
24 this, why don't we mark as -- what's the next  
25 numbered exhibit?

0064

1 MR. JACKSON: 7, I think.  
2 MR. NEWTON: 7.

3 MR. MURPHY: If we can mark these  
4 Exhibit 7.  
5 (Plaintiff's Exhibit Number 7 was so  
6 marked.)

7 MR. SOMMERS: Why don't you describe  
8 what you just handed out so --

9 MR. MURPHY: Hey, Julie, just so you  
10 know, consistent with the way I've marked my dump  
11 tickets in the past, I have, you know, handed out  
12 what's been marked as Exhibit 7 and it's dump  
13 tickets not for the companies that Tom asked  
14 about, you know, with a cover sheet with my best  
15 effort of the name of the company with tickets  
16 for that company behind them.

17 MS. BARRY: Yeah, I'm familiar with it.  
18 That's great. I'd ask if somebody wouldn't mind  
19 if you'd put a copy in the mail to me.

20 MR. MURPHY: I think we can do that.

21 Q. Mr. Castello.

22 A. Yes, sir.

23 Q. Do you recall an entity or a company called Globe  
24 Industries?

25 A. Yes, I do know -- remember there was a Globe.

0065

1 Q. Did you bring waste from Globe Industries to J.M.  
2 Mills?

3 A. Yes, I remember that.

4 Q. Do I have the name of the company correct?

5 A. Yes. I just don't recall where they were at.

6 Q. You don't recall the location?

7 A. No.

8 Q. Do you know if they're still in business?

9 A. No, I don't.

10 Q. You haven't been in the area for some time,  
11 correct?

12 A. For over -- almost 23 years now.

13 Q. Okay. Did you go to one or more than one Globe  
14 facility?

15 A. I believe there was only one.

16 Q. And do you remember where that was?

17 A. No, I don't.

18 Q. Do you remember what kind of a facility it was?

19 A. No, I don't.

20 Q. Do you remember anything about the contents of  
21 the waste in the containers?

22 A. No.

23 Q. Okay. Let's do this. Let's just go to the  
24 tickets then. The first section of Exhibit 7 has  
25 some tickets. And some of these may not be the

0066

1 correct company, I did the best I could.

2 Let me ask you this: The first ticket --

3 A. Yes.

4 Q. -- is that your handwriting?

5 A. Yes.

6 Q. 43118?

7 A. Yes.

8 Q. Does that say Globe?

9 A. Yes.

10 Q. Okay. And is that your signature?

11 A. Yes.

12 Q. Let's do this, I'm going to flip through these  
13 pages and ask you to look at a ticket number.

14 A. Okay.

15 Q. Okay. And it's going to be the same questions

16 for every one, which is is it your signature on  
17 that ticket --  
18 A. Okay.  
19 Q. -- and is it a ticket that reflects that it was a  
20 pick-up from Globe.  
21 A. Okay.  
22 Q. So let's flip to the next one and look at 33068.  
23 A. Okay.  
24 Q. Is that a --  
25 A. That is my signature and, yes, it does say

0067

1 Globe.  
2 Q. Okay. 33575, the next one?  
3 A. That is my signature and it does say Globe on  
4 it.  
5 Q. Okay. Now, the next one, the bottom right,  
6 33165?  
7 A. Yes, that's my signature and it does say  
8 Globe.  
9 Q. The next one, 40754?  
10 A. That's my signature and it does say Globe.  
11 Q. And the next one, 43118?  
12 A. Yes, that's my signature and it does say  
13 Globe.  
14 Q. Now, for each of those tickets that your  
15 signature appears on that you just identified, do  
16 each of those reflect that you brought a  
17 container -- a roll-off container from Globe  
18 Industries and dumped it at J.M. Mills?  
19 A. Correct.  
20 Q. Now, do you remember when you first picked up at  
21 Globe?  
22 A. No, because I really don't remember the stop.  
23 Q. Okay. Do you remember a frequency?  
24 A. No.  
25 Q. Okay.

0068

1 MR. CONNORS: Jonathan, I'll just note  
2 that I think the last page is the same as the  
3 first page.  
4 MR. MURPHY: Is it? Is there a  
5 duplication?  
6 MR. CONNORS: I think so.  
7 MR. MURPHY: Fair enough. I guess let  
8 the record reflect that the second and last pages  
9 of the Globe section have a duplicate ticket.  
10 Q. Let's go to the next company. Do you remember a  
11 company called Display Novelties?  
12 A. Yes, I believe they were on Reservoir Avenue.  
13 Q. In what town?  
14 A. I believe it's Central Falls.  
15 Q. Did they have one or more than one facility that  
16 you picked up from?  
17 A. Only the one that I know of.  
18 Q. Where was that? Oh, you said Reservoir Avenue.  
19 Do you know what they did there?  
20 A. They made wooden plaques and all stuff out of  
21 wood. They made shelving and I used to call them  
22 knickknacks.  
23 Q. How big was the facility?  
24 A. Probably about the size of this building.  
25 Q. And when for the first time did you pick up

0069

1 there?  
2 A. I know it was in the '70's. I have to say the

3 latter part of the '70's, I recall.  
4 Q. Was that a regularly scheduled stop or a will  
5 call?  
6 A. I think it was a will call.  
7 Q. Do you recall the frequency when you first  
8 started picking up there in the latter '70's, the  
9 frequency with which you picked up there?  
10 A. No, but I believe they went once a week. I  
11 picked up there once -- you know, I could pick up  
12 there once a week or maybe once a month. So my  
13 frequency wasn't a steady frequency, it was just  
14 if I was available when they called in then I'd  
15 be the one sent.  
16 Q. But you had an understanding that about once a  
17 week --  
18 A. Yes.  
19 Q. -- some Goditt & Boyer driver was picking up from  
20 there?  
21 A. Yes.  
22 Q. And where did you bring the waste from Display  
23 Novel ties?  
24 A. J.M. Mills.  
25 Q. Did you bring all of the loads that you picked up  
0070  
1 from Display Novel ties to J.M. Mills?  
2 A. Yes.  
3 Q. Now, with respect to Display Novel ties, were you  
4 the only Goditt & Boyer driver that picked up  
5 from there?  
6 A. No.  
7 Q. Did every Goditt & Boyer driver at some time pick  
8 up from Display Novel ties?  
9 A. I couldn't say for certainty that every one  
10 did. I know a few of them did. I just couldn't  
11 say all of them did.  
12 Q. Do you know what type of container was at that  
13 facility?  
14 A. 50-yarder.  
15 Q. And did the size or the -- was it one or more  
16 than one 50-yarder?  
17 A. One.  
18 Q. That was a compactor?  
19 A. Yes.  
20 Q. Did the size or number of containers change  
21 during the period of time you picked up?  
22 A. No.  
23 Q. Okay. So you picked up starting sometime in the  
24 late '70's. Did you pick up straight through  
25 1982?  
0071  
1 A. I could not say the dates for sure.  
2 Q. Okay.  
3 A. I could just say I know we picked it up for a  
4 while.  
5 Q. All right. Was that 50-yarder always full when  
6 you picked it up?  
7 A. Yeah, pretty much so.  
8 Q. Did you have occasion when you were picking up  
9 from Display Novel ties to observe what was in the  
10 containers?  
11 A. Yes.  
12 Q. What was in there?  
13 A. Basically wood, broken up pieces of wood.  
14 There was sawdust, boxes, you know, cardboard  
15 boxes, office waste. Every so often, you'd catch

16 some glue.  
17 Q. What kind of glue? Do you remember?  
18 A. Carpenter's glue.  
19 Q. Did you ever see any materials that were  
20 associated with finishing or painting?  
21 A. No, but you'd get a smell of stain, wood  
22 stain.  
23 Q. How often when you picked up from Display  
24 Novelties would you get that smell of wood stain?  
25 A. Well, when I did probably every other time.

0072

1 Q. Did you ever observe any liquid waste?  
2 A. No.  
3 Q. Any other waste that you recall?  
4 A. No.  
5 Q. Any empty paint cans or varnish cans?  
6 A. You'd catch empty varnish cans once in a  
7 while.  
8 Q. Any other empty vessels of any type?  
9 A. Not that I recall.  
10 Q. Do you remember anything else about the contents  
11 of the waste --  
12 A. No.  
13 Q. -- from Display Novelties?  
14 A. (Shakes head in the negative).  
15 Q. Okay. Let's go to the next section in Exhibit 7.  
16 There's three tickets. First one is 36056. Is  
17 that your signature on there, bottom right-hand  
18 corner?  
19 A. Yes.  
20 Q. Next one is 54834, is that your signature on that  
21 ticket?  
22 A. Yes.  
23 Q. And the next to the last one, bottom left, 47187,  
24 is that your signature on that ticket?  
25 A. Yes.

0073

1 Q. And is it your handwriting on all three of those  
2 that says Display Novelties?  
3 A. Yes.  
4 Q. And so do these three tickets reflect that on  
5 these three -- these three tickets reflect that  
6 on the dates indicated you brought a load, a  
7 container, a 50-yard container, from Display  
8 Novelties and dumped it at J.M. Mills?  
9 A. Correct.  
10 Q. Would it be fair to state that there were a lot  
11 more J.M. Mills dump tickets for Display  
12 Novelties reflecting other loads that you brought  
13 from Display Novelties to J.M. Mills?  
14 A. Yes.  
15 Q. Do you remember a company known as, I guess,  
16 Star?  
17 A. Star Markets.  
18 Q. Was there one facility or more than one Star  
19 Market facility?  
20 A. Star Market is supermarkets and there was a  
21 chain of them.  
22 Q. Did you pick up from only one?  
23 A. No, I know I picked up from a few of them.  
24 Q. Why don't we do this. Let's look at Exhibit 7.  
25 Do you remember the addresses or the locations,

0074

1 as you sit here?  
2 A. I know there was one in Cumberland that I

3 picked up from, another one that was in Central  
4 Falls that I picked up from. There were others  
5 that I did pick up from, I just don't recall  
6 where they were at. Like I said, Star Market was  
7 a supermarket and they were all over the place at  
8 the time.

9 Q. All right. Let's hold off on the tickets and  
10 we'll get to those in a minute. How big were  
11 these supermarkets? Were they all about the same  
12 size?

13 A. Yes, they were basically regular supermarkets.  
14 They weren't super supermarkets, they were just  
15 regular supermarkets.

16 Q. Okay. When for the first time did you pick up at  
17 any Star Market?

18 A. Oh, I believe in the beginning of the '70's.

19 Q. You testified that there was kind of a first, a  
20 second and a third period you worked for Goditt &  
21 Boyer?

22 A. Yes.

23 Q. The first was the short period in 1971?

24 A. Yes.

25 Q. Did you pick up starting then from Star?

0075

1 A. I believe I picked up one or two back then but  
2 then it didn't increase until after I returned.

3 Q. The middle period?

4 A. Yes.

5 Q. And then what about the later period, did you  
6 continue to pick up at Star?

7 A. I don't believe so because I know Star went  
8 out of business and I can't remember when they  
9 went out of business.

10 Q. Okay.

11 A. I know I picked up from them through the  
12 '70's, most of the '70's.

13 Q. All right.

14 A. I wouldn't say into the '80's.

15 Q. We'll look at the tickets. Maybe that will  
16 refresh your recollection. Were they will call  
17 or regularly scheduled --

18 A. They were --

19 Q. -- stops?

20 A. -- will call.

21 MR. MURPHY: If you could try to wait  
22 until I finish my question, otherwise, the  
23 reporter has a difficult time --

24 A. Sorry.

25 MR. MURPHY: -- getting both our words

0076

1 down.

2 Q. Do you recall the frequency with which you picked  
3 up at Star?

4 THE WITNESS: For any particular one?

5 MR. MURPHY: Yeah.

6 A. It was usually once a week.

7 Q. You had an understanding that basically every  
8 supermarket had their containers picked up once a  
9 week?

10 A. Yes.

11 Q. Where did you bring the waste from the Star  
12 supermarkets?

13 A. Generally, it went to J.M. Mills.

14 Q. When you say "generally," did all the waste from  
15 all of them go there?

16 A. No. Depended on what city -- I mean what  
17 state they were in. Some I know went to  
18 Attleboro landfill.  
19 Q. Which ones went to Attleboro? Massachusetts  
20 facility?  
21 A. Yes.  
22 Q. What about the Star Markets in Rhode Island?  
23 A. They basically went to J.M. Mills.  
24 Q. Any other landfills?  
25 A. If they had a city landfill, they would go to

0077

1 the city landfill.  
2 Q. And --  
3 A. And I don't know which ones had the city  
4 landfills, because most of mine was done around  
5 Cumberland, so -- and most of the cities around  
6 Cumberland didn't have their own landfill.  
7 Q. So you brought them where?  
8 A. So they'd go to J.M. Mills.  
9 Q. So if the Star Market was near Cumberland, you  
10 would always bring their containers to J.M.  
11 Mills?  
12 A. Yes.  
13 Q. Do you remember the size containers that the Star  
14 Markets used?  
15 A. In the end, they were 50-yarders.  
16 Q. What about --  
17 A. In the beginning, they were, like, 42's or  
18 what they call 46's.  
19 Q. Okay. Were they always full when you picked them  
20 up?  
21 A. Yes.  
22 Q. Were you in a position to observe the contents of  
23 those containers?  
24 A. Yes.  
25 Q. What did you see in there?

0078

1 A. Crushed cans of vegetables, what do you call  
2 it, cooking oil, meats.  
3 Q. Did you ever see any discarded aerosol cans of  
4 any type?  
5 A. Oh, yes.  
6 Q. How often in the loads were there discarded  
7 aerosol cans?  
8 A. Just about every load.  
9 Q. What about bug spray?  
10 A. Bug spray, deodorant spray, cleaning oils,  
11 like Pledge that you'd use on your furniture.  
12 Q. Would it be fair to state that what you saw in  
13 the dumpster was kind of representative of pretty  
14 much everything that was sold in the supermarket?  
15 A. Yeah.  
16 Q. Any other maintenance-type waste that you saw in  
17 those dumpsters?  
18 A. No.  
19 Q. Did you see the aerosol cans in the dumpsters  
20 every time you picked up the containers?  
21 A. Generally, you'd see at least one or two.  
22 Q. Okay.  
23 A. And we usually figured that if you see one or  
24 two there's more in the loads where you're not  
25 looking for them.

0079

1 Q. Do you ever remember going to a Star Market where  
2 the number of aerosol cans was a large percentage

3 of the load?  
4 A. No.  
5 Q. So it was just usually a small percentage?  
6 A. Yes.  
7 Q. Okay. Anything else you remember about the waste  
8 that you brought from Star Market -- any of the  
9 Star Markets to J.M. Mills?  
10 A. No, it was just basically the chemicals you'd  
11 find in there is what you'd find in your  
12 kitchen is what I remember.  
13 Q. All right. And it would be the types of  
14 materials that were sold at a supermarket --  
15 A. Yes.  
16 Q. -- at that time?  
17 A. Yes.  
18 Q. Let's look at the tickets that say Star. First  
19 one, upper left-hand corner, 38251. Is that your  
20 signature?  
21 A. Yes.  
22 Q. Let me ask you: Does that say -- does the first  
23 words say Star?  
24 A. Yes, it does.  
25 Q. What does it say after that?  
0080  
1 A. Barton Street.  
2 Q. B-A-R-T-O-N?  
3 A. Yes.  
4 Q. Where is that Barton Street?  
5 A. I could take you right to it, but I can't tell  
6 you how to get there.  
7 Q. What town?  
8 A. It's -- it's in Central Falls. It's -- how  
9 would you get there?  
10 Q. You don't need to tell me where it was, but it  
11 was in Central Falls?  
12 A. Yes.  
13 Q. And did you bring all the Central Falls 50-yard  
14 containers from Star Market to J.M. Mills when  
15 you picked them up?  
16 A. Yes.  
17 Q. Let's go to the next ticket, and I'm going to ask  
18 you -- we're going to go through these and I want  
19 you to tell me whether it's your signature on the  
20 ticket and whether it's from a Star Market.  
21 A. Yes, it is my signature and it's Star Market  
22 on Barton Street.  
23 Q. That's Ticket 35306?  
24 A. Yes.  
25 Q. Okay. Next one, next page, 45919, upper left?  
0081  
1 A. That's my signature and it was Star Market on  
2 Barton Street. Also went to J.M. Mills.  
3 Q. Did all the Barton Street loads go to J.M. Mills?  
4 A. Yes.  
5 Q. Next ticket, 45683.  
6 A. That's my signature and it's Star Market on  
7 Barton Street.  
8 Q. Next ticket, 40964.  
9 A. That's my signature and it's Star Market on  
10 Barton Street.  
11 Q. Next page, upper left, 43710.  
12 A. That's my signature and it's Star Market on  
13 Barton Street.  
14 Q. Next one, 36237, lower right.  
15 A. That's my signature and it's Star Market on



16 Barton Street.

17 Q. And the last ticket, lower right, 52964.

18 A. That's my signature and it's Star Market on

19 Barton Street.

20 Q. Now, in looking at these tickets, does it refresh

21 your recollection at all as to in the early '80's

22 whether you were bringing loads from Star

23 Markets?

24 A. Vaguely, yes.

25 Q. Okay. Do each of the dump tickets that you just

0082

1 confirmed have your signature on them in this

2 section reflecting that you picked up a 50-yard

3 container from the Barton Street Star Markets and

4 brought that load and dumped it at J.M. Mills?

5 A. Yes.

6 Q. Would it be fair to state that there were many

7 other J.M. Mills dump tickets that we don't have

8 here today that you would have received from any

9 other loads you brought from Star Markets to J.M.

10 Mills?

11 A. Yes.

12 Q. Do you remember a company called Gal's, G-A-L-S?

13 A. No.

14 Q. Do you remember anything at all about them?

15 A. No.

16 Q. Let's just look at the tickets then. First

17 ticket on the upper left-hand corner, 45103, does

18 that have your signature on it?

19 A. Yes, it does.

20 Q. Does that say Gal's, G-A-L-S?

21 A. Yes, it does.

22 Q. Is that your handwriting?

23 A. Yes.

24 Q. Okay. Looking at the ticket, does it refresh

25 your recollection at all about what Gal's was?

0083

1 A. No, it doesn't.

2 Q. Let's go to the next ticket, bottom left, 46602,

3 is that your signature?

4 A. That's my signature.

5 Q. Is it a load from Gal's?

6 A. Yes, it is.

7 Q. Next ticket, upper left, 38255, is that your

8 signature?

9 A. Yes, it is.

10 Q. Is that a load from Gal's?

11 A. Yes.

12 Q. Next ticket, 56391, is that your signature?

13 A. Yes, it is.

14 Q. Is that a load from Gal's?

15 A. Yes, it is.

16 Q. And next ticket, upper left-hand corner, 45745,

17 is that your signature?

18 A. Yes.

19 Q. And is that a load from Gal's?

20 A. Yes, it is.

21 Q. Last ticket, 56391, upper left-hand corner, is

22 that your signature?

23 A. Yes, it is.

24 Q. And is that a ticket from Gal's?

25 A. Yes.

0084

1 Q. Okay. So do each of these tickets that we just

2 identified for Gal's reflect that you picked up

3 from a customer known as Gal's and you dumped  
4 their load at J.M. Mills?  
5 A. Yes.  
6 Q. Do you remember anything at all about what they  
7 were, what they did?  
8 A. No, I don't.  
9 Q. What was in the container?  
10 A. No, sir.  
11 Q. The size of the containers?  
12 A. The only thing I can tell you of that is it  
13 would be a 50-yard body, 50-yard container.  
14 Q. How do you know that?  
15 A. Because that's basically what everybody went  
16 to. We got rid of -- Goditt & Boyer started  
17 getting rid of all the smaller containers because  
18 they were -- their contract was contracted for a  
19 50-yarder. So if you yank out their 50-yarder  
20 and put a 42 in it, you're still charging them  
21 for a 50-yarder, so there would be a conflict  
22 between the customer and the company.  
23 Q. And when you say that Goditt & Boyer started to  
24 go pretty much to 50-yard containers, was that in  
25 the early '80's, to your recollection?  
0085  
1 A. It was in the '70's, the late '70's, they  
2 started changing everything over.  
3 Q. So were they trying to eliminate the 30-yard open  
4 tops as well?  
5 A. No.  
6 Q. Okay.  
7 A. We did have some what they call 50-yard open  
8 tops, but they weren't trying to eliminate the  
9 30-yarders. It's just that some of the customers  
10 that we did do, their waste was light, so by  
11 putting them in a 30-yard body you're really not  
12 filling -- they weren't getting their money's  
13 worth.  
14 Q. Okay.  
15 A. So we went to the 50-yard open tops which  
16 weren't too successful at the time.  
17 Q. Okay. Do you remember a company called Woolco?  
18 A. No.  
19 Q. Do you remember anything about them?  
20 A. No.  
21 Q. Why don't we do this. Let's just go to the  
22 tickets then. In Exhibit 7, we have four  
23 tickets. First one, upper right-hand corner,  
24 38507, is that your signature?  
25 A. Yes, it is.  
0086  
1 Q. And does it say W-0-0-L-C-0 on there?  
2 A. Yes, it does.  
3 Q. Is that your handwriting?  
4 A. Yes, it is.  
5 Q. Next ticket, upper left, 54852, is that your  
6 signature?  
7 A. Yes, it is.  
8 Q. Is that Woolco there?  
9 A. Yes.  
10 Q. And the next one, bottom right, 35784, is that  
11 your signature?  
12 A. Yes, it is.  
13 Q. And is that a pick-up from Woolco?  
14 A. Yes.  
15 Q. And then the last ticket, 55417, is that your

16 signature?  
17 A. Yes, it is.  
18 Q. And did you write Woolco on that?  
19 A. Yes.  
20 Q. So all four of these tickets, does it reflect  
21 that you picked up a container from a customer  
22 known as Woolco and dumped it at J.M. Mills  
23 landfill?  
24 A. Yes.  
25 Q. Does this refresh your recollection at all as to  
0087  
1 the size of the container?  
2 A. Only thing I can tell you, it would be a 50.  
3 Q. Contents of the container?  
4 A. No.  
5 Q. Location?  
6 A. No.  
7 Q. What was in their waste?  
8 A. No.  
9 Q. What sort of facility they were?  
10 A. No. If it's -- the only Woolco that I ever  
11 knew in my life was a department store, but I  
12 can't swear to it that this is the same Woolco  
13 Q. Okay. Gotcha.  
14 A. So if it was a department store, it would be  
15 just general trash that a department store throws  
16 out, returned merchandise, boxes, sawdust from  
17 the floors, stuff like that.  
18 Q. All right.  
19 A. But I can't swear that this is the same  
20 company.  
21 MR. MURPHY: Okay. We can go off the  
22 record for a second.  
23 (Off the record discussion.)  
24 MR. MURPHY: Just back on the record.  
25 We're going to skip the Zayre, Z-A-Y-R-E,  
0088  
1 tickets. There's two Zayre tickets in that  
2 section.  
3 Q. Do you remember a company called Ro, R-O, Jack?  
4 A. Yes, they're a fruit stand.  
5 Q. A what?  
6 A. A fruit stand or that's how they basically  
7 started out.  
8 Q. Okay. Do you recall the contents of the waste  
9 from Ro-Jack?  
10 A. Basically, the same as you'd find from a  
11 supermarket.  
12 Q. Did their waste have anything other than  
13 foodstuffs in it?  
14 A. No.  
15 Q. Did they have any of the aerosol cans we talked  
16 about before?  
17 A. Yes.  
18 Q. Oh, they did?  
19 A. Yes. They would have a few of the aerosol  
20 cans. If something happened to a case, then the  
21 whole case would get thrown away because it would  
22 contaminate the other cans and customers wouldn't  
23 want to buy it.  
24 Q. Let me ask you this: This company Ro-Jack --  
25 A. Yes.  
0089  
1 Q. -- you said it started out as a fruit stand?  
2 A. Yes.

3 Q. Was it located somewhere where there was a farm  
4 associated with the fruit stand?  
5 A. No, not that I recall. From what I recall, it  
6 started on Route 1 in I guess it would be South  
7 Attleboro.  
8 Q. And at some point in time, did Ro-Jack grow into  
9 a --  
10 A. Yes.  
11 Q. -- supermarket?  
12 And how many facilities did they have?  
13 A. I know they had over five. I couldn't tell  
14 you how many.  
15 Q. How many did you pick up from?  
16 A. I guess two or three.  
17 Q. Do you remember where they were located?  
18 A. The one in -- on Route 1, I know I picked up  
19 that one. The others I couldn't tell you where  
20 they were.  
21 Q. Do you know if they got bought up by another  
22 company, at some point?  
23 A. No, I don't.  
24 Q. Do you know if they're still in business?  
25 A. No, I don't.

0090  
1 Q. Do you know what size container you picked up  
2 from?  
3 A. 50-yarder.  
4 Q. And when did you first pick up from Ro-Jack  
5 Ro-Jack?  
6 A. I'd say late to mid-'70's.  
7 Q. And do you recall, was it a will call or a  
8 scheduled?  
9 A. Will call.  
10 Q. And what was the frequency with which you picked  
11 up from any of the facilities?  
12 A. I'd say once a week.  
13 Q. Did you transport some of the Ro-Jack waste to  
14 J.M. Mills?  
15 A. Yes.  
16 Q. Did you bring all of their waste to J.M. Mills?  
17 A. I'd say yes.  
18 Q. What's that based on?  
19 A. Just that's where -- being so close, that's  
20 where they would end up going.  
21 Q. Okay. What type of container did they have? Did  
22 you say 50-yard?  
23 A. Yes.  
24 Q. At each facility, there was a 50-yard container?  
25 A. I couldn't swear at each facility. I could

0091  
1 only swear I know at some of the ones that I did  
2 that's what they had was a 50-yarder. What they  
3 had at the other ones, I have no idea.  
4 Q. But the ones you picked up from, the Ro-Jack's  
5 you picked up from, had the 50-yard container?  
6 A. Yes.  
7 Q. Do you remember anything else about the contents  
8 of the container?  
9 A. No.  
10 Q. You do recall, though, seeing some discarded  
11 aerosol cans?  
12 A. Yes.  
13 Q. Insecticide cans?  
14 A. Like Raid or something like that, yes.  
15 Q. Okay. Cleaning materials?

16 A. Yeah.  
17 Q. Do you recall what percentage of the loads had  
18 those nonfood materials like aerosol cans?  
19 A. Oh, it was a very small percentage, probably a  
20 quarter to a half a percent.  
21 Q. And that quarter to half percent in the loads,  
22 was it pretty much every container you picked up  
23 had some in it?  
24 A. No. I mean, it could have been there, but I  
25 didn't see them in every load. And there was a

0092

1 lot of loads you wouldn't even look at. You'd  
2 dump it and just go.  
3 Q. Let's look at the tickets under Ro-Jack. First  
4 one bottom right, 41 -- Ticket Number 41206, is  
5 that your signature?  
6 A. Yes, it is.  
7 Q. Is that a pick-up from Ro-Jack's, South  
8 Attleboro?  
9 A. Yes.  
10 Q. Is that the Route 1 facility?  
11 A. Yes.  
12 Q. Let's go to the next ticket, 55404, is that also  
13 your signature?  
14 A. Yes, it is.  
15 Q. Does it also reflect a load you brought from J.M.  
16 Mills to Ro-Jack's South Attleboro?  
17 A. Yes.  
18 Q. Next ticket, upper right-hand corner, ticket  
19 numbered 38259, is that your signature?  
20 A. Yes, it is.  
21 Q. Does that reflect a Ro-Jack load to J.M. Mills  
22 from that same location?  
23 A. It reflects a Ro-Jack load, but I can't say it  
24 was going to J.M. Mills.  
25 Q. Why is that, because --

0093

1 A. Because I can't read -- the ticket looks the  
2 same, but I can't see the name at the top of the  
3 ticket.  
4 Q. I gotcha. Let's go to the last one. Ticket  
5 Number 59054, is that your signature?  
6 A. Yes, it is.  
7 Q. Does that reflect that you picked up a Ro-Jack --  
8 A. In North Attleboro.  
9 Q. Now, is that different from the South Attleboro  
10 location?  
11 A. Yes, it is. It's also on Route 1, it's just  
12 it's in North Attleboro and it's not South  
13 Attleboro.  
14 Q. Did all the North Attleboro containers you picked  
15 up from that Ro-Jack facility go to J.M. Mills?  
16 A. No. I know some of those went to the North  
17 Attleboro landfill.  
18 Q. Did the North Attleboro location have,  
19 essentially, the same type of waste in the  
20 container as the South Attleboro location?  
21 A. Yes.  
22 Q. Does each of these four tickets reflect that on  
23 the dates indicated you brought a 50-yard  
24 container from a Ro-Jack facility and dumped it  
25 at J.M. Mills?

0094

1 A. Yes.  
2 Q. Would it be fair to state that there are more

3 dump tickets generated for other loads that you  
4 brought from Ro-Jack facilities and dumped at  
5 J.M. Mills?  
6 A. Yes.  
7 Q. Let's go to the next company. Do you remember a  
8 company called Bachman Foods?  
9 A. Yes.  
10 Q. Do you remember the correct spelling of Bachman  
11 Foods?  
12 A. That looks like the correct spelling.  
13 Q. B-A-C-H-M-A-N?  
14 A. Yes.  
15 Q. And did you serve one or more than one of their  
16 facilities?  
17 A. The one.  
18 Q. Where were they located?  
19 A. They were located next to Blackstone Valley  
20 Electric on Route 116.  
21 Q. And what kind of a facility was it? What did  
22 they do?  
23 A. They make Fritos and corn chips and stuff like  
24 that, snack foods.  
25 Q. So it was a food manufacturing facility?  
0095  
1 A. Yes.  
2 Q. How big was it?  
3 A. From what I can remember, it's close to the  
4 size of this building.  
5 Q. When did you first pick up at Bachman Foods?  
6 A. I'd say mid-'70's.  
7 Q. During that kind of middle term that you worked  
8 for Goditt & Boyer?  
9 A. Yes.  
10 Q. Was it a will call or a regularly scheduled stop?  
11 A. It was a will call.  
12 Q. Did you bring loads there through the early  
13 '80's? Did you pick up from there through the  
14 early '80's?  
15 A. I may have and I just don't remember the  
16 dates.  
17 Q. Okay. We'll look at the tickets. Maybe that  
18 will refresh your recollection. Do you recall  
19 the frequency with which you picked up,  
20 personally, at Bachman Foods?  
21 A. Sometimes I'd go weekly and then I wouldn't  
22 see it for months.  
23 Q. Did other Goditt & Boyer drivers, to your  
24 knowledge, also pick up there?  
25 A. Yes.  
0096  
1 Q. Do you know how often their loads went or were  
2 picked up by Goditt & Boyer?  
3 A. From what I understand, it went weekly.  
4 Q. And where did you bring the Bachman Foods  
5 containers you picked up?  
6 A. To J.M. Mills.  
7 Q. Did you bring all of the Bachman containers to  
8 J.M. Mills that you picked up?  
9 A. Yes.  
10 Q. Okay. And do you remember the size of the  
11 container or containers?  
12 A. It was a 50-yarder.  
13 Q. Do you remember where it was located on the  
14 property?  
15 A. If you're looking at the building from the

16 front, it would be on the right-hand side of the  
17 building about a third of the way back.  
18 Q. And did the size of the container change over  
19 time?  
20 A. No.  
21 Q. Did the number of containers change over time?  
22 A. Not that I know of.  
23 Q. Was it always full when you picked it up?  
24 A. Yes.  
25 Q. Did you have occasion to see what was in the

0097

1 container?  
2 A. Oh, yes.  
3 Q. What was in there?  
4 A. Cheetos and all kinds of snack foods.  
5 Q. Okay. Other than food products, did you see any  
6 waste in those containers associated with the  
7 maintenance of the equipment?  
8 A. No.  
9 Q. Did you see anything other than food waste?  
10 A. No, just the food waste.  
11 Q. Nothing else?  
12 A. Nope.  
13 Q. Let's just look at the tickets then briefly. The  
14 first ticket, bottom right-hand corner, 50053, is  
15 that your signature?  
16 A. Yes, it is.  
17 Q. And is that a Bachman Foods load?  
18 A. Yes.  
19 Q. Next ticket, upper left, 52486.  
20 A. That's my signature and it's a Bachman Food  
21 load.  
22 Q. Okay. Next ticket, bottom right, 44767.  
23 A. That's my signature and it's a Bachman Food  
24 load.  
25 Q. Next ticket, 39069.

0098

1 A. That's my signature and it's a Bachman Food  
2 load.  
3 Q. Next ticket, bottom right, 42946?  
4 A. That's my initial -- my writing and Bachman  
5 Food load.  
6 Q. And the next ticket, 56298.  
7 A. That's my initials and it looks like it says  
8 Bachman Food.  
9 Q. So each of the tickets we've looked at, other  
10 than the last one which you're not sure about, do  
11 they reflect loads you picked up from Bachman  
12 Foods and dumped at J.M. Mills?  
13 A. Yes.  
14 Q. Would it be fair to state that there were many  
15 other dump tickets reflecting other loads that  
16 you brought from Bachman Foods to J.M. Mills?  
17 A. Yes.  
18 Q. Was there a warehouse associated with this  
19 facility?  
20 A. No, I believe that was part of the factory.  
21 The warehouse would be the back part of the  
22 factory.  
23 Q. All right. Did they have any forklift or, you  
24 know, equipment that moved things on pallets?  
25 A. Yes, they did.

0099

1 Q. Did you ever see any hydraulic fluids or anything  
2 associated with work that was performed on any of

3 the warehouse equipment?  
4 A. No.  
5 Q. Do you remember a company called Union Wadding?  
6 A. Yes.  
7 Q. Do I have the name of that company correct?  
8 A. Yes.  
9 Q. Where were they located?  
10 A. In Pawtucket.  
11 Q. Do you remember where?  
12 A. I couldn't tell you the street, no.  
13 Q. As you sit here today, though, can you picture  
14 the facility?  
15 A. Yes.  
16 Q. Did they have one or more than one facility that  
17 you serviced?  
18 A. One that I serviced.  
19 Q. And what did they do at Union Wadding? Do you  
20 know?  
21 A. I know they made all kinds of cotton products,  
22 like Christmas tree skirts and stuff like that.  
23 Q. Was it a manufacturing facility?  
24 A. Yes.  
25 Q. How big was it?  
0100  
1 A. Oh, probably two or three times the size of  
2 this building.  
3 Q. When for the first time did you pick up at Union  
4 Wadding?  
5 A. I'd have to say in the mid-'70's.  
6 Q. Was it a will call or a regularly scheduled?  
7 A. No, it was a will call.  
8 Q. Do you remember when you stopped picking up  
9 there?  
10 A. No.  
11 Q. Do you recall the frequency with which you picked  
12 up from Union Wadding?  
13 A. It wasn't one of my regular stops. I'd have  
14 to say every two or three weeks I may go there,  
15 sometimes longer.  
16 Q. And do you have an understanding that when you  
17 weren't picking up from Union Wadding other  
18 Goditt & Boyer drivers were?  
19 A. Yes.  
20 Q. Do you know how often any driver would have gone  
21 to Union Wadding and picked up a container?  
22 A. My understanding it went weekly.  
23 Q. And do you remember the size of the container?  
24 A. Yes, 50. 50-yarder.  
25 Q. One or more than one?  
0101  
1 A. Only one that I remember.  
2 Q. Did the size or number of containers change over  
3 time?  
4 A. No, not that I know of.  
5 Q. Do you remember where that 50-yard container was  
6 located?  
7 A. I want to say on the side of the building  
8 about halfway down. I can picture it, but I  
9 can't picture the surroundings of it.  
10 Q. Were you in a position to observe the contents of  
11 the containers?  
12 A. Oh, yes.  
13 Q. What did you see in there?  
14 A. A whole lot of dirty cotton.  
15 Q. What do you mean when you say "dirty cotton"?



16 A. Well, when you know what -- if you've got a  
17 piece of cotton and you drop it on the floor how  
18 it gets dirty and stuff like that, that's what I  
19 mean, it was dirty like that, and some of it  
20 would be soaking wet.  
21 Q. What do you mean by "soaking wet"?  
22 A. It was supposedly wet with water.  
23 Q. Any other liquid waste other than water that you  
24 ever observed or smelled?  
25 A. Not that I could smell. If I felt it, it felt

0102

1 like water.  
2 Q. Was there any waste in the Union Wadding  
3 containers associated with the maintenance of  
4 their machines?  
5 A. Once in a while, you'd find some rags, oily  
6 rags in there or stuff like that.  
7 Q. When you say "once in a while," what do you mean?  
8 A. Well, you might see it this time, but you  
9 might not see it for another three months.  
10 Q. All right.  
11 A. I'm not saying it wasn't there. I'm just  
12 saying I didn't see it.  
13 Q. Did you see any dyes of any type there in the  
14 containers?  
15 A. No, not that I recall.  
16 Q. Were there any unusual odors associated with the  
17 containers?  
18 A. No.  
19 Q. Any chemical waste of any type that you're aware  
20 of?  
21 A. Not that I'm aware of.  
22 Q. Any other kind of oily waste?  
23 A. No.  
24 Q. Anything else you remember about the waste coming  
25 out of Union Wadding?

0103

1 A. No, that's about it.  
2 Q. Okay. Here's what I'm going to do. I'm going to  
3 ask you to look at each of the tickets, and I'm  
4 going to go through these quickly, and then at  
5 the end I'm going to ask you just once whether  
6 each one of the ones I read had your signature on  
7 it and was a load from Union Wadding. So let me  
8 just go through each one of the tickets first.  
9 Okay?  
10 A. Okay.  
11 Q. And just say yes if you see the ticket and you've  
12 looked at it. 40971?  
13 A. Yes.  
14 Q. Next page, 36597?  
15 A. Yes.  
16 Q. Next page, 40971?  
17 A. Yes.  
18 Q. Next page, 35575?  
19 A. Yes.  
20 Q. Next page, upper left, 35028?  
21 A. Yes.  
22 Q. Next page, lower left, 52590?  
23 A. Yes.  
24 Q. Next page, upper left, 47221?  
25 A. Yes.

0104

1 Q. Next page, lower left, 34767?  
2 A. Yes.

3 Q. Next page, lower left, 35363?  
4 A. Yes.  
5 Q. Next page, lower left, 35973?  
6 A. Yes.  
7 Q. Next page, lower right, 36191?  
8 A. Yes.  
9 Q. Next page, upper left, 59111?  
10 A. Yes.  
11 Q. Next page, lower right, 37225?  
12 A. Yes.  
13 Q. Next page, lower left, 55794?  
14 A. Yes.  
15 Q. Last page, upper left, 39607?  
16 A. Yes.  
17 Q. Do each of the tickets that you just answered yes  
18 to have your signature on them?  
19 A. Yes.  
20 Q. And do they all indicate that you picked up a  
21 load from Union Wadding?  
22 A. Yes.  
23 Q. Okay. And for each of these tickets, does it --  
24 are you able to testify that on the date  
25 indicated you brought a load, a 50-yard  
0105  
1 container, from Union Wadding and dumped it at  
2 J.M. Mills?  
3 A. Yes.  
4 Q. And would it be fair to state that there are many  
5 other dump tickets that would have been generated  
6 for many other loads that you would have brought  
7 from Union Wadding and dumped at J.M. Mills?  
8 A. Yes.  
9 Q. Do you remember picking up from Pawtucket  
10 Memorial Hospital?  
11 A. Yes.  
12 THE WITNESS: Are you sure you want to  
13 go through that one before lunch?  
14 MR. CONNORS: I'm easy either way. I  
15 don't know what people want to do. Do you want  
16 to get through this?  
17 (Off the record discussion.)  
18 Q. Let me ask you this: Where was the Pawtucket  
19 Memorial Hospital?  
20 A. In Pawtucket off of I believe it was Memorial  
21 Avenue.  
22 Q. Was it one main hospital facility?  
23 A. Yes.  
24 Q. And were there any portions of the hospital  
25 facility that had operations or maintenance  
0106  
1 facilities?  
2 A. Yes.  
3 Q. Do you remember where the operations or  
4 maintenance facilities were located?  
5 A. No.  
6 Q. How big was the hospital, I mean, the aggregate?  
7 Was it one building or more than one building?  
8 A. I remember it was one building, but it was a  
9 good size building.  
10 Q. What do you mean by "good size"?  
11 A. Probably about half the size Rhode Island  
12 Hospital is now.  
13 Q. Currently, okay. And did you ever have occasion  
14 to visit a patient in that hospital?  
15 A. Yes, but that was years before and I don't

16 remember what the inside of it really looks like.  
17 Q. All right. And when for the first time did you  
18 pick up at Pawtucket Memorial Hospital?  
19 A. That was definitely in the early '70's.  
20 Q. Well, let me ask you this: During that first  
21 period, 1971 when you just started driving  
22 roll-offs, did you pick up from them then?  
23 A. Yes.  
24 Q. During the middle period, did you pick up from  
25 them?

0107

1 A. Yes.  
2 Q. What about the last -- later period?  
3 A. Once in a while that I remember.  
4 Q. Okay. We'll look at the tickets here which are  
5 from the '80's.  
6 A. Okay.  
7 Q. Was that a will call or a regularly scheduled  
8 stop?  
9 A. It was a will call.  
10 Q. And do you recall the frequency with which you  
11 picked up there?  
12 A. For a while there, it was every week.  
13 Q. Do you remember at what period it was when you  
14 were picking up there every week?  
15 A. The beginning of the '70's.  
16 Q. And for how long did you pick up once a week?  
17 A. I know it was at least a couple years.  
18 Q. Okay.  
19 A. I couldn't tell you if it was much more than  
20 that.  
21 Q. You talked about when you became an  
22 owner/operator that you tried to keep your  
23 geographic location to the local area?  
24 A. Yes.  
25 Q. Did you consider where Pawtucket Memorial

0108

1 Hospital was part of that local area?  
2 A. Yes.  
3 Q. Did you tend to go back there --  
4 A. No.  
5 Q. -- a lot when you were in the local area?  
6 A. No.  
7 Q. Why not?  
8 A. Because of the contents of the container.  
9 Q. Okay. We're going to get to that in a minute.  
10 Where did you bring the waste from Pawtucket  
11 Memorial Hospital?  
12 A. J.M. Mills.  
13 Q. Anywhere else?  
14 A. No.  
15 Q. So all of the containers that you picked up from  
16 Pawtucket Memorial Hospital went to J.M. Mills,  
17 correct?  
18 A. Yes.  
19 Q. And tell me the size container or containers  
20 there.  
21 A. It's a 46.  
22 Q. Was it a compactor?  
23 A. Yes.  
24 Q. Did the size of that compactor change over time?  
25 A. No, because that -- excuse me. That

0109

1 compactor, that body or trash container, once it  
2 went to the hospital was no good for anything

3 else.  
4 Q. Why is that?  
5 A. Because now you're spreading all kinds of  
6 diseases from the hospital to a department store.  
7 Q. And was that something that was discussed at  
8 Goditt & Boyer?  
9 A. Yes.  
10 Q. How did you know that you couldn't use that  
11 container anywhere else?  
12 A. Well, just from the contents itself. It's  
13 just common sense there's all kinds of diseases  
14 in there.  
15 Q. Okay.  
16 A. And everybody, all the drivers knew what  
17 Memorial Hospital was, and nobody wanted to touch  
18 the container.  
19 Q. When you serviced a facility, were you in a  
20 position either when you picked up or when you  
21 dumped that load to see what was in the  
22 containers?  
23 A. Yes.  
24 Q. Why don't you go ahead and tell me what was in  
25 there.  
0110  
1 A. It had, first of all, all kinds of syringes in  
2 there. It had -- every so often, you'd find a  
3 piece of somebody's body which didn't happen too  
4 often because that had to go -- it was supposed  
5 to go to other places like an incinerator.  
6 Q. But do you remember --  
7 A. But you'd still find them in there.  
8 Q. Do you have a specific recollection of any body  
9 parts?  
10 A. Yeah, I seen a couple of toes. I seen a few  
11 fingers. I saw somebody's liver. They had,  
12 like, dirty diapers from adults. You'd find all  
13 kinds of bloody gauze, and what do they call  
14 them, the towels that they use in the operations,  
15 they would be soaked with blood. They'd be  
16 throwing those away at times. There was this  
17 gray -- grayish brown goo in there and it had a  
18 sickening smell to it. I don't know if that's a  
19 combination of all the stuff that just ran  
20 together because it was awful juicy. How else  
21 can I say? That's why I said are you sure you  
22 don't want to wait until after lunch.  
23 Q. Let me ask you this: Was there any waste in  
24 there associated with the maintenance of the  
25 building that you recall?  
0111  
1 A. Not that I recall, no, but then again, this is  
2 one load you don't really look around.  
3 Q. Okay. Any cleaning products associated with the  
4 hospital, the disposal of cleaning products?  
5 A. Not that I recall.  
6 Q. Other than this medical waste which you've  
7 already identified, do you remember anything that  
8 had any petroleum in it or any oil?  
9 A. No.  
10 Q. Any solvents?  
11 A. No.  
12 Q. You don't remember anything else about the  
13 contents --  
14 A. No.  
15 Q. -- of the containers?

16           Okay. Let's do this. We've got quite a few  
17 Pawtucket Memorial --  
18           A. A bunch.  
19    Q.     -- tickets. So I'm going to do the same thing.  
20           I'm just going to read the ticket number and ask  
21           you to look at it. And when you see it, I want  
22           you to just answer yes that you've seen it --  
23           A. Okay.  
24    Q.     -- and then I'll ask you some questions at the  
25           end. Okay?

0112

1           A. Okay.  
2    Q.     First ticket, upper right, 46324. If you see it,  
3           say yes.  
4           A. Yes.  
5    Q.     Okay. Next ticket, upper left, 46 -- 45683?  
6           A. Yes.  
7    Q.     Next page, bottom right, 39873?  
8           A. Yes.  
9    Q.     Next page, 38404?  
10           A. Yes.  
11   Q.     Next page, 38951?  
12           A. Yes.  
13   Q.     Next page, upper right, 38655?  
14           A. Yes.  
15   Q.     Next page, upper left, 36903?  
16           A. Yes.  
17   Q.     Next page, upper right, 33302?  
18           A. Yes.  
19   Q.     Next page, upper right, 34069?  
20           A. Yes.  
21   Q.     Next page, lower left, 59162?  
22           A. Yes.  
23   Q.     Next page, upper right, 56098?  
24           A. Yes.  
25   Q.     Next page, lower left, 39907?

0113

1           A. Yes.  
2    Q.     Next page, lower left, 56235?  
3           A. Yes.  
4    Q.     Next page, lower right, 42221?  
5           A. Yes.  
6    Q.     Next page, lower right, 57460?  
7           A. Yes.  
8    Q.     Next page, lower right, 52703?  
9           A. Yes.  
10   Q.     Next page, lower left, 50394?  
11           A. Yes.  
12   Q.     Next page, lower right, 35256?  
13           A. Yes.  
14   Q.     Next page, lower right, 51459?  
15           A. Yes.  
16   Q.     Next page, upper right, 59203?  
17           A. Yes.  
18   Q.     Next page, lower right, 52791?  
19           A. Yes.  
20   Q.     Next page, lower left, 43031?  
21           A. Yes.  
22   Q.     Next page, lower left, 46115?  
23           A. Yes.  
24   Q.     Next page, lower right, 36205?  
25           A. Yes.

0114

1    Q.     Next page, upper left, 45007?  
2           A. Yes.

- 3 Q. Next page, upper left, 52908?  
4 A. Yes.
- 5 Q. Next page, upper left, 54658?  
6 A. Yes.
- 7 Q. Next page, lower right, 54861?  
8 A. Yes.
- 9 Q. Next page, lower right, 54153?  
10 A. Yes.
- 11 Q. Next page, upper left, 35754?  
12 A. Yes.
- 13 Q. Next page, lower right, 35990?  
14 A. Yes.
- 15 Q. Next page, lower left, 35473?  
16 A. Yes.
- 17 Q. Next page, upper right, 54556?  
18 A. Yes.
- 19 Q. Next page, upper left, 37132?  
20 A. Yes.
- 21 Q. Next page lower -- to the right, 32754?  
22 A. Yes.
- 23 Q. Next page, lower right, 34629?  
24 A. Yes.
- 25 Q. Next page, upper left, 34535?  
0115
- 1 A. Yes.
- 2 Q. Next page, upper left, 32903?  
3 A. Yes.
- 4 Q. Next page, upper left, 43057?  
5 A. Yes.
- 6 Q. Next page, lower left, 43305?  
7 A. Yes.
- 8 Q. Next page, upper right, 44452?  
9 A. Yes.
- 10 Q. Next page, lower right, 46500?  
11 A. Yes.
- 12 Q. Next page, lower right, 34103?  
13 A. Yes.
- 14 Q. Next page, upper right, 35252?  
15 A. Yes.
- 16 Q. Next page, are you able to tell me that's a J.M.  
17 Mills ticket, 33551?  
18 A. No, I cannot.
- 19 Q. Let's go to the next one, lower right, 55793?  
20 A. Yes.
- 21 Q. Next page, lower right, 37352?  
22 A. Yes.
- 23 Q. Next page, to the right--  
24 A. Yes.
- 25 Q. -- 37051?  
0116
- 1 Next page, lower right --  
2 A. Yes.
- 3 Q. Let me give you the number first. 57657?  
4 A. Yes.
- 5 Q. Next page, lower right, 38356?  
6 A. Yes.
- 7 Q. Next page, upper right, 38208?  
8 A. Yes.
- 9 Q. Next page, upper left, 38104?  
10 A. Yes.
- 11 Q. Next page, lower left, 56155?  
12 A. Yes.
- 13 Q. Next page, upper left, 56707?  
14 A. Yes.
- 15 Q. Next page, upper right, 56904?

16 A. Yes.

17 Q. Next page, upper left, 41008?

18 A. Yes.

19 Q. Next page, lower right, 41786?

20 A. Yes.

21 Q. Next page, lower right, 53453?

22 A. Yes.

23 Q. Next page, lower right, 50473?

24 A. Yes.

25 Q. Next page, lower left, 50887?

0117

1 A. Yes.

2 Q. Next page, upper right, 36155?

3 A. Yes.

4 Q. Next page, upper left, 35805?

5 A. Yes.

6 Q. Next page, upper right, 40651?

7 A. Yes.

8 Q. Next page, upper left, 44621?

9 A. Yes.

10 Q. Next page, lower left, 46055?

11 A. Yes.

12 Q. Next page, upper left, 35041?

13 A. Yes.

14 Q. Next page, lower left, 37553?

15 A. Yes.

16 Q. Next page, upper left, 40153?

17 A. Yes.

18 Q. Next page, lower left, 40611?

19 A. Yes.

20 Q. Next page, lower right, 40403?

21 A. Yes.

22 Q. Next page, lower left, 40583?

23 A. Yes.

24 Q. Next page, lower left, 36717?

25 A. Yes.

0118

1 Q. Next page, lower left, 44847?

2 A. Yes.

3 Q. Next page, to the right, 35963?

4 A. Yes.

5 Q. Next page, lower left, 37553?

6 A. Yes.

7 Q. Last page, upper left, 40153?

8 A. Yes.

9 Q. Now, other than the one ticket that you couldn't

10 make out where it was dumped, did every one of

11 the tickets numbers that I just read to you

12 contain your signature?

13 A. Yes.

14 Q. And did every one of those tickets, other than

15 the one that we couldn't make out, reflect that

16 you picked up from Pawtucket Memorial Hospital?

17 A. Yes.

18 Q. And so for all those tickets other than that one,

19 do those tickets show that on the date indicated

20 you brought a 46-yard container from Pawtucket

21 Memorial Hospital and dumped it at J.M. Mills?

22 A. Yes.

23 Q. Does this refresh your recollection in the period

24 from -- in late-1980 through mid-1982, the

25 frequency with which you picked up at Pawtucket

0119

1 Memorial Hospital?

2 A. Yes. Yes, it does.

3 Q. Was it fairly frequent?  
4 A. Yes.  
5 Q. Okay. And would it be fair to state that prior  
6 to 1980 there were many other J.M. Mills' dump  
7 tickets that were generated that reflected loads  
8 you brought from Pawtucket Memorial Hospital and  
9 dumped at J.M. Mills?  
10 A. Oh, yes.  
11 Q. And in addition to yourself, did other Goditt &  
12 Boyer drivers, to your knowledge, also pick up at  
13 Pawtucket Memorial Hospital?  
14 A. Yes.  
15 Q. Do you remember picking up from Stop & Shop?  
16 THE WITNESS: Stop & Shop?  
17 MR. MURPHY: Yes.  
18 A. Yes.  
19 Q. Did you pick up from one or more than one Stop &  
20 Shop facility?  
21 A. More than one.  
22 Q. Warehouse as well?  
23 A. Yes.  
24 Q. Let's start with the warehouse, where was that  
25 located?  
0120  
1 A. I believe it was Needham, Mass.  
2 Q. And the Needham, Mass, warehouse, did any of the  
3 loads you picked up there go to J.M. Mills?  
4 A. All of them did. All the ones that I picked  
5 up went there.  
6 Q. And how many different Stop & Shop supermarket  
7 locations did you pick up from?  
8 A. Quite a few. I couldn't give you a number.  
9 I'd just have to say quite a few.  
10 Q. Okay. The size of the supermarkets at that time  
11 the standard size?  
12 A. Yes.  
13 Q. How big was the warehouse?  
14 A. It was huge. I'd have to say probably close  
15 to a thousand feet long or better probably by six  
16 or 700 feet deep.  
17 Q. When, for the first time, did you pick up at the  
18 warehouse?  
19 A. That was in the '70's.  
20 Q. Do you remember when in the '70's?  
21 A. I'd give a rough guess and say mid-'70's or  
22 maybe --  
23 Q. When -- go ahead.  
24 A. Or maybe the early '70's.  
25 Q. That short period when you started driving  
0121  
1 roll-offs before you left the first time --  
2 A. Right.  
3 Q. -- from Goditt & Boyer, did you pick up from Stop  
4 & Shop then?  
5 A. No, I don't believe so.  
6 Q. Then you came back, correct --  
7 A. Correct.  
8 Q. -- and worked for about five years?  
9 A. Yes.  
10 Q. All right. During that middle period, the five  
11 years, did you up from the Stop & Shop warehouse  
12 then?  
13 A. Yes.  
14 Q. Pretty much from the beginning, do you remember,  
15 or at some other point in time?



16 A. I picked some of it up in the latter parts of  
17 the '70's, but I don't believe into the '80's.  
18 Q. Okay. What about the supermarket, when did you  
19 first start picking it up?  
20 A. Those would be in the middle half when I came  
21 back.  
22 Q. Okay. Right from the beginning of that second  
23 period you worked at Goditt & Boyer?  
24 A. Yeah, I'd have to say yes.  
25 Q. All right. And the supermarkets, where did you  
0122 bring the containers from the supermarkets?  
1 A. In the beginning some of them went to J.M.  
2 Mills, some of them went to the cities that they  
3 were in because it was mixed trash.  
4 Q. What about near the end?  
5 A. Most of the -- most of them went to United  
6 Paper Stock.  
7 Q. When you say "it was mixed trash," what does that  
8 mean?  
9 A. It was cardboard, fruits and vegetables, there  
10 was canned goods, aerosol sprays, there was  
11 cooking oils. It was everything that would be in  
12 the store.  
13 Q. Similar to what you identified for Star Markets  
14 and Ro-Jack?  
15 A. Yes.  
16 Q. Was the percentage of aerosol cans different than  
17 from Star Market?  
18 A. No.  
19 Q. Did you ever see insecticide cans, Raid, anything  
20 like that?  
21 A. Yes, you'd get those, too.  
22 Q. And what percentage would be insecticide cans?  
23 A. There would be a small percentage just be  
24 mixed in with the regular aerosol cans. So you  
25 might find maybe a half a dozen sometimes,  
0123 sometimes you'd only find one, so the percentage  
1 varied.  
2 Q. Let me ask you now, we're talking about the  
3 supermarkets, correct?  
4 A. Correct.  
5 Q. Did there come a point in time when the Stop &  
6 Shop segregated their cardboard from their other  
7 trash?  
8 A. Yes.  
9 Q. And is that when you started bringing it to  
10 United Paper?  
11 A. Yes.  
12 Q. Did you ever have a load rejected from United  
13 Paper?  
14 A. Yes.  
15 Q. What was the basis upon which United would reject  
16 loads from Stop & Shop?  
17 A. Generally, it had too much plastic bags in it  
18 and wood. I mean, there was other times it had  
19 food mixed in with it, but the general reason was  
20 because of the plastic and the wood.  
21 Q. Okay. What kind of plastic bags? Do you  
22 remember?  
23 A. Plastic bags when you go to the supermarket  
24 and you've got a bag there that you rip off and  
0124 you put your food inside it, that clear plastic.  
1  
2

3 Q. Yeah.  
4 A. It was like that.  
5 Q. All right. Now, let's talk about the -- and when  
6 you weren't bringing the segregated paper in the  
7 later period from Stop & Shop to United Paper,  
8 where did the rest of the waste go?  
9 A. Generally, to J.M. Mills.  
10 Q. So after the town dump started to close, did you  
11 bring most of the supermarket Stop & Shop waste  
12 to J.M. Mills?  
13 A. Yes.  
14 Q. And the containers pretty much had about the same  
15 percentage of aerosols thrown away as you  
16 testified was in the Star Market loads?  
17 A. Yes.  
18 Q. What about the warehouse, did the warehouse have  
19 any waste that was different from -- well, let me  
20 ask you this: What size containers did the  
21 stores have, the supermarkets?  
22 A. 50-yarders.  
23 Q. One at each location?  
24 A. Yes.  
25 Q. And what was the frequency with which you picked  
0125 up from the supermarkets?  
1 A. Generally, once a week, and they were also  
2 call-ins or will calls.  
3 Q. Okay. What about the warehouse, what size  
4 container?  
5 A. They had 50's.  
6 Q. One or more than one?  
7 A. Generally, two.  
8 Q. Okay. And how often did you pick up from the  
9 Needham, Mass, Stop & Shop warehouse?  
10 A. Near the beginning, it was once -- basically  
11 once a week and then it got -- the distance  
12 between pick-ups were greater.  
13 Q. For you?  
14 A. Yes.  
15 Q. But did you have an understanding that it was  
16 still about once a week but just picked up by  
17 other Goditt & Boyer drivers?  
18 A. Yes.  
19 Q. Okay. And was there a difference in what was in  
20 the waste stream coming out of the Needham, Mass,  
21 Stop & Shop warehouse?  
22 THE WITNESS: Than the regular store?  
23 MR. MURPHY: Yeah.  
24 A. No, it was basically the same stuff, just in a  
0126 bigger quantity.  
1 Q. Do you know whether they had a facility at the  
2 warehouse for maintaining any truck fleet?  
3 A. Yes.  
4 Q. Did they generate any sort of automotive waste  
5 that ended up in the 50-yard containers?  
6 A. Yes.  
7 Q. What was in the Needham, Massachusetts, Stop &  
8 Shop --  
9 A. It had --  
10 Q. -- warehouse container that reflected vehicular  
11 maintenance?  
12 A. They would have the Speedy Dry that would be  
13 in there loaded with oil. You'd find oily rags.  
14 You'd find oil filters at times. Sometimes you'd  
15

16 even find truck parts.  
17 Q. Ever see any sort of fluids of any type,  
18 transmission fluid?  
19 A. No. Not by itself, no.  
20 Q. Antifreeze?  
21 A. No.  
22 Q. Any hydraulic-type fluids associated with  
23 warehouse equipment maintenance?  
24 A. The rags would have some of it on there.  
25 Q. Any disposed oil cans of any type?  
0127  
1 A. I don't recall seeing them in there.  
2 Q. How often did you see this all kind of vehicular  
3 maintenance waste in the 50-yard containers from  
4 the Needham warehouse?  
5 A. Usually about the third or fourth time pick-up  
6 that I'd make on it, so it would be, like, once a  
7 month.  
8 Q. And when you did see that waste in there, what  
9 percentage of the container was it?  
10 A. Size of a 55-gallon drum.  
11 Q. Did you observe that they'd put all the kind of  
12 vehicular maintenance waste in one -- would they  
13 put it in a drum or a bag or --  
14 A. It was, like, a -- sometimes just the bags,  
15 the plastic bags, or other times you'd find the  
16 cardboard barrels that they had thrown the whole  
17 barrel away.  
18 Q. Okay. And do you know whether the Needham  
19 warehouse had an operations shop for maintaining  
20 all the various stores?  
21 A. Not as far as maintenance goes. I don't  
22 recall ever hearing that.  
23 Q. Did you ever see any paint waste there?  
24 A. No.  
25 Q. Anything else you remember about the Stop & Shop  
0128  
1 waste from the warehouse?  
2 A. No.  
3 Q. Let's go to the tickets, part of Exhibit 7, Stop  
4 & Shop. By the way, a lot of these tickets say  
5 S&S on them, the letter S&S.  
6 A. Right.  
7 Q. Was that an indication that it was a Stop & Shop  
8 location?  
9 A. Yes.  
10 Q. Okay. First ticket, lower left, 400211 --  
11 A. Yes.  
12 Q. -- is that a Stop & Shop pick-up with your  
13 signature on it?  
14 A. Yes.  
15 Q. What's the word after S&S on that ticket? Can  
16 you make that out? Is it a town location?  
17 A. I believe it would be a town location, but I  
18 really can't make out the town.  
19 Q. Okay. Let's go to the next -- but it's  
20 definitely a Stop & Shop pick-up?  
21 A. Yes.  
22 Q. Next page, upper left, 42958, that's your  
23 signature, right?  
24 A. Yes.  
25 Q. Can you make out the --  
0129  
1 A. Looks like Plainville.  
2 Q. Was that a supermarket location?

- 3 A. Yes.  
4 Q. All right. Next page, upper right?  
5 A. Yes.  
6 Q. That's a Stop & Shop. What location, if you can  
7 tell?  
8 A. No, I can't.  
9 Q. All right. Well, for each of these tickets that  
10 we just looked at, your signature appears on  
11 them, correct?  
12 A. Yes.  
13 Q. And each of them reflects that you brought a load  
14 from a Stop & Shop location, a 50-yard container,  
15 and dumped it at J.M. Mills, correct?  
16 A. Correct.  
17 Q. When you picked up from the warehouse, would you  
18 write something different on the ticket?  
19 A. Usually you'd put Stop & Shop warehouse or  
20 you'd write "S&S warehouse" or "S&S," say, like  
21 Needham.  
22 Q. All right. And you're sure you brought loads  
23 from the Needham warehouse to J.M. Mills?  
24 A. Oh, yes.  
25 Q. So at the time, there were many J.M. Mills dump

0130

- 1 tickets generated reflecting that you brought  
2 waste from the Needham warehouse and dumped them  
3 at J.M. Mills?  
4 A. Yes.  
5 Q. And in addition to the Stop & Shop tickets we  
6 have here, would it be fair to state that there  
7 were many other J.M. Mills dump tickets that you  
8 were issued by the landfill reflecting loads you  
9 brought from various Stop & Shop supermarkets in  
10 50-yard containers and dumped at J.M. Mills?  
11 A. Yes.  
12 MR. MURPHY: Do you want to take a break  
13 at this point? I mean, I don't know how people  
14 feel.  
15 MR. JACKSON: That's fine.  
16 MR. MURPHY: Does that work for  
17 everybody?  
18 (A noon recess was taken.)  
19 MR. MURPHY: I have not marked yet as  
20 exhibits, Mr. Castello, the dump tickets, but  
21 there are a number of dump tickets that we found  
22 with your signature, JJC, that indicate it was a  
23 roll-off that you brought to the J.M. Mills  
24 landfill but it does not indicate a company name.

25  
0131

- 1 Q. Do you have any idea what those dump tickets --  
2 where they came from, where the loads came from?  
3 A. The loads came from Health-Tex on Diamond Hill  
4 Road in Cumberland, but the reason why the name  
5 isn't on there is because I paid for the dumping  
6 fees. Because what I used to do was I used to  
7 take Diamond Hill and I used to put dump it and  
8 pull all the rags out of it and then sell the  
9 rags to garages and stuff like that for cleaning  
10 rags, and then I used to load the stuff back up  
11 in the container and dump it.  
12 Q. So maybe we'll get to that later, but it's not --  
13 all of those are for one company?  
14 A. Yes.  
15 Q. All right. United Paper, do you remember --

16 A. Yes.  
17 Q. -- United Paper? Was United Paper, essentially,  
18 a paper recycling facility?  
19 A. Yes.  
20 Q. In addition to recycling paper or paper products,  
21 did they generate any of their own sort of waste  
22 stream?  
23 A. They would from some of the loads that came  
24 in, because even though people or the companies  
25 that was taken there weren't supposed to have any

0132

1 plastic or stuff like that in it, some of them  
2 still did. So the only way they could get top  
3 dollar for the cardboard was they'd have to clean  
4 all that stuff out of there before they baled the  
5 cardboard and that's where their waste would come  
6 from.

7 Q. Do you remember any sort of hazardous waste in  
8 any of the dumpsters?  
9 A. Oh, no. It was basically just plastic bags,  
10 some wood, maybe some fruits and vegetables, but  
11 basically nothing hazardous.

12 Q. What size container did United have?  
13 A. They didn't have containers. What they would  
14 do is if they wanted -- because, see, they had  
15 their own flatbed semis, so at times they would  
16 haul their own trash to the dump, other times  
17 they would call Goditt & Boyer and Goditt & Boyer  
18 would go down there with either a 30-yarder or a  
19 50-yarder and then they would stack them up  
20 inside the container and then we would take it to  
21 the dump for them.

22 Q. If I have dump tickets from you, though, that say  
23 United, what would that represent?  
24 A. That would mean I used -- I hauled those trash  
25 bales for United to, say, like, J.M. Mills.

0133

1 Q. As an independent contractor, essentially?  
2 A. No, as a Goditt & Boyer employee or  
3 subcontractor, you know.  
4 Q. All right. And so you would have been picking up  
5 50-yard containers owned by United?  
6 A. No, owned by Goditt & Boyer.

7 Q. All right.  
8 A. See, they wouldn't be down on the ground.  
9 Let's say I went in there, into United, and  
10 dumped a load of cardboard. Okay. Goditt &  
11 Boyer would say, "well, while you're there why  
12 don't you pick up a load from United and take it  
13 to" like, say, "J.M. Mills." So that's what I  
14 would do is I would just leave my doors open,  
15 back up against their loading dock and they would  
16 load me up and then I would take it to J.M. Mills  
17 and just dump it.

18 Q. A live load. Was it --  
19 A. Yeah, it was a live load.  
20 Q. And the United facility, where was the United  
21 facility located?

22 A. It was in Pawtucket off the Industrial  
23 Highway.

24 Q. And was there one or more than one United  
25 facility?

0134

1 A. Only one that I know of.  
2 Q. And when did you first pick up from United and

3 bring to J.M. Mills?  
4 A. Somewhere in the '70's. I couldn't tell you  
5 when was the first. I know it was in the '70's.  
6 Q. The loads that you would have brought to J.M.  
7 Mills from United, was that a will call --  
8 A. Yes.  
9 Q. -- situation?  
10 What was the frequency starting in the '70's  
11 when --  
12 A. I only picked up -- total of the time I was  
13 there I probably only picked up, I don't know,  
14 maybe four or five loads. I know other drivers  
15 did, but I couldn't tell you what the frequency  
16 was.  
17 Q. Okay. Well, did all the loads that you brought  
18 from United Paper go to J.M. Mills?  
19 A. Basically, yes.  
20 Q. You seem a little bit un -- when you say  
21 "basically" --  
22 A. Oh, no, I just want to think because we had  
23 Berger & Company, which I had mentioned earlier,  
24 they also made bales. And at times, that would  
25 go to Attleboro landfill.  
0135  
1 Q. Berger also recycled metal, correct?  
2 A. Yes, and cardboard and anything that basically  
3 was recyclable.  
4 Q. But getting back to United, did they only deal  
5 with paper?  
6 A. Yes.  
7 Q. All right. But for United, all of the containers  
8 you brought from United went to J.M. Mills?  
9 A. Yes.  
10 Q. And what size containers were they that you were  
11 hauling?  
12 A. Was usually a 50.  
13 Q. So it would have been a 50-yard compactor?  
14 A. Yes.  
15 Q. And were they always full when you brought them  
16 to the landfill?  
17 A. Oh, yes.  
18 Q. And did you have occasion to see -- or let me ask  
19 you this: You said they'd load the bales. Just  
20 so I understand, would United take the  
21 nondesirable waste that they had sorted out of  
22 their paper loads and actually put them into  
23 bales?  
24 A. Yes.  
25 Q. What size were the bales?  
0136  
1 A. They probably weighed between 1,500 to  
2 2,500 pounds.  
3 Q. How big were they?  
4 A. They were probably seven feet long,  
5 seven-and-a-half feet long, by three feet high  
6 and probably four feet thick.  
7 Q. And how were they secured? What did they --  
8 A. With a heavy-duty baling wire. It's  
9 automatically done by a huge press. It's  
10 basically the same type of deal as the regular  
11 trash compactor you'd find behind a department  
12 store except this is made especially for baling  
13 cardboard or recyclables.  
14 Q. It was a baling machine, essentially?  
15 A. Yes.

- 16 Q. Did you ever go inside and see the baling  
17 machine?  
18 A. Oh, yes.  
19 Q. Is it a fairly dirty piece of equipment or was it  
20 kind of clean?  
21 A. It was basically clean. They kept their  
22 machines clean or in good condition.  
23 Q. All right. And what was in the bales? What do  
24 you remember being in the bales?  
25 A. Oh, cardboard because they -- if it had -- the

0137

- 1 cardboard had wax on it, it was no good, so that  
2 would have to get thrown away.  
3 Q. Okay.  
4 A. So you'd have some cardboard, you'd have some  
5 wood, you'd have plastic, like I said, some  
6 fruits and vegetables.  
7 Q. What about any materials associated with  
8 maintaining the baling machines?  
9 A. No.  
10 Q. Did you ever see any oily rags?  
11 A. No.  
12 Q. Any kind of hydraulic fluid or lubricants?  
13 A. No.  
14 Q. Anything else you remember about their waste?  
15 A. No.  
16 Q. Let's do this, I just want to go through the  
17 tickets quickly and I'm going to do the same  
18 thing. I just want you to acknowledge when I  
19 read the ticket number that you've looked at the  
20 ticket, then I'll ask you questions at the end.  
21 A. Okay.  
22 Q. First page, there's two tickets. 36257?  
23 A. Yes.  
24 Q. 36262?  
25 A. Yes.

0138

- 1 Q. By the way, where you wrote "United," that meant  
2 the United Paper facility I was just questioning  
3 you about?  
4 A. Correct.  
5 Q. All right. Next page, upper right-hand corner,  
6 55268?  
7 A. Yes.  
8 Q. Next page, upper right-hand corner, 35038?  
9 A. Yes.  
10 Q. Next page, upper right-hand corner, 37705?  
11 A. Yes.  
12 Q. Next page, upper right-hand corner, 53422?  
13 A. Yes.  
14 Q. Next page, upper right-hand corner, 36262?  
15 A. Yes.  
16 Q. Next page, upper left-hand corner, 59870?  
17 A. Yes.  
18 Q. Next page, upper right-hand corner, 57882?  
19 A. Yes.  
20 Q. Next page, upper left-hand corner, 50878?  
21 A. Yes.  
22 Q. Next page, bottom right, 54260?  
23 A. Yes.  
24 Q. And the last page is bottom right, 36974?  
25 A. Yes.

0139

- 1 Q. Now, on each of those tickets that I just read  
2 out and you said yes to, do they contain your

3 signature?  
4 A. Yes.  
5 Q. And do they contain a notation that it was a load  
6 from United to J.M. Mills?  
7 A. Not a notation, but it's -- the way it's  
8 written up says I took a load from United to J.M.  
9 Mills.  
10 Q. All right. Are you able to state with certainty  
11 that each one of the tickets we've just  
12 identified represents a 50-yard container that  
13 you hauled from United Paper and dumped at J.M.  
14 Mills?  
15 A. Yes.  
16 Q. Okay. And in addition to these dump tickets,  
17 were there many other dump tickets that reflect  
18 loads you brought from United to J.M. Mills?  
19 A. Not many but there are a few.  
20 Q. Okay. Do you remember a company called  
21 Cumberland Engineering?  
22 A. Yes.  
23 Q. Where was that located?  
24 A. It was located in Cumberland near Route 1.  
25 Q. And did they have one facility or more than one  
0140  
1 facility that you serviced?  
2 A. I remember only servicing one.  
3 Q. And what kind of a facility was it?  
4 A. It was like a machine shop where they made --  
5 they designed and made different components for  
6 companies.  
7 Q. When you say "components," was it a company that  
8 made machines that other people used? Do you  
9 know?  
10 A. I don't know if they made the whole machine,  
11 but I know they would make part of the machine.  
12 Q. So it was a manufacturing facility?  
13 A. Oh, yes.  
14 Q. And when you say they made components, do you  
15 know what the raw materials were that they made  
16 the components out of?  
17 A. I know it was out of steel, plain steel,  
18 stainless steel, aluminum, other names that, you  
19 know, I wouldn't even know what to call the  
20 material.  
21 Q. Other metals?  
22 A. Yes.  
23 Q. And how big was that facility?  
24 A. Probably about the size of this building,  
25 maybe a little bigger.  
0141  
1 Q. When for the first time did you pick up at  
2 Cumberland Engineering?  
3 A. I believe early '70's.  
4 Q. When you say "early '70's," during that first  
5 brief period you drove roll-offs or after you  
6 came back?  
7 A. After I came back.  
8 Q. And after you came back, did you start picking up  
9 from for them right away?  
10 A. I'd say yeah.  
11 Q. Is it your understanding that Cumberland  
12 Engineering was a customer of Goditt & Boyer  
13 before you started working there?  
14 A. Yeah, I believe so.  
15 Q. Okay. Was Cumberland Engineering a will call or



16 a regularly scheduled stop?  
17 A. Oh, it was a will call.  
18 Q. And did you recall the frequency with which you  
19 personally picked up at Cumberland?  
20 A. No, but I know it was quite often.  
21 Q. Is there any way that you're able to kind of  
22 quantify what you mean by "quite often"?  
23 A. Well, sometimes I'd go every -- every week for  
24 so many weeks and then I might skip a month and  
25 then I'd go every week for a month or two and

0142

1 then, you know --  
2 Q. Okay. Depending on how you were dispatched by  
3 Ms. Terry?  
4 A. Yes.  
5 Q. When you weren't going there, the periods when  
6 you'd skip a couple months, was it your  
7 understanding that other Goditt & Boyer drivers  
8 were going there approximately once a week?  
9 A. Yes.  
10 Q. Where did you take the containers that you picked  
11 up from Cumberland Engineering?  
12 A. J.M. Mills.  
13 Q. Did you bring any Cumberland Engineering  
14 containers to any other landfills?  
15 A. No.  
16 Q. And what was the size of the container or  
17 containers at Cumberland Engineering?  
18 A. I think they were 30-yarders.  
19 Q. Open top?  
20 A. Yes.  
21 Q. One or more than one?  
22 A. At times, they did have two.  
23 Q. Any compactors?  
24 A. I believe they ended up with a compactor near  
25 the end, but I couldn't tell you -- I know

0143

1 I've -- I did it, but I couldn't say how often I  
2 did it because I vaguely remember the compactor.  
3 Q. When you say "near the end," can you put a year  
4 on that?  
5 A. Early '80's.  
6 Q. Okay. And when you say they would have ended up  
7 in the compactor, that would have been a  
8 50-yarder?  
9 A. Yes.  
10 Q. Not an open top compactor --  
11 A. Right.  
12 Q. -- correct?  
13 A. They always had an open top because they'd  
14 also have other stuff that they would throw in  
15 the open top, and you can only fit a certain size  
16 stuff that goes inside the hopper for the  
17 compactor.  
18 Q. Why is that? Could you explain to me. How big  
19 was the opening for the compactor?  
20 A. Probably four feet wide by three feet wide.  
21 And, I mean, it's -- depending on how high the  
22 platform is where you walk on to throw the stuff  
23 in the thing, depends on how high up go.  
24 Q. Okay.  
25 A. But the opening to the -- the ram would still

0144

1 only be so big, so you could only just throw --  
2 otherwise, you couldn't get it down into the ram

3 for the ram to push it into the container.  
4 Q. Were the containers always full when you picked  
5 them up from Cumberland --  
6 A. Yes.  
7 Q. -- Engineering?  
8 Yes?  
9 A. Yes.  
10 Q. And were you in a position to observe the  
11 contents of the containers that you hauled from  
12 Cumberland Engineering?  
13 A. Yes.  
14 Q. Tell me what was in them.  
15 A. There was sometimes steel, steel shavings,  
16 rags, pallets. There was Speedy Dry.  
17 Q. Were the steel shavings dry or did they have any  
18 sort of liquid waste associated with them?  
19 A. They had some kind of an oil on them.  
20 Q. Was there any odor associated with the shavings?  
21 A. The petroleum smell.  
22 Q. Any other odors associated with their waste?  
23 A. No.  
24 Q. Any liquid waste?  
25 A. No.  
0145  
1 Q. Any containers of any type?  
2 A. No.  
3 Q. Empty or otherwise?  
4 A. No.  
5 Q. Any drums of any type?  
6 A. No.  
7 Q. Was there any other type of waste that you recall  
8 coming from Cumberland Engineering that you saw  
9 in those containers?  
10 A. Not that I recall.  
11 Q. How much of the container on a percentage basis  
12 contained the steel shavings, the metal shavings?  
13 A. Sometimes it would only be a handful. Other  
14 times it would be probably, maybe, two or three  
15 50-gallon drums.  
16 Q. When you say two or three 50-gallon drums, do you  
17 mean in those size drums or just that's how  
18 you're quantifying the volume?  
19 A. That's how I'm quantifying the volume.  
20 Q. I gotcha. And what about the Speedy Dry, can you  
21 give me any, sort of, an estimate or your  
22 recollection, actually -- best recollection of  
23 volume.  
24 A. I'd say fill up a 50-gallon drum.  
25 Q. Was that on every occasion?  
0146  
1 A. Most of the occasions, not on every one.  
2 Q. Okay. Let's go to the tickets. I'm going to do  
3 the same thing, I'm just going to ask you to  
4 indicate yes that you've looked at the ticket and  
5 I want to ask you some questions at the end.  
6 Okay?  
7 A. Okay. Yes.  
8 Q. First page, bottom left, 45497?  
9 A. Yes.  
10 Q. Next page, bottom left, 53570?  
11 A. Yes.  
12 Q. No, actually, you know what, that's --  
13 A. Bottom right.  
14 Q. -- Carol Cable, so I mean bottom right.  
15 A. Yes.

16 Q. Which is 53569?  
17 A. Yes.  
18 Q. The last one was actually Carol Cable. That's my  
19 error. Next ticket, bottom left, 44285?  
20 A. Yes.  
21 Q. Next page, bottom right, 52509?  
22 A. Yes.  
23 Q. Next page, bottom left, 41288?  
24 A. Yes.  
25 Q. Next page, bottom left, 33003?  
0147  
1 A. I can make out my initials and I can make out  
2 Cumberland, but I can't make out engineering.  
3 Q. So you're not sure about that ticket?  
4 A. Correct.  
5 Q. Let's go to the next ticket, bottom right, 32858.  
6 A. Yes.  
7 Q. Next page, 32852, upper left?  
8 A. Yes.  
9 Q. Next page, bottom left, 53551?  
10 A. Yes.  
11 Q. Next page, upper right, 45053?  
12 A. Yes.  
13 Q. Next page, upper left, 51916?  
14 A. Yes.  
15 Q. Next page, upper right, 41282?  
16 A. Yes.  
17 Q. Last page, bottom left, 36962?  
18 A. Yes.  
19 Q. Other than that one ticket that you were unsure  
20 of, do all the other tickets that I identified  
21 and for which you said yes contain your  
22 signature?  
23 A. Yes.  
24 Q. And do each one of those tickets represent a  
25 load, a container that you drove, that you picked  
0148  
1 up at Cumberland Engineering and dumped at J.M.  
2 Mills?  
3 A. Yes.  
4 Q. Are you able to state at this period of time,  
5 1981, 1982, whether these loads were 30-yard open  
6 tops or the 50-yard compactors?  
7 A. No.  
8 Q. Could it have been either?  
9 A. It could have been either.  
10 Q. All right. In addition to these tickets, are you  
11 able to state with certainty that there would  
12 have been many more J.M. Mills dump tickets  
13 generated that reflected loads you picked up from  
14 Cumberland Engineering and dumped at J.M. Mills?  
15 A. Yes.  
16 Q. Do you recall a company called Ann & Hope?  
17 A. Yes.  
18 MR. MURPHY: Off the record for a  
19 second.  
20 (Off the record discussion.)  
21 Q. Okay. So where was Ann & Hope located?  
22 A. They had one right there in Cumberland by the  
23 Cumberland dump.  
24 Q. Right near J.M. Mills?  
25 A. Yes.  
0149  
1 Q. Was it on Mendon Road?  
2 A. Yes.

3 Q. Was there one or more than one facility of Ann &  
4 Hope that you serviced?  
5 A. There ended up being more. In the beginning,  
6 there was only the one but then they added to it.  
7 I know they had one in Warwick, Rhode Island.  
8 Q. What did they do?  
9 A. Ann & Hope was just a regular department  
10 store.  
11 Q. Do you know what kind of products they sold?  
12 A. Yes, clothes, shoes, fishing equipment, yard  
13 equipment, kitchen equipment like plates, knives  
14 and forks and glasses.  
15 Q. Any automotive materials?  
16 A. I don't recall if they had an automotive. I  
17 know they didn't at Cumberland.  
18 Q. Did not?  
19 A. Did not.  
20 Q. How big was the Cumberland store?  
21 A. Bigger than this building. Probably about  
22 one-and-a-half times the size of this building.  
23 Q. And the Warwick store?  
24 A. The Warwick store would probably be as long as  
25 this building but probably twice as wide as this  
0150 building, three times as wide as this building.  
1 Q. When did you first pick up from the Cumberland  
2 Ann & Hope?  
3 A. In the beginning of the '70's, the first part  
4 when I was working at Goditt & Boyer.  
5 Q. Then the middle part you picked up from them,  
6 too?  
7 A. Yes.  
8 Q. And then the last part?  
9 A. I believe so, yes.  
10 Q. And the Cumberland facility, was that a will call  
11 or a regular stop?  
12 A. Will call.  
13 Q. And what about the Warwick facility?  
14 A. I believe that was a will call also.  
15 Q. Do you remember when the Warwick facility opened?  
16 A. I know it was in the '70's, I believe, late  
17 '70's or -- I'd say late '70's, early '80's.  
18 Q. Do you recall the frequency with which you picked  
19 up at the Cumberland store?  
20 A. No, that, again, was random. It's whenever I  
21 was in the neighborhood and she wanted to give it  
22 to me. It could be weekly for so many weeks and  
23 then I'd skip a few pick-ups and then I'd do it  
24 again for so long and then skip a few pick-ups.  
0151 Q. What about Warwick?  
1 A. Warwick, I did -- I did, but I didn't do it on  
2 a frequent basis. I did that, I don't know,  
3 maybe once every couple of months, once a month.  
4 Q. When you were not picking up at the Cumberland  
5 store, do you recall whether other Goditt & Boyer  
6 drivers did?  
7 A. Yes.  
8 Q. Okay. Is it your understanding that the  
9 Cumberland store pretty much had a container  
10 leave or get picked up weekly?  
11 A. Yes.  
12 Q. By some Goditt & Boyer driver, correct?  
13 A. Yes.  
14 Q. And where did the waste go from the Cumberland  
15

16 store?  
17 A. It would go to J.M. Mills.  
18 Q. All of it?  
19 A. Yes.  
20 Q. And what about the Warwick store?  
21 A. I believe that would go to J.M. Mills also.  
22 Q. All of it?  
23 A. Yes.  
24 Q. What size container was at the Cumberland  
25 facility?  
0152  
1 A. A 50-yarder.  
2 Q. And what about at Warwick?  
3 A. Also a 50-yarder.  
4 Q. Were the containers full when you picked them up?  
5 A. Yes.  
6 Q. And did you have occasion to see what was in the  
7 containers that you hauled from the Cumberland  
8 facility?  
9 A. Yes.  
10 Q. Tell me what was in there.  
11 A. Returned merchandise, cardboard, plastic,  
12 wooden pallets and, yes, sometimes they did throw  
13 away paint.  
14 Q. Tell me what you remember about when they threw  
15 away paint.  
16 A. That would be oozing out the back door and  
17 running all over the back of the container and  
18 going across the parking lot and down the street.  
19 Q. Did you ever have occasion to see full paint cans  
20 in the garbage?  
21 A. No, not full ones, because by the time I got  
22 to look at them they were already crushed, so I  
23 couldn't tell you if they were full, a quarter  
24 full or what. All I know is they did have paint.  
25 Q. Because you saw the paint in the bottom of the  
0153  
1 container?  
2 A. Yes, and, like I said, it was -- it was still  
3 liquid. It was still dripping out the back of  
4 the container.  
5 Q. How often did you see paint in the Ann & Hope  
6 container for Cumberland?  
7 A. Probably three or four times a year. It  
8 wasn't on a steady basis.  
9 Q. When you did -- those three or four times a year  
10 when you did see the paint, was it -- can you  
11 characterize the number of paint cans you would  
12 have seen?  
13 A. No, because I know there was sometimes there  
14 was a few cans in there because they would be  
15 different colors, but most of the time they  
16 would -- by the time -- like I said, by the time  
17 I saw them, they were already squashed and they  
18 were already -- a lot of them were pushed up into  
19 the container underneath the load.  
20 Q. All right.  
21 A. So I couldn't tell you if there was a dozen or  
22 if there was two. I could just tell you there  
23 was some paint cans in there.  
24 Q. All right. Any other sort of solvents? Any  
25 paint thinner?  
0154  
1 A. No, but there was other chemicals in there.  
2 There were spray cans in there of -- because they

3 also sold Raid, stuff like that, and you'd catch  
4 stuff like that in there.

5 Q. You mentioned they had a lawn department?  
6 A. Yes.

7 Q. Did you ever see any insecticides associated with  
8 lawn care?  
9 A. Not that I recall of.

10 Q. Did you ever see any pool chemicals of any type?  
11 A. Once in a while you'd catch some pool  
12 chemicals, but I couldn't tell you what they were  
13 because I didn't have a pool so I wasn't  
14 interested.

15 Q. And do you have any recollection of them selling  
16 motor oil or anything associated with automotive  
17 at either store?  
18 A. Well, I know the Warwick store did sell it,  
19 but I don't recall seeing it in the containers.

20 Q. Any other sort of aerosol products that you  
21 recall from the Cumberland store?  
22 A. Not offhand.

23 Q. Okay. Now, the Warwick store, were the contents  
24 of the containers that you hauled from the  
25 Warwick store different from what you saw in the  
0155  
1 Cumberland store?  
2 A. No, it was basically the same stuff.

3 Q. Was there any other type of waste that you  
4 haven't already told me about that was either in  
5 the Cumberland or Warwick containers of Ann &  
6 Hope?  
7 A. Well, every so often you'd catch the Speedy  
8 Dry where somebody might have dropped something  
9 and they used Speedy Dry to pick it up and then  
10 just throw it in the trash.

11 Q. Out of one store or both stores?  
12 A. Both stores.

13 Q. Do you recall anything more about the Speedy Dry  
14 as to what sort of liquid it had absorbed?  
15 A. No.

16 Q. Anything else you recall about the contents of  
17 the Ann & Hope materials?  
18 A. Not offhand, no.

19 Q. Let's go to the tickets, Exhibit 7. I'm going to  
20 do the same thing, I'm going to ask you -- well,  
21 let's look at the first ticket, upper left-hand  
22 corner, Ticket Number 54766. Do you see that  
23 one?  
24 A. Yes.

25 Q. Does your signature appear on that?  
0156  
1 A. Yes.

2 Q. Is this your handwriting that says Ann & Hope  
3 Cumberland, C-U-M-B?  
4 A. Yes.

5 Q. Does that mean that this was a container that you  
6 picked up from the Cumberland Ann & Hope store  
7 and dumped at J.M. Mills?  
8 A. Yes.

9 Q. Now, for the rest of these, I'm going to ask you  
10 to just say yes indicating you've looked at the  
11 ticket and I'll ask you some questions at the  
12 end. Okay?  
13 A. Okay.

14 Q. Next ticket, bottom right, 40598?  
15 A. Yes.

- 16 Q. Next ticket, bottom right, 40615?  
 17 A. Yes.  
 18 Q. Next ticket, upper right, 55333?  
 19 A. Yes.  
 20 Q. Next ticket, upper right, 44260?  
 21 A. Yes.  
 22 Q. Next ticket, upper left, 46406?  
 23 A. Yes.  
 24 Q. The next ticket, bottom right, 33728?  
 25 A. Yes.
- 0157
- 1 Q. Next ticket, bottom left, 46608?  
 2 A. Yes.  
 3 Q. Next ticket, bottom right, 36718?  
 4 A. Yes.  
 5 Q. Next ticket, upper left, 50943?  
 6 A. Yes.  
 7 Q. Next ticket, upper right, 45210?  
 8 A. Yes.  
 9 Q. Next ticket, bottom right, 35063?  
 10 A. Yes.  
 11 Q. Next ticket, upper right, 44260?  
 12 A. Yes.  
 13 Q. Next ticket, bottom right, 42327?  
 14 A. Yes.  
 15 Q. Next ticket, upper left, 46406?  
 16 A. Yes.  
 17 Q. Next ticket, upper left, 53389?  
 18 A. Yes.  
 19 Q. Next ticket, bottom left, 38348?  
 20 A. Yes.  
 21 Q. Next ticket, bottom right, 33728?  
 22 A. Yes.  
 23 Q. Next ticket, bottom left, 34306?  
 24 A. Yes.  
 25 Q. By the way, there appears to be, like, an "R"
- 0158
- 1 with a circle around it --  
 2 A. Yes.  
 3 Q. -- on this and a couple of other tickets. What's  
 4 that mean?  
 5 A. Rear.  
 6 Q. "Rear" meaning?  
 7 A. Rear of the building. Because Ann & Hope  
 8 ended up with two containers.  
 9 Q. Now you recall two?  
 10 A. Yes, but I was going to wait until you asked  
 11 questions.  
 12 Q. All right. Perfect. We'll do that. Next  
 13 ticket, upper left, 44953?  
 14 A. Yes.  
 15 Q. Next ticket, upper right, 43833?  
 16 A. Yes.  
 17 Q. Next ticket, bottom left, 32609?  
 18 A. Yes.  
 19 Q. Next ticket, bottom right, 53558?  
 20 A. Yes.  
 21 Q. Next ticket, bottom left, 35851?  
 22 A. Yes.  
 23 Q. Next ticket, to the right, 36557?  
 24 A. Yes.  
 25 Q. Next ticket, upper left, 36084?
- 0159
- 1 A. Yes.  
 2 Q. That's another one, by the way, with a circle and

3 an "R," correct?  
4 A. Yes.  
5 Q. Next ticket, upper right, 59254?  
6 A. Yes.  
7 Q. Next ticket, upper left, 57823?  
8 A. Yes.  
9 Q. Next ticket, bottom right, 35357?  
10 A. Yes.  
11 Q. Next ticket, upper right, 51956?  
12 A. Yes.  
13 Q. Next ticket, bottom right, 54264?  
14 A. Yes.  
15 Q. Next ticket, upper right, 56066?  
16 A. Yes.  
17 Q. Next ticket, upper right, 39933?  
18 A. Yes.  
19 Q. Next ticket, bottom right, 39088?  
20 A. Yes.  
21 Q. Next ticket, 39997?  
22 A. Yes.  
23 Q. Next ticket, bottom left, 47482?  
24 A. Yes.  
25 Q. Last ticket, upper left, 46162?  
0160  
1 A. Yes.  
2 Q. Do every one of these tickets that you said yes  
3 to contain your signature?  
4 A. Yes.  
5 Q. Is every one of these tickets a ticket that  
6 reflects a load picked up from Ann & Hope?  
7 A. Yes.  
8 Q. Do every single one of these tickets on the date  
9 indicated reflect that you picked up a container  
10 at Ann & Hope and dumped it at the J. M. Mills  
11 landfill?  
12 A. Yes.  
13 Q. Now, there were a number of tickets of the ones  
14 that you've just confirmed have your signature on  
15 it and are from Ann & Hope that have an "R" with  
16 a circle around it.  
17 A. Yes.  
18 Q. What did that designate?  
19 A. It had -- excuse me. They had two containers,  
20 one was -- ended up being, basically, cardboard  
21 and the other one was, basically, whatever. And  
22 at times, they would just throw whatever in both  
23 containers. It all depends if the other  
24 container was full or not. And if it was full  
25 and they couldn't get it dumped, they would start  
0161  
1 throwing the stuff in the other container because  
2 one container was supposed to go to United and  
3 the other one was supposed to go to the dump.  
4 Q. When you say one was for United, they had one  
5 container that they were -- they normally used to  
6 segregate their cardboard and paper waste?  
7 A. Correct.  
8 Q. Is that the one that was in the rear?  
9 A. The one in the rear was the --  
10 Q. General waste?  
11 A. No, that was -- it was the cardboard. The one  
12 that's near the side of the building was for the  
13 general stuff, which was the normal one that we  
14 used to do.  
15 Q. So if you brought an Ann & Hope rear container,



16 the ones with the "R" and the circle, to J.M.  
17 Mills and dumped it, was that because it wasn't  
18 just all paper waste?  
19 A. Correct.  
20 Q. Who made the determination that it couldn't go to  
21 a paper recycler?  
22 A. I guess Ann & Hope did because when I would  
23 call in and get a stop, Linda would say -- would  
24 tell me pick this container up and take it to  
25 J.M. Mills or take it to United. So if she told

0162

1 me to take it to J.M. Mills, that's where I took  
2 it.  
3 Q. And when you --  
4 A. So --  
5 Q. I'm sorry.  
6 A. -- I was just assuming that Ann & Hope would  
7 tell them, you know, it has trash in it so it  
8 can't be recycled.  
9 Q. And when there was a rear container that you had  
10 to bring to J.M. Mills, did it have a little bit  
11 of all the waste that you just described was in  
12 the general waste container?  
13 A. Yes.  
14 Q. Did you ever see paint in the rear container?  
15 A. I would lie if I said yes. I don't --  
16 Q. You don't remember?  
17 A. Don't recall.  
18 Q. And in addition to these tickets that we've  
19 looked at, would it be fair to state that there  
20 were many other J.M. Mills dump tickets that were  
21 issued to you for other loads in previous years  
22 which you picked up from Ann & Hope and dumped at  
23 J.M. Mills?

24 A. Yes.

25 Q. Let me ask you about Adams Drugs. Do you

0163

1 remember picking up from them?  
2 A. Yes.  
3 Q. And did you pick up from a warehouse?  
4 A. Yes.  
5 Q. Did you also -- I'm sorry. Go ahead.  
6 A. They were off the Industrial Highway in  
7 Pawtucket.  
8 Q. And in addition, did you pick up from any other  
9 retail stores?  
10 A. Later on, I did. But for the first, I don't  
11 know, quite a few years, I just picked up from  
12 the warehouse.  
13 Q. When you did pick up from the stores, where were  
14 they located? Do you remember?  
15 A. No. I know there was one on, oh, I want to  
16 say Mineral Spring Avenue, but it's not Mineral  
17 Spring Avenue. I can't think of the name of the  
18 street. I can't think of the name of the street.  
19 Q. When you said you picked up from Adams Drug  
20 later -- later on, do you remember when that  
21 would be, the later on, when you picked up from  
22 the retail stores?  
23 A. No, not offhand.  
24 Q. Well, did the size container differ between the  
25 warehouse and the drugstore?

0164

1 A. No.  
2 Q. What size was the warehouse container?

3 A. 50.  
4 Q. What size were the stores?  
5 A. 50.  
6 Q. Describe the warehouse facility to me.  
7 A. Well --  
8 Q. How big was it?  
9 A. It was bigger than this. Probably about  
10 another length of this building, if not a little  
11 longer, probably three times the depth, and they  
12 had loading docks all down one side where the  
13 trucks would come in and out to load and unload,  
14 and they also had a maintenance facility at the  
15 other end.  
16 Q. What did you understand the maintenance facility  
17 was for?  
18 A. For their tractors and for the forklifts.  
19 Q. Do you know whether the warehouse facility also  
20 had any sort of in-house operations, a  
21 maintenance shop, to maintain the various retail  
22 locations?  
23 A. No, not that I know of.  
24 Q. When, for the first time, did you pick up from  
25 the Adams Drug warehouse?  
0165  
1 A. That was in the early years right before my  
2 middle. It was in the beginning.  
3 Q. About 1971, you remember picking up from them?  
4 A. Yes.  
5 Q. Was it your understanding that the Adams Drug  
6 warehouse was a customer of Goditt & Boyer before  
7 you started there?  
8 A. Yes.  
9 Q. And was the warehouse a regular stop or will  
10 call?  
11 A. Will call.  
12 Q. What about the retail stores when you first  
13 started picking up from them?  
14 A. I believe they were also will calls.  
15 Q. Are you able to put a year in when you picked up  
16 from the retail facilities?  
17 A. I'd only have to say the beginning of '70's,  
18 but after I went back.  
19 Q. The second period?  
20 A. Yes, the second period.  
21 Q. But can you do any better than that as far as the  
22 year goes?  
23 A. No.  
24 Q. Let's talk about the warehouse again. What was  
25 the frequency with which you picked up containers  
0166  
1 at the warehouse?  
2 A. Generally, it was only once a week, but  
3 sometimes you'd go back twice a week. All  
4 depends on how busy they were and how much damage  
5 they had.  
6 Q. What about the retail stores when you picked up  
7 from them?  
8 A. I believe those were only once a week.  
9 Q. Where did you bring the waste from the Adams Drug  
10 warehouse?  
11 A. J.M. Mills.  
12 Q. All of it or some of it?  
13 A. All of it.  
14 Q. What about the retail stores?  
15 A. I believe they went to J.M. Mills, too, but I

16 wouldn't swear to it.  
17 Q. Well, are you able to state that some of the  
18 retail --  
19 A. Yes.  
20 Q. -- containers went to J.M. Mills?  
21 A. Yes.  
22 Q. Do you have a recollection of any other landfills  
23 that you brought the retail store containers to?  
24 A. Adam -- I mean, Attleboro landfill.  
25 Q. Are you able to express as a percentage how often  
0167  
1 the retail store containers went to J.M. Mills  
2 versus Attleboro?  
3 A. No.  
4 Q. What size container was at the warehouse?  
5 A. In the beginning, it was a 42 and then they  
6 went to a 50.  
7 Q. One or more than one?  
8 A. One that I remember.  
9 Q. No open tops?  
10 A. Once in a while they'd call for an open top,  
11 but it would be, like, something that was  
12 special. And if they had one there on a regular  
13 basis, I didn't do it --  
14 Q. Okay.  
15 A. -- that I recall.  
16 Q. Retail stores, what size container?  
17 A. Those were 50.  
18 Q. Were those containers always full when you picked  
19 them up?  
20 A. Yes.  
21 Q. Now, when you were hauling the warehouse  
22 containers, did you have an opportunity to see  
23 what was inside, the waste?  
24 THE WITNESS: Are we talking about the  
25 stores or the warehouse?  
0168  
1 MR. MURPHY: Warehouse.  
2 A. The warehouse, yes.  
3 Q. Tell me what was in the container.  
4 A. Cardboard boxes, bottles of expired pills,  
5 medication, bottles of cough syrup. We'd get the  
6 Speedy Dry with the oil in it and rags, but it  
7 was -- and pallets, broken pallets.  
8 Q. Any liquid waste?  
9 A. Only from the cough medicines and stuff like  
10 that.  
11 Q. Speedy Dry with the oil?  
12 A. Had oil on it, but it wasn't runny oil. It  
13 just was -- had oil in it.  
14 Q. Any hydraulic-type fluids or petroleum smells  
15 that you call?  
16 A. Petroleum smells because there was oil in  
17 there. And if there was hydraulic oil mixed in  
18 with the oil, I wouldn't be able to tell it  
19 because the oil would -- hydraulic oil is clear  
20 and used motor oil is black, so they would just  
21 mix in together.  
22 Q. Do you ever recall seeing any motor oil in there?  
23 A. In the Speedy Dry with the rags, yes.  
24 Q. How often was there Speedy Dry in the containers  
25 from the warehouse?  
0169  
1 A. Probably every three or four pick-ups.  
2 Q. What about oily rags?

3 A. Be about the same with the oil.

4 Q. Can you tell me volumewise how much Speedy Dry

5 was in the containers when they did have it?

6 A. Usually about a half a 55-gallon drum, so,

7 say, 25-gallon drum.

8 Q. What about the oily rags?

9 A. They'd probably fill up, maybe, a 5-gallon

10 drum or 5-gallon container.

11 Q. Now, were there any discarded aerosol cans in the

12 warehouse waste stream?

13 A. Not that I recall.

14 Q. Any other waste out of the warehouse that you

15 recall?

16 A. No.

17 Q. What about the retail stores, any --

18 A. To be honest with you, I really don't remember

19 the retail stores very well. I know I did some

20 of them, but I really don't remember.

21 Q. Okay. Well, let's go to the tickets and let's

22 look at the first one, if we could, lower left,

23 Ticket 40652.

24 A. Yes.

25 Q. Now, in looking at this, are you able to tell me

0170 if this was a retail facility or a warehouse?

1 A. No.

2 Q. But it's definitely a load from Adams Drug?

3 A. Yes.

4 Q. Okay. I'm going to ask you the same question,

5 you know, just indicate yes that you've seen the

6 ticket and then I'll ask you some questions at

7 the end.

8 A. Okay.

9 Q. Next page, bottom right, 38668?

10 A. Yes.

11 Q. Next page, bottom right, 53412?

12 A. Yes.

13 Q. Let's skip the next page. 55210, bottom right?

14 A. Yes.

15 Q. Next page, bottom left, 38993?

16 A. Yes.

17 Q. Next page, bottom left, 46941?

18 A. Yes.

19 Q. Next page, bottom right, 45140?

20 A. Yes.

21 Q. Next page, upper right, 35053?

22 A. Yes.

23 Q. By the way, I know that when there were multiple

24 locations like Ann & Hope you wrote Ann & Hope

0171 Cumberland, right?

1 A. Correct.

2 Q. And with Star Market, whenever you picked up from

3 a particular Star Market you seemed to indicate

4 the street name.

5 A. Correct.

6 Q. Did you have a practice with Adams Drug that if

7 you picked up from a retail location you

8 indicated which retail location?

9 A. Yes. Usually when I did Adams Drug's

10 warehouse, which I don't -- had to be in the

11 early years, I put down "Adams Drug ware".

12 Q. All right.

13 A. It would say "ware" and it would be Adams

14 Drugs warehouse.

15

16 Q. Well, let's go to the next ticket, bottom right,  
17 38668?  
18 A. Yes.  
19 Q. Next ticket, let's look at that, 38697. Is that  
20 an Adams Drug pick-up?  
21 A. Yes.  
22 Q. That listed a street location, doesn't it?  
23 A. Yes, Central Avenue.  
24 Q. So would that have been a retail store?  
25 A. Yes.

0172

1 Q. Again, looking at this, does it refresh your  
2 recollection as to whether in the '80's if you  
3 only wrote Adams Drugs you meant the warehouse?  
4 A. It could be -- it could be I just stopped  
5 writing where because we started putting down the  
6 different streets on the stores.  
7 Q. Let's go the next ticket, bottom right, 35936.  
8 A. Yes.  
9 Q. Next ticket, bottom right, 47079?  
10 A. Yes.  
11 Q. Next ticket, upper left, 37159?  
12 A. Yes.  
13 Q. Next ticket, bottom right, 55210?  
14 A. Yes.  
15 Q. Next ticket, upper left, 38323?  
16 A. Yes.  
17 Q. Next ticket, upper right, 38544?  
18 A. Yes.  
19 Q. Next ticket, upper right, 38993. Do you see  
20 that?  
21 THE WITNESS: Upper right or bottom  
22 left?  
23 MR. MURPHY: Bottom left. I'm sorry.  
24 A. Yes.  
25 Q. There's an "R" with a circle around it. What's

0173

1 that mean, any idea?  
2 A. Yes, I do know what it means now. Adams Drugs  
3 did end up with two 50-yard containers on the  
4 same side of the building.  
5 Q. The warehouse?  
6 A. Yes. One was in the front of the other one.  
7 The one in the front was the old one. That's the  
8 one that was originally there and then they put  
9 the newer one in the back.  
10 Q. Same type of waste?  
11 A. Yes.  
12 Q. So they've got two?  
13 A. Yes.  
14 Q. Does this refresh your recollection as to whether  
15 you stopped writing where at the warehouse?  
16 A. Basically, yes.  
17 Q. Okay. Let's go to the next ticket, bottom right,  
18 43050?  
19 A. Yes.  
20 Q. Next ticket, upper left, 32794?  
21 A. Yes.  
22 Q. Next ticket, bottom right, 32937?  
23 A. Yes.  
24 Q. Next ticket, bottom left, 36609?  
25 A. Yes.

0174

1 Q. Next ticket, bottom right, 46718?  
2 A. Yes.

3 Q. Next ticket, bottom left, 46270?  
4 THE WITNESS: Bottom left or bottom  
5 right?  
6 MR. MURPHY: Bottom right.  
7 A. Yes.  
8 Q. And that was a warehouse pick-up for the rear --  
9 A. Container.  
10 Q. -- container?  
11 A. Yes.  
12 Q. All right. Next ticket, upper right, 45926?  
13 A. Yes.  
14 Q. Next ticket, bottom left, 42475?  
15 A. Yes.  
16 Q. Next ticket, upper right, 54455?  
17 A. Yes.  
18 Q. That would have been the warehouse rear  
19 container, right?  
20 A. Yes.  
21 Q. Next ticket, bottom left, 39053?  
22 A. Yes.  
23 Q. Next ticket, upper right, 39148?  
24 A. Yes.  
25 Q. And that's the warehouse rear container --  
0175  
1 A. Yes.  
2 Q. -- correct?  
3 Okay. Next ticket, bottom right, 34400?  
4 A. Yes.  
5 Q. Next ticket, upper right, 47403?  
6 A. Yes.  
7 Q. Last ticket, 46962?  
8 A. Yes.  
9 Q. Now, there seems to be some writing, is this  
10 Pawtucket Memorial Hospital? Do you know why  
11 that's written on there?  
12 A. No.  
13 Q. Okay.  
14 A. That's definitely not my writing.  
15 Q. All right. Were these carbon copied tickets, by  
16 the way? Did they have carbon paper?  
17 A. Yes. They kept the original. We'd get the  
18 carbon.  
19 Q. Now, each of the tickets that we've looked at, do  
20 each one of these contain your signature where  
21 you've said yes?  
22 A. Yes.  
23 Q. And is each one of these a load from -- with the  
24 exception of the ones that listed an address, is  
25 it your testimony that each one of these  
0176  
1 represents a container -- a 50-yard container  
2 that was picked up at the Adams Drug warehouse  
3 and brought to J.M. Mills?  
4 A. I'd have to say yes.  
5 Q. All right. And would it be fair to state that  
6 there are many other J.M. Mills dump tickets for  
7 other loads you brought from the Adams Drug  
8 warehouse and brought to J.M. Mills from earlier  
9 years that we don't have here?  
10 A. Oh, yes.  
11 Q. Do you remember a company called King's?  
12 A. King's department stores.  
13 Q. Where was King's department stores?  
14 A. That's a good question. I know there were  
15 some in Massachusetts or all of them were in

16 Massachusetts. I can't really remember. I know  
17 I did some Kings.  
18 MR. MURPHY: Let's go off the record for  
19 a second.

20 (Off the record.)

21 MR. MURPHY: Let's go back on the  
22 record.

23 Q. Did you service one or more than one facility?

24 A. I believe there was more than one.

25 Q. That you picked up from?

0177

1 A. Yes.

2 Q. And when you say it was a department store chain,  
3 what type of department store?

4 A. Be just like an Ann & Hope.

5 Q. Did they sell automotive goods?

6 A. I don't really remember if they did or not.

7 Q. How big were these stores, if you remember?

8 A. I don't remember, to be honest with you.

9 Q. When for the first time -- do you remember the  
10 location of any of the stores?

11 A. No.

12 Q. Do you remember picking up from King's, though?

13 A. No.

14 Q. You don't have a recollection of ever --

15 A. No. I know I picked up King's at Foxboro --

16 Q. Okay.

17 A. -- but I couldn't tell you --

18 Q. Is that from looking at the first King's  
19 ticket --

20 A. Yes.

21 Q. -- in Exhibit 7, which is Ticket Number 35863?

22 A. Yes.

23 Q. And is that your signature on that page?

24 A. Yes, it is.

25 Q. And where it says "King's Foxboro," is that your

0178

1 handwriting?

2 A. Yes.

3 Q. So you're certain that you would have picked up a  
4 container from the King's department store in  
5 Foxboro and dumped it at J.M. Mills?

6 A. Correct.

7 Q. Do you remember the size of the container?

8 A. It would be a 50-yarder.

9 Q. And now that you've seen this ticket, does it  
10 refresh your recollection as to where in Foxboro  
11 this location was? I don't want to you guess.

12 A. No. I know. I'm trying to think, but I  
13 can't -- I can't place -- place it.

14 Q. Let me ask you this: Do you recall the contents  
15 of the 50-yard containers you picked up from  
16 King's, the waste?

17 A. Not, per se, them. The only thing I can  
18 remember is that usually every department store  
19 we picked up was basically the same stuff.

20 Q. So when you say it was "the same stuff," meaning  
21 in addition to the paper and the nonhazardous  
22 merchandise, you recall pool chemicals at times?

23 A. Yes. And at times, you'd catch the Speedy Dry  
24 where somebody must have -- might have dropped  
25 something, a customer dropped something and then

0179

1 the store went along and had to throw something

2 down to pick it up.

3 Q. Aerosols of any type?  
4 A. Once in a while, you'd catch them.  
5 Q. Could you express the volume of aerosols and how  
6 often you saw them in the containers?  
7 A. It would only be a couple cans, maybe, you  
8 know, every three or four pick-ups.  
9 Q. Do you recall the frequency with which you picked  
10 up at King's?  
11 A. No.  
12 Q. Do you recall when you first started picking up  
13 from them?  
14 A. No.  
15 Q. In addition to yourself, did anybody else pick-up  
16 from King's?  
17 A. Oh, yes. That I can say.  
18 Q. Was this part of a local area that you said when  
19 you were an owner/operator you worked out of?  
20 A. I would go that far because that was -- wasn't  
21 far -- too far for me not to make any money, so  
22 it would be one of the stops I would do on a  
23 regular basis.  
24 Q. And did you bring all the King's waste to J.M.  
25 Mills?  
0180  
1 A. As far as I can remember, yeah.  
2 Q. Any of it go anywhere else to your recollection?  
3 A. Not that I recollect.  
4 Q. Let's look at the tickets. By the way, anything  
5 else in the waste containers at King's you  
6 remember? Or you said you didn't remember?  
7 A. I didn't really remember it.  
8 Q. Let's just do the tickets then. We've already  
9 done the first one. Let's go to the second  
10 ticket, bottom left-hand corner, 37592?  
11 A. Yes.  
12 Q. Does that list the location that you're able to  
13 make out, by the way?  
14 A. Looks like South Attleboro. I can't really  
15 make it.  
16 Q. All right. But that's definitely a load you  
17 brought from King's department stores to J.M.  
18 Mills, correct?  
19 A. Yes.  
20 Q. Next ticket, upper right-hand corner, 47358?  
21 A. Yes.  
22 Q. That's a load from King's department stores  
23 Foxboro, correct?  
24 A. Yes.  
25 Q. Next ticket, upper left-hand corner, 38378?  
0181  
1 A. Yes.  
2 Q. Was there a North Smithfield location?  
3 A. Evidently.  
4 Q. Okay. Does that refresh your recollection as to  
5 the contents of the containers?  
6 A. No.  
7 Q. Next ticket, bottom left, 45819, is that a King's  
8 Foxboro?  
9 A. Yes.  
10 Q. Now, for each of the tickets that we just looked  
11 at, your signature appears on them?  
12 A. Yes.  
13 Q. And do each of those represent that you picked up  
14 a container from King's department stores and  
15 dumped it at J.M. Mills?



16 A. Yes.

17 Q. And would there have been other J.M. Mills dump

18 tickets generated reflecting that you brought

19 other loads from King's department stores to J.M.

20 Mills and dumped them there?

21 A. I believe so.

22 Q. Okay. Do you remember a company called Carlton

23 Manufacturing Company?

24 A. No.

25 Q. Any recollection at all about them?

0182

1 A. No.

2 Q. Let's just go through the tickets, if we could.

3 I'm going to read the ticket off and I want you

4 to tell me that you've looked at it for purposes

5 of your signature and the company listed on it.

6 Okay?

7 A. Okay.

8 Q. Upper left, 55954?

9 A. Yes.

10 Q. Upper right, next page, 42815?

11 A. Yes.

12 Q. Upper left-hand column, next page, 38704?

13 A. Yes.

14 Q. Next page, upper left, 57006?

15 A. Yes.

16 Q. Next page, upper right, 45142?

17 A. Yes.

18 Q. Next page, bottom right, 36059?

19 A. Yes.

20 Q. And the last page, upper right, 35346?

21 A. Yes.

22 Q. And the last page, Ticket 35346, is that your

23 handwriting "Carlton MFG"?

24 A. Yes.

25 Q. So you're sure you picked up containers from a

0183

1 company called Carlton Manufacturer and dumped

2 them at the J.M. Mills landfill?

3 A. Yes.

4 Q. And each of the tickets that you said yes to

5 contain your signature?

6 A. Yes.

7 Q. Okay. But other than being able to verify that

8 these were your tickets and that you wrote

9 Carlton Manufacturing, do you have any

10 recollection of where this facility was?

11 A. No.

12 Q. Any recollection of what was in the containers?

13 A. No.

14 Q. Do you remember a company called Crystal

15 Thermoplastics?

16 A. Plastics, yes.

17 Q. Where were they located?

18 A. I believe they were located in Cumberland,

19 Rhode Island.

20 Q. Do you remember where in Cumberland?

21 A. No. I believe it was off of 116 up in the

22 Lincoln industrial park.

23 Q. What kind of a facility was it?

24 A. Just a regular manufacturing facility. I

25 believe it was only one building and they

0184

1 manufactured different kinds of -- you know when

2 you buy something at the store it's got that

3 plastic wrap over it, that hard plastic, that's  
4 basically what they manufactured.  
5 Q. So kind of clear plastic wrap for product  
6 packaging?  
7 A. Yes. There was also different colors in it,  
8 too, but it was mostly the clear plastic ones  
9 that they manufactured.  
10 Q. How big was the facility?  
11 A. It wasn't that big. I'd say about the length  
12 of this building and maybe a little wider, maybe,  
13 like, about 25 feet wider than this building.  
14 Q. When for the first time did you pick up from  
15 Crystal Thermoplastics?  
16 A. I believe in the late '70's.  
17 Q. Was it a will call or a regularly scheduled stop?  
18 A. Will call.  
19 Q. Do you recall the frequency with which you picked  
20 up?  
21 A. On the average, once a month -- once a week.  
22 Q. And if you weren't picking up there weekly, is it  
23 your understanding that some other Goditt & Boyer  
24 driver was?  
25 A. Yes.

0185  
1 Q. Where did the waste from Crystal Thermoplastics  
2 go that you picked up?  
3 A. To J.M. Mills.  
4 Q. Did it all go there?  
5 A. As far as I know.  
6 Q. Well, this was a Cumberland Manufacturing  
7 facility?  
8 A. Yes.  
9 Q. Does it make sense that --  
10 A. It would go to J.M. Mills.  
11 Q. Was J.M. Mills the closest landfill?  
12 A. Yes.  
13 Q. Do you recall the size of the container there?  
14 A. 50-yarder.  
15 Q. Did the size of that container change over time,  
16 to your recollection?  
17 A. No.  
18 Q. Where, if you're able to tell me, was that  
19 container at that facility?  
20 A. I would lie to you if I said what part of the  
21 building it was at.  
22 Q. Do you remember picking one up there?  
23 A. Oh, yes.  
24 Q. You just can't remember where it was?  
25 A. Correct.

0186  
1 Q. All right. And was the container from Crystal  
2 Thermoplastics always full when you picked it up?  
3 A. Oh, yes.  
4 Q. And were you in a position to observe the  
5 contents of those containers?  
6 A. Yes.  
7 Q. What was in them?  
8 A. Plastic chips from the wrapping that they  
9 did -- they made.  
10 Q. When you say "chips," what do you mean by that?  
11 A. Take this piece of paper and cut off the  
12 corner --  
13 Q. Right.  
14 A. -- that's a chip.  
15 Q. Okay.

16 A. So it was loaded with those chips.  
17 Q. Kind of like confetti?  
18 A. Yes.  
19 Q. But made out of this plastic --  
20 A. Plastic.  
21 Q. -- material?  
22 A. Different colors.  
23 Q. What else did you see in there?  
24 A. They would throw in cardboard and pallets.  
25 And you would also see Speedy Dry in that one,  
0187  
1 too, because of the machinery.  
2 Q. The Speedy Dry, was there any odor associated  
3 with that?  
4 A. Not generally.  
5 Q. Do you recall any other types of petroleum-based  
6 waste that you ever saw in their containers?  
7 A. No.  
8 Q. Any raw materials that you ever saw in there --  
9 A. No.  
10 Q. -- of any type?  
11 Any powders?  
12 A. Once in a while, you'd see a powder on the  
13 plastic, like a talcum powder.  
14 Q. What about any solvents, did you ever smell any  
15 solvents?  
16 A. No, not that I recall.  
17 Q. Any liquid waste of any type?  
18 A. No.  
19 Q. Any lubricants of any type associated with  
20 machine maintenance?  
21 A. No.  
22 Q. Any paint waste?  
23 A. No.  
24 Q. Any dyes or any unusual powders or liquids  
25 associated with coloring the plastic?  
0188  
1 A. No.  
2 Q. Anything else you remember about their waste  
3 stream?  
4 A. No, that's basically what I remembered.  
5 Q. Let's go to the tickets. Let's go to the first  
6 page and I'd like you to look at the bottom  
7 left-hand corner, Ticket Number -- just, again,  
8 indicate yes if you've read the document --  
9 50103?  
10 THE WITNESS: Bottom left-hand corner?  
11 MR. MURPHY: Bottom left. Do you have  
12 that? Which one do you have there?  
13 MR. CONNORS: Bates 162.  
14 A. Okay. Yes.  
15 Q. Yes?  
16 A. Yes. Okay.  
17 Q. Next one, upper right-hand corner, Ticket 35596?  
18 A. Yes.  
19 Q. Next ticket, bottom right-hand corner, 42603?  
20 A. Yes.  
21 Q. Next page, upper right-hand corner, 35183?  
22 A. Yes.  
23 Q. Next page, bottom left, Ticket Number 43823?  
24 A. Yes.  
25 Q. Next page, bottom left, Ticket Number 38705?  
0189  
1 A. Yes.  
2 Q. Next page, upper left-hand corner, Ticket Number

3 35167?  
4 A. Yes.  
5 Q. Next page, upper left-hand corner, Ticket Number  
6 53546?  
7 A. Yes.  
8 Q. Next page, bottom right-hand corner, Ticket  
9 Number 45973?  
10 A. Yes.  
11 Q. Next page, Ticket Number 36080, in the bottom  
12 right-hand corner?  
13 A. Yes.  
14 Q. Next page, bottom left, Ticket Number 45261?  
15 A. Yes.  
16 Q. Next page, upper left-hand corner, Ticket Number  
17 35167?  
18 A. Yes.  
19 Q. And the last page bottom right, Ticket Number  
20 36080?  
21 A. Yes.  
22 Q. Each of these tickets that you indicated yes to  
23 contain your signature?  
24 A. Correct.  
25 Q. Do each of them contain a notation of Crystal  
0190  
1 Thermoplastics?  
2 A. Correct.  
3 Q. Did you write "Crystal Thermoplastics" on or a C  
4 period Thermoplastics on each of these?  
5 A. Yes.  
6 Q. It's your handwriting?  
7 A. It looks like it, yes.  
8 Q. And so do each of these tickets indicate you  
9 picked up a container from Crystal Thermoplastics  
10 and dumped it at J.M. Mills?  
11 A. Yes.  
12 Q. These were 50-yard containers, yes?  
13 A. Yes.  
14 Q. And would it be fair to state that in earlier  
15 years you -- there would be many other J.M. Mills  
16 dump tickets that would have been handed to you  
17 reflecting loads you picked up from Crystal  
18 Thermoplastics and brought to J.M. Mills?  
19 A. Yes.  
20 Q. Do you remember when you first picked up from  
21 them?  
22 A. No. I know it was somewhere in the '70's, but  
23 I couldn't tell you where.  
24 Q. Do you remember if they were an existing company  
25 or a customer of Goditt & Boyer when you first  
0191  
1 started working there?  
2 A. No, they were not.  
3 Q. Next company, Roger Williams?  
4 A. Yes, I remember Roger Williams. It was a food  
5 warehouse and I believe they were in Cumberland.  
6 Yes, they're in Cumberland. I believe they're  
7 down the street from Peterson Puritan.  
8 Q. Is it on Martin Street?  
9 A. I think so.  
10 Q. Okay. Do you also remember that at some point in  
11 time the name changed from Roger Williams to some  
12 other company?  
13 A. I believe they changed from Roger Williams to  
14 IGA --  
15 Q. Okay.

16 A. -- but I wouldn't swear to that. I know other  
17 drivers who have done it since they've changed  
18 over but not me.  
19 Q. So it was always Roger Williams when you picked  
20 up?  
21 A. I believe it was. I wouldn't swear to it,  
22 because like I said, I only remember so much.  
23 Q. Okay. I gotcha. Let me ask you this: How big  
24 was the warehouse?  
25 A. Oh, it was huge. Close to the same size as

0192

1 Stop & Shop was.  
2 Q. And what was stored there?  
3 A. It was a food warehouse, canned goods,  
4 household chemicals, your toilet paper, your  
5 paper towels.  
6 Q. Pretty much everything that was sold in a Roger  
7 Williams store?  
8 A. Correct.  
9 Q. Had you ever been in a Roger Williams supermarket  
10 back then?  
11 A. No.  
12 Q. Did they have an automotive shop there to service  
13 any vehicles?  
14 A. I couldn't swear to it.  
15 Q. You don't remember?  
16 A. No.  
17 Q. Did they have forklifts and --  
18 A. They had forklifts. They also had their own  
19 yard jockeys to move the trailers around.  
20 Q. All right. Did you ever see any waste associated  
21 with maintaining that equipment in any of the  
22 containers?  
23 A. I would lie if I said yes.  
24 Q. All right. Well, when did you first pick up from  
25 them, the Roger Williams warehouse?

0193

1 A. I believe in the mid-'70's.  
2 Q. Was it a will call or a regularly scheduled stop?  
3 A. A will call.  
4 Q. Do you remember the frequency with which you  
5 picked up there?  
6 A. I believe it went once a week.  
7 Q. And where did the waste go from the Roger  
8 Williams warehouse?  
9 A. J.M. Mills.  
10 Q. Did all of it go to a J.M. Mills?  
11 A. Yes.  
12 Q. So every container you picked up at Roger  
13 Williams warehouse was dumped at J.M. Mills?  
14 A. Yes.  
15 Q. And what size container or containers?  
16 A. 50-yarder.  
17 Q. One or more than one?  
18 A. I couldn't swear to more than one. I could  
19 swear to one.  
20 Q. You do remember picking up one -- at least one  
21 50-yard container at Roger Williams?  
22 A. Yes.  
23 Q. And was the container always full when you picked  
24 it up?  
25 A. Oh, yes.

0194

1 Q. During the course of picking these Roger Williams  
2 warehouse containers up and dumping them at J.M.

3 Mills, were you in the position to observe the  
4 contents of those containers?  
5 A. Yes.  
6 Q. What do you remember being in them?  
7 A. All kinds of canned goods, soaps, oils,  
8 cooking oils, hairsprays, deodorants.  
9 Q. Anything else? Did they have any bug spray?  
10 A. There may have been some in there, but I  
11 know -- I couldn't say yes I saw one.  
12 Q. What about other aerosol products?  
13 A. There was Windex in there. There was other  
14 spray cans, but to tell you what exactly they  
15 were, I could not.  
16 Q. Okay. And how often did you see aerosol cans in  
17 the dumps?  
18 A. Almost every pick-up there would be some --  
19 you know, something in there.  
20 Q. Can you express as a percentage how much of  
21 the -- each of those containers had aerosol cans?  
22 THE WITNESS: On the average?  
23 MR. MURPHY: Yes.  
24 A. Probably a 10- or a 20-gallon drum.  
25 Q. Anything else you recall about the waste coming  
0195  
1 from the Roger Williams warehouse?  
2 A. No.  
3 Q. Do you know if they had a facility there to  
4 maintain the retail store?  
5 A. No.  
6 Q. Okay. Let's go to the tickets. Part of  
7 Exhibit 7, same questions, just indicate yes if  
8 you've looked at the ticket and I'll ask you some  
9 questions at the end.  
10 THE WITNESS: Roger Williams?  
11 MR. MURPHY: Roger Williams.  
12 THE WITNESS: Okay.  
13 Q. First ticket, upper left, 45484?  
14 A. Okay.  
15 Q. Next page, upper left, 57126?  
16 A. Yes.  
17 Q. Next page, bottom left, 46075?  
18 A. Yes.  
19 Q. Next page, bottom right, 43973?  
20 A. Yes.  
21 THE WITNESS: How about --  
22 MR. MURPHY: Go ahead.  
23 THE WITNESS: -- top left?  
24 Q. Okay. Top left, 43968?  
25 A. Yes.  
0196  
1 Q. Okay. So there's two on that page, correct?  
2 A. Correct.  
3 Q. Well, I think that there's a -- and the next page  
4 is a duplicate, so skip that.  
5 A. Okay.  
6 Q. Next page, bottom right, 32709?  
7 A. Yes.  
8 Q. Next page, bottom right, 54993?  
9 A. Yes.  
10 Q. Next page, 53385?  
11 A. Yes.  
12 Q. Last page, upper right, 42045?  
13 A. Yes.  
14 Q. Each of those tickets have your signature on  
15 them?

16 A. Yes.  
17 Q. And do each of them reflect that on the date  
18 indicated you brought a 50-yard container from  
19 the Roger Williams warehouse in Cumberland and  
20 dumped it at the J.M. Mills landfill?  
21 A. Correct.  
22 Q. Fair to state that prior to the '80's there would  
23 have been many other J.M. Mills dump tickets  
24 issued to you for other 50-yard containers you  
25 picked up from Roger Williams and dumped at the

0197

1 J.M. Mills landfill?  
2 A. Yes.  
3 MR. MURPHY: Take a short break? Take a  
4 short one?  
5 MR. CONNORS: Sure.  
6 (A recess was taken.)  
7 Q. All right. Do you remember a company called  
8 Shawmut, S-H-A-W --  
9 A. Shawmut.  
10 Q. -- M-U-T?  
11 How do you say it?  
12 A. Shawmut.  
13 Q. Do you recall picking up from them?  
14 A. Yes.  
15 Q. And did you bring them to -- some of their waste  
16 to J.M. Mills?  
17 A. Yes.  
18 Q. All right. Where was Shawmut located?  
19 A. I want to say Attleboro, but it's not  
20 Attleboro. In Norton. It might be Norton.  
21 Q. What sort of a facility was it?  
22 A. They manufactured cloth.  
23 Q. Textile mill?  
24 A. Yes.  
25 Q. All right. And how big was it?

0198

1 A. Oh, probably twice the length of this building  
2 by twice as wide.  
3 Q. When did you first pick up there?  
4 A. In the early '70's.  
5 Q. And was it a will call or regularly scheduled?  
6 A. A will call.  
7 Q. And frequency with which you picked up from  
8 Shawmut?  
9 A. Usually once a week, but then I'd go periods  
10 where I wouldn't see them for three or four  
11 months.  
12 Q. Is it your understanding that when you weren't  
13 picking up weekly somebody else from Goditt &  
14 Boyer was?  
15 A. Yes.  
16 Q. And how much was waste, if any, from Shawmut went  
17 to J.M. Mills?  
18 A. A lot of it went there. Some of it went to  
19 north -- I mean, to Attleboro landfill, but most  
20 it went to J.M. Mills.  
21 Q. Can you express it as a percentage?  
22 A. I'd say 70 percent.  
23 Q. 70 percent to J.M. Mills, 30 percent to  
24 Attleboro?  
25 A. Yes.

0199

1 Q. And what sort of a container or containers were  
2 at that facility?

3 A. A 50-yarder.

4 Q. And do you remember actually picking up 50-yard

5 containers from that facility?

6 A. Yes.

7 Q. And did you have occasion to see what was in the

8 container?

9 A. Yes.

10 Q. What was in there?

11 A. Cloth, cardboard rolls that the cloth would

12 normally go on, pallets. Basically, that's it.

13 They would throw some office trash in there,

14 but --

15 Q. Any petroleum-based waste?

16 A. No.

17 Q. Any chemical waste?

18 A. No.

19 Q. Anything associated with machine repair that you

20 recall?

21 A. No.

22 Q. Anything else you remember about their waste?

23 A. No, that's about it. Just that it was always

24 full.

25 Q. All right. Let's look at the ticket. There's

0200

1 only one we have here, Ticket Number 41455.

2 A. Yes.

3 Q. Is that your handwriting that says Shawmut?

4 A. Yes.

5 Q. And it's your signature?

6 A. Yes.

7 Q. So this ticket reflects that you brought a load

8 from Shawmut and dumped it at J.M. Mills?

9 A. Correct.

10 Q. 50-yard container?

11 A. Correct.

12 Q. And were there many other J.M. Mills tickets

13 generated and given to you for other 50-yard

14 containers you hauled from Shawmut and dumped at

15 J.M. Mills?

16 A. Yes.

17 Q. Okay. The next set of tickets, I'm going to skip

18 Schoolhouse Candy. My understanding is they're

19 out of business. Do you remember hauling waste

20 from American Steel?

21 A. Yes.

22 Q. Where were they located?

23 A. I believe that was in Central Falls, Rhode

24 Island.

25 Q. Okay. And one facility or more than one

0201

1 facility?

2 A. I only remember one.

3 Q. What did they do at American Steel?

4 A. They fabricated steel. They had steel plates,

5 they had steel bars, pipes and they'd make

6 different things out of it for, I guess,

7 different customers.

8 Q. Was it a foundry as well? Do you know?

9 A. No, it wasn't a foundry.

10 Q. So it's your understanding is they were steel

11 fabricators?

12 A. Yes.

13 Q. Do you remember the type of steel they used?

14 A. All kinds of steel, regular steel, stainless

15 steel, aluminum.



16 Q. Did they do any welding on the premises?  
17 A. Yes, they did.  
18 Q. Anything else about what they did at the facility  
19 that you remember?  
20 A. No, basically that's it.  
21 Q. Now, let me ask you this: When did you first  
22 pick up at American Steel?  
23 A. Mid-'70's, I believe.  
24 Q. During that middle period?  
25 A. Yes.

0202

1 Q. Can you put a year on it?  
2 THE WITNESS: For the first time?  
3 MR. MURPHY: Yeah. And I don't want you  
4 to guess.  
5 A. It would have to be somewhere around '74, '75,  
6 somewhere in there.  
7 Q. Okay. And was it a will call or a regularly  
8 scheduled?  
9 A. A will call.  
10 Q. And what was the frequency with which you went to  
11 American Steel?  
12 A. Oh, I'd say once every -- once a month, maybe.  
13 Q. And did other drivers from Goditt & Boyer pick up  
14 there, too?  
15 A. Yes.  
16 Q. Do you know how often their container had to be  
17 picked up?  
18 A. I believe once a week. Sometimes they would  
19 go once every two weeks depending on how busy  
20 they were.  
21 Q. All right. And where did the waste go from  
22 American Steel?  
23 A. I know I took most of mine just to J.M. Mills.  
24 Q. Okay. Do you ever remember bringing any American  
25 Steel to any other landfill?

0203

1 A. No.  
2 Q. Okay. And what size container did they have at  
3 that facility?  
4 A. A 30-yarder.  
5 Q. Sorry?  
6 A. A 30-yarder.  
7 Q. 30-yard open top?  
8 A. Yes.  
9 Q. One or more than one?  
10 A. I only remember one.  
11 Q. And did you have occasion to see what type of  
12 waste was in the American Steel container?  
13 A. Yes.  
14 Q. Can you tell me what was in it.  
15 A. Mostly wooden pallets, paper that the steel  
16 came in. You'd catch grindings.  
17 Q. Metal grinding?  
18 A. Metal grindings.  
19 Q. Was there oil on those or not?  
20 A. No, not generally. No.  
21 Q. Anything else?  
22 A. No, metal strappings that they held the  
23 steel -- sheets of steel when they were being  
24 shipped.  
25 Q. Any recollection of any oil, oily waste?

0204

1 A. No.  
2 Q. Any recollection of any solvents of any type?

3 A. No.  
4 Q. Paint waste?  
5 A. No.  
6 Q. Anything else you remember about the contents of  
7 their container?  
8 A. No.  
9 Q. Okay. And I think we have just two tickets, the  
10 first one, bottom right, 56485?  
11 A. Yes.  
12 Q. Is that your signature?  
13 A. Yes.  
14 Q. Reflects that you picked up from American Steel?  
15 A. Correct.  
16 Q. Next page, upper right, 47185, also your  
17 signature?  
18 A. Yes.  
19 Q. Also reflects you picked up at American Steel?  
20 A. Yes.  
21 Q. All right. So these two tickets reflect that on  
22 the dates indicated you picked up a container --  
23 30-yard open top container from American Steel  
24 and dumped it at J.M. Mills?  
25 A. Correct.

0205  
1 Q. Would it be fair to state that there were a good  
2 number of other J.M. Mills dump tickets issued to  
3 you in earlier years reflecting your picking up  
4 30-yard open tops at American Steel and dumping  
5 them at J.M. Mills?  
6 A. Yes.  
7 Q. Do you remember a company called Rhode Island --  
8 A. Textile.  
9 Q. -- Textile?  
10 A. Yes.  
11 Q. Okay. And where were they located?  
12 A. I believe they were located on the Industrial  
13 Highway in Pawtucket.  
14 Q. And how big of a facility was it?  
15 A. Oh, probably three times the length of this  
16 building and probably three or four times the  
17 width of this building.  
18 Q. And what did they do there?  
19 A. They manufactured different kinds of textile,  
20 shoelaces, elastic.  
21 Q. When did you first pick up there?  
22 A. Mid-'70's. I'd say '73, '74.  
23 Q. And were they a will call or a regularly  
24 scheduled?  
25 A. A will call.

0206  
1 Q. Frequency with which you picked up from Rhode  
2 Island Textile?  
3 A. At times it would be once a week, and then I'd  
4 go periods where I wouldn't see them for three or  
5 four weeks or five weeks, and then I'd catch it  
6 again for maybe two or three weeks at a time.  
7 Q. Your understanding, though, when you weren't  
8 picking up weekly, was it your understanding that  
9 someone else from Goditt & Boyer was?  
10 A. Yes.  
11 Q. Where did the waste from Rhode Island Textile go?  
12 A. J.M. Mills.  
13 Q. All of it that you picked up?  
14 A. Yes.  
15 Q. And what size container or containers?

16 A. A 50-yard container.  
17 Q. One or more than one?  
18 A. One.  
19 Q. Did that size of that container or the number  
20 change over time?  
21 A. Not to my knowledge.  
22 Q. What do you remember about the contents of the  
23 containers that came from Rhode Island Textile?  
24 A. There was a lot of shoelaces. There was  
25 paper, there was cardboard, pallets, broken  
0207  
1 pallets, shipping cartons, you know, cardboard  
2 boxes. At times, yes, you would catch some oily  
3 rags in there, I guess, from the machinery along  
4 with the Speedy Dry.  
5 Q. When you say "at times," how often? Every  
6 container?  
7 A. No. I'd say probably every three or four --  
8 third or fourth pick-up you'd catch some stuff in  
9 there.  
10 Q. And can you express how much volume of the Speedy  
11 Dry and oily rags?  
12 A. Probably a 5-gallon container.  
13 Q. Any other waste that contained any sort of  
14 chemical or petroleum waste that you can recall?  
15 A. No.  
16 Q. Any liquid waste?  
17 A. No.  
18 Q. Ever any unusual odors?  
19 A. Once in a great while you'd catch an odor, but  
20 you could never really pin it down to say that  
21 that odor was coming from that load.  
22 Q. Okay. Anything else you remember about that  
23 waste?  
24 A. No.  
25 Q. Let's look at the tickets we have, Exhibit 7,  
0208  
1 same issue, I'm just going to ask you to say yes  
2 that you've looked at the ticket and I'll ask you  
3 some questions at the end. Upper left-hand  
4 corner, Ticket 43817?  
5 A. Yes.  
6 Q. Bottom right-hand corner, 45916?  
7 A. Yes.  
8 Q. Bottom left-hand corner, 46592?  
9 A. Yes.  
10 Q. Bottom right-hand corner, 38529?  
11 A. Yes.  
12 Q. Upper left-hand corner, 43817?  
13 A. Yes.  
14 Q. Upper right-hand corner, 53508?  
15 A. Yes.  
16 Q. Bottom left-hand corner, 46320?  
17 A. Yes.  
18 Q. Bottom left-hand corner, 40777?  
19 A. Yes.  
20 Q. Upper left-hand corner, 46664?  
21 A. Yes.  
22 Q. Each one of these is signed by you?  
23 A. Yes.  
24 Q. And every one of those indicates that you picked  
25 up a 50-yard container from Rhode Island Textile  
0209  
1 and dumped it at J.M. Mills?  
2 A. Yes.

3 Q. All right. And in addition to the tickets that  
4 are here, would it be fair to state that there  
5 were many other J.M. Mills dump tickets issued to  
6 you in years prior to the '80's reflecting  
7 containers from Rhode Island Textile that you  
8 dumped at J.M. Mills?  
9 A. Yes.

10 MR. JACKSON: Do you remember a company  
11 called ACS?  
12 A. I'm familiar with them, but I don't remember  
13 them.

14 Q. Do you remember anything about where they were?  
15 A. No.

16 Q. Do you remember what they did?  
17 A. No.

18 Q. Anything about what was in their containers?  
19 A. No.

20 Q. Let's just go through the tickets then. First  
21 ACS ticket, bottom left, 35352. Do you see that?  
22 A. Yes.

23 Q. Okay. Next page, upper right, 52475?  
24 A. Yes.

25 Q. Next page, bottom right, 32611?  
0210

1 A. Yes.

2 Q. Next page, upper left, 39237?  
3 A. Yes.

4 Q. Now, each of those tickets has your signature on  
5 them?  
6 A. Correct.

7 Q. Does each of them reflect that you picked up from  
8 a company called ACS and dumped the container at  
9 J.M. Mills?  
10 A. Yes.

11 Q. After having looked at these tickets, does it  
12 refresh your recollection in any way as to what  
13 they did at ACS?  
14 A. No.

15 Q. Where it was?  
16 A. No.

17 Q. And what was in the containers?  
18 A. No.

19 Q. Do you remember a company called Truex?  
20 A. I remember I did them, but I couldn't tell you  
21 where they were or what they were doing.

22 Q. So let's go through the tickets here. First  
23 ticket, bottom left, 32548?  
24 A. Yes.

25 Q. Does that say "Truex" and then "JJC"?  
0211

1 A. Yes.

2 Q. And you signed that ticket?  
3 A. Yes, I did.

4 Q. Did you write "Truex" there?  
5 A. It looks like it.

6 Q. All right. Let's go to the next page, bottom  
7 left, 44576.  
8 A. Yes.

9 Q. Next page, bottom left, 33736?  
10 A. Yes.

11 Q. Next page, upper left, 39047?  
12 A. Yes.

13 Q. Next page, upper right, 46609?  
14 A. Yes.

15 Q. And the last page, bottom left, 42823?

16 A. Yes.  
17 Q. Each of those tickets are signed by you, correct?  
18 A. Correct.  
19 Q. And it indicates a pick-up from Truex?  
20 A. Yes.  
21 Q. So you can state with certainty, then, that on  
22 the dates indicated you picked up a container  
23 from a company called Truex and dumped it at J.M.  
24 Mills?  
25 A. Yes.

0212

1 Q. Having seen the tickets, do you have any  
2 recollection as to what they did at Truex?  
3 A. No.  
4 Q. What was in the containers?  
5 A. No.  
6 Q. Anything about frequency with which you picked  
7 up?  
8 A. No.  
9 Q. Okay. Do you remember picking up Sears Roebuck?  
10 A. Oh, yes.  
11 Q. Now, one location or more than one location?  
12 A. I mostly picked up at one location that I  
13 recall, which was Sears on North Main Street in  
14 Providence.  
15 Q. How big of a store was that?  
16 A. That was one of their smaller stores about the  
17 size of a supermarket, maybe a little smaller.  
18 Q. Do you remember any other Sears facility stores?  
19 A. I know they had a store in the Warwick Mall.  
20 Q. Did you pick up there?  
21 A. I picked up there, maybe, once or twice.  
22 Q. Okay. So let's concentrate on the North Main  
23 Street Providence store. Do you remember when  
24 for the first time you picked up there?  
25 A. That was the early '70's when -- before I left

0213

1 the first time.  
2 So '71?  
3 A. Yes.  
4 Q. And did you pretty much pick up from the North  
5 Main Street Providence Sears from 1971 into the  
6 '80's?  
7 A. I did pick up there, but it wasn't on a steady  
8 basis. It was on and off.  
9 Q. Okay. Was it a will call or a regularly  
10 scheduled stop?  
11 A. Will call.  
12 Q. So tell me about the frequency with which you  
13 picked up there.  
14 A. Well, in the beginning it was almost weekly,  
15 and then it got to be once a month or, maybe,  
16 once every two or three months.  
17 Q. And when you say later it became once a month, is  
18 that because Sears was generating less waste?  
19 A. No, it was just because I was busier. I was  
20 running over the road for Goditt & Boyer and they  
21 had more drivers so they would send other drivers  
22 there.  
23 Q. Is it your understanding that it was pretty much  
24 a weekly pick-up --  
25 A. Oh, yes.

0214

1 Q. -- for Goditt & Boyer?  
2 And where did the Sears North Main Street

3 Providence containers that you picked up get  
4 dumped?  
5 A. J.M. Mills.  
6 Q. All of them?  
7 A. Yes.  
8 Q. Okay. And what size container was at that store?  
9 A. In the beginning it was a 42, then it grew to  
10 a 50.  
11 Q. Do you remember when it switched from a 42 to a  
12 50?  
13 A. Somewhere in the middle -- mid-'70's.  
14 Q. And was the Sears North Main Street Providence  
15 container always full when you picked it up?  
16 A. Yes.  
17 Q. What do you recall being in the Sears container?  
18 A. Boxes, pallets, clothes, tools, power tools.  
19 You'd find Speedy Dry in there. You'd find toys.  
20 You would find, every so often, paint.  
21 Q. Tell me what you remember about the paint.  
22 A. I just remember going out the back door. It  
23 was different colors at times. The paint would  
24 be in there. It would be, I don't know, if you  
25 did it, say, four weeks straight, maybe out of  
0215  
1 the four weeks, maybe, one time you might have  
2 it.  
3 Q. Do you know how much paint was in there?  
4 A. Sometimes you'd see two cans. Sometimes you'd  
5 only see one.  
6 Q. Okay.  
7 A. Every so often you might see more, but it's  
8 generally one or two cans.  
9 Q. Any sort of other aerosol type products that you  
10 recall seeing?  
11 A. Not that I recall.  
12 Q. Lubricating oils for tools?  
13 A. No.  
14 Q. Three-in-one oil?  
15 A. No. If there was any in there, I didn't see  
16 it.  
17 Q. WD-40?  
18 A. No.  
19 Q. Pool chemicals?  
20 A. No.  
21 Q. Anything else you remember about their waste?  
22 A. No, that's about it.  
23 Q. Let's look at the tickets. First ticket, upper  
24 right-hand corner, 46385?  
25 A. Yes.  
0216  
1 Q. Next ticket, bottom right, 46888?  
2 A. Yes.  
3 Q. Next ticket, upper right, 55303?  
4 A. Yes.  
5 Q. Next ticket, bottom right, 54774?  
6 A. Yes.  
7 Q. The last ticket, 54774, says "N Main," North  
8 Main?  
9 A. Sears North Main.  
10 Q. Right. The other tickets we went through did not  
11 have a location, it just said Sears. To your  
12 recollection, does that mean there were two  
13 different Sears locations?  
14 A. It -- no, because if it was usually another  
15 location I usually would write the town or the

16 street it was in.  
17 Q. Okay.  
18 A. Sometimes you just get lazy, because it's on  
19 your route sheet. It's on her route sheet. So  
20 if you're in a hurry, you just go in and say,  
21 okay, it's Sears --  
22 Q. Okay.  
23 A. -- and write down Sears or he would write down  
24 Sears and off you'd go.  
25 Q. And all the tickets you said yes to have your  
0217  
1 signature on them?  
2 A. Correct.  
3 Q. And each one of those reflects that you picked up  
4 a -- what size container, 50-yard container?  
5 A. 50-yard container.  
6 Q. From the Sears North Main Street Providence  
7 location and dumped it at J.M. Mills?  
8 A. Yes.  
9 Q. Would it be fair to state there are many other  
10 J.M. Mills dump tickets that reflect the Sears  
11 containers you picked up and dumped at J.M.  
12 Mills?  
13 A. Yes.  
14 Q. Do you remember picking up from IGA?  
15 A. Vaguely.  
16 Q. What do you remember about it? Was it a  
17 warehouse or was it a retail store or stores?  
18 A. Mostly the retail store and it was just the  
19 typical retail store like Stop & Shop where  
20 they'd throw away broken bottles of pickles or  
21 stuff like that and cardboard and broken pallets  
22 and stuff like that.  
23 Q. Do you remember which locations?  
24 A. No. I know there was one in Cumberland.  
25 There was one in Central Falls. I know there  
0218  
1 were more, but I don't remember them.  
2 Q. Now, let me ask you this: They were standard  
3 size supermarkets?  
4 A. Yes.  
5 Q. And when did you first pick up at any IGA -- IGA?  
6 A. Mid-'70's.  
7 Q. Were they will call or regularly scheduled?  
8 A. Will call.  
9 Q. Frequency?  
10 A. Once a week.  
11 Q. And where did you take the IGA retail supermarket  
12 waste that you picked up?  
13 A. J.M. Mills.  
14 Q. Any others, dumps other than J.M. Mills?  
15 A. No.  
16 Q. And do you remember the size of the container?  
17 A. 50.  
18 Q. At every IGA that you picked up, was it a 50-yard  
19 container?  
20 A. Yes.  
21 Q. And were the contents the same as the other  
22 supermarkets you mentioned?  
23 A. Yes.  
24 Q. Anything else that you remember about the IGA  
25 stores as to the contents of the containers?  
0219  
1 A. No, they were generally all the same.  
2 Q. So would there have been some aerosol cans in the

3 waste?  
4 A. Yes.  
5 Q. Do you remember volumewise how many aerosol cans  
6 would have been in the IGA containers?  
7 A. Not all, because like, see, today you could go  
8 there and you could find a dozen cans. You could  
9 go there tomorrow and find none.  
10 Q. All right.  
11 A. Basically all the supermarkets are like that.  
12 It all depends if, like, a -- back then the  
13 supermarkets had a policy that if a can -- if a  
14 case of something dropped and it got on the  
15 outside of the contents of another product, that  
16 whole thing would be thrown away. Even though it  
17 was never opened or anything, there was no  
18 damage, but because the labels were soiled they  
19 would all get thrown away because they couldn't  
20 sell it no more. The customers didn't want to  
21 buy them.  
22 Q. So it depended on the load as to how much aerosol  
23 product -- aerosol cans were in the waste --  
24 A. Correct.  
25 Q. -- for each of the supermarket stores?  
0220  
1 A. Yes.  
2 Q. But you do remember that every supermarket  
3 location you picked up, at times there were  
4 aerosol cans?  
5 A. Oh, yeah.  
6 Q. Let's look at the tickets. First IGA ticket,  
7 bottom right, Ticket Number 38424. Do you see  
8 that?  
9 A. Yes.  
10 Q. Is that your signature?  
11 A. Yes.  
12 Q. Is there a location written after IGA?  
13 A. Yes, but I can't make it out.  
14 Q. Let's go to the next ticket, bottom left, 44091.  
15 A. Yes.  
16 Q. Can you make out that location?  
17 A. Putnam, Connecticut, on Route 44.  
18 Q. So sometimes you'd go that far west?  
19 A. Yes.  
20 Q. Next ticket, upper left, 44700?  
21 A. Yes.  
22 Q. What location is that, can you tell? Is it  
23 Willett Avenue?  
24 A. That's what it looks like, but I don't know  
25 where Willett Avenue is offhand.  
0221  
1 Q. Let's go to the last ticket, 52760, is that also  
2 an IGA Willett Avenue?  
3 A. Yes.  
4 Q. Does that refresh your recollection as to where  
5 Willett Avenue was?  
6 A. I think I know where this one is. This would  
7 be the one in Central Falls.  
8 Q. Okay.  
9 A. Right next to the bowling alley or where the  
10 bowling alley used to be.  
11 Q. Every one of these tickets you said yes to has  
12 your signature on it?  
13 A. Yes.  
14 Q. And they reflect that you picked up a 50-yard  
15 container at an IGA location and dumped it at



16 J.M. Mills?  
17 A. Yes.  
18 Q. And would it be fair to state that prior to the  
19 '80's and the '70's there were many other J.M.  
20 Mills dump tickets that were issued to you for  
21 loads that you brought from IGA's and dumped at  
22 J.M. Mills?  
23 A. Yes.  
24 Q. Do you remember something called the Mendon  
25 warehouse?

0222

1 A. Mendon warehouse. I remember a Mendon  
2 warehouse, but I'm trying to place why it was  
3 called Mendon warehouse or what they -- can I  
4 look at one of the --  
5 Q. Yeah. Sure. If you can't remember, go ahead and  
6 look at some of the tickets and then just tell me  
7 which ticket refreshes your recollection, if any.  
8 A. I don't recall them. I know I did them and I  
9 know the name is familiar, I just can't place  
10 everything.  
11 Q. Well, let's just do the tickets then. First  
12 ticket, upper left, 35700.  
13 A. Yes.  
14 Q. Is that your writing, "Mendon warehouse"?  
15 A. Yes.  
16 Q. Next ticket, bottom right, 50410?  
17 A. Yes.  
18 Q. Next ticket, upper right, 46335?  
19 A. Yes.  
20 Q. Next ticket, upper right, 52496?  
21 A. Yes.  
22 Q. Last ticket, last page, upper right, 41311?  
23 A. Yes.  
24 Q. So you're sure that these tickets reflect that on  
25 the dates indicated you picked up a container

0223

1 from a place called Mendon warehouse and dumped  
2 it at J.M. Mills?  
3 A. Yes.  
4 Q. Did you bring loads from a place called Mendon  
5 warehouse in the '70's?  
6 A. I believe so.  
7 Q. You don't remember what they had in the  
8 warehouse?  
9 A. No.  
10 Q. Any idea about the contents of the containers?  
11 A. No.  
12 Q. Do you remember a company called Sam Fink,  
13 F-I-N-K, or a person or --  
14 A. It was a company, but I don't remember them.  
15 Q. Well, let's just look at the ticket then. One  
16 ticket numbered 46406, do you see that?  
17 A. Yes.  
18 Q. Is that your handwriting "Sam Fink"?  
19 A. Yes.  
20 Q. And that's your signature, correct?  
21 A. Correct.  
22 Q. So you're sure that on this occasion, on this  
23 ticket, you picked up a container from what was  
24 known as Sam Fink and dumped it at J.M. Mills?  
25 A. Yes.

0224

1 Q. Do you have any recollection as to where it was?  
2 A. Only one that comes to mind when I see Sam

3 Fink. There was a place that used to buy the  
4 garden hose off of Apex and they used to break it  
5 back down into reusable raw material and then  
6 sell it back to Apex, and that's the only one I  
7 can think it is.

8 Q. At that facility, if that was Sam Fink -- you're  
9 not sure if it was Sam Fink?

10 A. No, but I'm pretty sure it is. But I'm  
11 just -- I can't -- I wouldn't swear to it.

12 Q. What was in the container of that facility that  
13 reprocessed the garden hose?

14 A. Well, you know, in the garden hose that you  
15 have that nylon in between the layers?

16 Q. Right.

17 A. It would be that. It would also be the end  
18 brass pieces to the garden hose. It would be  
19 broken pallets and stuff like that.

20 Q. Do you remember any oily materials?

21 A. No.

22 Q. Any solvents or chemical waste?

23 A. No.

24 Q. Speedy Dry?

25 A. No.

0225

1 Q. Any sort of hazardous materials --

2 A. No.

3 Q. -- from Sam Fink?

4 Okay. Do you remember a company called Food  
5 Mart?

6 A. I remember -- I remember them, but not to say  
7 I remember doing them.

8 Q. Was it a supermarket --

9 A. Yes.

10 Q. -- do you remember?

11 A. (Nods head in the affirmative).

12 Q. Do you remember where they were?

13 A. I believe they were in Massachusetts.

14 Q. And do you remember where?

15 A. I believe there was one on Route 1, but that's  
16 the only one I can think of.

17 Q. Was it a standard size supermarket?

18 A. Yes.

19 Q. Do you remember when you first picked up there?

20 A. That would have to be the late '70's.

21 Q. And was it a will call or a regularly scheduled?

22 A. Will call.

23 Q. And where did you bring the waste from Food Mart?

24 A. J.M. Mills.

25 Q. Anyplace else other than J.M. Mills?

0226

1 A. No.

2 Q. And what size was the container?

3 A. Be a 50.

4 Q. Do you recall the frequency with which you picked  
5 up from the Food Mart?

6 A. No.

7 Q. The Route 1?

8 A. (Shakes head in the negative).

9 Q. And any specific recollection of the contents of  
10 any of the containers from Food Mart?

11 A. No, not, per se, I remember their trash  
12 particularly. I -- it's -- I can only go by it  
13 being a food supermarket what their trash was  
14 like.

15 Q. All right. So other than --

16 A. But I couldn't remember anything other than  
17 that.  
18 Q. So if I asked you questions about specifically  
19 remembering Food Mart's waste, you'd say you  
20 don't remember?  
21 A. Correct.  
22 Q. But it's your belief that it would have been the  
23 same type of waste from the other supermarkets  
24 you've talked about today?  
25 A. Yes.

0227

1 Q. Okay. Take a look at the next category of  
2 tickets. Maybe we can go through these quickly  
3 because these are all tickets where it just lists  
4 not a company name but an address.  
5 A. Okay.  
6 Q. Let me ask you first generally, were there  
7 occasions where you'd pick up a container just at  
8 a street address?  
9 A. If it was a private concern. Like you could  
10 call Goditt & Boyer and say, "well, I'm  
11 remodeling my house and I need a container here."  
12 Q. Okay.  
13 A. So then we'd deliver a 30-yard container for  
14 you to fill up.  
15 Q. Do you remember ever doing any business for a  
16 roofing company that had the containers put at  
17 job sites?  
18 A. I know we've done job sites, but to say it was  
19 one particular company, no.  
20 Q. All right. So if we look through these tickets,  
21 the first one, 36193, there's an address there.  
22 Does that refresh your recollection as to it  
23 being a company other than just a street address,  
24 lower left-hand corner? Looks like 1155 High  
25 Street.

0228

1 A. High Street. That would be -- as far as I can  
2 figure that one out, that would be a private  
3 concern.  
4 Q. Go to the next ticket, it looks like the same  
5 address, Ticket Number 42540.  
6 A. Okay.  
7 Q. Same thing?  
8 A. Yes.  
9 Q. Next ticket, bottom right, 41222, it seems to be  
10 a different street address. Is it a company you  
11 remember?

THE WITNESS: This one here?

MR. MURPHY: High Street.

THE WITNESS: High Street?

MR. MURPHY: Yes.

16 A. I believe that was one that we did in  
17 Providence. It was a commercial construction.  
18 They were putting up a building.  
19 Q. Okay.  
20 A. And this was stuff that was -- waste that they  
21 weren't using.  
22 Q. Generated as a result of building the building?  
23 A. Correct.  
24 Q. Do you remember what was in that container?  
25 A. Mostly chunks of cement and dust and some

0229

1 steel from the beams and stuff like that.  
2 Q. Any oily residue or hazardous waste?

3 A. No.  
4 Q. Chemical waste?  
5 A. No.  
6 Q. All right. The next ticket, is that just a  
7 street address, 41222?  
8 A. Yes.  
9 Q. Next one, next page, bottom right, 40200, another  
10 just a street address?  
11 A. Yes.  
12 Q. Next page, bottom left, 40708, same thing --  
13 A. Yes.  
14 Q. -- just a street address?  
15 Next ticket, 40204, bottom right, also a  
16 street address?  
17 A. That would be that one I just told you about.  
18 Q. Same one?  
19 A. Yeah.  
20 Q. Gotcha. Last page, 40200, is that just a street  
21 address?  
22 A. Yes.  
23 Q. Okay. Now, the last category I have here is  
24 called miscellaneous, and what I want to do is  
25 just try to go through these tickets quickly and  
0230  
1 see if you remember anything about some of the  
2 companies that are listed here. I will say that  
3 I think there may be a couple of companies listed  
4 here we've already gone through so we can kind of  
5 go through those quickly. Okay?  
6 A. Okay.  
7 Q. First page, bottom left, 36411, any idea what  
8 that is?  
9 A. Looks like Massachusetts Ford, but I --  
10 Q. I don't want to you guess. Only if you're sure.  
11 A. Okay. Then I won't.  
12 Q. All right. Let's go to the next page, upper  
13 left, 41798. Can you make out where that came  
14 from or who it came from? And, again, I don't  
15 want you to guess. Only if you read it --  
16 A. I know there's a company that I used to do  
17 that's plaster something, but I can't remember  
18 what it was.  
19 Q. Do you remember anything about the waste stream  
20 from that company?  
21 A. Not offhand.  
22 Q. All right. Let's go to the next ticket, bottom  
23 left, Ticket 55658. Can you make that out?  
24 A. No.  
25 Q. Next ticket, 46554, Love Lane, Warwick. Is that  
0231  
1 just a street address?  
2 A. No, Love Lane, Warwick. No, that means it was  
3 in the Town of Warwick.  
4 Q. And it was a street address?  
5 A. I believe so, but I couldn't tell you what it  
6 was for.  
7 Q. Okay. Next page, upper right, 39279, City Fence?  
8 A. That was a fence company we did business with  
9 in I believe it was South Attleboro. It's right  
10 off of Route 1.  
11 Q. What was in their containers? Any oily waste?  
12 Hazardous waste?  
13 A. No, it was basically what was left over from  
14 when they put up a fence or pallets and stuff  
15 like that.

16 Q. Okay.  
17 A. That was a company we did.  
18 Q. Next page, upper right, 33605. Is that Hasbro?  
19 A. It might be Hasbro from the looks of it.  
20 Q. Did you pick up from --  
21 A. Yes, we picked up from Hasbro.  
22 Q. Tell me what you remember about Hasbro.  
23 A. They were mostly loaded with broken toys and  
24 games, but they had broken pallets. The raw  
25 material for the plastic would be in there. They

0232

1 would have some --  
2 Q. By the way, where was this facility?  
3 A. On Newport Avenue in Pawtucket.  
4 Q. And the raw materials for the plastic in the  
5 containers?  
6 A. Yes, they were like little pellets.  
7 Q. Do you remember the color?  
8 A. They were different color. Some were green.  
9 Some were yellow. Some was orange.  
10 Q. What size container there?  
11 A. 50.  
12 Q. One or more than one?  
13 A. I only remember one.  
14 Q. Do you remember where it was located in the  
15 facility?  
16 A. I'd say as you're looking at the building it  
17 would be to the left side of the building.  
18 Q. What percentage of the containers when you picked  
19 them up had these little raw material pellets?  
20 A. Oh, probably a 25-gallon container.  
21 Q. Each time?  
22 A. No, it varied.  
23 Q. Okay.  
24 A. It was just basically an average.  
25 Q. Okay. And what else do you recall being in those

0233

1 containers?  
2 A. I remember seeing some oily rags at times when  
3 they were, I guess, fixing the machine or  
4 cleaning the machine, then you'd have Speedy Dry  
5 from the floor.  
6 Q. Anything else? Any lubricants associated with  
7 the machine?  
8 A. No, not that I recall.  
9 Q. Inks from printing and packaging?  
10 A. No.  
11 Q. Any other waste that you remember?  
12 A. No.  
13 Q. When did you first pick up from Hasbro?  
14 A. I believe that would be in the early '70's  
15 before my first half or first part of Goditt &  
16 Boyer.  
17 Q. 1971?  
18 A. Yeah.  
19 Q. How often did you pick up there?  
20 A. It was generally picked up once a week, but I  
21 didn't pick it up on a regular basis.  
22 Q. Was it a will call?  
23 A. Yes.  
24 Q. And did you bring Hasbro's waste to J.M. Mills?  
25 A. Yes.

0234

1 Q. All of it?  
2 A. Yes.

3 Q. Your understanding is that other Goditt & Boyer  
4 drivers also picked up from Hasbro?  
5 A. Correct.  
6 Q. And only one 50-yard container there?  
7 A. Yes.  
8 Q. And anything else you remember about the contents  
9 of that?  
10 A. No, that basically --  
11 Q. So we have one ticket here, 33605. In addition  
12 to that, would it be fair to state that there  
13 would have been many other J.M. Mills dump  
14 tickets in the '70's issued to you for 50-yard  
15 containers that you hauled from Hasbro and dumped  
16 at J.M. Mills?  
17 A. Yes.  
18 Q. Let's go to the next ticket, 53046. Is that  
19 Arland Lumber?  
20 A. Yes.  
21 Q. What was that?  
22 A. A lumber company, a small lumber company that  
23 they did.  
24 Q. Where was it?  
25 A. I believe it was in North Attleboro.

0235  
1 Q. How often did you pick up there?  
2 A. I only picked up there, maybe, once every five  
3 or six weeks.  
4 Q. And --  
5 A. They didn't go weekly. They went every two or  
6 three weeks, and there wasn't any kind of  
7 hazardous stuff in there. It was basically  
8 broken pallets and broken two-by-fours and stuff  
9 like that that was in the container.  
10 Q. Let's go to the next ticket. 41655, is that your  
11 signature?  
12 A. Yes.  
13 Q. Can you make out what that was from?  
14 A. It says Scott's Warehouse, Scott's Warren, but  
15 I couldn't tell you what it was.  
16 Q. Let's go to the next ticket, upper right-hand  
17 corner, Ticket Number 41334?  
18 A. Coldwell, but I don't recall it.  
19 Q. Next ticket, bottom left, 51806?  
20 A. No, I couldn't tell you what that was.  
21 Q. Next ticket, upper right, 47315, Parker Brothers?  
22 A. Parker Brothers. No.  
23 Q. Skip the next ticket. Next ticket after that,  
24 bottom left, 45828, can you make out what that  
25 is?

0236  
1 A. No.  
2 Q. Next ticket, bottom right, 36034, any idea what  
3 that's from?  
4 A. I don't -- the name's familiar, but I couldn't  
5 tell you anything about it.  
6 Q. All right. Let's go to the next ticket, bottom  
7 left, 39586.  
8 A. No.  
9 Q. Next ticket, bottom left, 47159, looks like  
10 Wardwell.  
11 A. No, I couldn't tell you anything about it.  
12 Q. Next ticket, bottom left, 35031, do you remember  
13 a company called Amprex (ph)?  
14 A. Vaguely. I know I did them. I know they had  
15 a 30-yard container and I know they had something

16 to do with electronics, but I couldn't really  
17 tell you what was in the containers or anything.  
18 Q. But you're sure you picked up 30-yard containers  
19 for them?  
20 A. Yes.  
21 Q. And Ticket 35031 indicates that you signed that  
22 ticket and you brought a 30-yard container from  
23 Amprex and dumped it at J.M. Mills?  
24 A. Yes.  
25 Q. Do you have any recollection what was in that  
0237  
1 container? And I don't want you to guess, only  
2 if you remember.  
3 A. No.  
4 Q. Next page, upper left, 35517, is that another  
5 Amprex --  
6 A. Yes.  
7 Q. -- load that you brought to J.M. Mills?  
8 A. Yes.  
9 Q. Next ticket, upper right, 54634, another Amprex  
10 load you brought to J.M. Mills?  
11 A. Yes.  
12 Q. Bottom right, next ticket, 52398, can you make  
13 that out? Does that say Carlton?  
14 A. Looks like Carlton.  
15 Q. Is that the company you couldn't remember,  
16 Carlton Manufacturing?  
17 A. I think so. I still can't remember it.  
18 Q. Next page, bottom middle, 34601, is that Nyman?  
19 A. Nyman Cup.  
20 Q. Did you pick up from Nyman --  
21 A. Yes, on --  
22 Q. -- manufacturing?  
23 A. -- Newport Avenue.  
24 Q. Where was it?  
25 A. Newport Avenue in Pawtucket.  
0238  
1 Q. And what did they do there?  
2 A. They make drinking cups and plates and plastic  
3 spoons and forks and mostly cups.  
4 Q. And how big was the facility?  
5 A. Huge. It's probably bigger than the Biltmore  
6 as far as -- if you stood the Biltmore on its  
7 side, it's longer than the Biltmore.  
8 Q. And when did you first pick up there?  
9 A. I'd say mid-'70's, about '73/'74.  
10 Q. Was it a will call or a regular?  
11 A. Yes, it was a will call.  
12 Q. Frequency with which you picked up from Nyman?  
13 A. It wasn't a regular one, but I could go, like,  
14 three or four weeks at a time and then miss it  
15 for a week -- a month and go back and --  
16 Q. Okay. Was it your understanding that somebody  
17 from Goditt & Boyer picked up there about once a  
18 week?  
19 A. Yes.  
20 Q. And do you remember where their waste went?  
21 A. J.M. Mills.  
22 Q. All of it?  
23 A. Yes.  
24 Q. And what size container?  
25 A. 50.  
0239  
1 Q. One or more than one?  
2 A. One.

3 Q. Did the size or number of containers change over  
4 time?  
5 A. Not that I recall.

6 Q. What do you remember seeing in the Nyman  
7 Manufacturing containers?  
8 A. Mostly it had plastic -- plastic chips and  
9 plastic sheets that was left over from when they  
10 punch out the cups or the covers to the cups.  
11 And there would be cardboard boxes in there,  
12 would be pallets, office material, office waste.  
13 Once in a while, you'd see Speedy Dry in there,  
14 but I don't ever remember seeing -- having --  
15 being greasy like it had oil or anything on it.

16 Q. Okay.  
17 A. Basically, that's what was in there.

18 Q. No solvents?  
19 A. No.

20 Q. Chemicals?  
21 A. (Shakes head in the negative).

22 Q. Dyes?  
23 A. No.

24 Q. Anything else associated with equipment  
25 maintenance?  
0240

1 A. No.  
2 Q. Let's go to the next ticket, 40144.  
3 A. Rustcraft. They were up in Needham,  
4 Massachusetts.  
5 Q. Greeting card manufacturing company?  
6 A. Yes.

7 Q. Any hazardous waste in their containers that you  
8 recall?  
9 A. Basically, no. It would be just greeting  
10 cards that they were disposing of. The print --  
11 when they went to print them out, the printing  
12 was wrong, which was no good, stuff that they  
13 discontinued like wrapping paper that they were  
14 going to discontinue that design. So it was just  
15 full of all that stuff.

16 Q. You indicated yesterday that was one of the  
17 products that Mr. Marszalkowski at J.M. Mills  
18 would have scavenged?  
19 A. Correct.

20 Q. You don't recall any hazardous waste in their  
21 container?  
22 A. No.

23 Q. Next ticket, upper left, 401706, it looks like  
24 another Scott Warren. Does that refresh your  
25 recollection?  
0241

1 A. No.  
2 Q. Next page, 45100. Is that Chrysler Natick?  
3 A. Yes.  
4 Q. Okay. What do you remember about Chrysler  
5 Natick?  
6 A. Oh, Chrysler Natick, they would throw away  
7 their cardboard boxes, they're broken pallets and  
8 discontinued car parts.

9 Q. When you say "discontinued car parts," what do  
10 you mean by that?  
11 A. Parts that they would be -- they didn't sell  
12 anymore for old cars. They had some parts that  
13 they threw away that was over 50, 60 years old,  
14 and then they had fenders where they discontinued  
15 the cars. They would throw the fenders away and



16 stuff like that.  
17 Q. Any --  
18 A. Ball joints. No, no aerosol cans. You would  
19 catch oily rags in there sometimes along with the  
20 Speedy Dry, but mostly it was car parts and  
21 fenders and stuff like that.  
22 Q. Okay. The ball joints, do you know if they  
23 contained lubricants inside the --  
24 A. Oh, yeah, they had the -- because they were  
25 prelubed.

0242

1 Q. So a lot of the equipment had some sort of oily  
2 residue on them or lubricant inside them?  
3 A. Yes.  
4 Q. And when did you first pick up at Chrysler  
5 Natick?  
6 A. I'd say early '70's.  
7 Q. And with what frequency?  
8 A. I'd do it, maybe, once every five or six  
9 weeks --  
10 Q. Do you have an idea --  
11 A. -- on the average.  
12 Q. Do you have any knowledge as to how often Goditt  
13 & Boyer picked up there?  
14 A. Once a week.  
15 Q. And what size container?  
16 A. 50-yarder.  
17 Q. Every time you picked up, was there some oily  
18 rags in there?  
19 A. I wouldn't say every time there was oily rags,  
20 but you did find oily rags in there.  
21 Q. Well, every time you picked up, would there have  
22 been some automotive parts that had either, you  
23 know, packed grease or some sort of lubricant on  
24 it?  
25 A. Yes.

0243

1 Q. Okay. Can you express as a percentage of the  
2 container how much of the discarded material was  
3 prelubricated or packed with some sort of grease?  
4 A. I'd say a quarter of the load.  
5 Q. Okay. And anything else you remember about the  
6 contents of that container?  
7 A. No. I just thought they were stupid for  
8 throwing it all away.  
9 Q. And this ticket reflects that, at least on this  
10 occasion, you brought a load 50-yard container  
11 from the Chrysler Natick warehouse and dumped it  
12 at the J.M. Mills --  
13 A. Yes.  
14 Q. -- landfill?  
15 A. And fair to state that in the '70's there  
16 would have been many more J.M. Mills tickets  
17 reflecting you bringing a 50-yard container from  
18 Chrysler Natick to J.M. Mills?  
19 A. Correct.  
20 Q. Okay. The next page, upper left, 44700, is that  
21 just another IGA ticket?  
22 A. Yes.  
23 Q. Okay. Next page, bottom left, 39658, any idea  
24 what that is?  
25 A. Camire Plastics, but I couldn't tell you

0244

1 anything about them. I don't recall them.  
2 Q. Next page, upper left, 45446, Microfibers?

3 A. I know I did them and I know I swore at them a  
4 few times because they had -- I remember a little  
5 about them. I don't remember a lot about them.  
6 Q. What do you remember about them?  
7 A. I remember there was, like, a cotton material  
8 in there and it would -- especially in the  
9 wintertime, it would be wet so it would freeze.  
10 It would be freezing to the sidewalls of the  
11 container of the floor so the load wouldn't come  
12 out, and you'd have to get in there with a shovel  
13 or a pick and try and get it to loosen up so it  
14 would slide out. You could be working there for  
15 hours trying to get this one load dumped.  
16 Q. Do you remember anything other than these fibers  
17 being in the dumpsters?  
18 A. Only regular pallets and stuff like that, but  
19 no --  
20 Q. No hazardous?  
21 A. No.  
22 Q. Let's go to the next ticket, upper right, 33207.  
23 Does that say Analog?  
24 A. Yes, they were up in Mansfield. It was an  
25 electronics company.

0245  
1 Q. Do you know if it was called Analog One?  
2 A. I know they had an Analog One, but I just  
3 don't know if this was Analog One.  
4 Q. When did you first pick up from them?  
5 A. Mid-'70's.  
6 Q. And with what frequency?  
7 A. My frequency wasn't too often. It was, maybe,  
8 three or four weeks at a time span in between.  
9 Q. Once a month?  
10 A. Yeah.  
11 Q. And did other Goditt & Boyer drivers pick up with  
12 more frequency?  
13 A. Oh, yes.  
14 Q. What was the frequency with which Goditt & Boyer  
15 picked up there?  
16 A. It did go at least once a week.  
17 Q. Okay. And do you know if it was a will call or  
18 regularly scheduled?  
19 A. It was will call.  
20 Q. Where did you haul the Analog waste?  
21 A. J.M. Mills.  
22 Q. All went to J.M. Mills?  
23 A. What I hauled, yes.  
24 Q. Okay. I only want to know what you know. And do  
25 you remember the size of the container?

0246  
1 A. 50-yarder.  
2 Q. Did you have occasion to see what was in the  
3 Analog container?  
4 A. I know there was electronic parts. I remember  
5 some of it. I can't remember the whole load  
6 because the stop is a stop I didn't do that  
7 often, so I -- it's not really engraved in my  
8 head.  
9 Q. Okay.  
10 A. But I do know there was some electronic parts  
11 in there, there was cardboard pallets and stuff  
12 like that in there.  
13 Q. Okay. And this ticket reflects you brought a  
14 load from Analog and dumped it at J.M. Mills, a  
15 50-yarder?

16 A. Yes.  
17 Q. And there would be other tickets that would have  
18 been issued as well that we don't have here that  
19 would reflect other loads of 50-yard containers  
20 you brought from Analog and dumped at J.M. Mills?  
21 A. Yes.  
22 Q. Next page, is that another one of the Camire  
23 Plastics?  
24 A. Yes.  
25 Q. Ticket Number 39065?  
0247  
1 A. Yes.  
2 Q. Refresh your recollection as to what was there?  
3 A. No.  
4 Q. All right. We're going to skip the next one,  
5 Mossberg. Let's go to the next one after that,  
6 upper right-hand corner, Ticket Number 33650.  
7 Can you make that out?  
8 A. No.  
9 (A discussion was had out of the hearing  
10 of the reporter.)  
11 Q. Next page, upper right, 39945.  
12 A. Oh, Bradlees, Foxboro.  
13 MR. MURPHY: Off the record.  
14 (Off the record.)  
15 Q. Next one, bottom right, 41303?  
16 A. I can't make it out.  
17 Q. Next page, bottom right, can you make that out?  
18 A. Cherry & Webb.  
19 Q. Yeah, 45512?  
20 A. Cherry & Webb.  
21 Q. What were they?  
22 A. Department store.  
23 Q. Are they still in business?  
24 A. No.  
25 Q. Let's move on then. Next page, upper right,  
0248  
1 46610?  
2 MR. MURPHY: Off the record.  
3 (Off the record discussion.)  
4 MR. MURPHY: Okay. Back on the record.  
5 Q. Upper right-hand corner, Ticket Number 46610?  
6 A. It's C Plastics and I think it's the Camire  
7 Plastics that I can't remember what it was.  
8 Q. Okay. Next page, bottom right, 32547, is another  
9 Wardwell?  
10 A. Yes.  
11 Q. Does that refresh your recollection as to who  
12 they were?  
13 A. No, sir.  
14 Q. Next page, 46740?  
15 A. Standard Metals. I don't recall them.  
16 Q. Next page, upper right, 40777?  
17 A. That's Brag Street in Pawtucket, but I don't  
18 know what they -- I don't know. The only thing I  
19 can think of was it was a -- like a container at  
20 a private home or something like that.  
21 Q. All right. We're going to skip the next page.  
22 Skip the next page. The next page is Ticket  
23 Number 45299, is that the same thing, street  
24 address? No, that's Zayres?  
25 A. Yes, that's Zayres.  
0249  
1 Q. They're bankrupt, so let's skip that and let's go  
2 to 44250. Does that say "Warren Oil"?

3 A. Yes, it does.  
4 Q. What was that?  
5 A. It's a -- it was an oil company in Pawtucket  
6 over by the Industrial Highway.  
7 Q. Did you pick up from them very often?  
8 A. No. Actually, I only picked up for them a  
9 couple of times, but they had a 30-yarder in  
10 there. And I know other drivers had picked up  
11 from them, but I don't know how long we had them  
12 for a customer.  
13 Q. Do you remember what was in their containers?  
14 A. There was a lot of Speedy Dry with the oil  
15 from the heating oil because that's what it was  
16 was basically a heating oil company.  
17 Q. Did they install furnaces? Do you know?  
18 A. I don't know if they did or not. I never saw  
19 any -- I can't say I saw any in the trash  
20 container.  
21 Q. When you saw Speedy Dry in the containers you  
22 picked up, can you express it as a --  
23 A. Fuel oil smell.  
24 Q. -- percentage?  
25 A. Definitely, I'd say at least three or four  
0250  
1 50-gallon drums they would fill.  
2 Q. Anything else you remember about the waste from  
3 the Warren Oil?  
4 A. No. It had pallets in there and stuff like  
5 that in there.  
6 Q. Any other haz waste?  
7 A. Not that I recall.  
8 Q. Well, this ticket reflects that on the date  
9 indicated in June of 1981 you picked up a 30-yard  
10 open top from Warren Oil and dumped it at J.M.  
11 Mills?  
12 A. Correct.  
13 Q. And you're sure that you brought at least a few  
14 more loads from them?  
15 A. Yes.  
16 Q. Is it your understanding that Warren oil was a  
17 regular Goditt & Boyer customer?  
18 A. For a short time, yes. I don't know how long.  
19 Q. So when they were a regular customer, do you know  
20 how frequently Goditt & Boyer picked up from  
21 Warren Oil?  
22 A. No.  
23 Q. All right. Let's go to the next page, upper  
24 right, 46610. Is that that same C Plastics?  
25 A. Yeah.  
0251  
1 Q. Next page, upper left, Ticket 38695?  
2 A. Atlantic Avenue in North Providence.  
3 Q. Would that just be a street?  
4 A. That's my brother's street. It would be a  
5 house address.  
6 Q. Okay. Next page, upper right, 36559. Is that  
7 Nyman Cup?  
8 A. Yes.  
9 Q. Another Nyman? Next page, bottom left, 41316,  
10 can you make that out?  
11 A. No.  
12 Q. Next page, upper left, 46614?  
13 A. That's a construction company, but I don't  
14 recall them.  
15 Q. Next page, upper left, 40358?

16 A. That's Ferlando's (sic) Lumber Company. I  
17 don't recall them.

18 Q. All right. Let's go to the next page, upper  
19 left, 45544.

20 A. That's Roche Brother's supermarket in West  
21 Roxbury, Massachusetts.

22 Q. How often did you pick up from them?

23 A. They were picked up weekly. They were a will  
24 call.

25 Q. 50-yard container?

0252

1 A. Yes.

2 Q. And supermarket waste?

3 A. Typical supermarket waste.

4 Q. How often did you pick up there?

5 A. Sometimes I'd pick it up two or three times in  
6 a row, other times I wouldn't see it for two or  
7 three months.

8 Q. Roche Brothers is R-O-C-H-E?

9 A. Yes.

10 Q. This is a ticket that reflects a 50-yard  
11 container, you said?

12 A. Yes.

13 Q. You picked up a 50-yard container from Roche  
14 Brothers and dumped it at J.M. Mills?

15 A. Yes.

16 Q. Other than knowing it was a supermarket, do you  
17 have any specific recollection of what was in the  
18 contents?

19 A. No, just regular supermarket trash.

20 Q. Pretty sure it was a regular customer of --

21 A. Oh, yeah, they were definitely a regular  
22 customer.

23 Q. Of Goditt & Boyer?

24 A. Yes.

25 Q. Do you know how much of their waste went to J.M.  
0253

1 Mills?

2 A. All of their waste went to J.M. Mills.

3 Q. Let's go to the next page, bottom right, Ticket  
4 46581.

5 A. Key Container.

6 Q. Right.

7 A. They made cardboard boxes and stuff like that.

8 Q. Did they have any hazardous waste in their --

9 A. No, sometimes you'd find glue in there, but  
10 the glue would already be hardened.

11 Q. Glue that was used to put the cardboard boxes  
12 together?

13 A. Correct.

14 Q. Where were they located?

15 A. Off the Industrial Highway.

16 Q. How often did you pick up there?

17 A. That's another one of those stops I'd do it  
18 once or twice in a row and then I might not see  
19 it for two or three months.

20 Q. What was in their container?

21 A. Basically, discarded cardboard that was no  
22 good, that they couldn't even recycle. There  
23 would be pallets, broken pallets in there,  
24 factory trash like cups and stuff like that.  
25 Every so often you might catch some Speedy Dry  
0254

1 for something, basically for the glue that they  
2 drop on the floor.

3 Q. Any smells or odors associated?  
4 A. Just of the glue.  
5 Q. And what was the size container there?  
6 A. 50.  
7 Q. Anything else you remember about that location?  
8 A. No.  
9 Q. Did Goditt & Boyer pick up there weekly?  
10 A. Yes.  
11 Q. How much of their waste went to J.M. Mills?  
12 A. As far as I know, all of it.  
13 Q. So the Ticket 46581, and let's look at the next  
14 page, 42350, both indicate that you picked up  
15 50-yard containers from Key Container and dumped  
16 them at J.M. Mills?  
17 A. Correct.  
18 Q. Fair to say there would be many other tickets  
19 reflecting other 50-yard containers you brought  
20 from Key Container and dumped at J.M. Mills?  
21 A. Yes.  
22 Q. Next page, upper left, 59946, is that another  
23 Display Novelties ticket?  
24 A. Yes.  
25 Q. Next page, bottom right, 46339, Standard Metals,  
0255  
1 do you remember anything about them?  
2 A. No.  
3 Q. Next page, bottom left, 36094?  
4 A. Says "Woonsocket." I don't know what that  
5 ticket is.  
6 Q. Next page we're going to skip, that's Zayre. The  
7 next page we're going to skip, that's Zayre. The  
8 next page we'll skip is Zayre. Next page we're  
9 going to skip is Zayre. Next page is Zayre. You  
10 did Thompson already, right? Let me see. This  
11 might be it. Let's go to Ticket 43118, upper  
12 left-hand corner. Is that another Globe or  
13 Gal's?  
14 A. It's Globe.  
15 Q. That's another Globe ticket, correct?  
16 A. Yes.  
17 Q. Next page, upper left, 56391, is that a Gal's?  
18 A. That's a Globe.  
19 Q. That's Globe as well?  
20 A. Yes.  
21 Q. Next page is Zayre. Let's skip that. Next page  
22 is Zayre. We're going to skip that. Next page  
23 is Zayre. We'll skip that. Second to the last  
24 page is Zayre and we'll skip that, and the last  
25 page is Zayre and we'll skip that.  
0256  
1 Now, other than the companies that I've asked  
2 you about, Mr. Castello, do you have any  
3 recollection of picking up from any other  
4 companies that I've not asked you about, I mean,  
5 that stand out in your mind as big companies that  
6 were industrial in nature? Have I missed any  
7 companies?  
8 A. I know there are other companies. I just  
9 can't think of their name.  
10 Q. Did you haul 55-gallon drums of liquid from any  
11 facilities at any time?  
12 A. 55-gallon cardboard drums of liquid.  
13 Q. That you testified the tan liquid?  
14 A. Yes.  
15 Q. Other than that, any other company where you

16 hauled any sort of bulk liquid waste?  
17 A. No.  
18 Q. Any facilities you remember hauling chemical  
19 waste?  
20 A. No.  
21 MR. MURPHY: I have no further  
22 questions. Do you want to go first, Mort?  
23 MR. JACKSON: Or do you want to take  
24 another short break?  
25 THE WITNESS: I could use a little  
0257  
1 restroom --  
2 MR. JACKSON: All right. Fine.  
3 MR. NEWTON: Sure.  
4 (A recess was taken.)  
5 EXAMINATION BY MR. NEWTON  
6 Q. Mr. Castello, my name is Mortimer Newton and I  
7 represent David Brask who is a defendant in this  
8 case, one of them.  
9 Have you recently talked at all with David  
10 Brask?  
11 A. No.  
12 Q. When was the last time you ever had any kind of  
13 communication with Mr. Brask?  
14 A. 27, 28 years ago.  
15 Q. Haven't talked to him since?  
16 A. No.  
17 Q. Okay. Now, you stated yesterday that when you  
18 would pick up trash you were directed to the dump  
19 site by Linda?  
20 A. Yes.  
21 Q. Is that right?  
22 A. Correct.  
23 Q. Okay. And you also said that they had an  
24 agreement with some dumps, namely J.M. Mills?  
25 A. Yes.  
0258  
1 Q. And as to the amount of loads a day, I think you  
2 said that; is that right?  
3 A. Yes.  
4 Q. Okay. Who are they? Who are you talking about?  
5 A. According to Joe Mills, it was between him and  
6 Goditt & Boyer.  
7 Q. Okay. Him and Goditt & Boyer?  
8 A. Yes.  
9 Q. Okay. Do you know whether this agreement was  
10 just an oral agreement or a written agreement?  
11 A. As far as I understood, it was an oral  
12 agreement.  
13 Q. Okay. And you learned of this agreement from Joe  
14 Marszalkowski; is that right?  
15 A. Yes.  
16 Q. Did you ever talk to anyone who worked for Goditt  
17 & Boyer about this agreement?  
18 A. No, because I feel it was none of my business.  
19 Q. Okay. Did you have any idea what the terms of  
20 the agreement was?  
21 A. No.  
22 Q. You didn't know whether or not Goditt & Boyer had  
23 a special dumping rate as opposed to other  
24 companies dumping rates at the Mills land site?  
25 A. No.  
0259  
1 Q. Okay. You said that at some point you began to  
2 subcontract for Goditt & Boyer; is that right?

3 A. Correct.  
4 Q. Okay. And that you bought a truck from David  
5 Brask?  
6 A. Correct.  
7 Q. Okay. Now, did you buy it from David Brask  
8 personally or did you buy it from Goditt & Boyer?  
9 A. Well, it was basically Goditt & Boyer, but I  
10 dealt with Dave Brask.  
11 Q. Okay. You don't know what kind of a legal entity  
12 Goditt & Boyer is, do you, whether it's a  
13 corporation or a partnership or anything like  
14 that?  
15 A. Well, it says Goditt & Boyer, Incorporated.  
16 Q. Okay. So from that you've interpreted that --  
17 A. That it was an incorporation.  
18 Q. Okay. And what is your understanding of David  
19 Brask's position with respect to Goditt & Boyer?  
20 A. President and owner.  
21 Q. President and owner?  
22 A. (Nods head in the affirmative).  
23 Q. Okay. And did he ever tell you anything about --  
24 have any discussions with you when you worked for  
25 him or as a subcontractor about his ownership of  
0260  
1 Goditt & Boyer?  
2 THE WITNESS: As pertaining to what? I  
3 mean --  
4 MR. NEWTON: Whether he owned it  
5 outright or whether he owned it with someone else  
6 or --  
7 A. No, but from what I understood from his  
8 brother, Russell, from when I first started  
9 working there, Dave bought it himself. He  
10 borrowed \$1,500 from the bank and bought the  
11 company off of Goditt & Boyer, the original  
12 owners.  
13 Q. Okay.  
14 A. And then he owned it.  
15 Q. All right. And you learned this from Russell  
16 Brask?  
17 A. Yes.  
18 Q. Okay. Russell Brask is deceased, right?  
19 A. Yes.  
20 Q. Okay. And when was the last time you ever talked  
21 with Russell Brask?  
22 A. Ten years ago.  
23 Q. Now, you mentioned that there were a number of  
24 people who work at the dump. You mentioned Joe  
25 Marszalkowski?  
0261  
1 A. Yes.  
2 Q. And you mentioned Joe, Junior, at some point?  
3 A. Yes.  
4 Q. And then you were asked and you mentioned a  
5 Louie; is that right?  
6 A. Yes.  
7 Q. And then you were asked whether it was a Louie  
8 Gendron?  
9 A. Yes.  
10 Q. But you said you didn't recall what his last name  
11 was?  
12 A. Correct.  
13 Q. Was Louie the person who ran the equipment?  
14 A. Yes.  
15 Q. Okay. Incidentally, did you ever take notice of



16 how many pieces of equipment were at the Mills'  
17 land site?  
18 A. Usually there was one, but I know they did get  
19 up to two or three.  
20 Q. Okay. Do you know who owned that equipment?  
21 A. As far as I know, Joe did or the corporation  
22 did, whatever entity it was.  
23 Q. Okay. All right. And you never had any  
24 discussion with Joe Mills or anybody else at the  
25 land site as to who, in fact, owned that

0262

1 equipment; is that right?  
2 A. No, there was only one piece of equipment that  
3 him and I ever talked about, and that was he  
4 bought a 90-ton bulldozer. And he was I don't  
5 know if you call it bragging or complaining about  
6 how much money it cost to have it shipped there  
7 because it had to be taken all apart to be  
8 shipped and then when it got there it had to be  
9 all reassembled again and he was complaining it  
10 cost him \$100,000 to have it shipped.  
11 Q. Do you recall what year that was?  
12 A. Somewhere in the '70's.  
13 Q. Early '70's? Late '70's?  
14 A. Early to mid-'70's, I would say.  
15 Q. Did you ever see any woman at the landfill  
16 filling in dump tickets?  
17 A. Not that I recall, no.  
18 Q. Did you ever see any woman at the landfill at all  
19 working there?  
20 A. Not that I recall.  
21 Q. Do you know a Linda Marszalkowski?  
22 A. No.  
23 Q. You wouldn't know that -- if I were to tell you  
24 that that was Joe Marszalkowski's wife, you  
25 wouldn't know that?

0263

1 A. No.  
2 Q. Okay.  
3 A. She could be her and I wouldn't know it  
4 (Witness indicated).  
5 Q. Now, you also mentioned you knew an Al Dumont?  
6 A. Yes.  
7 Q. And you knew him from the Attleboro landfill --  
8 A. Correct.  
9 Q. -- is that right?  
10 What was his connection with the Attleboro  
11 landfill?  
12 THE WITNESS: Al Dumont?  
13 MR. NEWTON: Yes, Al Dumont.  
14 A. From what I understood, in the beginning he  
15 owned it. This is the way I understood it.  
16 Q. Okay.  
17 A. Okay. First he ran it from the town or for  
18 the town, then he owned it, and then him and Dave  
19 or him and Goditt & Boyer joined. They,  
20 supposedly, or Goditt & Boyer owned part of the  
21 dump.  
22 Q. And who did you learn this from?  
23 A. Dumont, Al Dumont.  
24 Q. Al Dumont. And did you have conversations with  
25 Al Dumont about this purchase by --

0264

1 A. Only that one very brief --  
2 Q. And when was that?

3 A. Early to mid-'70's.  
4 Q. Have you had any recent conversations with Al  
5 Dumont?  
6 A. Not in 26, 28 years.  
7 Q. Do you know whether or not Al Dumont had any  
8 connection at all with Goditt & Boyer?  
9 A. No, other than what I was told at one time  
10 where Goditt & Boyer owned part of the dump.  
11 That was the only connection I ever knew about.  
12 Q. Okay. Did you ever see Al Dumont present at the  
13 Goditt & Boyer business site in Attleboro?  
14 A. Yes.  
15 Q. And how often would you see him there?  
16 A. Well, sometimes you'd see him there once a  
17 month, sometimes you wouldn't see him for six  
18 months.  
19 Q. Okay. And where was the Goditt & Boyer location  
20 compared to the site of the Attleboro landfill?  
21 THE WITNESS: You mean as far as miles  
22 go?  
23 MR. NEWTON: Yes.  
24 A. Probably ten miles away.  
25 Q. Okay. All right. Do you know what purpose Al  
0265  
1 Dumont had when he was present at the Goditt &  
2 Boyer business site?  
3 A. Sometimes I know he just stopped by to visit.  
4 Sometimes he stopped by to complain.  
5 Q. Who did he visit with?  
6 A. Linda, Russell, Dave, whoever was there.  
7 Q. And you say he dropped by to complain?  
8 A. If he had a complaint about a driver or about  
9 a load coming in, he'd have a complaint.  
10 Q. And he would complain, essentially, to who?  
11 A. If Dave was there, he'd go right to Dave. If  
12 Dave wasn't there, he'd go to Russell or Linda or  
13 both of them.  
14 Q. I see. And he was complaining about some drivers  
15 and how they conducted their business at the  
16 Attleboro landfill?  
17 A. Yes.  
18 Q. Okay.  
19 A. How he would tell them dump it over here and  
20 they would end up dumping it over here.  
21 Q. I see. Now, you said you never saw Al Dumont at  
22 the Mills landfill?  
23 A. No.  
24 Q. Okay. Do you know whether Mr. Dumont knew Joe  
25 Marszalkowski?  
0266  
1 A. Yes, they did know each other. That I know.  
2 Q. How did they know each other?  
3 A. I have no idea how they know each other. I  
4 just know from each one of them that they knew  
5 the other one.  
6 Q. Okay. Do you know whether Mr. Dumont had any  
7 business connection at all with the Mills land  
8 site?  
9 A. No, I don't.  
10 MR. NEWTON: That's all the questions I  
11 have. Thank you.  
12 THE WITNESS: You're welcome.  
13 MR. JACKSON: All right. Who would I like  
14 to go next?  
15 MR. CONNORS: I think Greg's going.

EXAMINATION BY MR. BENIK

- 16  
17 Q. Hi, Mr. Castello.  
18 A. Hi.  
19 Q. My name is Greg Benik. I represent Teknor Apex  
20 and A.T. Cross Company in this matter. I just  
21 have a few questions.  
22 Did you talk to your brother about his  
23 deposition before you had your deposition taken?  
24 A. I talked to him as far as him giving one and  
25 about how thick his first one was and how thick  
0267  
1 his second one was. But as far as stops go or  
2 anything like that, no, because I didn't want him  
3 to influence my way of thinking because I had  
4 trouble enough trying to remember what I did  
5 remember, because unlike my brother I don't have  
6 a chance to talk to people on a daily basis about  
7 the old stops.  
8 Q. Okay. So just so I understand, you did not talk  
9 to your brother about the details of his  
10 deposition testimony?  
11 A. Correct.  
12 Q. Did you talk to anybody else in preparation for  
13 this deposition?  
14 A. No.  
15 Q. Did you look at any documents in preparation for  
16 this deposition?  
17 A. No.  
18 Q. Let's talk a little bit about your testimony  
19 regarding Teknor Apex. You said that you saw  
20 powder in some of the containers that you removed  
21 from the Teknor Apex facility, correct?  
22 A. Correct.  
23 Q. Do you know what the composition of that powder  
24 was?  
25 THE WITNESS: You mean chemical wise?  
0268  
1 MR. BENIK: Yes.  
2 A. No, sir.  
3 Q. Okay. There were -- I think it's exhibit --  
4 MR. BENIK: What was the Teknor Apex  
5 packet?  
6 MR. CONNORS: One.  
7 Q. Exhibit 1. You went through a number of tickets  
8 which you stated confirmed, in your testimony,  
9 deliveries from Teknor Apex to J.M. Mills. Do  
10 you remember that?  
11 A. Yes.  
12 Q. A large packet of documents, correct?  
13 A. Yes.  
14 Q. You can't state today what any particular load  
15 contained, can you?  
16 THE WITNESS: You mean if I was to pick  
17 out one of the receipts and say this load?  
18 MR. BENIK: Yes. Correct.  
19 A. Basically, yes, you can.  
20 Q. You can?  
21 A. Because they were basically always the same.  
22 Q. Okay.  
23 A. Except for once in a while they were varied  
24 with some other stuff, but the majority of it was  
25 always the same.  
0269  
1 Q. When you say "the majority," are you referring to  
2 the dust?

3 A. The dust, the cardboard boxes or broken  
4 pallets and stuff like that was always the same.  
5 Q. Okay. Talking about A.T. Cross, you said you saw  
6 metal shavings?  
7 A. Yes, sir.  
8 Q. Can you tell me what color they were?  
9 A. Usually they were, like, either a silver or an  
10 aluminum color.  
11 Q. Okay. Thank you.  
12 A. You're welcome.  
13 Q. Was the Peterson Puritan facility one of your  
14 stops?  
15 A. Peterson Puritan, yeah, I did it once in a  
16 while.  
17 Q. Okay. And what did you pick up at the Peterson  
18 Puritan facility?  
19 A. Aerosol cans.  
20 Q. You testified, I believe it was in response to a  
21 question from either Mr. Jackson or Mr. Murphy,  
22 that as you brought a load from Peterson Puritan  
23 facility to J.M. Mills with aerosol cans you  
24 would set it aside? You were asked to set aside;  
25 is that correct?  
0270  
1 A. Yes.  
2 Q. And anywhere from 10 to 70 percent of the cans  
3 would be set aside and Mr. Marszałkowski would  
4 resell those cans; is that correct?  
5 A. Yes.  
6 Q. And the remainder of the cans that were not set  
7 aside would go into the landfill?  
8 A. Correct.  
9 Q. Was the Peterson Puritan facility a regular  
10 customer of Goditt & Boyer?  
11 A. Yes.  
12 Q. Do you know if Peterson Puritan -- if the  
13 Peterson Puritan facility was a customer when you  
14 started working for Goditt & Boyer in 1971?  
15 A. Yes.  
16 Q. And to your knowledge, was it a customer  
17 throughout your tenure as an employee at the  
18 Goditt & Boyer?  
19 A. Yes.  
20 Q. Do you know how frequently Goditt & Boyer drivers  
21 would pick up these aerosol cans at the Peterson  
22 Puritan facility?  
23 A. From my understanding, they went once a week.  
24 Q. You had an opportunity to look into the container  
25 when you visited the Peterson Puritan site --  
0271  
1 A. Yes.  
2 Q. -- or facility, correct?  
3 A. Correct.  
4 Q. How big was the container?  
5 A. 50-yard container.  
6 Q. Okay. And could you estimate how many aerosol  
7 cans were in the container that you would pick up  
8 and deliver to J.M. Mills?  
9 MR. MURPHY: Objection. You can answer.  
10 A. I'd say several thousand.  
11 Q. Okay. Was the 30-yard container always filled  
12 when you picked it up at Peterson Puritan?  
13 A. Generally, yes.  
14 Q. Okay. Aside from the fact that you saw aerosol  
15 cans in that 30-yard container at the Peterson

16 Puritan plant, did you see anything else in that  
17 container?  
18 A. I saw cardboard, I saw pallets, office waste.  
19 Basically, that's what I saw.  
20 Q. Did you see oily rags?  
21 A. In the 30-yard container, once in a while,  
22 yes.  
23 Q. Would you see Speedy Dry?  
24 A. Yes.  
25 Q. Is it fair to say that as you're testifying today

0272

1 that you remember seeing Speedy Dry and oily rags  
2 in every industrial stop that you stopped at?

3 A. Just about, yes.

4 THE WITNESS: And can I explain why?

5 MR. BENIK: No. I'm just curious.

6 THE WITNESS: I didn't think so.

7 MR. BENIK: You can tell me afterwards,  
8 but I don't need to know. I think I can figure  
9 it out.

10 Q. Remind me again when you pick up a 50-yard  
11 compactor what you do when you remove that  
12 compactor from the facility and prepare it for  
13 delivery to the J.M. Mills dump.

14 A. First thing you do is back your truck up  
15 against the front, hook up your cable, then you  
16 walk around the side and undo the turnbuckles.  
17 Then you look inside to see if there's any trash  
18 in there that's going to fall out. You pull the  
19 truck -- you launch the container, tie it up  
20 against the truck, you pull the container out a  
21 couple of feet and you put your canvas on and  
22 then haul up the truck, haul up the boom.

23 Q. I always get confused when I hear you and your  
24 fellow drivers talk about this. You say you put  
25 the canvas on. Where are you placing this

0273

1 canvas?

2 A. Over the opening where you push the trash into  
3 the container.

4 Q. I see. Is that the only opening in the compactor  
5 container?

6 A. As it's going down the street, yes. Once you  
7 get to the dump, the whole back opens up like a  
8 big huge door.

9 Q. All right. And you open that --

10 A. And you latch it on the side and then you tilt  
11 the boom and let the stuff dump out and then you  
12 pull forward until the container's empty.

13 THE WITNESS: Do you want me to finish?

14 MR. BENIK: Sure.

15 A. Then you look to make sure it's empty. When  
16 it's empty, you let it down. You close the door  
17 and go back to -- or go to wherever you're going.

18 Q. Okay. How long does that exercise take from the  
19 point that you pull into the J.M. Mills facility  
20 and get the truck ready for tipping to the point  
21 when you're off and on your way?

22 A. Probably five minutes.

23 Q. And during that five-minute period, you're in  
24 your truck for a fair amount of that time,  
25 correct?

0274

1 A. Yes.

2 Q. And what was your practice once -- if you looked

3 into your -- into the 52-yard -- 50-yard  
4 compactor and you looked in it and it was empty,  
5 what did you do then?  
6 A. Then I would let the container down or let the  
7 boom down onto the chassis, pull forward some  
8 more because you -- you're still too close to the  
9 load to close the door, so then you close the  
10 door, latch the door and you go to your next  
11 stop.  
12 Q. Okay. How frequently would your loads require  
13 you to -- and I think you told me that you --  
14 something you'd have to put your hand in there or  
15 put a pole in there to pull out stuff out of the  
16 50-yard compactor. How frequently would that  
17 occur?  
18 A. Probably once or twice a day.  
19 Q. Once or twice a day. So about a third or  
20 25 percent of -- one out of four or one out of  
21 three?  
22 A. I'd say one out of four.  
23 Q. Okay.  
24 A. Mostly those were cardboard loads.  
25 Q. I see.  
0275  
1 A. Or loads that had a lot of cardboard in them,  
2 like the department stores and stuff like that.  
3 Q. When you would see Speedy Dry in a container, you  
4 wouldn't know necessarily what that Speedy Dry  
5 was used for, would you?  
6 A. Not normally, but you could see that it's full  
7 with oil or something clear. I've been a  
8 mechanic all my life and I know what oil is. And  
9 I've also driven a truck for over 37 years, so I  
10 know what diesel fuel smells like and feels like.  
11 Q. So you wouldn't go into the container and touch  
12 the Speedy Dry, would you?  
13 A. No, but --  
14 Q. Okay. That's my question.  
15 A. Okay.  
16 Q. All right. So the fact that you know how oil  
17 feels, you never did that, correct? You're not  
18 rooting around in these things to feel to  
19 determine if it's oil or not, correct?  
20 A. Correct, but --  
21 Q. Okay. That's my question. I'm not -- you've  
22 answered my question, sir.  
23 A. Okay.  
24 Q. So are we talking, then, that you identified this  
25 because of its color?  
0276  
1 A. Its color and its smell.  
2 Q. Okay. Let's talk about the color. What color  
3 would give, in your understanding, the Speedy Dry  
4 an oil color?  
5 A. A dark chemical.  
6 Q. A dark chemical. So if the Speedy Dry is brown?  
7 A. Okay.  
8 Q. Did you ever see Speedy Dry soak up Coca-Cola?  
9 A. Yes.  
10 Q. What color would it be?  
11 A. Brown.  
12 Q. Okay. So there are things other than oil that  
13 would give Speedy Dry a brown color, correct?  
14 A. Correct.  
15 Q. Okay. Now, let's talk then about smell. All

16 right. Now, these are 55-gallon or 30-yard to  
17 50-yard containers, correct?  
18 A. Correct.  
19 Q. So is it your testimony that you knew that these  
20 containers contained Speedy Dry soaked with oil  
21 because you smelled oil from the Speedy Dry in a  
22 50-yard container?  
23 A. Correct.  
24 Q. Okay. So there were no other smells around in  
25 those containers and that's the smell that you

0277

1 identified?  
2 A. That's not what I said.  
3 Q. Well, you said that you identified oil in the  
4 Speedy Dry and some of the containers you saw  
5 because it smelled like oil?  
6 A. Correct.  
7 Q. Okay.  
8 A. But I did not say there was no other smell.  
9 Q. Excuse me. I'll ask the questions. You can have  
10 all the time you want to answer them.  
11 So you're telling me that all the Speedy Dry  
12 that you saw, all of it contained oil because you  
13 smelled it?  
14 A. Correct.  
15 Q. So the Speedy Dry that you saw was used for no  
16 other purpose than to soak up oil?  
17 A. No, that's not what I said.  
18 Q. Well --

19 MR. MURPHY: Objection. That's not his  
20 testimony.

21 MR. BENIK: I don't want to put any  
22 testimony in your mouth.

23 Q. You saw Speedy Dry in any number of industrial  
24 containers, correct?  
25 A. Correct.

0278

1 Q. Okay. And you said that sometimes you smelled  
2 oil?  
3 A. Correct.  
4 Q. Okay. But you're not saying and you cannot  
5 testify that every time you saw Speedy Dry it was  
6 used to soak up oil; isn't that true?  
7 A. Correct.  
8 Q. Okay. Thank you. And you can't tell me how many  
9 times that the Speedy Dry contained oil or was  
10 used to mop up Coca-Cola, chocolate milk or any  
11 other liquid that could give it a brown color,  
12 correct?  
13 A. No.  
14 Q. So you also said that you saw oily rags in  
15 numerous containers from various industrial  
16 customers, correct?  
17 A. Correct.  
18 Q. Okay. And, again, you don't know what those rags  
19 were used for to soak up, do you?  
20 A. Yes and no. I can't answer it yes and I can't  
21 answer it no.  
22 Q. That's fine.  
23 A. You want me to give you an honest answer --  
24 Q. No. No, that's fine. You just answered my  
25 question.

0279

1 MR. BENIK: That's all I have.  
2 THE WITNESS: Okay.

3 MS. BAER: I'm not asking questions.  
4 Would you like to sit here?  
5 MR. JACKSON: Dean?  
6 MR. SOMMER: I have a few questions.  
7 EXAMINATION BY MR. SOMMER  
8 Q. My name's Dean Sommer. I want to ask you about  
9 these keys that were handed out to gain access to  
10 the J.M. Mills site.  
11 A. Yeah.  
12 Q. As I understand it, there would be occasion when  
13 you would go and pick up your clipboard and there  
14 would be -- a key would be there --  
15 A. Correct.  
16 Q. -- for you to get in?  
17 A. Correct.  
18 Q. Do you know who had general possession of those  
19 keys to give it to you?  
20 A. No, I don't know if Russell had them or Linda  
21 had them or which one was in control of the key.  
22 Q. Other than, perhaps, it being Linda and, perhaps,  
23 it being Russell, could it have been David Brask  
24 as well?  
25 A. Possible.  
0280  
1 Q. And what was the employment relationship between  
2 Linda, Russell and David, if you know?  
3 A. I know they had a good relationship.  
4 Q. No, I'm sorry. I meant, you know, boss, office  
5 manager.  
6 A. Oh, well, Linda was the office manager,  
7 Russell was the shop manager, and Dave was the  
8 owner/general manager, I guess.  
9 Q. So he was the top fellow --  
10 A. Yes.  
11 Q. -- in the company?  
12 Do you know how many keys they had? Would  
13 more than one driver possibly have a key to J.M.  
14 Mills?  
15 A. It's possible. I don't know how many keys --  
16 I can't tell you they had two or three or four  
17 keys. I just know that they did have one.  
18 Q. And on occasion, you would have a key and you  
19 would go there and the gate would not be locked?  
20 A. Correct.  
21 Q. Of the times you went there and you had the key  
22 thinking that you were going to have to use the  
23 key and then you didn't have to use the key  
24 because it wasn't really locked --  
25 A. Right.  
0281  
1 Q. -- what percentage of time would that happen?  
2 A. That only happened once or twice, and that  
3 would just be because, generally, the guy who was  
4 locking up that night would usually just forget  
5 to go back to lock it, because he'd put the lock  
6 on it thinking that he was going to go back and  
7 do something and he'd change his mind and go  
8 home.  
9 Q. Now, how do you know that?  
10 A. Because I talked to him in the morning when  
11 I -- when they'd finally show up.  
12 Q. So you would say, "hey, by the way, you didn't  
13 lock up last night"?  
14 A. Yeah. I'd say, "I came over here with a key  
15 to unlock the gate and the gate's already



16 locked." "Yeah, I know that. Don't tell Joe  
17 that, though."  
18 Q. Okay. And do you know whether other hauling  
19 companies had a key?  
20 A. Not to my knowledge.  
21 Q. So was there some kind of special relationship  
22 between Goditt & Boyer and the J.M. Mills  
23 landfill that you -- they were special to get a  
24 key?  
25 A. Other than dumping in there, I don't know  
0282  
1 whether there was any other relationship.  
2 Q. Now, at Goditt & Boyer there was maintenance done  
3 on the equipment, correct?  
4 A. Yes.  
5 Q. And it would be done at the Goditt & Boyer  
6 facility?  
7 A. Mostly, yes.  
8 Q. And that would be maintenance on trucks and other  
9 heavy equipment?  
10 A. Yes.  
11 Q. Now, do you know what was done, for example, with  
12 the oil filters as part of that that would be  
13 taken out as part of that maintenance?  
14 A. Well, I know they had a contract with some  
15 company that came and picked up the oil plus the  
16 oil filters. Where they went, I don't know.  
17 Q. Okay. And do you know whether Goditt & Boyer  
18 ever generated any waste that went to J.M. Mills?  
19 A. No, not that I know of.  
20 Q. You had mentioned that you thought David Brask  
21 had purchased Goditt & Boyer?  
22 A. Yes.  
23 Q. Okay. Do you know whether he ever sold Goditt &  
24 Boyer?  
25 A. I know he ended up selling it to Waste  
0283  
1 Management, but before that, no.  
2 Q. Okay. But he sold Goditt & Boyer to Waste  
3 Management?  
4 A. Yes.  
5 Q. Did you ever work for Waste Management?  
6 A. No.  
7 Q. You had retired or left before then?  
8 A. Yes.  
9 Q. With J.M. Mills -- and forgive me for not knowing  
10 this, Joe Mills was the owner of J.M. Mills?  
11 A. Yes.  
12 Q. Do you know whether he ever sold that property?  
13 A. No, I don't know.  
14 Q. Do you know whether anyone from Goditt & Boyer  
15 ever -- any of the management, say, David or  
16 Russell, did they ever go to J.M. Mills? Did  
17 they ever see the property?  
18 A. Yes.  
19 Q. And if you could tell me about that. How do you  
20 know that?  
21 A. Well, I've seen Dave there and I've seen  
22 Russell there.  
23 Q. And if you can recall, when was the first time,  
24 from your recollection?  
25 A. I've only seen Dave there probably twice years  
0284  
1 ago, and he was -- basically in the beginning,  
2 the early '70's, and he was standing out in front

3 talking to Joe.  
4 Q. And then what about Russell?  
5 A. Russell was basically the same thing. Unless  
6 a truck broke down, Russell could also go down  
7 and fix the truck.  
8 Q. Did Goditt & Boyer ever loan any equipment to the  
9 J.M. Mills?  
10 A. Not that I'm familiar with.  
11 Q. When, in your recollection, were you first -- go  
12 by decade, were you first given a key to open up  
13 that gate?  
14 A. Mid-'70's, probably '74, '75.  
15 Q. And do you know whether other Goditt & Boyer  
16 drivers were given keys as well or were you  
17 special or did all the drivers get --  
18 A. I wasn't special, but I cannot say if other  
19 drivers had a key or got a key to open up the  
20 gate.  
21 Q. And over what period of time when you were there  
22 did you have, for lack of a better word, the  
23 privilege of being given this key?  
24 A. I'd get it over -- maybe a year-and-a-half  
25 they did it.  
0285  
1 Q. When you were first started at Goditt & Boyer,  
2 was there always a gate to the landfill?  
3 A. No, in the very beginning, there was no gate.  
4 But then people were going in and dumping and not  
5 owning up to it, so Joe decided, well, he's going  
6 to put up a gate.  
7 Q. And before the gate was there, am I to then  
8 understand that people could dispose of material  
9 at the landfill and they wouldn't even have to  
10 get a ticket; is that correct?  
11 A. Yes.  
12 Q. Do you remember approximately when that gate went  
13 up, what year?  
14 A. Probably 1970 or '71.  
15 Q. You had mentioned that at some point in time  
16 someone became aware that the landfill could get  
17 shut down?  
18 A. Because it was getting too full.  
19 Q. Because it was getting too full. Who was talking  
20 about that?  
21 A. Joe and his son.  
22 Q. Joe Mills?  
23 A. Right.  
24 Q. Okay. And did they talk to you about that or --  
25 A. Well, little Joe, which is Joe's son, he did  
0286  
1 at times just out of conversation.  
2 Q. And do you remember approximately when that --  
3 when he started talking to you about that?  
4 A. That was the early '80's.  
5 Q. You also had mentioned transfer stations being  
6 set up at the --  
7 A. No, as being sent there.  
8 Q. So when you say "transfer stations," do you mean  
9 transfer station waste?  
10 A. Yes. Transfer stations would bring in trash  
11 from other places into J.M. Mills.  
12 Q. And when you refer to transfer stations, you mean  
13 solid waste transfer stations?  
14 A. Yes.  
15 Q. With the New Jersey plates that you saw, do you

16 remember about when you saw them?  
17 A. It was in the early '80's.  
18 Q. Did you talk to any of the other drivers about  
19 that?  
20 A. Just that I thought it was strange.  
21 MR. SOMMER: Thank you.  
22 THE WITNESS: You're welcome.  
23 EXAMINATION BY MR. COBURN  
24 Q. Mr. Castello, my name is Scott Coburn. I'm an  
25 attorney for General Cable Industries who's one  
0287  
1 of the defendants in this action.  
2 Now, when you became a subcontractor to  
3 Goditt & Boyer in the mid-'70's, you were paid by  
4 the stop, correct?  
5 A. Correct.  
6 Q. So the more stops you made, the more money you  
7 made?  
8 A. Correct.  
9 Q. When you were a subcontractor, did you personally  
10 make the decision as to where to send or where to  
11 dump the loads?  
12 A. No. That was all done by Goditt & Boyer.  
13 Q. So Goditt & Boyer said to go to X landfill or X  
14 dump and that's where you took it?  
15 A. Yes.  
16 Q. You testified that you picked up loads from Carol  
17 Cable's facility in Taunton, Massachusetts?  
18 A. Yes.  
19 Q. And that you sometimes dumped those loads at  
20 Attleboro and sometimes at J.M. Mills; is that  
21 correct?  
22 A. Yes.  
23 Q. How far from J.M. Mills was the Taunton facility?  
24 A. As far as miles go? I don't know, 40,  
25 45 miles.  
0288  
1 Q. How about the distance between the Attleboro dump  
2 and the Taunton facility?  
3 A. I don't know. Maybe 30 miles, 35 miles.  
4 Q. Is Attleboro -- is Attleboro in between Taunton  
5 and J.M. Mills?  
6 A. Yes, it is.  
7 Q. About how much of a time difference would there  
8 have been had you dumped loads taken from the  
9 Taunton facility at Attleboro versus J.M. Mills?  
10 A. Sometimes you would save, maybe, a half hour,  
11 other times you'd save nothing. All depends  
12 where your next stop was.  
13 Q. Do you know why Goditt & Boyer would have told  
14 you to take loads from the Taunton facility to  
15 Attleboro versus J.M. Mills or vice versa?  
16 A. I have no idea.  
17 Q. You testified you started picking up loads from  
18 the Taunton facility in the mid-'70's; is that  
19 correct?  
20 A. Yes.  
21 Q. Is that after you came back as a subcontractor?  
22 A. No. I picked them up, I believe, a couple  
23 times before then, but then I was picking them up  
24 at times after I became a subcontractor.  
25 Q. And I think you testified that you picked up  
0289  
1 loads from that facility for only a couple years;  
2 is that correct?

3 A. Yes.  
4 Q. So would it be fair to say that by the late '70's  
5 you were not picking up waste or loads at the  
6 Taunton facility?  
7 A. That's more or less.  
8 Q. Do you recall the names of anybody who worked at  
9 the Taunton facility?  
10 A. At the factory, no.  
11 Q. I think you testified that you recalled seeing  
12 some sort of powder among the loads at the Carol  
13 Cable Taunton facility; is that correct?  
14 A. Yes.  
15 Q. Am I correct that you don't know, sitting here  
16 today or at any time, what the composition of  
17 those powders were?  
18 A. Correct.  
19 Q. And you never went with any other drivers to the  
20 Taunton facility, correct?  
21 A. No.  
22 Q. Always by yourself?  
23 A. Yes.  
24 Q. So you would have no personal knowledge as to how  
25 often other drivers may or may not have picked up  
0290  
1 loads from the Taunton facility; is that correct?  
2 A. Correct.  
3 Q. You also testified that you picked up from Carol  
4 Cable's facility on Roosevelt Avenue?  
5 A. Yes.  
6 Q. And you also started picking up then in the  
7 mid-'70's?  
8 A. Roughly, yes.  
9 Q. Was that after you came back as a subcontractor  
10 at Goditt & Boyer?  
11 A. No, before.  
12 Q. I think you testified that loads at the Roosevelt  
13 Avenue facility also included some sort of  
14 powder?  
15 A. Yes.  
16 Q. Would your testimony with respect to not knowing  
17 what those powders were composed of be the same  
18 as your testimony with respect to the Taunton  
19 facility?  
20 A. Correct.  
21 Q. Do you recall anybody who worked at that  
22 facility?  
23 A. No.  
24 Q. Am I correct that you have no personal knowledge  
25 as to how often or if other drivers from Goditt &  
0291  
1 Boyer picked up loads at the Roosevelt Avenue  
2 facility?  
3 A. I do know we went there quite often by talking  
4 to other drivers and the office.  
5 Q. But your personal knowledge as to how often is  
6 limited to the times that you picked up, correct?  
7 A. Correct.  
8 Q. You also testified about Carol Cable's facility  
9 in Lincoln?  
10 A. Yes.  
11 Q. And that you started picking up there in the  
12 mid-'70's as well?  
13 A. Yes.  
14 Q. Any way you can narrow that time frame from '75,  
15 '76?

16 A. It would only be a rough guess.  
17 Q. I don't want you to guess.  
18 A. Okay. Well --  
19 Q. Fair to say that you don't know the specific time  
20 in which you started picking up loads from Carol  
21 Cable's facility in Lincoln, correct?  
22 A. Correct.  
23 Q. You testified that that was a regular stop for  
24 you?  
25 A. Yes.

0292

1 Q. How did that become a regular stop?  
2 A. She just started giving it to me on a constant  
3 basis, Linda from Goditt & Boyer.  
4 Q. Was there a specific time of day that you picked  
5 up from that facility?  
6 A. First thing in the morning.  
7 Q. What time was that?  
8 A. Usually around 7:00.  
9 Q. Always picked up at 7:00?  
10 A. (Nods head in the affirmative).  
11 Q. Am I correct that with respect to the powder that  
12 you recalled seeing in the compactor at Carol  
13 Cable's Lincoln facility that you don't know what  
14 that was composed of either?  
15 A. Correct.  
16 Q. And you also testified that you asked -- you  
17 estimated that loads, on occasion, would have  
18 approximately 100 pounds of the powder?  
19 A. Yes.  
20 Q. You didn't actually go in and weigh that powder,  
21 correct?  
22 A. No, it's only an estimate.  
23 Q. Same thing with the powder that you testified  
24 seeing in the upper container at the Lincoln  
25 facility, you don't know what that --

0293

1 A. Correct.  
2 Q. -- was made of either?  
3 A. Correct.  
4 Q. Thank you. The bags that you recalled seeing, do  
5 you recall any writing on them?  
6 A. No.  
7 Q. Do you recall what color they were?  
8 A. Brown.  
9 Q. Did they have writing on them?  
10 A. No. They usually just -- well, they did have  
11 some writing, but it was the manufacturer or an  
12 address on the bottom.  
13 Q. You also testified regarding what I think you  
14 termed as live loads that you picked up at  
15 Lincoln?  
16 A. Yes.  
17 Q. Can you tell me when the first time you picked up  
18 one of those live loads was?  
19 A. Precisely? No. I can tell you roughly.  
20 Q. Roughly.  
21 A. I'd say the latter part of the '70's.  
22 Q. How about the last time?  
23 A. Be the early part of the '80's.  
24 Q. The cardboard drums that you picked up with these  
25 live loads, where were they when you got to the

0294

1 Lincoln facility?  
2 A. Somewhere in the factory.

3 Q. So am I correct that the drums were loaded in the  
4 compactor while you were there?  
5 A. Not in the compactor. They were loaded into  
6 either a 30-yard open container or a 50-yard  
7 closed container.  
8 Q. Thank you. I'm sorry. Yes. I didn't mean to  
9 use the word "compactor." How long did this  
10 process take?  
11 A. Usually 40 minutes, 30, 40 minutes.  
12 Q. Did you load --  
13 A. No.  
14 Q. -- the drums?  
15 And I think you testified yesterday that the  
16 drums had lids on them?  
17 A. Correct.  
18 Q. You didn't open those lids?  
19 A. No.  
20 Q. So would I be correct that you don't know what  
21 was actually in those drums?  
22 A. No. I do know about the liquid that was in  
23 them.  
24 Q. I understand you testified regarding the liquid,  
25 and we'll get to that. I'm just trying to  
0295  
1 understand.  
2 A. Okay.  
3 Q. But you don't know what that liquid was composed  
4 of, correct?  
5 A. Just what they told me.  
6 Q. You had no personal knowledge yourself?  
7 A. Correct.  
8 Q. And would I be correct that you don't know how  
9 much, if any, liquid -- or I think you called it  
10 a watery paste; is that correct?  
11 A. Correct.  
12 Q. How much of that was in any individual drum?  
13 A. Not generally, no.  
14 Q. And am I correct that you have no personal  
15 knowledge as to what the paste was used for?  
16 A. Only what they told me.  
17 Q. Did you receive any dump tickets from J.M. Mills  
18 for these live loads?  
19 A. Yes.  
20 Q. Did you make any notations on the dump tickets to  
21 reflect that they were live loads versus the  
22 normal load?  
23 A. No, not on the dump tickets.  
24 Q. So would I be correct that from looking at the  
25 dump tickets that you looked at yesterday, you  
0296  
1 would not be able to tell what was in any  
2 particular load?  
3 A. Correct.  
4 Q. Other than Mr. Doucette, do you recall anybody  
5 else who worked at the Lincoln facility?  
6 A. A gentleman named Matt. He was in the same  
7 office as Doucette.  
8 Q. Do you recall Matt's last name?  
9 A. No, I never knew him.  
10 Q. Was Mr. Doucette there the entire time that you  
11 picked up loads from the Lincoln facility?  
12 A. Yes.  
13 Q. You testified in response to a question from  
14 Mr. Benik that you talked to your brother about  
15 the size of his transcript?

16 A. Correct.  
17 Q. Did you actually see his transcript?  
18 A. No.

19 MR. COBURN: Bear with me one second.  
20 (P A U S E)

21 MR. SOMMER: Do you mind if I ask a  
22 question while he's looking?

23 EXAMINATION BY MR. SOMMER

24 Q. This gate that was locked or unlocked --  
25 A. Okay.

0297

1 Q. -- was there another entrance that a person could  
2 use to get into this landfill?

3 A. There was another entrance to the dump except  
4 it was -- had a chain across it. It was  
5 basically an access road for the railroad to work  
6 on the tracks and you could come in from that  
7 way.

8 Q. And when the time came when they put the gate up,  
9 the one with the key --

10 A. Okay.

11 Q. -- was that other entrance still there?

12 A. Yes.

13 Q. Did there ever come a time where they gated that  
14 other entrance?

15 A. That entrance always had a chain across it.  
16 And, as a matter of fact, there was a time where  
17 that was the only entrance we could use because  
18 they had the front -- on Mendon Road, they had  
19 the whole front of the road there all blocked off  
20 because they were digging up the road and putting  
21 down the pavement. So we couldn't use the  
22 regular front entrance, we'd have to go around  
23 the back.

24 Q. And around this back, did that chain have a lock?  
25 A. Yes.

0298

1 Q. And so could you get around that chain?

2 A. No.

3 Q. So am I to understand that when it was just that  
4 chain you couldn't get in and then they put up  
5 another gate on another road?

6 A. No, it was only that one chain. They would  
7 have it unlocked -- they would unlock it in the  
8 morning when we were dumping and then they would  
9 lock it up at nighttime. But then when the road  
10 opened back up again, that chain stayed locked  
11 because it was basically used for the railroad.

12 Q. Did you ever hear any of the J.M. Mills workers  
13 or owner complain about unauthorized dumping that  
14 was going on on the property?

15 A. In the beginning, yes.

16 Q. What would they say?

17 A. Just that some SOB's were going in and dumping  
18 and wouldn't admit to it being their load.

19 Q. How would they have gotten in?

20 A. Well, a couple times they broke the gate.

21 Q. The gate or the chain?

22 A. The chain in the front. Not in the back, in  
23 the front.

24 Q. The front where the key lock was?

25 A. Yes.

0299

1 Q. Okay. So in other words, these folks were coming  
2 in without permission and were breaking the front

3 gate?  
4 A. Correct.  
5 MR. CONNORS: Call it the Mendon Road  
6 gate and the other one is the Martin Street just  
7 to keep it --  
8 THE WITNESS: Okay.  
9 MR. SOMMER: Gate and chain is fine.  
10 Q. And when was that when they were complaining  
11 about people breaking in the gate and coming in?  
12 A. That happened on and off at times, but it  
13 wouldn't be --  
14 Q. Throughout your truck driving --  
15 A. Yes.  
16 Q. -- it would happen?  
17 MR. SOMMER: Okay. Thank you.  
18 THE WITNESS: You're welcome.  
19 MR. COBURN: Mr. Castello, I have no  
20 further questions. Thank you.  
21 MS. FOGELL: I just have a few.  
22 EXAMINATION BY MS. FOGELL  
23 Q. Hi, Mr. Castello. My name is Tina Fogell. I  
24 represent Wyman & Gordon. I just have a few  
25 questions about your testimony. When you  
0300  
1 testified earlier this morning, you indicated  
2 that when you got to the Wyman-Gordon facility  
3 you would have to go to a guard shack; is that  
4 correct?  
5 A. Correct.  
6 Q. When you got to the guard shack, what was the  
7 procedure that you had to follow?  
8 A. Well, I'd sign in and I'd tell them what I was  
9 there for and then he would tell me where to go.  
10 Q. So there was actually a procedure where you  
11 actually had to -- you signed your own name or  
12 did you sign --  
13 A. Goditt & Boyer.  
14 Q. That's what I was going to say. Was it your own  
15 name or was it Goditt & Boyer that you signed  
16 saying that you had come into the facility?  
17 A. I would usually sign Goditt & Boyer with my  
18 name underneath it.  
19 Q. And that's how you would gain entrance into the  
20 facility correct?  
21 A. Correct.  
22 Q. When you went to the container, was it a 50-yard  
23 open top or 50-yard compactor?  
24 A. Compactor.  
25 Q. Okay. So it would be loaded from that, I think  
0301  
1 you described earlier, four-foot by three-foot  
2 door that was attached to the building; is that  
3 correct?  
4 A. No, you would -- in Wyman & Gordon, they had  
5 the ram that went up against the loading docks  
6 and then they had a steel platform that went out  
7 to the top of the ram. And then you'd go over  
8 there and dump your trash in the top of the ram  
9 in the hopper, what they call the hopper, they  
10 would push the button and the ram would push it  
11 out inside the container.  
12 Q. Okay. So except for the opening of the hopper --  
13 A. Okay.  
14 Q. -- everything else was closed --  
15 A. Yes.



16 Q. -- is that correct?  
17 Okay. You indicated -- I know you've had  
18 different stints of driving at Goditt & Boyer,  
19 there was the first one from 1969 to 1971,  
20 correct?  
21 A. Correct.  
22 Q. But you indicated that you only drove for the  
23 last six months of the two-year period, let's  
24 say?  
25 A. Correct.

0302

1 Q. Did you ever make a pick-up for Wyman & Gordon  
2 during that first two-year period?  
3 A. No.  
4 Q. Okay. Then when you came back to drive again --  
5 and I think we're calling that the 1971/1972 to  
6 about 1976, correct?  
7 A. Correct.  
8 Q. How many times do you think that you made  
9 pick-ups at Wyman & Gordon?  
10 THE WITNESS: For all those years?  
11 MS. FOGELL: Yes.  
12 Q. I guess my question is: Was it regular for you  
13 to go there?  
14 A. No, not a regular basis.  
15 Q. Okay. Do you think you went once a week?  
16 A. I would have to say in a year's time I  
17 probably did it, maybe, 10 to 12 times at least.  
18 Q. Okay. So based upon that average you've given,  
19 maybe an average would be, maybe, once a month  
20 that you would go to the Wyman-Gordon facility?  
21 A. Yeah, that would be a fair assessment.  
22 Q. And I believe that you indicated that all of the  
23 waste that you picked up from the Wyman-Gordon  
24 facility went to J.M. Mills; is that correct?  
25 A. Correct.

0303

1 Q. Were you aware that there was a Worcester  
2 landfill?  
3 A. Yes, I was aware of Worcester landfill.  
4 Q. Did you ever dump any waste that you picked up  
5 from Wyman-Gordon at the --  
6 A. No.  
7 Q. -- Worcester landfill?  
8 Why not?  
9 A. Because that's not where I was told to take  
10 it.  
11 Q. So you never went to that Worcester landfill when  
12 you were picking up for Wyman & Gordon?  
13 A. No, not for Wyman-Gordon.  
14 Q. Okay. I believe you also testified that when you  
15 became a subcontractor -- and my years are going  
16 to be bad, but maybe 1977 to '84, 1978 to '84?  
17 MR. CONNORS: Third period.  
18 Q. The third period. I'm sorry. I believe you  
19 testified that it wasn't profitable for you to  
20 travel that distance to Wyman & Gordon; is that  
21 correct?  
22 A. Correct.  
23 Q. Do you know how many miles it was from J.M. Mills  
24 to the North Grafton facility?  
25 A. Offhand, not now, but if I had to guess I'd

0304

1 have to say --  
2 Q. I don't want you to guess.

3 A. Well, then no.  
4 Q. You don't know. Okay. You were shown one dump  
5 ticket today, I believe, as Exhibit 5 that  
6 illustrated that you did make --  
7 A. Yes.  
8 Q. -- a pick-up at Wyman & Gordon and dumped it at  
9 J.M. Mills. How many other times during your  
10 subcontracting period do you believe that you  
11 made that trip?  
12 A. Not often.  
13 Q. Not often. Would it be greater than the once a  
14 month?  
15 A. No, it would be a lot less than once a month  
16 because --

17 THE WITNESS: Can I elaborate?

18 MS. FOGELL: Go ahead.

19 A. Even though it's not profitable, okay, you  
20 still don't bite the hand that feeds you. Okay?  
21 So if they need you to go to Grafton, I would go  
22 to Grafton. Even though I would complain about  
23 it, it -- you know, you still do it because you  
24 don't bite the hand that feeds you.

25 Q. All right. When you say it would be greater, do  
0305  
1 you mean it would, maybe, be once every two  
2 months or once every three months or do you mean  
3 it would be once a week?

4 A. Maybe once every six months.  
5 Q. Okay. So you're saying that it would be less  
6 frequent than once every month?

7 A. Correct.  
8 Q. Okay. You also testified about the waste that  
9 you found at the Wyman-Gordon facility and one of  
10 the things you testified to was that the metal  
11 shavings took about -- up about one quarter of  
12 the load.

13 A. Yes.  
14 Q. Is that a guess? Are you estimating that?  
15 A. Yes. I didn't take it out and weigh it or,  
16 you know.  
17 Q. Because the compactor was closed, so the only way  
18 you would know the contents of what was in that  
19 compactor was when you would dump it, correct?

20 A. Correct.  
21 Q. So you would only see the contents as it was  
22 coming out of the compactor, correct?

23 A. Or once it did come out.  
24 Q. Or once it did come out. You also testified that  
25 there were a few hundred pounds of Speedy Dry?

0306  
1 A. Correct.  
2 Q. Would that also be a guess as to what was in the  
3 compactor?  
4 A. Yes.

5 MS. FOGELL: I have no other questions.

6 MS. BARRY: This is Julie Barry. I have  
7 just a couple.

8 MR. JACKSON: All right. Go ahead.

9 EXAMINATION BY MS. BARRY

10 Q. Good afternoon, Mr. Castello. My name is Julie  
11 Barry. I've got just a couple of questions for  
12 you.

13 Do you know the compact equipment at these  
14 various facilities that you've been testifying  
15 about, who owned that equipment?

16 A. As far as I know, Goditt & Boyer did.  
17 Q. Okay. Did Goditt & Boyer maintain that  
18 equipment, too?  
19 A. As far as I know, they did.  
20 Q. Okay. And just to be clear because I'm not --  
21 you described it, but I'm not -- having trouble  
22 envisioning it, the container itself connected to  
23 a chute that connected to a hopper that connected  
24 to some type of engine or something that actually  
25 did the compacting?

0307

1 A. The trash container itself hooked up to the  
2 ram itself, which the chute hooked up to the ram.  
3 And you'd throw your trash into the chute and it  
4 would go into the hopper and, yes, there was a --  
5 what they call a power pack that would sit on the  
6 dock that had the hydraulic oil in it that ran  
7 the piston for the ram in the machine.  
8 Q. Okay. So that was going to be my next question  
9 then. Are you aware of whether there was oil or  
10 other lubricant used in that machine?  
11 A. It was the just the hydraulic oil that I know  
12 of.  
13 Q. Okay. And is it possible that the oily rags or  
14 Speedy Dry that you saw could have come from the  
15 maintenance of that machine?  
16 MR. CONNORS: Objection. Are we talking  
17 about Hollingsworth & Vose?  
18 THE WITNESS: No.  
19 MR. CONNORS: I'm sorry.  
20 A. It's possible.  
21 Q. The supermarket that you've been testifying about  
22 like Stop & Shop or Shaw's or the IGA or Roche  
23 Brothers, do you recall when you picked up those  
24 type of stops that had general supermarket-type  
25 waste seeing cleaning materials like Clorox?

0308

1 A. Yes.  
2 Q. Okay. What about things like, you know, Liquid  
3 Plumber or those type of household cleaners?  
4 A. I really didn't notice who -- whose name was  
5 on the containers, so I'm -- it's possible that  
6 they were in there, I just can't swear to it.  
7 Q. Okay. But cleaning-type products that would have  
8 been typical for a supermarket at that time could  
9 have been the waste that you were picking up in  
10 those containers, correct?  
11 A. Correct.  
12 MS. BARRY: Okay. That's all I have.  
13 MR. JACKSON: Just take a couple  
14 minutes.  
15 (A recess was taken.)  
16 MR. JACKSON: Okay. Let's go back on  
17 the record, Mr. Castello. I have just a few  
18 follow-up questions and then I think we'll be  
19 done.

EXAMINATION BY MR. JACKSON

20  
21 Q. In response to question from Mr. Benik, you  
22 started to provide some testimony about Speedy  
23 Dry and the basis for your statement that it  
24 appeared in containers from industrial  
25 facilities. Do you recall that?

0309

1 A. Yes.  
2 Q. Okay. Do you want to expand on that?

3 MR. BENIK: Objection.  
4 A. Yes. When you see Speedy Dry in there, if  
5 it's -- has Coca-Cola in it, it won't have no  
6 petroleum smell to it. But if it has a petroleum  
7 smell to it, it's an oil. And a lot of times  
8 when they throw the Speedy Dry in the container,  
9 it's in a cardboard box which gets squashed in  
10 with the rest of the boxes, so now the only way  
11 those boxes -- if it's jammed in there, the only  
12 way you're going to get those boxes out of there  
13 is you have to pull them out by hand. Well, even  
14 if you have gloves on, it's going to get all over  
15 your gloves so you can still see it's oil and  
16 smell it's oil, and then you've got to throw the  
17 gloves away because now the gloves are full of  
18 oil.  
19 Q. Okay. Also in response to a question from  
20 Mr. Benik about rags. I believe you were asked  
21 whether you were able to tell if the rags had oil  
22 associated with them.  
23 A. Yes.  
24 Q. And I think you said yes and no.  
25 A. Yes.  
0310  
1 Q. Okay. Can you tell me what you meant by that?  
2 MR. BENIK: Objection.  
3 A. Yes. If you could look at a rag and you could  
4 smell petroleum on it, again, it's just like the  
5 Speedy Dry, it's not Coca-Cola, it's oil. And  
6 being where my father was a mechanic all his life  
7 and I worked with my father with oil, plus I  
8 fixed my own truck and my own car, I do know what  
9 oil smells like. And being that I was a truck  
10 driver for 37 years, I know what diesel fuel  
11 smells like and I also know what cleaning fluid  
12 smells like.  
13 Q. In response to a question from Mr. Coburn --  
14 A. Yes.  
15 Q. -- about the Carol Cable Roosevelt Avenue  
16 facility --  
17 A. Yes.  
18 Q. -- I believe you stated that you knew that Goditt  
19 & Boyer went there quite often from talking to  
20 other drivers and people in the office?  
21 A. Correct.  
22 Q. Can you describe for me what you meant by  
23 "talking to other drivers"?  
24 A. Well --  
25 MR. COBURN: Objection.  
0311  
1 A. -- being other drivers, you sit down for lunch  
2 or for breakfast and you're talking and usually  
3 you ask where are you going or where have you  
4 been or have you been to this stop. And just  
5 from talking to each other, like "I'm going to  
6 the Carol Cable in Lincoln," "oh, well, I'm going  
7 to Carol Cable on Roosevelt Avenue." And you  
8 just talk, and then just from talking in the  
9 office you know that it's done weekly because  
10 they'll tell you it's weekly.  
11 Q. When you say "they'll tell you it's" --  
12 A. Linda, the dispatcher.  
13 Q. Okay. And did you have a radio in your truck?  
14 A. We had a two-way radio between the truck and  
15 the company.

16 Q. Okay. And during the course of the day, what  
17 would you hear on the radio?  
18 A. You'd hear her dispatching other drivers to  
19 different places or calling you to dispatch you  
20 someplace and you'd hear the truck number she was  
21 calling and you'd hear the -- him answer and  
22 you'd hear her answer him telling him where to go  
23 and then you'd wish him luck.  
24 Q. Okay. And then in response to a question from  
25 Ms. Fogell about Wyman-Gordon --

0312

1 A. Yes.  
2 Q. -- she asked you about the testimony you had  
3 given about one quarter of the load being made up  
4 of the metal shavings.  
5 A. Yes.  
6 Q. Do you recall that?  
7 A. Yes.  
8 Q. I just wanted to clarify that. The figure of one  
9 quarter of that is based on your recollection of  
10 the waste that you observed at Wyman-Gordon?

11 MS. FOGELL: Objecti on.  
12 A. Yes.  
13 MR. JACKSON: I have nothing further.  
14 THE REPORTER: Curtis, would you like a  
15 copy?

16 MR. CONNORS: Yes.  
17 MR. NEWTON: Yes.  
18 MR. COBURN: Yes.  
19 MR. SOMMER: Yes.  
20 MS. BAER: Yes.  
21 MR. MURPHY: Yes.  
22 MS. HOLT: No.  
23 MS. FOGELL: Mini only.  
24 MS. BAER: I'll take whatever Frank  
25 Sally has taken in the past.

0313

1 MR. BENIK: Can I get a mini?  
2 THE REPORTER: Yes.  
3 MR. SOMMER: Mini.  
4 MS. BARRY: Devin, can I get a mini? I  
5 only need the exhibits from today because I had  
6 copies from yesterday, so can I get copies of  
7 Exhibi ts 4 through whatever?  
8 THE REPORTER: Yes.  
9 (Deposi ti on adj ourned at 5:18 p. m.)  
10 \* \* \* \* \*

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C E R T I F I C A T E

1  
2

3 I, Devin J. Baccari, a Certified Shorthand  
4 Reporter and Notary Public within and for the State of  
5 Rhode Island, do hereby certify that I am expressly  
6 approved as a person qualified and authorized to take  
7 depositions pursuant to the Rules of Civil Procedure  
8 of this Court, especially, but without restriction  
9 thereto, under Rule 30 of said Rules; that the witness  
10 was first sworn by me; that the foregoing is a true,  
11 accurate, and complete transcript of my notes taken in  
12 the above entitled proceedings.

13 I further certify that the exhibits are  
14 attached and copies furnished to counsel.

15 I further certify that I am not counsel,  
16 attorney or relative of either party or clerk or  
17 stenographer of either party, or of the attorney of  
18 either party, or otherwise interested in the event of  
19 this suit.

20 I have enclosed with the deposition a  
21 correction and signature page, which must be signed  
22 under the pains and penalties of perjury.

23 IN WITNESS WHEREOF, I hereunto set my hand  
24 this 23rd day of May, 2009.

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DEVIN J. BACCARI, CSR, NOTARY PUBLIC  
My Commission Expires 8/17/10

DATE: MAY 14, 2009  
IN RE: UNILEVER BESTFOODS VS. TEKNOR APEX  
WITNESS NAME: JOHN CASTELLO

0001

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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UNILEVER BESTFOODS and KIK CUSTOM  
PRODUCTS, INC., f/k/a CCL CUSTOM  
MANUFACTURING, INC.,

6

vs. C. A. No. 01-496-L

7

TEKNOR APEX COMPANY, et al.,

8

-----  
KIK CUSTOM PRODUCTS, INC., f/k/a  
CCL CUSTOM MANUFACTURING, INC.

9

vs. C. A. No. 01-511-L

10

11

A.T. CROSS COMPANY, et al.

12

13

CONTINUED DEPOSITION OF THOMAS A. CASTELLO,  
VOLUME II

14

a witness in the above-entitled cause, taken on  
behalf of the Plaintiffs, before Devin J. Baccari,  
CSR, at the Law Office of Blish & Cavanagh, LLP,  
30 Exchange Terrace, Providence, Rhode Island, on  
March 11, 2009, scheduled at 9:00 a.m.

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Job No. : 194565

0002

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0005

1 (Deposition commenced at 9:31 a.m.)

2 THOMAS A. CASTELLO,

3 MR. MURPHY: The witness is still sworn?

4 THE REPORTER: Yes.

5 EXAMINATION BY MR. MURPHY

6 Q. Good morning, Mr. Castello. How are you?

7 A. Good.

8 THE WITNESS: And yourself?

9 MR. MURPHY: I'm well.

10 Q. My name is Jonathan Murphy. I represent the

11 second plaintiff in the case, KIK Custom

12 Products, Inc., in this case. And I'm going to

13 also ask you questions with respect to your

14 recollections and memory with respect to entities

15 that you picked up from during the course of your

16 work for Goditt & Boyer. I'll have some

17 questions about the J.M. Mills landfill as well.

18 If at any point during my questioning you're

19 confused about a question that I ask or it's

20 unclear, please let me know. I'll be happy to

21 rephrase the question to make it more

22 understandable.

23 If you have a yes or no answer to a question,

24 just please try to remember to answer verbally,

25 that way we're not -- the reporter and the

0006

1 attorneys don't have to try to interpret nods of

2 the head. Is that --

3 A. Yeah. Correct.

4 Q. -- clear?

5 A. Okay. I understand.

6 Q. Just so you know what I'm going to be doing, I'm  
7 going ask you some follow-up questions first on  
8 some of the areas we talked about during the  
9 first day of your deposition and then there's a  
10 number of companies that I want to ask you about.

11 During the times that you were dumping at  
12 J.M. Mills, do you recall the names of any of the  
13 other hauling companies that you saw at the  
14 landfill?

15 A. Yeah. Besides Goditt & Boyer, there would be  
16 Robinson Disposal. There was -- Truk Away went  
17 in on an on-and-off basis because they had their  
18 own landfill in the earlier days.

19 MR. SALLY: What was the name of that  
20 one?

21 THE WITNESS: Truk Away.

22 A. At one point, they were acquired by a division  
23 called Sanitas. And when the Sanitas disposal  
24 went out -- went under, they -- you know, the  
25 owners, which was the Wilson brothers, they

0007  
1 bought it back and they turned it back into Truk  
2 Away, but they used to dump in there.

3 John White, what do you call him, John White  
4 Disposal dumped in there. Let me see. For the  
5 most part, it was all of the locals. I don't  
6 remember seeing Cap (sic) even though he was a  
7 local. Oh, Macera's.

8 Q. M-A-C-E-R-A, Macera Brothers?

9 A. Yeah, Macera Brothers.

10 Q. Okay.

11 A. And offhand, until I rattle my brain a little  
12 bit more, that's the ones I can really without  
13 saying something -- like I said, I'll have to  
14 think on it, but, yeah. For the most part, it  
15 was mostly us. We did do an awful lot of dumping  
16 because we were the local hauler.

17 Q. All right. Robinson Disposal, do you recall  
18 where they operated out of?

19 A. He had -- he had a yard -- oh, and McCaughie,  
20 John McCaughie, McCaughie Disposal.

21 Q. How do you spell it? Do you know?

22 A. It's M-C-C-A-U-G-H-I-E or H-E, something like  
23 that.

24 Q. Okay.

25 A. Who pronounces it McCaughie, who pronounces it

0008  
1 McCaughie, but it's one or the other, but it's  
2 McCaughie Disposal. And then they had a division  
3 of it which was called Standard.

4 Q. Do you remember where Standard or McCaughie  
5 Disposal --

6 A. They were down off of where Beverage Hill  
7 Ave. -- they're in Pawtucket.

8 THE WITNESS: Do you need the exact  
9 address?

10 MR. MURPHY: No, just the town is fine.

11 A. Okay. Pawtucket. There you go.

12 Q. And what about Robinson Disposal, just the town.

13 A. He was down by the Pawtucket -- Central Falls  
14 end of Pawtucket just so you can distinguish  
15 which end was which.

16 Q. What about John White Disposal?

17 A. He was out of Norwood.

18 MR. SALLY: Did you say Norwood?

19 THE WITNESS: Norwood, Norwood, Mass.  
20 He hauled -- he was a subcontractor for Goditt &  
21 Boyer.  
22 Q. Any recollection of where Truk Away, the Wilson  
23 brothers, operated out of?  
24 A. They were out of Warwick.  
25 Q. And what about Macera brothers?  
0009  
1 A. They were out of Johnston.  
2 Q. Did you see -- with respect to these companies  
3 that you just identified, these other hauling  
4 companies, with respect to any of them, do you  
5 have any recollection of how often you saw them  
6 at the site when you were there?  
7 A. Being honest, no.  
8 Q. Okay.  
9 A. No. I mean, you know, not really paying  
10 attention, no. I mean, if I was to make a  
11 statement, it -- you know, I really could not  
12 verify how often I did see them, but I did see  
13 them.  
14 Q. Okay.  
15 A. There's a couple of other which were very  
16 smaller, you know, trash companies that either  
17 got bought out by either one of them, but --  
18 because there's one that went by just initials,  
19 and those are the ones I'm trying to think of  
20 now, but when I do come up with their -- they  
21 were also out of Johnston, these other places  
22 when I -- when I come up with them.  
23 Q. Okay. So there was some other haulers --  
24 A. Yes, there were other small haulers.  
25 Q. -- that were based out of Johnston, Rhode Island?  
0010  
1 A. Yeah, the Johnston, Rhode Island, area.  
2 Q. And you just don't recall their name at this  
3 juncture?  
4 A. Yeah. I've got them, I can see them, and I  
5 will come up with the names.  
6 Q. You know, look, if it occurs to you at some point  
7 in time, let us know or maybe we can leave --  
8 A. Exactly. Just like the last deposition when  
9 you asked me about -- well, not you, but when he  
10 asked, and remember I said I know the guy's name,  
11 it will come, and then all of a sudden it comes  
12 to me.  
13 Q. Fair enough. Okay. So if at some point any of  
14 those haulers come to you, just let us know, if  
15 you would.  
16 A. Yeah.  
17 Q. In your first deposition, you mentioned several  
18 times that with respect to the dump tickets that  
19 you would get from J.M. Mills you would put those  
20 together at the end of the day with a route  
21 sheet?  
22 A. Yes. Correct. My route sheet.  
23 Q. Can you tell me just a little bit about what the  
24 route sheet was. What did it look like?  
25 A. Okay. It would be just a regular -- it would  
0011  
1 be a sheet about the size of your paper there,  
2 and across the top would have my name, you know,  
3 indicating that this was my sheet for the day.  
4 And there would be -- written on it would be  
5 whatever stops I was to start off with, and then

6 as the day progressed when I called in I would  
7 write in myself and you would write in that you  
8 did the stop, you know, that it got dumped. And  
9 then the tickets you would put with it at the end  
10 of the day on the clipboard and you'd turn it in.

11 Q. Turn it into Goditt & Boyer?

12 A. Goditt & Boyer.

13 Q. Okay. And just to refresh my memory of what you  
14 said at the last deposition, you started with  
15 Goditt & Boyer in about 1971?

16 A. Correct. I started off in the beginning of  
17 '71.

18 Q. In '1971, do you recall did Goditt & Boyer have  
19 route sheets back then?

20 A. Yes.

21 Q. Okay. And what about --

22 A. We didn't have dump tickets but we had route  
23 sheets. Always had route sheets, always.

24 Q. When for the first time do you remember getting  
25 dump tickets?

0012

1 A. Whenever the landfills -- well, J.M. Mills,  
2 first of all, he always did because he was a  
3 private -- he was a private, you know, landfill.  
4 But in the earlier days, all of the other  
5 landfills were town and city owned and we didn't  
6 get tickets for them because -- as long as the  
7 trash came from there. But it wasn't until  
8 they -- a lot of landfills started closing down  
9 that that's when we, on a regular basis, turned  
10 in dump tickets because we had to verify where  
11 you dumped so everybody would be -- you know,  
12 would get paid accordingly.

13 Q. All right.

14 A. But there was always tickets from J.M. Mills  
15 because he was never -- he was never a city run,  
16 he was always a private run landfill.

17 Q. All right. So in 1971 when you first started  
18 working for Goditt & Boyer, did you make -- I  
19 believe your testimony last session was that you  
20 were making kind of local Cumberland runs to J.M.  
21 Mills --

22 A. Yes.

23 Q. -- in 1971; is that right?

24 A. Correct. I started off with all of the -- I  
25 would start off with the Attleboro work in the

0013

1 morning, which went to the Attleboro landfill.

2 And then when that work was completed, I would  
3 move on and it was usually to the Cumberland and  
4 Pawtucket area, which went to J.M. Mills.

5 Q. And do you remember in 1971 that when you first  
6 started going to J.M. Mills you were getting dump  
7 tickets at that time?

8 A. Correct.

9 Q. Did the dump tickets look essentially the same as  
10 they looked later? Was it the same format?

11 A. To a certain degree. The ticket more or less  
12 got a little bit more sophisticated. It used to  
13 be just a plain -- just a double sheet where,  
14 like, the backside of one had the carbon copy  
15 already to it and it would be just -- that would  
16 be it, rip it off and hand it to you. But after  
17 then, things got a little bit different. But,  
18 yeah, I don't -- if I remember right, I don't

19 think they changed much other than the fact  
20 that -- like I said, if I remember right, after a  
21 while they started, you know, like, with the name  
22 and everything of Mills or the landfill being on  
23 there and so on, but they were still just  
24 handwritten, rip the copy off and handed it to  
25 you.

0014

- 1 Q. So if I understand you correctly, in the  
2 beginning it was just some sort of a standard,  
3 preprinted --  
4 A. Yeah.  
5 Q. -- generic form?  
6 A. Exactly. It would be something like you just  
7 go buy --  
8 Q. At a stationery store?  
9 A. -- at a stationery store with the carbon copy.  
10 Q. And then at some point later, they actually had  
11 customized tickets with J.M. Mills preprinted on  
12 the ticket?  
13 A. Correct.  
14 Q. But you don't have a recollection as to the  
15 date --  
16 A. No, I don't.  
17 Q. -- that they -- let me finish. The date that  
18 they finished --  
19 A. No.  
20 Q. -- or they switched to those types of tickets?  
21 A. No, I don't. I mean, not to give you an  
22 accurate date or anything, no, I don't.  
23 Q. Okay. Mr. Jackson asked you some questions about  
24 the hours of operation at J.M. Mills and I -- I  
25 don't know if it was clear as to time frame.

0015

- 1 Let's go to the first couple years when you were  
2 making the local Cumberland runs. Do you  
3 remember, say, in 1971, in 1972 what the hours of  
4 operation were?  
5 A. Well, if -- in our case, we were able to get  
6 in and out at almost anytime, but I would say  
7 somewhere around between the 7:00 to 5:00 or 6:00  
8 to 5:00. But if you were going back or if you  
9 knew you had another run and if you told them,  
10 they would -- they would wait for you to come  
11 back with that other load.  
12 Q. When you say in our case we could get in anytime,  
13 what do you mean by that?  
14 A. As Goditt & Boyer employees, because I think  
15 we were his biggest customer. And like I say, we  
16 used to tell them that, you know, I'm -- you  
17 know, "I've got one more to do. Can I get back  
18 in here?" And they'd ask you how long and they  
19 would wait. I have dumped in there as late as,  
20 say, 6:00, 6:30 at night on a given time when  
21 they knew I was coming back.  
22 Q. Okay. Was there ever a point in time when you  
23 actually had a -- strike that.  
24 Was there a gate to the landfill at any point  
25 in time --

0016

- 1 A. Yes.  
2 Q. -- that was locked?  
3 A. Yes, there was.  
4 Q. Was that always the case during the times --  
5 A. No.

6 Q. -- that you went there?  
7 A. No, it wasn't always the case. In the earlier  
8 days, again, the landfill was not gated or not  
9 chained and we would be able to go in earlier or  
10 later. And you would just tell Joe or whoever  
11 was there at the landfill that you're the one who  
12 dumped said -- you know, said load that was on  
13 the ground.  
14 Q. Okay.  
15 A. And then it got to the point where certain  
16 customers were denying that it was their load and  
17 he started being shortchanged and then there was  
18 no more going in earlier or no longer going in  
19 late. If they weren't there, you couldn't dump.  
20 Q. Do you remember the year that they --  
21 A. The exact year, no.  
22 Q. Okay.  
23 A. No, but I would have to -- without committing  
24 to a certain year, I would say it was back in the  
25 '70's and not the later. I'd probably have to  
0017  
1 say to around the earlier to the mid, but I  
2 cannot give you a year.  
3 Q. At any point in time, were you given a key to the  
4 gate?  
5 A. No.  
6 Q. Do you remember when J.M. Mills closed? Do you  
7 remember the date that J.M. Mills closed?  
8 A. No, I don't.  
9 Q. Do you have any recollection of a period of time  
10 in the early 1980's when J.M. Mills was one of  
11 the last landfills in the area open?  
12 THE WITNESS: When you say "area," you  
13 mean the Cumberland area or Rhode Island, in  
14 general?  
15 MR. MURPHY: Well, the Cumberland area  
16 generally.  
17 A. J.M. in that Cumberland -- any of that local  
18 vicinity, he was the only one open.  
19 Q. During the entire time period? I'm just trying  
20 to -- when you say "he was the only one open,"  
21 I'm trying to get a time reference.  
22 A. Okay. From when I first started in the '70's,  
23 okay, in that area he was the only landfill.  
24 Like Pawtucket because they had incinerator,  
25 Providence did, they all closed so there was  
0018  
1 nothing else there. It was him. And there was  
2 in Johnston, which was the Silvestri landfill,  
3 which turned out to be what's called now the  
4 state -- state run landfill.  
5 Q. Right.  
6 A. And then you had a couple of individual city  
7 landfills and you could -- they were owned and  
8 run by the City and you couldn't take nothing  
9 into them unless it was from them and it was  
10 mostly for local residential trash.  
11 Q. Okay. Do you have any recollection of whether  
12 the Silvestri or any of the -- what was the other  
13 landfill closest to J.M. Mills in the 1970's, the  
14 next closest landfill?  
15 A. I would have to say the one in Johnston. The  
16 Town of North Providence had one, but like I  
17 said, you were not allowed in there. They didn't  
18 take any commercial trash. It was only for their

19 residential. So the next closest to go to would  
20 have been in Johnston.

21 Q. And how far away was that from the J.M. Mills  
22 landfill?

23 A. Oh, somewhere around maybe 12, 12 miles,  
24 somewhere in that area.

25 Q. And the Johnston landfill was open in the '70's,

0019

1 do you remember?

2 A. Somewhere -- because I didn't dump in them in  
3 the earlier days. It was in the '70's, but not  
4 the earlier days of the '70's. So exactly when  
5 they opened, I don't really remember that part.

6 Q. Was the Johnston --

7 A. Because I very rarely dealt with them. I  
8 think when it was Silvestri's I dumped very  
9 rarely there because that was not my area.

10 Because by that time I had already moved up and  
11 out of a lot of that -- the local stuff because,  
12 like I said, I had moved up with -- you know, as  
13 far as my -- I was low man on the totem pole.

14 Q. Right. Right. You indicated that you started  
15 doing a lot of out-of-state hauling?

16 A. Well, out-of-state, I started doing a lot of  
17 Mass work --

18 Q. Okay.

19 A. -- which, you know, stayed to Mass (sic).

20 Q. Okay. But the Johnston landfill, did it have a  
21 name other than the Johnston landfill? Was there  
22 any other name it was called?

23 A. Yeah. Before it became the -- you know, the  
24 Central landfill in Johnston, it was called  
25 Silvestri Brothers.

0020

1 Q. All right. Do you recall the next closest  
2 landfill after the Silvestri landfill, again, in  
3 relation to J.M. Mills?

4 A. Well, the only other landfill we dealt with  
5 was the one in Warwick that was owned by the  
6 Wilson brothers, which was the Truk Away.

7 Q. That was, you said, the Wilson brothers?

8 A. Yes, they owned --

9 Q. And what was the --

10 A. Charlie and David. They owned Truk Away.

11 Q. Did that have a common name that you used, the  
12 Truk Away landfill?

13 A. Yeah, we used to just go by dump it -- you  
14 know, dump the Truk Away's in Warwick.

15 Q. And how far was the Truk Away landfill from J.M.  
16 Mills?

17 A. Maybe close to about the -- somewhere between  
18 the 12 to 15 because they're on the backside --  
19 they were on the backside of the Green Airport.

20 Q. And you're saying that the Silvestri landfill in  
21 Johnston ultimately became the Central landfill?

22 A. Correct.

23 Q. Is that still open?

24 A. It is the only landfill in the State of Rhode  
25 Island.

0021

1 Q. A few more follow-up questions. Now, this is  
2 more specific to some of the companies -- what  
3 I'm going to do now is ask you about specific  
4 companies and facilities that you picked up from  
5 and I want to go over a couple of the companies

6 that you talked about when Mr. Jackson questioned  
7 you last time.

8 During your first deposition, you stated that  
9 you picked up live loads from Teknor Apex's  
10 Pawtucket facility an average of once per week.  
11 Over what period of time did you do that?

12 MR. BENIK: Objection.

13 Q. You can answer.

14 A. Just trying to -- on a more regular basis, I  
15 would have to say, somewhere in the vicinity of  
16 eight to ten years.

17 Q. Do you remember which year, what time -- what  
18 years that would be?

19 A. Oh, that would be anywhere from the '71 up to  
20 the -- you know, somewhere around the '80/'81,  
21 but it was more frequent in the earlier to mid  
22 years of the '70's.

23 Q. More frequent for you personally or for Goditt &  
24 Boyer?

25 A. No. No. For me personally.

0022

1 Q. Okay. But was it your understanding that when  
2 you weren't picking it up there was still  
3 somebody else from Goditt & Boyer --

4 A. Correct.

5 Q. -- going there at least once a week?

6 A. On a very regular basis, correct.

7 Q. So whether it was you or someone else, it's your  
8 understanding that that facility in Pawtucket was  
9 being picked up once a week, live loads?

10 A. Correct. Yes, they were still being serviced  
11 regularly.

12 Q. And that would include up to -- your  
13 understanding up to the time that J.M. Mills  
14 closed?

15 A. Yes. Then and up until -- well, we got bought  
16 out in '88 and I know we still had the account as  
17 when I worked for the old Goditt & Boyer, so,  
18 yes, I mean, I'd have to say yes.

19 Q. Okay. And your understanding is all that  
20 Pawtucket facility Teknor Apex waste, these live  
21 loads all went to J.M. Mills while it was open?

22 A. Correct. While J.M. was open.

23 Q. In your last deposition, you stated that you  
24 picked up a 30-yard open top container at Tim's  
25 warehouse a couple of times a week. Do you

0023

1 remember over what time period you personally did  
2 that?

3 A. Most of that work were all contained to about  
4 those same years that I've said because they're  
5 all within a very short distance of each other,  
6 and that's the area that I did work within those  
7 years, so all of those pertained to that time.

8 Q. Meaning that same eight to ten --

9 A. Meaning anywhere from the early '70's -- I'm  
10 sorry.

11 Q. Go ahead. Meaning about that same eight- to  
12 ten-year period?

13 A. Correct.

14 MR. BENIK: Objection.

15 Q. So what time period, then, would that be for the  
16 Tim's warehouse?

17 A. The same, the eight- to ten-year.

18 Q. Meaning 1971 to --



19 A. One up until about anywhere '80/'81.  
20 Q. And, again, your personal involvement in picking  
21 up at Tim's warehouse was more frequent in the  
22 first part of that period?  
23 A. Correct.  
24 MR. BENIK: Objection.  
25 Q. Is it your understanding that Tim's warehouse  
0024  
1 remained a Goditt & Boyer customer during the  
2 later part of that ten-year period?  
3 A. Yes.  
4 Q. Was it your understanding that when you weren't  
5 picking up at Tim's warehouse there was someone  
6 else from Goditt & Boyer who was?  
7 A. Correct.  
8 Q. And is it your understanding that all of the  
9 Tim's warehouse waste went to J.M. Mills while it  
10 was still open?  
11 A. As far as I know, it did because it was more  
12 feasible to go there than to go a greater  
13 distance.  
14 Q. Do you recall testifying about a compactor at  
15 Custom Color?  
16 A. Yes, correct, in Cumberland in the  
17 Industrial -- off the Industrial Drive there.  
18 Q. How frequently did you pick up the compactor at  
19 Custom Color?  
20 A. I picked it up a few times, but it wasn't  
21 very, very frequent. They didn't go constantly.  
22 If I -- my recollection is correct, somewhere  
23 maybe -- when I was doing it regularly, maybe  
24 once a week, week-and-a-half.  
25 Q. And, again, when you say, "when I was doing it  
0025  
1 regularly," what time period are you referring  
2 to?  
3 A. Again, it's back between the eight to ten  
4 years, because like I said, once I -- once I  
5 moved up in seniority and I started doing a lot  
6 of the, like I had mentioned the last time, which  
7 was more or less considered the premo work, I did  
8 a lot of the cardboard, the department stores and  
9 so on. And I did a lot of that up out of the  
10 Mass area.  
11 Q. I believe you said it was the first two years of  
12 your Goditt & Boyer work that you did regular,  
13 local Cumberland area --  
14 A. Correct.  
15 Q. -- runs?  
16 A. I did Attleboro, Cumberland, Pawtucket, the  
17 Lincoln area. All of that was all considered the  
18 same basic area, territory. And, yes, definitely  
19 the first two and -- to three, some of three,  
20 that that was considered my work.  
21 Q. So when you say the first two and maybe three, do  
22 you mean the years 1971, 1972 and 1973?  
23 A. Correct.  
24 Q. And during those three years, 1971, 1972 and  
25 1973, your recollection is that you picked up the  
0026  
1 compactor at Custom Color between once a week and  
2 once every week-and-a-half?  
3 MR. BENIK: Objection.  
4 A. Somewhere around there, correct.  
5 Q. Is that a fair characterization of your

6 testimony?  
7 MR. BENIK: Objection?  
8 A. Yes, it is.  
9 Q. Do you recall testifying about picking up a  
10 compactor at Carol Cable at their Roosevelt  
11 Avenue facility?  
12 A. Yes, I do.  
13 Q. Do you recall how often -- let me ask you this:  
14 In 1971 when you first started working for Goditt  
15 & Boyer in the area around J.M. Mills, do you  
16 recall whether you were picking up at the  
17 Roosevelt Avenue facility during that time  
18 period?  
19 A. In the earlier days, I don't remember doing  
20 Roosevelt as much as I did remember the ones in  
21 Lincoln. But, yes, I do remember doing them.  
22 Q. Any idea of the actual years that you picked up  
23 at the Roosevelt Avenue facility, during which  
24 calendar years you would have picked up from the  
25 Roosevelt Avenue facility?  
0027  
1 A. As far as picking them up, I remember picking  
2 them up on occasions anywhere from the -- from  
3 the very first up into -- up into the '80's, but  
4 not on a very regular basis, but I do remember  
5 picking them up.  
6 Q. When you say "not on a very regular basis," why  
7 was that?  
8 A. Because -- because of its location and we had  
9 the two paper houses that are right there -- as a  
10 matter of fact, there's a place called Burger,  
11 which is Burger's scrap yard, and used to take  
12 cardboard at the time. It's right there on the  
13 other side of the Blackstone River. And at times  
14 there would be people who were right there and  
15 they would just have somebody go down.  
16 Q. What do you mean by there were people "right  
17 there"?  
18 A. Other drivers would have dumped the load at  
19 Burger's and so they would just have him -- like  
20 myself, a lot of times when I got that stop is  
21 because I just left Burger's and I'd just drive  
22 right down the hill and around the corner and do  
23 the stop.  
24 Q. When you say "other drivers," are you saying  
25 other Goditt & Boyer drivers?  
0028  
1 A. Other Goditt & Boyer drivers, yes. Whenever I  
2 refer to a driver as just that, it would be a  
3 Goditt & Boyer. If I'm referring to another  
4 company, then I would specify it. But when I say  
5 driver or other guys, it's gentlemen that I  
6 worked with from Goditt & Boyer.  
7 Q. Was there some sort of an arrangement or  
8 understanding at Goditt & Boyer that whoever was  
9 dropping off at Burger's was supposed to go over  
10 to the Roosevelt Avenue facility --  
11 A. No.  
12 Q. -- Carol Cable and check?  
13 A. No. No. When you would be there as the  
14 dispatcher -- when Linda dispatched you and she  
15 knew you were going to Burger's, for an example,  
16 with a load she'd say, "when you get there and  
17 you get through with that, why don't you go right  
18 down and do Carol Cable Roosevelt Ave."

19 Q. Okay.  
20 A. Or if you got done and she had just -- and if  
21 Carol Cable had just called in and you called  
22 from Burger's saying I'm all done, I'm at  
23 Burger's. Okay. Good. You're the lucky one.  
24 Go down and get the can.

25 Q. Okay. Fair enough.

0029

1 A. That's how that worked. It's not that I knew  
2 every time I got there that's where I was going,  
3 no.

4 Q. Let me ask you: Do you remember how often that  
5 compactor was picked up by somebody from Goditt &  
6 Boyer?

7 A. No. No. And I'm not even going to speculate  
8 on how often I thought.

9 Q. All right. Do you remember in your first  
10 deposition talking about picking up a 30-yard  
11 container used by the line workers at the BVE  
12 facility in Lincoln?

13 A. Yeah.

14 Q. How often did you pick up that 30-yard container?

15 A. There would be occasions where I'd pick it up  
16 maybe once a week, but then there would be other  
17 times I wouldn't do it at all for, maybe, a  
18 couple of months because other gentlemen were  
19 doing it or other drivers.

20 Q. Do you remember what years you would have picked  
21 it up weekly?

22 A. In the earlier days. I'd have to say that's  
23 '71 to -- '71, '73 or maybe even 75, but it was  
24 the earlier days I did all those on a regular  
25 basis.

0030

1 Q. All right. Is it your understanding that even  
2 after you stopped servicing the Cumberland area  
3 that other Goditt & Boyer drivers were picking up  
4 at BVE?

5 MR. SALLY: Objection.

6 A. Yes, I do.

7 Q. Is it your understanding that BVE remained a  
8 customer of Goditt & Boyer throughout the '70's  
9 and '80's?

10 MR. SALLY: Objection.

11 A. Yes, I remember I had them for a long time.

12 Q. Do you have any recollection of ever going to  
13 Wyman-Gordon's Millbury, Massachusetts, facility?

14 A. Yes, I do.

15 Q. Where is Millbury, Mass?

16 A. Millbury, Mass, is up off of Route 20 which is  
17 just out of Worcester, Worcester, Mass, but to  
18 get to the facility you drove down Route 20 and  
19 off and over right into the Wyman & Gordon  
20 facility.

21 Q. What do you remember about that facility? What  
22 kind of a facility was it?

23 A. It was a government facility. They dealt in  
24 the government's high tech stuff. They -- I know  
25 for a fact, though, that they did do -- from

0031

1 talking with one of the gentlemen that they make  
2 certain items. It was, like, for the space --  
3 you know, space missions, for submarines and for  
4 some of the high-tech planes that were being  
5 made, but what exactly, no. You weren't to know

6 nothing. You had to go through a gated area.  
7 Once you got there, you were to stay within a  
8 certain feet of where the compactor was and  
9 that's it. If -- you were not to go beyond that.  
10 There was cameras everywhere. And if you did,  
11 you'd have somebody right there with you. They'd  
12 be right on you wanting to know what you were  
13 doing.

14 Q. And how many different containers were there?

15 A. We only had one, but there were several other  
16 trash companies in there. We were only one  
17 company, but there were several. I used to run  
18 into other drivers from other companies. They'd  
19 be going in to do theirs and we'd be going in to  
20 do ours.

21 Q. But what was the container that Goditt & Boyer  
22 serviced there?

23 A. We had a big compactor.

24 Q. When you say "a big compactor," what's that?

25 A. It was a break away compactor, they're called,

0032

1 and it's a 50-yard compactor.

2 Q. And do you recall what type of waste was in that  
3 50-yard break away?

4 A. The one that I did mostly had a lot of big  
5 heavy skids, general trash, sweepings and rags  
6 and stuff.

7 Q. When you say "sweepings," what type of sweepings?

8 A. Floor sweepings.

9 Q. And when you say "rags," what type of rags, if  
10 you recall?

11 A. Rags looks like from wiping down the  
12 machineries.

13 Q. Anything else that you remember in that 50-yard  
14 container?

15 A. Just small general scrap. The gentleman there  
16 used to like to play around. Because their  
17 compactor was a very strong, what's called a  
18 double piston machine, I got up there one day and  
19 somebody stuck a big huge solid steel pipe to see  
20 how strong it would be and it ripped the whole  
21 side of the body wide open. And one time they  
22 stacked it with a whole bunch of big heavy skids  
23 to see how strong it was and it blew the whole  
24 front of the container off. It was that type of  
25 stuff, but --

0033

1 Q. And do you recall the frequency with which you  
2 picked up at Millbury, Mass?

3 MS. FOGELL: Object on.

4 A. On occasion, I did at least once a week.

5 Q. And did some of that or did those containers go  
6 to J.M. Mills?

7 A. In the earlier days, used to go to -- yes, it  
8 did. Once the interstate transportation of trash  
9 changed, yes, we used to take it to Mills.

10 Q. About what year was that?

11 A. I really don't remember, but it was back in  
12 the '70's. Maybe somewhere around the '73 or so,  
13 but I really don't know, I mean, exact. But the  
14 interstate transportation of trash changed in the  
15 earlier days of when I started doing trash.

16 Q. But you have a specific memory of taking the  
17 50-yard break away container from the Millbury,  
18 Mass, Wyman-Gordon facility and bringing it to

19 J. M. Mills?  
20 A. Yes, I do.  
21 MS. FOGELL: Objection.  
22 A. Yes, I do. Yes, I do.  
23 Q. And as best you can recall, you first started  
24 doing that in approximately 1973?  
25 A. Correct. Somewhere around that area.

0034  
1 Q. And did you bring Wyman-Gordon Millbury,  
2 Massachusetts, facility waste to J.M. Mills on  
3 occasion until it closed?  
4 MS. FOGELL: Objection.  
5 A. I, myself, brought it up until '88. When  
6 Waste Management bought out, we no longer did  
7 those areas and I hadn't done it after '88.  
8 Q. But up until -- you don't remember -- again, I  
9 think I already asked, you don't remember when  
10 J.M. Mills closed?  
11 A. No, I don't remember the exact time, no. And  
12 like I said, I'm not going to speculate on it,  
13 but I do remember them closing, but exactly when,  
14 no, I don't.  
15 Q. Do you know how often Goditt & Boyer picked up at  
16 the Millbury, Mass, facility of Wyman-Gordon?  
17 MS. FOGELL: Objection.  
18 A. I don't really know exactly, but because of  
19 their -- you know, the -- their production line,  
20 if I did it on an average of once a week when I  
21 was doing it, I just assumed that the -- you  
22 know, the company was still doing it about once a  
23 week.  
24 Q. Okay.  
25 A. But not that I can say, yes, I definitely know

0035  
1 it.  
2 Q. All right. I'm going to ask you about some other  
3 facilities now. Do you recall hauling waste from  
4 Adams Drug to the landfill?  
5 A. Yes, I do.  
6 Q. Okay. Was Adams Drug one facility in the area  
7 that you picked up from?  
8 A. Yes, we did their main warehouse in Pawtucket.  
9 Q. Where was that located?  
10 A. It's right off the industrial highway and I  
11 just had the name at the tip of my tongue, too.  
12 It's -- but it's right there in Pawtucket right  
13 off of the industrial highway. That's where they  
14 were before they closed.  
15 Q. Okay. And Adams Drug, what were they, a  
16 drugstore chain like Walgreens?  
17 A. It was -- it was their warehouse to where they  
18 used to distribute all of the product to their  
19 drugstores. They had two containers, one on  
20 either side. One was for trash. One was for  
21 cardboard.  
22 Q. And do you recall how often you picked up from  
23 Adams Drug?  
24 A. At least once and sometimes it would be more  
25 often because they -- in the early days, they

0036  
1 generated an awful lot of trash. They were --  
2 they were like the local drugstore, big chain  
3 drugstore.  
4 Q. What do you remember in the -- not the container  
5 that had the cardboard but the other container?

6 Do you recall what was in there?  
7 A. Yeah. There would be a lot of returns, empty,  
8 what do you call it, medicine bottles and stuff  
9 of that sort and general cleanup stuff.  
10 MR. SALLY: General what?  
11 A. Cleanup, like if they -- you know, like from  
12 cleaning up the rest rooms and the floor and, you  
13 know, that type of stuff, product.  
14 Q. Do you know whether that the Adams Drug warehouse  
15 did any vehicular maintenance at that warehouse?  
16 A. Yes, they did. They had a -- they had their  
17 own garage and maintenance shop on the other end  
18 of the building. They used to take care of their  
19 trucks and trailers.  
20 Q. And do you know whether any of the waste in the  
21 containers that you picked up had anything in  
22 those containers that came from vehicular  
23 maintenance?  
24 A. On a rare basis I might have, but, no. They  
25 had -- if I'm not mistaken, they had a small  
0037 front load container at their site and they might  
1 have used that, but, no, most of my -- most of  
2 what I seen in there came out of the warehouse  
3 itself.  
4 Q. All right. And during what period of time did  
5 you pick up from Adams?  
6 A. Oh, definitely the earlier '70's. Exactly  
7 when Adams Drug went under, I don't remember, but  
8 the early '70's they were a very regular  
9 customer.  
10 Q. And did all of the containers that you picked up  
11 go to J.M. Mills?  
12 A. Yes, they did.  
13 Q. What were the --  
14 A. Excuse me. Sabin Street. Adams Drug was on  
15 Sabin Street.  
16 Q. S-A-B --  
17 A. S-A-B-I-N, Sabin.  
18 Q. Do you remember when they went out of business?  
19 A. No, I don't. I don't remember exactly.  
20 Q. Do you know if they were bought out by another  
21 company like CVS or a bigger chain?  
22 A. I'm trying to remember who took them over.  
23 They did get acquired by another national chain,  
24 but I can't really remember offhand.  
25  
0038  
1 Q. And the noncardboard container, what size was  
2 that container?  
3 A. 50-yard compactor.  
4 Q. Were both of them 50-yarders?  
5 A. Correct. I think I said this last time, we  
6 had compactors from 42 to 50. They were called  
7 42-yarders, 46-yarders or 50, but we used to just  
8 round it off and say it's a 50-yard compactor,  
9 just -- that's how that went.  
10 Q. Okay. Do you have any recollection of any other  
11 types of trash in that -- in the Adams Drug  
12 containers other than what you've already told  
13 me?  
14 A. No, mostly that. I do not -- I mean, on  
15 occasion you might see some rags and stuff, but  
16 most of the product that I can remember from them  
17 was excess, broken -- you know, broken product,  
18 probably return product, but there was a majority

19 of the medicine bottles but nothing in them, they  
20 were all empty medicine bottles, had been thrown  
21 away.

22 Q. What were the medicine bottles made out of?

23 A. Just plastic, plastic medicine bottles, but  
24 they were always empty. There was never nothing  
25 in them.

0039

1 Q. Do you remember hauling waste from Allied  
2 Container to the J.M. Mills landfill?

3 A. Yes, I do.

4 Q. And how many of the Allied Container facilities  
5 were there? Do you recall?

6 A. One. One that I know of.

7 Q. The one that you know of, where was that located?

8 A. There was one up in -- well, the one I did,  
9 Westwood Dedham. Yeah, Westwood Dedham.

10 Q. Westwood Dedham is the town area?

11 A. Massachusetts.

12 Q. What type of a facility was the Allied Container?

13 A. They did paper. They made big, huge, heavy  
14 rolls of paper.

15 Q. How big was the facility?

16 A. Very big. It was huge. It was a good -- the  
17 building had to be easy six, 800 feet long,  
18 somewhere around 600-foot long. It was a very  
19 huge building.

20 Q. And what do you remember about your servicing of  
21 the Allied Container facility?

22 A. There was mostly an awful lot of scrap  
23 cardboard and paper, and there would be some  
24 skids, some empty barrels. They used to throw  
25 away empty barrels in that also with cleaning and

0040

1 rags of that nature.

2 Q. When you say "with cleaning and rags," what do  
3 you mean?

4 A. Rags from cleaning things, you know, machinery  
5 and so on.

6 Q. Do you have a recollection of any other types of  
7 waste at Allied Container other than --

8 A. No.

9 Q. -- what you just indicated to me?

10 A. That's what I can remember because that goes  
11 way back, and that's, like I said, the cardboard,  
12 the barrels, the general trash, sweepings, you  
13 know, from just general housecleaning-type kind  
14 of stuff.

15 Q. Any recollection of at any time seeing any  
16 55-gallon drums of any sort of materials?

17 A. Yes. No, there would be empty drums, but --  
18 they did used to throw away, you know, 55-gallon  
19 drums, but they'd be empty.

20 Q. Were there any one-time events of picking up  
21 anything at that facility that you recall?

22 A. No. No, nothing that stuck in my mind, no.

23 Q. Do you have any recollection of Allied Container  
24 ever disposing of any liquid cyanide?

25 A. The barrels would say it, but they were empty.

0041

1 Q. And where did you take the -- by the way, how  
2 many containers were at this facility?

3 A. One.

4 Q. And what size was it?

5 A. One 50-yard compactor for trash.

6 Q. And how often did you pick up from them?  
7 A. I might have averaged, maybe, once every two  
8 or three weeks.  
9 Q. And was that the frequency with which the  
10 container was picked up --  
11 A. No.  
12 Q. -- by anybody at Goditt & Boyer?  
13 A. It was the frequency in which I did.  
14 Q. All right. Do you have an understanding as to  
15 how often anyone from Goditt & Boyer picked up --  
16 A. No.  
17 Q. -- that container?  
18 A. No, but I know the container went more often,  
19 but exactly how often, I don't know.  
20 Q. And did you take all of the waste from Allied  
21 Container to J.M. Mills?  
22 A. I'd say yes, because I don't remember  
23 dumping -- dumping Allied anywhere else. I don't  
24 remember going to any other facility.  
25 Q. That 50-yard container, was it an open container  
0042  
1 or closed container?  
2 A. Closed. Closed break away.  
3 Q. Any recollection of the number of containers  
4 changing over the period of time you serviced  
5 them, serviced this facility at Allied?  
6 THE WITNESS: Now, when you say  
7 changing, changing what way?  
8 MR. MURPHY: Meaning instead of one  
9 50-yard break away, they went to two.  
10 A. No. I always remember just the one container.  
11 For the amount of times when I was -- you know,  
12 when I was at the site, there was only the one.  
13 And when I did do it, I always did the same one  
14 container.  
15 Q. And over what period of years did you pick up at  
16 the Allied Container facility?  
17 A. It was back in the '70's.  
18 Q. When you say "back in the '70's," can you be any  
19 more specific than that? Any sense for the  
20 number of years you picked up?  
21 A. I'd say the mid '70's.  
22 Q. After you started doing more seniority based  
23 jobs, do you know whether other Goditt & Boyer  
24 drivers continued to pick up at the Allied  
25 Container facility?  
0043  
1 A. I'd have to say yes, because something like  
2 Allied when you were up in that area, that's when  
3 you -- toward the end of the day, you'd be given  
4 Allied to bring back down this way to dump. And  
5 that's why in the earlier days I was more or less  
6 based out of the Attleboro/Cumberland -- you  
7 know, that area. It was not feasible to go up  
8 there and then come back. No, it was in the  
9 mid -- the mid and so on years that I was out of  
10 that area. That's when I started doing Allied  
11 and bringing it back at the end of the day.  
12 Q. Okay. And you'd bring it back and bring it to  
13 J.M. Mills?  
14 A. Bring it to J.M. Mills. If I was too late and  
15 I didn't dump it that same night, I would dump it  
16 the next morning and then go and start my route.  
17 Q. The rags that you mentioned that were in those  
18 containers, do you know whether -- any odors



19 associated with them, to your recollection, or  
20 any odors associated with any of the containers?  
21 A. It was rare, but every once in a while you  
22 would get the smell from -- you know, that there  
23 was formaldehyde and stuff like that on them  
24 because every once in a while there would be a  
25 stench.

0044

1 Q. How often was that?  
2 A. More often than not. Sometimes it would be  
3 extremely heavy and other times it would be  
4 light, almost not even noticeable, but there was  
5 always a stench.  
6 Q. Was there ever any liquid in the bottom of those  
7 containers?  
8 A. No, not real -- no, not as a liquid liquid,  
9 no.  
10 Q. Any powders or resins?  
11 A. No. The most part is every now and then, like  
12 I said, one of them drums maybe didn't get enough  
13 of it out or whatever, but no. No, there wasn't  
14 liquid flowing out of them, no. The only time  
15 would be is if it rained or something and it was  
16 the water, but no.  
17 Q. Okay.  
18 A. There was never none of that flowing, at least  
19 not when I did it.  
20 Q. And you don't remember anything else about any of  
21 the other wastes at that facility?  
22 A. No, other than the fact of the cardboard  
23 trimming and the floor sweepings and some  
24 general, you know, shop rags from cleaning and  
25 stuff and the barrels, barrels with skids.

0045

1 Because a lot of times they'd have the barrels on  
2 the skids and they'd just come and -- once you  
3 were inside the building, it was an open hopper  
4 and they would just dump them right in.  
5 Q. Do you remember hauling waste from ACS  
6 Industries?  
7 A. ACS in Woonsocket.  
8 Q. I'm -- is that where they were located?  
9 A. Yeah, if I remember right, it was ACS  
10 Woonsocket on Hamlet Street. They were on Hamlet  
11 Street. There was two streets. It was all one  
12 big, huge building -- well, adjacent buildings,  
13 but Hamlet was the main. They were Buildings 1,  
14 2 and 3. You guys are really picking me now, but  
15 yeah --  
16 Q. You do remember --  
17 A. -- ACS. ACS in Woonsocket.  
18 Q. How many facilities of theirs did you service?  
19 A. They had three, but --  
20 Q. Three different facilities?  
21 A. It's all in one big area, but there was three  
22 separate buildings.  
23 Q. Okay.  
24 A. Okay? But, yeah, there was three separate  
25 buildings even though they could get to each

0046

1 other, but two of them. One -- Building 1 and 3,  
2 Hamlet Street -- I'll come up with the next --  
3 I'll come up with the other name -- they had  
4 compactors.  
5 Q. Separate compactors?

6 A. Separate compactors.  
7 Q. Do you have a recollection of Building 2 having  
8 its own compactor?  
9 A. We used to put an open top there a lot.  
10 Q. At Building 2?  
11 A. At Building 2, and they would put stuff in the  
12 open top.  
13 Q. But you specifically have a recollection of  
14 Buildings 1 and 3 having open top containers?  
15 A. No. No, break away compactors.  
16 Q. 50-yarders?  
17 A. 50-yard break away compactors.  
18 Q. Do you know what ACS did? Do you remember what  
19 their product was that they made?  
20 A. One of them -- the other one down at the end,  
21 they used to throw away a lot of, like, little  
22 wire spools, and it wasn't really a powder, it  
23 was like a -- like a plastic, small plastic  
24 pellets and stuff.  
25 Q. Plastic pellets?  
0047  
1 A. Yeah. I guess there was a powder, too,  
2 because sometimes I would have to sweep it and  
3 shovel it and it would spray back. The one on  
4 Hamlet Street, though, they threw away a lot of  
5 plastics and --  
6 Q. When you say they threw away --  
7 A. It was like excess junk, I guess, you know,  
8 scrap parts.  
9 Q. In what form was the plastic?  
10 A. It was small, loose pieces. And I used to do  
11 them on a basis, but I didn't do them very often.  
12 This is why I'm trying to pick my brain now and  
13 remember exactly what. I'm probably not going to  
14 be able to give you a good enough description of  
15 what was because it wasn't one of my more regular  
16 and frequent accounts.  
17 Q. Well, let me ask you that: During what years did  
18 you pick up at ACS?  
19 A. I picked them up on and off between the '70's  
20 and '80's, because a lot of how I can distinguish  
21 when this time is is the different vehicle I was  
22 driving. And I had one vehicle in the '70's and  
23 I also remember doing it with the other vehicle,  
24 which was in the '80's. So between the '70's and  
25 '80's, but I didn't do it on a very regular  
0048  
1 basis.  
2 Q. Now, when you say you didn't do it on a "regular  
3 basis," do you know how --  
4 A. But the company still did, yes. It was our  
5 account.  
6 Q. You know for a fact that the ACS Industries was a  
7 Goditt & Boyer account?  
8 A. Correct.  
9 Q. And do you know how often ACS had their  
10 containers in Woonsocket picked up by Goditt &  
11 Boyer?  
12 A. No. No, I don't.  
13 Q. What was the most frequency with which you picked  
14 up at ACS Industries?  
15 A. There was no normal frequency. I can't tell  
16 you that I did, like, say, once a week or once a  
17 month because if I happened to be in the right  
18 place, there was times I might have done it

19 every, say, once a week, week-and-a-half and then  
20 I wouldn't do it again for months because I  
21 wouldn't be in the area when I called in saying I  
22 was done, you know, like say in Cumberland to go  
23 get it. But we've had that account up until just  
24 recently.

25 Q. So when you say that sometimes you'd pick up

0049

1 every week or week-and-a-half and then other  
2 times you wouldn't --

3 A. Yes, that's why I don't have a good  
4 recollection -- you know, recollection of it  
5 because I didn't do it constantly, extremely  
6 continuously like I did some of the others.

7 Q. Is it your understanding that when you weren't  
8 picking it up, for example, that you said that a  
9 couple of months would go by that you wouldn't go  
10 there, was it your understanding that somebody  
11 else from Goditt & Boyer --

12 A. Yes. Correct. Somebody else. Because the  
13 one on Hamlet Street used to have a big steel  
14 beam across the front. And back in those days,  
15 our company radio was the one open frequency, so  
16 when it was given to somebody you could hear that  
17 they were getting it, and everybody -- somebody  
18 would go, "Don't forget about the beam." Because  
19 when you put your hoist up, if you weren't in the  
20 right location going up, you'd tear it up and it  
21 ran between the two buildings.

22 Q. Okay.

23 A. If you were already in and up and drove  
24 forward, now you'd rip it down, so -- and we  
25 always used to say, "Don't forget about the

0050

1 beam."

2 Q. Do you have any recollection of any bags of  
3 materials in the waste at ACS?

4 A. If I -- if I can remember anything, it's just  
5 general trash.

6 Q. Other than what you --

7 A. It wasn't -- I'm sorry.

8 Q. I'm sorry. The powders that you mentioned  
9 before, do you have any recollection as to the  
10 color of the powders?

11 A. They were dark colored, grayish black, a  
12 grayish to a blackish color.

13 Q. Was there any odor associated with the powder?

14 A. Other than, like, a powdery -- yeah, but like  
15 I said, not a disgusting or a gagging, but there  
16 would be some little form but nothing that was  
17 gagging to you.

18 Q. Do you have any recollection as to what it  
19 smelled like?

20 A. No.

21 Q. I don't want to you guess.

22 A. No. No, I know.

23 Q. Only if you remember.

24 A. At the same point I don't want anybody to  
25 misinterpret what I'm saying. But, no, it would

0051

1 have, like, a smell like -- from doing all these  
2 different wire companies, it would have a similar  
3 smell to their type of a powder, but exactly what  
4 it was, no.

5 Q. When you say the same sort of smell as from other

6 wire companies, what do you mean by that?  
7 A. Well, from doing the different wire companies,  
8 whether it be the Carol Cable or a couple of the  
9 others there, Crown Wire and stuff like that,  
10 when they used to throw away their powders, you  
11 know, it has that smell, and it was -- it was  
12 similar to that smell.  
13 Q. Okay. You're not able to say what that smell is?  
14 A. No. No, I'm not.  
15 Q. You mentioned Crown Wire?  
16 A. Crown Wire was a division of Carol Cable.  
17 Q. Okay.  
18 A. It was Crown Wire Warren, Carol Cable Lincoln  
19 and Carol Cable Roosevelt Ave.  
20 Q. Well, tell me about the Crown Wire facility. Was  
21 that separate from the other Carol Cable  
22 facilities that you talked about before?  
23 A. Yeah. We spoke about that the last time.  
24 Q. You did about Crown?  
25 A. That's -- well, what you called the Carol, but

0052

1 it's still -- in the early days was Crown. That  
2 was the one where I said I lost the container and  
3 I almost caved in the boss's Cadillac.  
4 Q. Oh, okay. Gotcha.  
5 A. That is that location.  
6 Q. All right. I remember. Did all of the waste  
7 that you picked up from ACS Industries go to J.M.  
8 Mills?  
9 A. Yes. Yeah. Yes, it did.  
10 Q. And other than the contents of the container --  
11 containers as you've already described them to  
12 me, is there anything else you remember about the  
13 contents of those containers?  
14 A. No. No, not really.  
15 Q. Any recollection of any liquid waste?  
16 A. No.  
17 Q. Any recollection of any drums of any type?  
18 A. There probably was drums on and off, but  
19 because I -- like I said, again, because it  
20 wasn't one of my, you know, more consistent on a  
21 regular basis, no, I don't -- on a regular basis,  
22 I don't remember all that stuff.  
23 Q. Okay. Do you have a recollection of hauling  
24 waste from American Steel?

25 THE WITNESS: American Steel & Sales, is  
0053

1 that what you -- in South Attleboro, South  
2 Attleboro/Cumberland line?  
3 MR. MURPHY: Yeah, I'm not -- well, hang  
4 on one second. Let me see if I have anything  
5 that helps me.  
6 Q. Yeah, I don't know where the -- do you have any  
7 recollection of any --  
8 A. Well, only because that's the only one I -- I  
9 know of doing is American Steel & Sales.  
10 Q. Now, when you say "in sales," is that the town?  
11 A. No. No. That is the name on the building.  
12 It says, American Steel & Sales.  
13 Q. Oh, and sales. Okay.  
14 A. And sales. And it was on Route 123 down in  
15 the South Attleboro/Cumberland line. And in the  
16 early days when I did them, all they had was an  
17 open top container in the back of the building.  
18 Q. When you say that there was an open top container

19 in the back of the building --  
20 A. Yeah, a 30-yard open top container.  
21 Q. Okay. And do you know what type of facility the  
22 Route 123 plant was?  
23 A. No, I -- I have no idea. I just assumed  
24 because from what I used to see was that they had  
25 flatbeds and there would be, you know, steel,

0054

1 aluminum, all different types of metal, but other  
2 than that, no. Because when you're dealing with  
3 an open top container, you don't have to go  
4 inside to get somebody to do something, you  
5 usually just pick it up and go. And that  
6 particular container for the times I did do it  
7 mostly had wooden skids and just general cleanup  
8 material.

9 Q. What do you mean by "general cleanup material"?

10 A. Just from, like, office -- you know, there  
11 would be trash bags and, you know, just general  
12 cleanup material, like, say, from the rest area,  
13 the offices and stuff like that -- the restrooms,  
14 rather, and stuff like that.

15 Q. You don't have any recollection of any other type  
16 of waste --

17 A. No.

18 Q. -- that you saw?

19 A. No, I don't. Not with them.

20 Q. How often did you pick up from that facility?

21 A. In the earlier days, probably, maybe, once a  
22 week or once every two weeks, but that was only  
23 in the earlier days. And then I -- you know,  
24 even though we still had them, I wasn't doing it  
25 anymore, but, yeah, that's the only American

0055

1 Steel that I know of is American Steel & Sales,  
2 that one. So if there's another one, I don't  
3 remember them. I only know that one stop I did.

4 Q. And when you said you picked up once a week or --

5 A. Once every other, something like that.

6 Q. -- once every other week, during what years were  
7 you doing that?

8 A. In the early '70's. Somewhere between the '71  
9 to, maybe, '74, something like that.

10 Q. Did you bring all of the 30-yard containers you  
11 picked up from American Steel at the Route 123  
12 plant to J.M. Mills?

13 A. Yes, I did.

14 Q. Do you have any recollection of any odors  
15 associated with --

16 A. No.

17 Q. -- those containers?

18 A. Nope.

19 Q. Do you remember seeing any liquid waste?

20 A. No.

21 Q. Any machine shop waste?

22 A. No, I don't remember anything to that -- you  
23 know, pertaining to that can be of any type of  
24 an offensive product. I just mostly remember the  
25 wood because there was always a lot of skids and

0056

1 stuff of that nature.

2 Q. Do you remember a company called American  
3 Textile?

4 A. Hang on. Yeah. I'm trying to place them. I  
5 know I've done them. I've just got to remember

6 exactly where, because American Textile, if I'm  
7 not mistaken, was in Mansfield.  
8 Q. Yeah, I'm not sure of the location.  
9 A. I remember doing them, but we did -- back in  
10 them days, we did so many different textiles that  
11 I've got to try to put them all in retrospect  
12 because there was Health-Tex, which they're not  
13 all affiliated, but we did Health-Tex.  
14 Health-Tex was very big. We had American -- you  
15 know, American Textile. There was another one.  
16 That partly would help out, too, if you're  
17 talking about the Mansfield plant.  
18 Q. Do you have a recollection that American Textile  
19 had a Mansfield plant?  
20 A. I -- I did -- I did with American. Whether it  
21 was the same one or not, that's the part I --  
22 right now I'm trying to distinguish.  
23 Q. Let me ask you this: Regardless of what the name  
24 of the company was, do you recall going to a  
25 Mansfield plant that was a textile plant?

0057

1 A. Yes, but it wasn't a regular textile facility.  
2 They used to distribute rugs and cloth.  
3 Q. The Mansfield facility?  
4 A. Correct.  
5 Q. Where in Mansfield was that located?  
6 A. It's in the industrial park off of Forbes  
7 Boulevard.  
8 Q. Off of what?  
9 A. Forbes, F-O-R-B-E (sic), Forbes Boulevard.  
10 Q. And what size -- do you remember the container  
11 you picked up there?  
12 A. It was a 50-yard break away container.  
13 Q. And do you recall the contents of those  
14 containers?  
15 A. Yeah, just -- just general trash. There would  
16 be some -- like, always some skids, papers, you  
17 know, floor sweepings, excess product that was,  
18 you know, I guess got damaged or whatever of that  
19 nature and there would be some cloth.  
20 Q. When you say "cloth," what do you mean by cloth?  
21 A. Like something that got cut off and got thrown  
22 away.  
23 Q. All right. Any recollection of any chemical  
24 wastes?  
25 A. No.

0058

1 Q. Any odors associated with that?  
2 A. No.  
3 Q. How often did you pick up from the Mansfield  
4 facility?  
5 A. Not on a regular basis. I remember doing  
6 them, but not as a very regular (sic).  
7 Q. Any recollection of any drums of any type?  
8 A. No. There might have been on occasion, but  
9 not that I remember it was something that was  
10 regular. There was a lot of big cardboard boxes  
11 used to be mixed in with it that was -- because a  
12 lot of the stuff, I guess, used to come in big  
13 boxes and there would be cardboard boxes.  
14 Q. Where did you take the Mansfield facility waste?  
15 A. That used to go to J.M. Mills.  
16 Q. During what years were you bringing the Mansfield  
17 facility --  
18 A. After -- I'm sorry.

19 Q. Let me finish. Do you need to --  
20 A. Yes, because we didn't start going there until  
21 after the Mansfield landfill closed down. That  
22 was the part I left out. Mansfield -- all  
23 Mansfield waste in the earlier days went to the  
24 Mansfield landfill, Mansfield landfill. That was  
25 the part I wanted to clarify.

0059

1 Q. All right. Do you remember when the Mansfield  
2 landfill closed?  
3 A. No. Exact year I do not remember.  
4 Q. And after the Mansfield landfill closed, after  
5 that whenever you went to this Mansfield  
6 facility, you'd bring the waste to J.M. Mills?  
7 A. To J.M. Mills.  
8 Q. Were there any other companies in the Mansfield  
9 area where the same circumstance happened where  
10 you used to bring waste to the Mansfield landfill  
11 and then after the Mansfield landfill closed you  
12 brought it to J.M. Mills? Any other Goditt &  
13 Boyer customers you remember?  
14 A. No, because a lot of the others went to  
15 Attleboro because by then Attleboro also had gone  
16 to a private landfill.  
17 Q. Okay.  
18 A. And at the same point that one might have also  
19 gone to Attleboro at times, too.  
20 Q. All right. But you have a recollection of, at  
21 times, having this Mansfield waste go to J.M.  
22 Mills?  
23 A. On occasion, correct. Depend on what time --  
24 at the end of the day, like I said, when you're  
25 coming in and going, so yes.

0060

1 Q. When you said it was not a frequent pick-up, do  
2 you remember the most frequency with which you  
3 picked up from this Mansfield facility?  
4 A. No.  
5 Q. Do you remember picking up from Amphrex or  
6 Phillips Electronics?  
7 A. Amphrex North Smithfield?  
8 Q. Yes.  
9 A. Yeah, that's -- that's up on Pound Hill  
10 Road --  
11 Q. Pound Hill Road in --  
12 A. -- if I'm not mistaken, in North Smithfield.  
13 Amphrex on Pound Hill Road in North Smithfield.  
14 Q. And you knew it as Amphrex, is that --  
15 A. Yeah. That's why when you said Amphrex, the  
16 only one I remembered was the one in North  
17 Smithfield, Amphrex in North Smithfield.  
18 Q. Was that one facility?  
19 A. Yes, it was, and they had a 50-yard break  
20 away.  
21 Q. Do you know what type of facility that was? What  
22 did they do there?  
23 A. No, I really don't remember because that's  
24 another one I didn't do very often, but I did do  
25 it.

0061

1 Q. When you say you did not do it that often, was  
2 Amphrex in North Smithfield a regular Goditt &  
3 Boyer customer?  
4 A. Yes, they were.  
5 Q. Did you have an understanding that other Goditt &

6 Boyer drivers also picked up at Amphrex?  
7 A. Yes.

8 Q. When you picked up at Amphrex, where did you  
9 bring the container?  
10 A. When the North Smithfield landfill was opened,  
11 it would go there. And then it went to J.M.  
12 Mills.

13 Q. Do you remember when the North Smithfield  
14 landfill closed?  
15 A. No. It's been many years, though, I know.

16 Q. When you say "many years," any -- was it in the  
17 '70's?  
18 A. Hang on a minute. I'd probably say, maybe,  
19 the early '80's.

20 Q. Okay. Do you remember why it closed?  
21 A. No.

22 Q. Did you ever hear anything about why North  
23 Smithfield closed?  
24 A. I know it used to be a big problem. The  
25 residents were always complaining and always  
0062 because of the truck traffic, but the exact  
1 reason why it closed, no.

2 Q. Okay. Do you have a specific recollection of  
3 after the North Smithfield landfill closed  
4 bringing Amphrex containers to J.M. Mills?  
5 A. Yes.

6 Q. What do you remember about the contents of those  
7 containers?  
8 A. To be honest, I don't have much recollection  
9 because it wasn't a regular. When you notice,  
10 like, you ask me a question and I, like, give you  
11 a town or whatever, it's because it wasn't  
12 something I did on a regular basis --  
13 Q. Okay.  
14 A. -- and I'm not extremely familiar with it.  
15 And that's why I want to make sure the one that  
16 I'm thinking of is the one you're mentioning.

17 Q. Okay.  
18 A. So, no, I don't remember exactly. I just  
19 remember doing it.

20 Q. Okay.  
21 A. Because of its location and it was -- it was a  
22 problem stop at times, because they always used  
23 to pile barrels in front of the container and  
24 that's why it sticks in my head. You could never  
0063 just get there and back right up to it and do  
1 your job. You always had to go and "can you get  
2 this stuff moved?"

3 Q. And what were the barrels that they were piling  
4 up? Do you remember?  
5 A. They were just 55-gallon barrels on skids.  
6 Whether they had just come in and they put them  
7 there or skids that were going back out, but they  
8 always seemed to put them right in the way of the  
9 compactor.

10 Q. Do you have any recollection of any unpleasant  
11 odors or unusual odors coming --  
12 A. No.

13 Q. -- from those barrels?  
14 A. Other than the fact of those barrels, that is  
15 the only thing I remember the most.

16 Q. Did you ever see any barrels -- 55-gallon drums  
17 in the containers you were picking up there?  
18



19 A. No, not that I can honestly say I do.  
20 Q. Was there a person at Goditt & Boyer, a driver,  
21 that, to your knowledge, picked up on a more  
22 regular basis in the North Smithfield area?  
23 A. No. No. I wouldn't be able to speculate and  
24 say anybody, no. I know we had the account. We  
25 had them for many years.

0064

1 Q. Right.  
2 A. And we even had to subcontract this, so I  
3 don't know if it was our drivers or a  
4 subcontractor that was doing it, but we had the  
5 account or the company had the account, but no.  
6 Q. All right. When you say you didn't go there that  
7 often, are you able to tell me, was there ever a  
8 period of time when you picked up on a regular  
9 basis there?  
10 A. No. No. There was never a regular basis with  
11 that account for me.  
12 Q. Okay.  
13 A. I've done it and I've done it a few times, but  
14 not -- not very repetitious so where things would  
15 stick in my head on it, no.  
16 Q. Just so we're clear, though, when you say it was  
17 not on a regular basis, you don't mean to say  
18 they didn't get rid of the containers on a  
19 regular basis, you're only saying you didn't pick  
20 it up on a regular basis?  
21 A. Correct. Correct. When I say "regular," I  
22 mean for myself.  
23 Q. Okay.  
24 A. Like when you've asked in the past have I done  
25 it every week, every what, I cannot honestly sit

0065

1 here and say, oh, yeah, I did it every week or it  
2 was done every week. I mean, it could have been  
3 done -- I don't know how many times it could have  
4 been done.  
5 Q. Right.  
6 A. But I would do it, maybe, this week. I might  
7 even do it, maybe, two or three weeks and then I  
8 wouldn't do it again. But, no, it wasn't very  
9 regular. It was one of my more lesser accounts.  
10 I didn't do it very regular at all.  
11 Q. Understood.  
12 MR. SALLY: Do you want to take a short  
13 break?  
14 MR. MURPHY: Absolutely, yeah. This is  
15 a good time.  
16 (A recess was taken.)  
17 Q. Mr. Castello, do you recall Brockton Adhesive in  
18 Pawtucket?  
19 A. Uh-huh.  
20 Q. Was the Pawtucket facility of Brockton Adhesive  
21 one of the companies that you picked up from?  
22 A. Yes.  
23 Q. Okay. How many Brockton Adhesive facilities are  
24 you aware of?  
25 A. Just the one, the one in Pawtucket off of

0066

1 Pawtucket Ave.  
2 Q. And what type of a facility was in that Brockton  
3 Adhesive location?  
4 A. A glue -- a glue manufacturer.  
5 Q. Are they still in business? Do you know?

6 A. I don't know. As far as I know, they are out  
7 of that building, but I'm not sure.

8 Q. Do you know what kind of operations they did  
9 there?

10 A. Yeah, they manufactured different types of  
11 glue products and epoxies.

12 Q. How big was the facility?

13 A. It was a good size building. I'd probably say  
14 a couple hundred feet.

15 Q. Now, do you recall when you first picked up any  
16 containers at Brockton Adhesive?

17 A. For some reason, I don't remember Brockton  
18 Adhesive in the earlier days. I don't know if we  
19 didn't have them, but I remember doing them in  
20 the '80's.

21 Q. Do you recall the number and type of container or  
22 containers there?

23 A. There was one container and it was a 50-yard  
24 break away.

25 Q. Do you know the frequency with which Goditt &  
0067 Boyer picked up that Brockton Adhesive 50-yard  
1 container?  
2 container?

3 A. No, I don't.

4 Q. And, again, when you say that you don't know the  
5 frequency, is that just because of your personal  
6 involvement?

7 A. Correct.

8 Q. Do you have knowledge as to whether other Goditt  
9 & Boyer drivers also picked up at Brockton  
10 Adhesive?

11 A. Yes. I assumed that just because I wasn't  
12 doing it, yes, it was still being done. It was  
13 our account.

14 Q. What do you remember about the contents of the  
15 container from Brockton Adhesive?

16 A. It was always full of all excess glue, whether  
17 it would be in drum form, five-gallon pail form,  
18 but there was always all forms of liquid glue,  
19 whether it be totally dry ink or semi dry ink  
20 form.

21 Q. Was there odors associated with that glue?

22 A. Yes, odors of glue that -- you know, that odor  
23 that the glue emits.

24 Q. Do you remember the color or consistency of  
25 actually seeing the glue?  
0068

1 A. They were like a yellowish, a yellowish color,  
2 yellowish tannish color.

3 Q. What about any epoxies? Did you ever see any  
4 types of materials that you'd associate with an  
5 epoxy versus a mastic or an adhesive?

6 A. Well, it was always a glue or like a pasty  
7 form, you know. And sometimes the glue would be  
8 totally hardened depending on how long it was  
9 thrown away or it would be still fresh and just  
10 rolling right out of the container.

11 Q. Do you remember any liquid waste at that  
12 facility?

13 A. It was always liquid but pertaining to a glue  
14 form.

15 Q. Okay.

16 A. Because you'd get it on your feet and, boy,  
17 what a job you'd have.

18 Q. Do you recall -- you said that sometimes there

19 were drums of glue?  
20 A. There would be drums. There would be --  
21 Q. What size drums?  
22 A. -- five-gallon pails. I have seen -- but  
23 they're always plastic, but I've seen as big as  
24 55-gallon -- or would be equivalent to a  
25 55-gallon drum, a five-gallon drum, smaller --  
0069  
1 you know, smaller containers, but there was  
2 always all sorts of that, those styles drums.  
3 There would be bags where you could see they  
4 opened up and, you know, poured out the product.  
5 There would be just bags and stuff of that.  
6 Q. Again, of glue or some other sort of material?  
7 A. The bags had no glue in them, but they must  
8 have been the powder or the dried form, but it  
9 was just bags thrown away.  
10 Q. Do you recall there being a powder residue in the  
11 bags?  
12 A. If there was any, it was very little. There  
13 was never no large quantities of it, no.  
14 Q. Okay.  
15 A. The large quantity was always some form of the  
16 glue, whether it be total liquid form or, like I  
17 said, semi drying form.  
18 Q. All right. Did the containers that you picked up  
19 from Brockton Adhesive in Pawtucket all go to  
20 J.M. Mills?  
21 A. Yes, they did.  
22 Q. You said that you remember picking up there in  
23 the 1980's?  
24 A. Yes.  
25 Q. Was there a period of time when you picked up  
0070  
1 with any regular frequency there?  
2 A. No.  
3 Q. You personally?  
4 A. Yeah, no. No. I mean, I did it -- I did do  
5 it for a short time on a regular basis, but it  
6 wasn't like some of the other ones where it was  
7 really continuous, no.  
8 Q. When you said you did pick up there for a short  
9 time on a regular basis, do you have a  
10 recollection during that period of time how often  
11 you picked up there?  
12 A. About once a week.  
13 Q. And when you were doing the once a week pick-ups,  
14 were the containers full every time you picked  
15 them up?  
16 A. Yes, always full.  
17 Q. Was it a will call versus a regularly scheduled?  
18 Do you know?  
19 A. No, I don't know, but I think it was an  
20 on-call stop and not an automatic.  
21 Q. Other than the waste you've already told us  
22 about, do you have any recollection of any  
23 solvent waste in the containers?  
24 A. No. No, not anything that I could, you know,  
25 pinpoint, no.  
0071  
1 Q. Any oily rags, anything like that? And I don't  
2 want to you guess. Only if you remember.  
3 A. No. No, I'm not going -- I was just going to  
4 say, yes, there were rags. But to really say  
5 that they were oily, because everything was

6 always so saturated with the glue, everything was  
7 always just so -- you know, so hard to  
8 distinguish if it was a part of the glue or was  
9 it from something else, so -- because the glue  
10 really, really dominated in that container.

11 Q. And then once you remember picking up from  
12 Brockton Adhesives in the 1980's, did you bring  
13 that waste to J.M. Mills until they closed?

14 A. Yes.

15 Q. Do you remember a company called Crystal Thermal  
16 Plastics?

17 A. Yep.

18 Q. Where were they located?

19 A. They were in Cumberland and they were up in  
20 the industrial park off of Diamond Hill Road. At  
21 one point, they were right next to Custom Color.

22 Q. Was there one facility or more than one facility?

23 A. There was one and they built the new plant up.  
24 And until they incorporated everything into one,  
25 they had the two plants, but really at all times

0072

1 it was a one-plant facility.

2 Q. And what type of a facility was the first  
3 facility, the old facility that you went to?

4 A. They were both the same. They used to make  
5 the bubble plastic for your -- like for food,  
6 for -- you know, for sale, like where you put a  
7 product in the bubble plastic and seal it, that's  
8 what they did. They used to make clear plastics,  
9 bubble plastic, a hard plastic, not a soft  
10 plastic.

11 Q. And when for the first time did you ever pick up  
12 from Crystal Thermal Plastics?

13 A. I did them back in the '70's.

14 Q. When you say back in the 1970's, do you mean  
15 starting in 1971 when you started at Goditt &  
16 Boyer?

17 A. Back in the early days, correct.

18 Q. Okay. When you first started picking up Crystal  
19 Thermal Plastics in 1971, was it a regular stop  
20 of yours?

21 A. Yeah. Yes, it was.

22 Q. And how often did you pick up from Crystal  
23 Thermal Plastics in 1971?

24 THE WITNESS: Excuse me just a minute.  
25 Let me shut this off.

0073

1 MR. MURPHY: Certainly.

2 THE WITNESS: Okay. I'm sorry.

3 MR. MURPHY: I'll ask the question  
4 again.

5 Q. How often in 1971 did you pick up from Crystal  
6 Thermal Plastics?

7 A. It was an on call and there were times that  
8 averaged once a week.

9 Q. When you say "there were times that it averaged  
10 once a week," do you have a recollection of a  
11 frequency other than once a week during those  
12 first couple of years that you worked down there  
13 on a regular basis?

14 A. Correct. No, I was going to say because of  
15 the -- you know, their production, there was  
16 times when they'd get picked up, you know, twice  
17 a week. But I more remember the once a week on a  
18 regular basis even though they were on call.

19 Q. And what type of container did Crystal Thermal  
20 Plastic --  
21 A. They also had a 50-yard break away.  
22 Q. Okay. And what do you remember about the  
23 contents of the containers?  
24 A. They used to throw away -- I'd say between 85  
25 and 90 percent of the container was full of the

0074

1 cutout of that plastic, that bubble plastic,  
2 that's what would be in it. And then there would  
3 be just general shop rags, trash, you know, trash  
4 from the -- I guess what everybody eats and stuff  
5 like that, the rest rooms, but it was 85,  
6 90 percent was all that plastic.

7 Q. Hard plastic?  
8 A. Hard plastic. Little, thin sheets, you know.  
9 They're very, very thin, and they probably ranged  
10 anywhere from three-foot by three-foot or  
11 two-foot by three, somewhere in that area, and it  
12 would be from stamping out all of the stuff, and  
13 it would be the excess plastic was thrown away.

14 Q. When you say "shop rags," what do you mean by  
15 shop rags?  
16 A. From cleaning the machinery, wiping down other  
17 stuff, there was those type of rags, and just  
18 general floor sweepings and, like I say, trash  
19 bags and just general cleanup stuff.

20 Q. The shop rags, do you recall whether those were  
21 oily rags?  
22 A. They had some type of residue. Whether it was  
23 actually oil, no, but there was -- there was, you  
24 could tell by the discolor of it.

25 Q. Any other types of waste that came from Crystal

0075

1 Thermal Plastics?

2 A. No. That container, like I said, 85,  
3 90 percent was nothing but the plastic.

4 Q. And where did you dispose of the containers from  
5 Crystal Thermal Plastics?

6 A. They went to Joe Mill's place.

7 Q. Are you aware of any containers from Crystal  
8 Thermal Plastics ever going to any landfill other  
9 than J.M. Mills?

10 THE WITNESS: Until they -- you mean  
11 before they closed?

12 Q. I don't -- did they close at some point in time?

13 A. No. No, J.M. Mills --

14 Q. Right. Until they closed.

15 A. Yeah, no. It always went to J.M. Mills. When  
16 J.M. Mills closed, then we started taking  
17 everything to the Central landfill.

18 Q. Is Crystal Thermal Plastics still in business?

19 A. Yes, but they're not under Crystal Thermal  
20 Plastics. If I'm not mistaken, the new  
21 company -- because I don't do them anymore, but I  
22 think it's called Alcoa.

23 MR. SALLY: What is it called?

24 THE WITNESS: Alcoa.

25 A. I think that's what they call it. See, I

0076

1 don't do roll-off anymore and some things have  
2 changed recently. But up until I stopped doing  
3 roll-off, I have still done that Crystal Thermal  
4 on an on-and-off basis.

5 Q. So your recollection is that Crystal Thermal

6 Plastics was picked up on a regular basis by  
7 Goditt & Boyer from when you first started  
8 straight through to the end of J.M. Mills  
9 closing?  
10 A. Correct.  
11 Q. And when you weren't in that area picking up, is  
12 it your understanding that there were other  
13 Goditt & Boyer drivers who were picking up there  
14 with regular frequency?  
15 A. Correct. If I wasn't, one of the other -- one  
16 of my other fellow drivers would have been doing  
17 it. Correct.  
18 Q. Any other types of waste that you recall in those  
19 containers other than what you've told us about?  
20 A. No. For the most part, the plastic is what  
21 really is predominant, you know, for me. It was  
22 a lot of plastic and, yes, there would be that  
23 little bit of stuff, but it was mostly all  
24 plastics.  
25 Q. Okay. Do you remember a company called Camire,  
0077  
1 C-A-M-I-R-E, Plastic in Providence?  
2 A. Spell that again.  
3 Q. C-A-M-I-R-E, Camire or something like that,  
4 Camire Plastics?  
5 A. No. No. It's on Mendon Road. Not Mendon. I  
6 apologize. Manton Avenue.  
7 Q. Okay.  
8 A. And it's not called -- you're saying it wrong.  
9 Q. Okay.  
10 A. I can't believe -- I've got it on the tip of  
11 my tongue and I can't say. But, yes, there is a  
12 plastics company, I can't say it, it's on Manton  
13 Avenue.  
14 Q. Let's call it the Manton Avenue facility. Did  
15 they have one or more than one facility?  
16 A. No, they only had the one, and they only had a  
17 50-yard break away compactor.  
18 Q. Do you remember what type of facility it was?  
19 And by that, meaning what was it that they  
20 produced.  
21 A. They also -- they did plastic, but they did it  
22 in a different form. They did a harder -- a  
23 harder -- a harder plastic and it was with more  
24 different colors. The Crystal Thermal used to  
25 deal in almost clear colors. They would be all  
0078  
1 different colors of the plastic at this other  
2 facility. I've got that name on the tip of my  
3 tongue, too.  
4 Q. Are they still in business? Do you know?  
5 A. I don't think so, but I am not sure so you  
6 can't hold me to that one.  
7 Q. And when for the first time did you pick up at  
8 this Manton Avenue plastic manufacturer?  
9 A. I'd say somewhere between the late '70's to  
10 early '80's because that I don't remember too  
11 much of prior to that, so -- but of then, yeah.  
12 Q. What do you remember about the contents of that  
13 50-yard break away?  
14 A. They threw away a lot of the excess plastic,  
15 busted plastic, and there wasn't predominantly a  
16 lot of barrels but you'd find a barrel here or  
17 there and --  
18 Q. What do you mean by "you'd find a barrel here or

19 there"?  
20 A. Well, every now and then there would be a  
21 55-gallon drum thrown away, but it was very rare.  
22 Q. Full or empty?  
23 A. They might have been -- the tops were cut off.  
24 There would be no tops on them.  
25 Q. Okay.

0079

1 A. Okay. And I'll only surmise as to how the  
2 barrel got there because I've seen them from when  
3 I used to have to go inside to shut the power  
4 off. A lot of the scrap plastic from the machine  
5 would be put into these drums with the tops cut  
6 off. They would take them over to the shoot and  
7 they would go to dump them. And on occasion,  
8 because they were heavy and the way they used to  
9 do it, I think it used to get away from the  
10 person who was doing it. It would fall in and  
11 leave it.

12 Q. They'd just leave it?

13 THE WITNESS: You know what I'm saying?

14 MR. MURPHY: Yeah.

15 A. But, yeah, it wasn't -- it's not that the  
16 barrel -- even though it was -- it didn't have  
17 oil, no product other than the excess plastic  
18 from the machine, at least the ones that I seen.

19 Q. Any raw materials that you recall in those  
20 dumpsters?

21 A. No, not really. Everything was always in a  
22 plastic pelley form. If you want to call that a  
23 raw material, yeah, but I never remember seeing  
24 much powdery form, no. It was always in a  
25 plastic pellet form. And then, of course, there

0080

1 was the -- you know, the excess plastic product.  
2 There would be rags. There would be just general  
3 trash, but most of it was heavy plastic.

4 Q. The plastic pellet form, how big?

5 A. Be like about a BB size.

6 Q. Okay. The rags, what type of rags?

7 A. General shop rags from wiping down machines  
8 and stuff of that product -- of that nature  
9 rather.

10 Q. Do you recall any particular odors associated  
11 with those containers?

12 A. No, just general plastic smell.

13 Q. And what was the frequency with which you picked  
14 up at this Manton Avenue plastic manufacturer?

15 A. Not very regularly. I mean, as far as I knew,  
16 they were an on call and I could probably have,  
17 maybe, once a month or, maybe, once every couple  
18 of months. The name is right there, too.

19 Q. And did all of the waste that you picked up from  
20 this Manton Avenue plastic manufacturer go to  
21 J. M. Mills?

22 A. Some did, but the rest of it went to Central  
23 landfill because they were closer.

24 Q. But you have a specific recollection of bringing  
25 some of these Manton Avenue containers to J. M.

0081

1 Mills?

2 A. Yes. Camire, Camire Plastics.

3 Q. Could be.

4 A. C-A-M -- it's on that basis.

5 Q. Camire, C-A-M-I-R-E?

6 A. Yeah, and the whole name will come to me.  
7 Like I said, I just -- I've got to keep cracking  
8 here. But that's what it is, it's on that basis  
9 and not what you had just said earlier.

10 Q. I gotcha. Did other Goditt & Boyer drivers also  
11 pick up from that --  
12 A. Yes.

13 Q. -- Camire Plastic?  
14 A. Yes, they did.

15 Q. Do you know whether they brought the containers  
16 to J.M. Mills?  
17 A. I can't speculate what they did or didn't, no.  
18 I mean, I would assume it, but I can't say they  
19 did.

20 Q. Do you have a recollection of picking up from a  
21 company known as Engelhardt Industries in North  
22 Attleboro?  
23 A. Yeah, it's up on 152.

24 MR. SALLY: Can you spell that.  
25 MR. MURPHY: E-N-G-E-L-H-A-R-D-T, I  
0082

1 believe.  
2 Q. How many Engelhardt Industries facilities did you  
3 pick up from?  
4 A. I only know of the one. I did it extremely  
5 rare and not long. I only did it a very few  
6 times, but I do know who Engelhardt is or where  
7 it was, as a matter of fact.

8 Q. What years did you pick up?  
9 A. Back in the early days, back in the '70's.

10 Q. Now, when you say it was "extremely rare," are  
11 you able to tell me the total number of times you  
12 picked up from Engelhardt?  
13 A. Yeah. I can probably count on one hand,  
14 seriously. I did an open top that they had  
15 there.

16 Q. Open top 30-yarder?  
17 A. Yes, a 30-yard open top.

18 Q. Okay.  
19 A. And I did -- I did it very rarely, but it is  
20 Engelhardt, Engelhardt up on 152 in North  
21 Attleboro right up there by the Plainville line.

22 Q. And do you know whether Engelhardt was a regular  
23 Goditt & Boyer customer?  
24 A. Yes. Yes. Yes, they're our regular customer.

25 Q. Did you bring the containers you picked up from  
0083

1 Engelhardt to J.M. Mills?  
2 A. No. When I did it, the North Attleboro  
3 landfill was still open and it went to North  
4 Attleboro landfill.

5 Q. Do you know where anybody else might have brought  
6 the Engelhardt Industries --  
7 A. No.

8 Q. -- waste?  
9 A. Nope.

10 Q. Do you recall what type of a facility it was,  
11 what they made?  
12 A. No, I really wasn't familiar with that part.  
13 I just know that you had security. It was a  
14 gated facility, and you couldn't just drive in  
15 and go. You had to -- they let you in, you went  
16 to your container and you went back out. I've  
17 never been inside the building. The few times  
18 that I've done it, I've never ever been in the



19 building. And the open top container was just  
20 general stuff. It was, you know -- as a matter  
21 of fact, it's so long ago and so little I can't  
22 even really say what was actually in it.  
23 Q. All right. Let's move on then. Do you recall a  
24 company called Gorham Manufacturing?  
25 A. Yes, Gorham in Providence off of Reservoir

0084

1 Ave.  
2 Q. How many facilities of theirs did you service?  
3 A. Only that one.  
4 Q. And what type of a facility was it? Do you know  
5 what they did at that facility?  
6 A. Yes, they made higher grade utensils. Whether  
7 it be -- what do you call it, yeah, silverware,  
8 you know, utensils, silverware, those coffee  
9 things, of that nature.  
10 Q. Was it your understanding that it was a metal  
11 plating facility?  
12 A. There you go. That's it. Metal plating.  
13 Q. Okay. When for the first time did you pick up  
14 from Gorham Manufacturing?  
15 A. It was back in the '70's also. Exact time,  
16 no, I don't remember but it was back in them  
17 days.  
18 Q. What about the last time you picked up from them?  
19 A. It was the end of the '70's or the beginning  
20 of the '80's. I'd probably have to say the end  
21 of the '70's would be about the last.  
22 Q. Why did you stop picking up there?  
23 A. Because I wasn't -- this whole area did not --  
24 was not my frequent area anymore.  
25 Q. Okay.

0085

1 A. And if I happened to be in the area or I was  
2 around, then I would get it.  
3 Q. Okay.  
4 A. But it was in the earlier days.  
5 Q. So, you know, I think during your first  
6 deposition -- and I guess just correct me if I'm  
7 wrong so I can try to understand this -- when you  
8 first started with Goditt & Boyer in 1971, for  
9 those first couple of years in the early '70's,  
10 you regularly picked up local routes in the  
11 Cumberland J.M. Mills area?  
12 A. Yes.  
13 Q. And then after those first couple of years, you  
14 did a lot more work outside the local area but  
15 had occasion to come back?  
16 A. Correct.  
17 Q. Is that right?

0086

18 MR. SALLY: Objection.  
19 A. Correct. And how that worked like when I said  
20 it -- okay, for an example, after I left this  
21 local area and I did a lot of the Mass work, when  
22 I would be back down this way, whether it be at  
23 J.M. Mills or United or Burger or even on  
24 occasion at Central, if I was clearing, you know,  
25 I'd call in and, well, you know what, and then

0086

1 I'd go to these stops, but it was not on a very  
2 regular basis anymore. But, yes, I did do them  
3 on and off but not regular at all.  
4 Q. Okay.  
5 A. So this is why at times I can say, yes, I've

6 still done them, but not -- not very regular.  
7 Q. Okay. In the 1970's when you first picked up at  
8 Gorham, what's the most frequency with which you  
9 picked up their containers?  
10 A. Between the open top, because they had 30-yard  
11 open tops and they had a 50-yard break away, you  
12 wouldn't always be doing all, but I'd probably  
13 average one container a week, but it wasn't  
14 always the exact same container.  
15 Q. All right. So you'd pick up one container a  
16 week, sometimes a 30-yarder, sometimes a  
17 50-yarder?  
18 A. Correct.  
19 Q. What was contained in -- by the way, did you  
20 bring those containers to J.M. Mills?  
21 A. Yes, I did.  
22 Q. Was that the only landfill that you brought these  
23 containers to?  
24 A. After -- well, that and -- once J.M. closed,  
25 yes, then we went to -- what do you call it --  
0087  
1 Central landfill.  
2 Q. Okay. But your recollection is while J.M. Mills  
3 was open, all of the waste that you picked up  
4 from Gorham Manufacturing went to J.M. Mills?  
5 A. No, not -- not totally. Some of it also went  
6 to Capuanno on Pontiac Avenue. Back in them  
7 days, Capuanno had his own landfill and we would  
8 dump up there if we were in that area.  
9 Q. Do you remember when Capuanno's landfill closed?  
10 A. No, I don't. I don't remember exactly at all.  
11 Q. Are you able to give me some sort of a percentage  
12 of how often it went to the Capuanno landfill  
13 versus J.M. Mills?  
14 A. No.  
15 Q. Did it go -- are you able --  
16 A. In my personal -- I'm sorry. Sorry to  
17 interrupt you again.  
18 Q. Go ahead.  
19 A. In my personal -- in the earlier days, I  
20 probably took more to Cappi's than I did to J.M.  
21 Mills.  
22 Q. Okay. But you can't express that as a  
23 percentage?  
24 A. No.  
25 Q. But you did bring some to J.M. Mills?  
0088  
1 A. Yes, I did.  
2 Q. And what was contained in those containers?  
3 A. Just general trash. There would be some --  
4 even though it probably shouldn't have been  
5 there, but there would be some of the dyecasting  
6 metals that was no good and they would be in  
7 there. General rags, cleanup rags, trash bags,  
8 skids, all of that nature.  
9 Q. Any powders?  
10 A. I don't really remember any powders.  
11 Q. The rags that you talked about, were those kind  
12 of machine cleaning rags?  
13 A. Yes, that's what it looked like it would be,  
14 yeah.  
15 Q. Was there any odors associated with it?  
16 A. No. I don't remember any strong odors, no.  
17 Q. Any kind of polishing paste?  
18 A. There used to be some polishing wheels.

19 Q. What about excess kind of plating material?  
20 A. Not that I can remember to say it was any  
21 particular one. There probably was, but not that  
22 I can really put a finger on.

23 Q. Do you remember any -- I'm sorry. Go ahead.

24 A. They threw away a lot of display units that  
25 they used to break up and destroy. They used to

0089

1 put them in the open tops.

2 Q. What about any liquid waste or drums?

3 A. There would be excess drums, but they were  
4 empties and those would be in the open tops most  
5 of the time.

6 Q. Any odors associated with these containers?

7 A. No, not that I remember.

8 Q. Did you pick up from any IGA facilities?

9 THE WITNESS: You mean IGA, the  
10 warehouse?

11 MR. MURPHY: Yeah.

12 A. Yes, I -- down on Martin Street. IGA, the  
13 warehouse on Martin Street.

14 Q. On Martin Street in?

15 A. Cumberland.

16 Q. And when did you first --

17 A. That was back in the '70's.

18 Q. Okay. So the Martin Street right off of Mendon  
19 Road?

20 A. Correct.

21 Q. Was it between Mendon Road and the river, the  
22 warehouse?

23 A. The river was just beyond it.

24 Q. Okay.

25 A. The river used to go -- when you drive down

0090

1 Martin Street just before you get to Blackstone,  
2 their entrance was right here.

3 Q. To the left or the right?

4 A. To the -- you went to the right --

5 Q. Okay.

6 A. -- to get to their place and the water used to  
7 run right down like that. I -- they'd come down  
8 from the side and across the back of their  
9 building. So, yes, they were right -- as a  
10 matter of fact, when we got very heavy, heavy  
11 rains it would flood them out.

12 Q. Meaning the Blackstone River would flood them  
13 out?

14 A. Would overflow.

15 Q. What type of a facility was that warehouse? Do  
16 you know?

17 A. It was a distribution for grocery.

18 Q. And what type of containers did they have there?

19 A. They had a big break away also, 50-yard break  
20 away.

21 Q. Do you recall the frequency with which you picked  
22 it up?

23 A. There was times I probably averaged once a  
24 week, but not that I did it all of the time, but,  
25 yes, I'd have to say -- and if I remember right,

0091

1 they were on an on call also.

2 Q. And did all of the containers that you picked up  
3 from the IGA warehouse on Martin street go to  
4 J.M. Mills?

5 A. Yes, it did.

6 Q. It was pretty close to J.M. Mills, wasn't it?  
7 A. Correct. In the earlier days before Joe  
8 blocked off the back because people were sneaking  
9 in, I used to be able to come out of there, take  
10 a left, take a fast right and drive right into  
11 his landfill.  
12 Q. Okay. Was the road near the railroad tracks  
13 there?  
14 A. There was a road that used to run right along  
15 the side of the tracks.  
16 Q. Okay.  
17 A. Here was the tracks, there was a little road  
18 and here was the landfill. Used to drive right  
19 up and in.  
20 Q. What do you remember about the contents of those  
21 IGA containers?  
22 A. It was all excess grocery material, whether it  
23 be destroyed cans, bottles. Anything to do with  
24 food product would be in there.  
25 Q. When you say "food product," in addition to that,  
0092  
1 would there -- do you recall cleaning products?  
2 A. Yeah, that would be in there. Anything that  
3 has to do with what you can buy at a supermarket,  
4 grocery store would be in there. There would be  
5 something wrong with it one way or another and it  
6 would be disposed of.  
7 Q. Aerosols?  
8 A. Yeah. Correct. That would be there.  
9 Q. Do you have a recollection of whether the IGA  
10 facility on Martin Street serviced any of its own  
11 fleet there?  
12 A. Excuse me. Yes. When you drove in, the  
13 warehouse was to the right and to the left was  
14 their maintenance building with their trucks.  
15 Q. Do you have any recollection of any part of the  
16 containers that you picked up having waste coming  
17 from the vehicle maintenance building?  
18 A. Not that I really noticed. It could have been  
19 mixed in with all of that type of product, it  
20 could have, but not that I'm really going to say,  
21 yes, I know it was there.  
22 Q. And for what number of years did you pick up from  
23 the IGA warehouse?  
24 A. I picked up until IGA closed. So exactly when  
25 they closed, I don't know, but --  
0093  
1 Q. When you say "IGA closed," meaning this  
2 particular warehouse closed?  
3 A. Yeah, it closed under IGA. And I think, if  
4 I'm not mistaken, it went to Roger Williams or it  
5 went to something else as a name.  
6 Q. Okay.  
7 A. The facility is still there. We still pick it  
8 up, but it's under different names as it just  
9 keeps going. Like right now that whole facility  
10 runs under -- I think it's a pet food place now,  
11 if I'm not mistaken. But we picked it up under  
12 IGA until they sold out to somebody else and the  
13 IGA chain closed down.  
14 Q. So if you could give me years, it would be 1971  
15 till about when for IGA?  
16 A. To be honest, I really don't know when they  
17 closed. I just know we always did them as a  
18 Goditt & Boyer account.

19 Q. And it always went to J.M. Mills?  
20 A. And it always went to J.M. Mills.  
21 Q. Do you remember picking up from Imperial Knife?  
22 A. Yes, in Providence.  
23 Q. Where did you take their containers?  
24 A. That went to J.M. I didn't do them very  
25 often, but I had done it. I had done it on a  
0094  
1 very rare occasion.  
2 Q. And why is it that you were only there rarely?  
3 A. I just didn't happen to get it.  
4 Q. Where was -- where was the Imperial knife  
5 facility located specifically? Do you recall?  
6 A. It was right off -- if you were to be going  
7 down 195 and to the right where there's the Coro  
8 building, I don't remember the exact -- I  
9 remember it if I see it in my face, you know, in  
10 my eyes, but it's right there off of 195, which  
11 would be, I guess, between the Eddy Street, Point  
12 Street and 195, that little area. It used to be  
13 right up in there. I can drive to it, but to  
14 tell you exactly how to get to it, no, but that's  
15 where it used to be was right up in that area.  
16 Q. When you say you were rarely there, how many  
17 times were you there?  
18 A. I don't think I did it more than three or four  
19 times.  
20 Q. Why is that?  
21 A. I just didn't get it. That's all it would be.  
22 Q. Is it your understanding that other Goditt &  
23 Boyer drivers --  
24 A. Yes.  
25 Q. -- picked up there?  
0095  
1 A. It was a Goditt & Boyer account, so we did it.  
2 Whether it was a driver that worked directly with  
3 me or there was a subcontractor, but we took care  
4 of it as a Goditt & Boyer account.  
5 Q. What kind of facility was that?  
6 A. They made knives.  
7 Q. And what size container did they have there?  
8 A. They had a big break away.  
9 Q. Do you know how often Goditt & Boyer picked up  
10 that 50-yard --  
11 A. No.  
12 Q. -- container?  
13 A. No, I have no idea on that one and I'm not  
14 even going to speculate on it. I know we just  
15 did do it, but how often, no.  
16 Q. And every time you picked up a 50-yard container  
17 from Imperial Knife it went to J.M. Mills?  
18 A. Went to J.M. Mills.  
19 Q. And what do you recall about the contents of that  
20 container?  
21 A. It was just a lot of general trash, boxes of  
22 that nature. There would even be knives that  
23 weren't completed, whether it be the plastic  
24 handles that go to the knife or sometimes it  
25 would even be the knife with no handle or nothing  
0096  
1 on it that was, I guess, blemished or whatever.  
2 Those would also be in there.  
3 Q. Okay. Any recollection of any filings,  
4 grindings, oily rags, anything like that?  
5 A. Like I said, I have no really recollection of

6 anything because I didn't do it enough. And  
7 these are the ones I don't want to make any  
8 remarks because I really don't remember because I  
9 did them so rare.

10 Q. Okay. Do you remember picking up from a Key  
11 Container?

12 A. Yes.

13 Q. Where was Key Container located?

14 A. Key Container is right alongside the  
15 Industrial Highway, but its address is actually  
16 Columbus Ave.

17 Q. Columbus Ave. in which town?

18 A. Pawtucket.

19 Q. And how many facilities did you pick up from?

20 A. Just the one.

21 Q. And what type of a facility was it?

22 A. They make cardboard. They put it into rolls.

23 Q. And when did you first pick up from Key  
24 Container?

25 A. Back in the -- back in the '70's.

0097

1 Q. And what type of containers did they have there?

2 A. In the early days, they used to have nothing  
3 but open tops, 30-yard open tops. And then after  
4 a while, they went to a compactor and open tops.  
5 And as of right now, I understand we have just a  
6 compactor there, no more open tops.

7 Q. And what was the frequency with which you picked  
8 up at Key Container?

9 A. In the early days, Key Container's open tops  
10 went maybe once or twice a week.

11 Q. And where did you bring those open tops?

12 A. Those went to J.M. Mills.

13 Q. All of them?

14 A. Yes, they did.

15 Q. What do you recall about the contents of those  
16 containers that you brought to J.M. Mills from  
17 Key Container?

18 A. It would be cardboard trimmings and scrapings,  
19 sweeping, floor cleanings, rags, but they used to  
20 be this black tarrish color. Well not color, but  
21 black tarrish, you know, product that they used  
22 to throw away, but it wouldn't really harden  
23 harden, but it was like a black tar. Get it on  
24 you, you couldn't get it off you.

25 Q. Did it have an odor associated with it?

0098

1 A. It didn't have an odor that I could  
2 distinguish what it was, but, yes, it had an  
3 odor.

4 Q. Was that black tarrish product in pretty much  
5 every container you picked up from them?

6 A. Yeah, used to see it all the time. You still  
7 do to this day when you do the compactor. Even  
8 though I don't do it anymore, gentlemen that do  
9 do it, they're always complaining about it.

10 Q. Okay. Any liquid waste other than the black  
11 tarrish product?

12 A. No. Not a real liquid, no.

13 Q. This tarrish product, it wasn't a solidified  
14 solid, it was a --

15 A. It was like a pasty -- a very heavy, heavy  
16 pasty, because you could shovel it, you know, and  
17 it would -- but it wasn't like solid, but there  
18 would be large -- large quantities of it when

19 they did throw it away.  
20 Q. What do you mean by "large quantities of it"?  
21 A. Large quantities.  
22 Q. Half the container or a third of the container?  
23 A. Oh, no. No. No. No. No. When you're  
24 looking at the size of a 50-yard dumpster and if  
25 you're breaking it down that way, maybe 2

0099

1 percent.  
2 Q. Okay.  
3 A. Because at times it would be equivalent to a  
4 two-yard dumpster full, which is, you know.  
5 Q. Gotcha. All right. Well, a two-yard dumpster  
6 would be about 4 percent of a 50-yard container?  
7 A. Somewhere in there.  
8 Q. All right.  
9 A. But it wasn't always that way.  
10 Q. Okay.  
11 A. But, I mean, there would be -- like I said, at  
12 times, there would be quite a bit of it.  
13 Q. And the rags that you picked up, were they --  
14 A. They were rags from cleaning machinery. You  
15 could see soil on it, you know, whether you  
16 really didn't notice what the soil was but you  
17 could tell that the cloth was soiled.  
18 Q. Okay. Any other types of industrial wastes or  
19 liquids that you remember --  
20 A. No.  
21 Q. -- from that facility?  
22 A. No, I do not remember any liquid, liquid other  
23 than, like I said, that type of stuff that I  
24 seen. There would be empty barrels. In the  
25 earlier days, the 30-yarder used to have the

0100

1 empty barrels and skids and they would dump their  
2 stuff in there. Then when they went to the  
3 compactor, excuse me, they -- you know, all of  
4 that stuff was in the compactor, but that's what  
5 it was.  
6 Q. And for what number of years were you picking up  
7 on a weekly basis?  
8 A. In the earlier '70's, I'll say for a couple of  
9 years I picked it up very regularly. That  
10 coincides with the days of when they did the  
11 Apex's and all that others which were all --  
12 because they're all within a very short area of  
13 each other.  
14 Q. Okay. Do you know what the status of Key  
15 Container is today?  
16 THE WITNESS: What the status?  
17 Q. Are they still open?  
18 A. Yes, they are still open and they still do the  
19 same product.  
20 Q. Do they still operate under Key Container?  
21 A. Yes, they do.  
22 Q. And is it your understanding that when you  
23 stopped your regular work in the Cumberland area  
24 in the mid '70's, is it your understanding that  
25 other Goditt & Boyer drivers continued to pick up

0101

1 from Key Container on a regular basis?  
2 A. Yes.  
3 Q. Were they still a Goditt & Boyer customer when  
4 Goditt & Boyer was sold?  
5 A. Yes. As it is, they are a Goditt & Boyer

6 customer from Day One and now they are still a  
7 customer of my present employer. We still do  
8 them as a customer.

9 Q. When's the last time you picked up from Key  
10 Container and brought it to J.M. Mills?  
11 A. Up until he closed.

12 Q. Okay.  
13 A. Whatever the last -- when he closed. And I  
14 was going to say I've done Key Container at the  
15 last time I did it. I've been driving a trailer  
16 now, I think, like a little over a year, a year  
17 and a quarter, so I'll say anywhere from about a  
18 year-and-a-half or so to two years was the last  
19 time I did Key Container.

20 Q. All right. Did you ever pick up any waste from  
21 the U.S. Post Office?  
22 A. Yes.

23 Q. Okay. How often did you pick up from the post  
24 office?  
25 A. When I was doing it, I did it daily.

0102

1 Q. Which post office facility?  
2 A. The main post office in Providence right there  
3 off of Charles Street, but it goes under Corliss  
4 Street is what the address -- the mailing address  
5 is.

6 Q. What is it?  
7 A. Corliss, C-0-R --  
8 Q. L-I-S?  
9 A. Oh, I'm sorry. I though -- yes. Yes,  
10 Corliss, C-0-R-L-I-S-S.

11 Q. And I'm sorry, you said it was daily pick-ups?  
12 A. Yes.

13 Q. And where did you bring those containers?  
14 A. Those were going to Central. I never did it  
15 in the earlier days. I've only done it in the  
16 most recent years.

17 Q. But did any of the main post office containers  
18 ever going to J.M. Mills?  
19 A. No.

20 Q. Okay.  
21 A. Back in them days, I did not have them as an  
22 account.

23 Q. All right. Did you ever come to learn, at any  
24 time, that any of that waste went to J.M. Mills?  
25 A. No, not that I -- I really recollect, no.

0103

1 Q. Okay. You're familiar with a company called  
2 Mandeville Sign?  
3 A. Yeah.

4 Q. Okay. How many of their facilities did you  
5 service?  
6 A. In the earlier days, I did them when they were  
7 up there on Dexter Street. They used to be on  
8 Dexter Street in Pawtucket/Central Falls line.

9 Q. Okay. Have they moved since then?  
10 A. Yes, they are. They're now -- they're now  
11 down on Route 116, George Washington Highway in  
12 Cumberland, Cumberland/Lincoln line.

13 Q. Do you know when they moved from Dexter Street in  
14 Pawtucket to Route 116?  
15 A. It's quite a while ago. As a matter of fact,  
16 it was after I stopped doing them on a regular  
17 basis because one day they gave me Mandeville  
18 Sign to do, I shot right to the Dexter plant



19 facility where it used to be and I had to call  
20 back and ask where it was --  
21 Q. Okay.  
22 A. -- because I hadn't even known they moved. So  
23 I have no idea.  
24 Q. What did they do at that facility?  
25 A. They make signs.

0104  
1 Q. What type of signs?  
2 A. Neon signs for -- you know, for buildings,  
3 advertisement. They're made out of a thin  
4 aluminum with the neon bulbs there to distinguish  
5 whatever you want.  
6 Q. And what size container did they have?  
7 A. Back then they had an open -- 30-yard open  
8 top.  
9 Q. When you say "back then," what year?  
10 A. Back in the '70's when I did them all the time  
11 on a very regular basis.  
12 Q. And when you say "did them all the time" in the  
13 early '70's, are we talking about that same  
14 window of time, which is '71, '72 and '73?  
15 A. Correct.  
16 Q. How frequently did you pick up from Mandeville  
17 Sign?  
18 A. I'd average about once a week. And on  
19 occasion even more often if they happened to have  
20 a big account where they were doing a lot. There  
21 was times when I had done them twice in one day.  
22 Q. And where did you take the containers from the  
23 Mandeville Sign?  
24 A. Always went to J.M. Mills.  
25 Q. And what were the contents, as you recall, of the  
0105  
1 containers that you picked up at Mandeville Sign?  
2 A. A lot of times it was old scrap signs that  
3 they either replaced with new ones or some that  
4 they had just taken down and thrown away, but  
5 there was a lot of scrap metal. If I was a  
6 little smarter, I should have taken them to the  
7 scrap yard.  
8 Q. In addition to scrap metal, when you say the old  
9 signs, were there neon light components --  
10 A. Yes.  
11 Q. -- with them?  
12 A. Back in them days, most of the time the neon  
13 light signs were still on them -- or the lights,  
14 rather, were still on them. They'd be the poles  
15 that held them up. There would be skids, just  
16 all kinds of general trash.  
17 Q. Any sort of transformers or boxes associated with  
18 the electrical operation of those neon signs?  
19 A. I never seen external. There might have been  
20 inside because they never even broke them apart.  
21 They used to just put them in the dumpster as  
22 they were.  
23 Q. Okay. Other than everything you've just  
24 described, do you have any recollection of any  
25 other types of waste that were in the Mandeville  
0106  
1 Sign boxes?  
2 A. No. Other than that, just -- like I say, just  
3 general trash, skids, stuff of that nature. I  
4 mean, I don't remember any liquids other than the  
5 fact that some water might have got in the

6 container and stuff like that, but that would be  
7 about it.

8 Q. Did you bring containers from Mandeville Sign to  
9 the J.M. Mills landfill up until the time it  
10 closed?

11 A. Yes, I did. I brought it there up until the  
12 time J.M. closed or until I stopped doing it,  
13 because there was a point there, like I said, I  
14 had stopped doing it all because I was out of  
15 that area.

16 Q. Okay. Did you pick up from Kaiser Alumi num?  
17 A. Yes, Kaiser Alumi num, Portsmouth.

18 Q. Portsmouth, New Hampshire?  
19 A. No. No, that's Rhode Island.

20 Q. Okay.  
21 A. Portsmouth, Rhode Island, and it's down off of  
22 Route 114, that area.

23 Q. Okay. How many facilities did you service?  
24 A. Just the one.

25 Q. Okay. And what type of facility was the Route  
0107 114, Portsmouth?

1 A. It was a wire coating facility.

2 Q. How big was the facility?  
3 A. Good size facility. Very big.

4 Q. And when for the first time did you pick up any  
5 waste from Kaiser Alumi num?  
6 A. That's back in the '70's. Exactly how soon in  
7 the '70's -- but it goes back to the '70's.

8 Q. And what type of containers do you recall being  
9 at Kaiser?  
10 A. They had a break away.

11 Q. A 50-yard break away?  
12 A. A 50-yard break away.

13 Q. Where did you take those containers when you  
14 picked them up from Kaiser Alumi num?  
15 A. In the earlier days, we used to run them right  
16 down to the -- to their transfer. Portsmouth had  
17 its own transfer station and we used to dump in  
18 there. And if they couldn't take it, because on  
19 occasion if there was -- if they were too full,  
20 too much product for the trailer, then we'd have  
21 to go dump it in J.M.'s. but most of the time in  
22 the early days, I went to the Portsmouth landfill  
23 transfer.

24 Q. When you say "early days," is that that same  
0108 1 period in the '70's?  
2 A. Yeah, back in them days or back in the '70's,  
3 period.

4 Q. Do you have a specific recollection, though, at  
5 times of bringing their waste to J.M. Mills?  
6 A. Oh, yes. No, I do remember taking it to  
7 J.M.'s, yes.

8 Q. Do you remember how many times you took it to  
9 J.M. Mills?  
10 A. No.

11 Q. More than once?  
12 A. Oh, yes, definitely more than once, but I  
13 can't give you -- I can't give you a figure, but  
14 I took it more than once. And how often I really  
15 did it I don't even know, but I did do it several  
16 times, and it went to there.

17 Q. More than five times?  
18 A. Oh, yeah, I'd have to say more than five

19 times.  
20 Q. More than ten times? And don't guess. If you --  
21 A. No, see, that's the whole thing, I know I've  
22 done it an awful lot, but as to give you an exact  
23 number -- and I'd probably even have to say more  
24 than the ten considering all of the years that  
25 it's been there and the amount of times I've done

0109

1 it, because we used to get shut off out of  
2 Portsmouth Transfer more times than we were  
3 allowed to dump there, so --  
4 Q. And what was the frequency with which you picked  
5 up the Kaiser containers?  
6 A. I really didn't have any -- at this one I  
7 can't even tell you, oh, I did every week, every  
8 month, every what. Because, you know, I've been  
9 around so long I've done it many, many times, but  
10 I can't -- there would be times where I'd do it  
11 maybe once or twice in a month and then again I  
12 wouldn't do it for a couple two -- you know, two  
13 or three months or whatever, but being there so  
14 long, I have done it several times.  
15 Q. But you don't know with what frequency --  
16 A. No.  
17 Q. -- it was picked up?  
18 A. No, I don't.  
19 Q. Do you remember what was in the containers?  
20 A. Yes. There would be a lot of, I guess, wire  
21 that might have went bad and they would trim off  
22 the rubber -- the rubber coating of the wire  
23 which, in most cases, was aluminum. They used to  
24 deal with very heavy aluminum wire that they used  
25 to coat and they would pull off the coating and

0110

1 there would be a lot of that coating, the empty,  
2 you know, rubber coating in there. There would  
3 be general trash such as, you know, some skids  
4 and then just general cleanup trash.  
5 Q. Rags, do you recall any rags?  
6 A. Yeah, I'd have to say there was some, but  
7 anything to be of more noticeable -- noticeable,  
8 no, I don't remember.  
9 Q. Can you describe in any more detail this coating  
10 that was on the wires?  
11 A. No, other than it being rubber just like  
12 regular wire that's that rubber coating so it  
13 insulates it.  
14 Q. Yeah.  
15 A. Just that type of product.  
16 Q. All right. What about any liquid waste of any  
17 type?  
18 A. No. No, I don't remember seeing any liquid.  
19 If there might have been anything on occasion, it  
20 would have been some of the plastic and stuff or  
21 the rubber resin and stuff, but no. But most of  
22 it was that wire, you know, the coating on the  
23 wire and just general trash.  
24 Q. When you said that sometimes there might have  
25 been some rubber resin, what do you mean by that?

0111

1 A. Yeah, like the -- that pellet form stuff, I  
2 guess, to make the rubber.  
3 Q. Do you recall any 55-gallon drums or anything  
4 like that?  
5 A. No, not that really sticks out. On occasion

6 we would deliver them a temporary 30 and you  
7 might see that stuff in there, but, no, in the  
8 compactor I don't remember seeing it.

9 Q. Let me ask you: Do you have any recollection of  
10 any kind of metal filings, any kind of fine  
11 metal --

12 A. There might be some from the aluminum that  
13 there would be filings from when they cut up the  
14 aluminum and stuff to --

15 Q. But I don't want to you guess. I want to know  
16 what you remember.

17 A. Not that I really remember, no.

18 Q. Do you have any recollection of any oily wastes?

19 A. No, not as to say it's really, no.

20 Q. Was Kaiser a regular customer of Goditt & Boyer?

21 A. Yeah. Yeah, they were our account. And if I  
22 wasn't doing them, one of the other drivers was  
23 definitely doing them.

24 Q. Did there come a point in time when the  
25 Portsmouth transfer station closed? Do you know?

0112

1 A. No, it's -- it still operates to this day, but  
2 they will not take -- it's been many, many years  
3 now that they only take residential trash.

4 Q. Do you know when they first started turning away  
5 anything except residential trash?

6 A. No, I don't know the exact date, no.

7 Q. Is it your understanding that there came a point  
8 in time when all the Kaiser Aluminum waste had to  
9 go to J.M. Mills while it was open?

10 A. Yeah. Whenever -- whenever Portsmouth stopped  
11 taking, we had no where else to take it so we had  
12 to take it to J.M.'s.

13 Q. Do you remember anything else about the contents  
14 of Kaiser's --

15 A. No.

16 Q. -- containers?

17 A. No, not really.

18 Q. Do you recall a company by the name of  
19 Microfibers?

20 A. Yes, Microfibers on Moshassuck.

21 Q. Where is it?

22 A. It's in Pawtucket and it's on Moshassuck  
23 Street. And please do not ask me to spell it.

24 Q. Okay. Moshassuck Street. One facility or more  
25 than one facility?

0113

1 A. No, they only have the one.

2 Q. Do you know what they did at that facility?

3 A. Yes, they -- they make the -- it's called  
4 Microfibers because they have this very, very  
5 fine fiber that it's all chopped up and they  
6 actually make velvet, the velvet material for  
7 your seatings in your cars.

8 Q. Okay. What size containers were there?

9 A. 50-yard break away.

10 Q. And when for the first time did you pick up at  
11 Microfibers?

12 A. From Day One. I -- from back in the early  
13 days all the way up to present. We still have  
14 them as an account.

15 Q. And what was the frequency?

16 A. In the earlier days, they went very often.

17 They -- at least once a week.

18 Q. When you say "earlier days," that whole period in

19 the '70's, '71, '72, '73?  
20 A. And even a little bit beyond, correct, but  
21 yes.  
22 Q. Did there come a point in time where, to your  
23 knowledge, the frequency of pick-ups at  
24 Microfibers slowed down?  
25 A. Yeah. I don't remember exactly the time, but

0114  
1 yes. I mean, they have slowed down, but to when  
2 they started slowing, no. But to when I was  
3 doing them on a regular basis back in them  
4 earlier days, we did them at least once a week.  
5 Q. Okay. And where did you take those containers?  
6 A. They went to J.M. Mills.  
7 Q. Did they all go to J.M. Mills?  
8 A. Yes, they did.  
9 Q. And what was the content of those containers?  
10 A. They -- when they take this fiber, it runs  
11 through a machine. It chops up very, very fine,  
12 and then that excess goes into these big, huge  
13 plastic bags and they just keep filling all them  
14 bags. There's all different colors and it's --  
15 it's full of it. And that's basically all it is  
16 is all that fiber. Yes, once in a while, you may  
17 see something else, but it's -- other than a few  
18 cardboard boxes or something, but it was  
19 95 percent or more of nothing but that fiber,  
20 that chopped up, like, velvet type kind of fiber.  
21 Q. Anything else that you recall in there?  
22 A. Very rarely. That was -- that's what  
23 dominated that whole container.  
24 Q. Do you remember any kind of machine cleaning  
25 waste or oils?

0115  
1 A. Not really. Because of the fiber and when you  
2 used to go to dump it, it would come out like a  
3 big, huge ball. All it would look like was  
4 the -- whatever color came down. But it was so  
5 fine, when it got on you it used to irritate and  
6 itch. I used to open up the door and dump it and  
7 get away. So I'll tell you right now there could  
8 have been gold in there and I didn't know it was  
9 in there.  
10 Q. Okay. Any smells associated with the waste?  
11 A. No.  
12 Q. Roger Williams Grocery Distributors, did you pick  
13 up from them?  
14 A. Roger Williams used to be IGA, then it went to  
15 Roger Williams.  
16 Q. Okay. So is that the only Roger Williams  
17 distributor that you remember is the IGA  
18 facility, the old IGA facility?  
19 A. Yeah. That's the only one I did, correct.  
20 Q. So that you're talking about the Martin Street  
21 facility?  
22 A. The Martin Street facility, correct.  
23 Q. Okay. And once it became Roger Williams Grocery  
24 Distributors, you continued to pick up from that  
25 location?

0116  
1 A. Yes, I did them on occasion.  
2 Q. Same size containers as when IGA was there?  
3 A. Yeah, everything was the same. Nothing  
4 changed.  
5 Q. What about when Roger Williams took over from

6 IGA, did the nature of what was thrown into the  
7 containers change?  
8 A. No, it was the same type of product. Nothing  
9 changed, in my opinion, other than the fact of  
10 the name.  
11 Q. So in addition to food products, do you recall  
12 cleaning products, aerosol cans, that sort of  
13 thing thrown in there?  
14 A. Everything was the same. Nothing had changed.  
15 All the same type of product was being thrown  
16 away. It was just a name change.  
17 Q. So if I asked you all the same questions that I  
18 asked you about the IGA period of time --  
19 A. They would be a yes.  
20 Q. -- the answers would be exactly the same?  
21 A. Yeah.  
22 Q. All right. Do you remember how long Roger  
23 Williams operated the facility?  
24 A. No, they ran for a few years, but exactly, no.  
25 Q. Do you remember a company called Schoolhouse  
0117  
1 Candy?  
2 A. Excuse me, yes. Main Street in Pawtucket.  
3 Q. Did they have just one facility?  
4 A. No, they had two. There was -- well, it's  
5 Schoolhouse Candy, which was a form of E.P. Rosen  
6 which is on Rand Street in Pawtucket also.  
7 Q. So there's a Rand street facility and a Main  
8 Street facility?  
9 A. Correct.  
10 Q. Did you pick up at both?  
11 A. Yes, I did.  
12 Q. When did you first pick up?  
13 A. We did the one on Main Street, which is -- the  
14 container actually is on Easton or Eaton Street,  
15 however you pronounce it, but anyways, that one  
16 we done from Day One, from '71 up to -- till they  
17 closed. The one on Rand Street was later years  
18 when they put a compactor in. But the one on  
19 Pawtucket off of the Hope -- off of the Main  
20 Street one, did it from Day One and full of all  
21 forms of excess candy. A lot of it was the jelly  
22 beans and lollipops.  
23 Q. Okay. Do you have any recollection of any  
24 industrial waste?  
25 A. No.  
0118  
1 Q. Any oils or --  
2 A. No.  
3 Q. -- anything like that?  
4 A. Nope.  
5 Q. Did those containers all go to J.M. Mills?  
6 A. Yes, they did. Predominantly between --  
7 besides the candy, it would be bags of sugar and  
8 sugar coating to the candies, but that's --  
9 that's what basically filled that container.  
10 Q. My concern is whether there was any sort --  
11 A. No.  
12 Q. -- of industrial waste --  
13 A. Nope.  
14 Q. -- oil, anything like that.  
15 A. No.  
16 Q. Do you remember picking up from Union Wadding,  
17 W-A-D-D-I-N-G?  
18 A. Yes, on Goff Avenue.

19 Q. G-O-F-F?  
20 A. G-O-F-F, Goff Avenue in Pawtucket.  
21 Q. Okay. And how many facilities did they have?  
22 A. They only had the one.  
23 Q. And what did they do at that facility?  
24 A. They used to make a lot of Christmas  
25 decorations. Their most thing was the apron that

0119

1 goes around the bottom of a Christmas tree, that  
2 cottony stuff, they made that and other forms of  
3 that, but that was their predominant product.  
4 Q. Do you know what those aprons were made out of,  
5 what the material was?  
6 A. It was like a cotton. It was a form of  
7 cotton. At least that's what it felt like.  
8 Exactly what it was made of, no.  
9 Q. Okay. And when did you first pick up from them?  
10 A. My boss already had them as an account when I  
11 started, so I started doing it from Day One.  
12 Q. Okay. And how often did you pick up from them?  
13 A. They would go at least once a week and they  
14 also were not a scheduled. They were an on call.  
15 Q. But despite the fact that they were an on call,  
16 you remember picking up from them weekly?  
17 A. Yes. They did a very good business in the old  
18 days.  
19 Q. And where did the containers go that you picked  
20 up from Union Wadding?  
21 A. They went to J.M. Mills.  
22 Q. Did they all go to J.M. Mills?  
23 A. Yes, they did.  
24 Q. Until it closed?  
25 A. Correct.

0120

1 Q. And what were the contents of those containers?  
2 A. Most of it was that form of cotton. There was  
3 an awful lot of that sparkly stuff that they put  
4 on the -- you know, on the cotton to make it, you  
5 know, all sparkly and look nice. And there was a  
6 period where they used to deal in yo-yos and  
7 there would be an awful lot of yo-yos being  
8 thrown away.  
9 Q. What about any sort of industrial waste, any  
10 solvents?  
11 A. A lot of times some of the cotton would be all  
12 soiled from the machines. You could see all of  
13 the oil on them. And that one, again, 85 to  
14 90 percent would be nothing but that cotton and  
15 then just excess whatever else, but cotton is  
16 what dominated that whole account.  
17 Q. When you said that a lot of times the cotton was  
18 soiled with oil, how often?  
19 A. I can't -- I can't really give you a figure as  
20 to how often. I just know it had happened. A  
21 lot of times I used to get stuck with that in the  
22 dark trying to do it.  
23 Q. Right.  
24 A. And a couple of times trying to canvas the  
25 load and then all of a sudden go, what the heck,

0121

1 and I'd have oil on me and I'd be pushing on this  
2 to put the straps.  
3 Q. Do you remember the consistency of the oil?  
4 A. No, just like a regular form of oil.  
5 Q. Okay.

6 A. Like a lubricant oil, that's all.  
7 Q. You remember seeing that oil in the waste on a  
8 regular basis?  
9 A. On a regular basis.  
10 Q. Okay. Any other liquid wastes?  
11 A. No.  
12 Q. Any powders or resins?  
13 A. No.  
14 Q. Any barrels or drums?  
15 A. On occasion there would be an empty barrel,  
16 but it would be empty.  
17 Q. Do you recall what the empty barrels had held  
18 prior to being emptied?  
19 A. No.  
20 Q. Was there any labels on the barrels?  
21 A. No. If there was, I did not pay attention to  
22 the label.  
23 Q. What size container or containers did Union  
24 Wadding have?  
25 A. He had a 50-yard break away.

0122

1 Q. Do you have a recollection of -- do you know  
2 whether Goditt & Boyer brought Union Wadding  
3 containers to J.M. Mills until the time J.M.  
4 Mills closed?  
5 A. Correct.  
6 Q. So to your knowledge, it was a regular weekly  
7 minimum weekly delivery from Union Wadding --  
8 A. Yes.  
9 Q. -- to J.M. Mills?  
10 A. Correct.  
11 Q. At any point in time, did Union Wadding -- did  
12 the contents of the container change in any way?  
13 A. Not that I know of. They would get a 30-yard  
14 open top for clean up and so on, but the break  
15 away, no. Because of where it was the product  
16 for when I did it was always just about the same  
17 each time.  
18 Q. When you say they'd "get a 30-yard open top for  
19 clean up," what do you mean by that?  
20 A. Well, there was a loading dock right there on  
21 the tracks and we'd put that and they would just  
22 do general clean up. And I -- for some reason, I  
23 very rarely ever got that, so I don't even -- I  
24 can't even speculate as to what was in it.  
25 I had done it a couple of times and there

0123

1 would be these big humongous rolls, maybe five  
2 feet long by about two -- yeah, two or three  
3 feet. They'd be thrown in there, but they'd be  
4 just the plain cotton and there would be other  
5 stuff, but I very rarely did do the open tops. I  
6 mostly did the compactor.  
7 Q. Did you ever pick up from any Sears facilities?  
8 THE WITNESS: Sears the stores and Sears  
9 the warehouses?  
10 MR. MURPHY: Yeah.  
11 A. Yeah. At one time, I used to do Sears the  
12 warehouse, off of Niantic Avenue. I did Sears  
13 the warehouse down on Circuit Drive in North  
14 Kingstown. I used to do Sears North Main Street,  
15 the store, Sears Quincy and Sears in Dedham at  
16 the Dedham Mall.  
17 Q. Any of those Sears facilities go to J.M. Mills?  
18 A. The one in -- what do you call it, the one on



19 Ni antic. When we started doing Circuit Drive,  
20 Joe Mills was already closed and that used to go  
21 to the Central Landfill.

22 Q. Do you have any section of any Sears pick-ups  
23 going to J.M. Mills?

24 A. Yes, the one on North Main Street. The  
25 department store that used to be on North Main

0124

1 Street in Providence.

2 Q. How often did the North Main Street Sears  
3 Providence waste go to J.M. Mills?

4 A. I don't know. I don't remember the -- how  
5 often they used to go.

6 Q. What was the nature -- what size container was  
7 there?

8 A. They had a big break away.

9 Q. 50-yarder?

10 A. Yeah.

11 Q. And how often was that picked up?

12 A. I really don't -- I can't speculate as to how  
13 often because I didn't do it all -- you know,  
14 everybody used to get a shot at it, so -- but the  
15 times I did do it, I took it to J.M. Mills.

16 Q. Okay.

17 A. And their product was whatever they were  
18 selling, and they were -- they were very known  
19 for throwing away paint cans. All of the Sears  
20 were known for that.

21 Q. When you say "threw away paint cans," full paint?

22 A. Full paint cans.

23 Q. And was it Sears brand paint, to your  
24 recollection?

25 A. I don't -- that I don't remember what -- I

0125

1 just know we always had a problem with paint  
2 leaking out and we used to have to try and drain  
3 the paint, do whatever so we weren't, you know,  
4 dropping it all over the road.

5 Q. Do you specifically recall when you picked up  
6 from the Sears North Main Street Providence  
7 location cans full of paint being in the  
8 dumpster?

9 A. On occasion. Not always, but there would be  
10 cans of paint, correct.

11 Q. And those full cans of paint would then be  
12 brought in the dumpster to the J.M. Mills  
13 landfill?

14 A. Yes.

15 Q. Do you recall whether it was oil-based paint  
16 versus latex?

17 A. No, I can't. I can't speculate on that. I  
18 never really watched if it was oil or water  
19 based, no.

20 Q. Okay. During what years were these paint cans in  
21 the dumpster from Sears in the Main Street store?

22 A. Whenever you did it. It's just that sometimes  
23 there would be none, other times there would be a  
24 few, and then on occasion there would be quite a  
25 few.

0126

1 Q. When you say, "on occasion there would be quite a  
2 few," are you talking about the Main Street  
3 location?

4 A. Yeah.

5 Q. How many were quite a few?

6 A. Half a dozen or better.  
7 Q. Okay. And did you ever have conversations with  
8 any of the other Goditt & Boyer drivers about the  
9 problem with paint cans at Sears?  
10 A. I had had problems with them, but I had also  
11 brought it to the -- to the offices, you know,  
12 the office, my office, Goditt & Boyer office,  
13 "we've got to do something with this paint  
14 because we spilled paint all over the place."  
15 As a matter of fact, I did the Dedham  
16 facility one time, Sears in Dedham, and I refused  
17 to go down the street with the container because  
18 there were so many paint cans that the manager of  
19 the store at the time, he signed our company --  
20 our company letterhead stating that if whatever  
21 damage was done due to me hauling, they were  
22 responsible for whatever vehicle.  
23 Q. Okay.  
24 A. That's how at times there used to be so much  
25 paint.

0127  
1 Q. When for the first time did you pick up from  
2 Sears?  
3 THE WITNESS: The one on North Main?  
4 MR. MURPHY: Yes.  
5 A. Back in the '70's.  
6 Q. Okay. During that 70, '71, '72 period when you  
7 were driving --  
8 A. Not just necessarily then. It just goes back  
9 to then because that wasn't considered -- even  
10 though the paint might have been a problem, that  
11 wasn't considered our dirtier stop.  
12 Q. Okay.  
13 A. I would just get it if I happened to be around  
14 to do it.  
15 Q. All right.  
16 A. So that's -- that wasn't a very regular  
17 regular is what I'm getting at.  
18 Q. For you?  
19 A. For me, correct.  
20 Q. Do you know the frequency with which Goditt &  
21 Boyer picked up from Sears on Main Street?  
22 A. No. No, I don't.  
23 Q. Are you aware of any other Sears locations that  
24 had their containers brought to J.M. Mills other  
25 than the Main Street in Providence location?

0128  
1 A. When -- when we could start hauling  
2 interstate, we used to take Sears in Dedham.  
3 Q. So a time came when Goditt & Boyer would haul the  
4 Sears Dedham, Massachusetts, containers to J.M.  
5 Mills?  
6 A. Correct, because the Sears in Quincy used to  
7 go to the Quincy landfill, and the Sears down in  
8 Dartmouth used to go to the Dartmouth landfill.  
9 So you only took the one, the warehouse in  
10 Niantic, we took North Main Street and we used to  
11 take Dedham.  
12 Q. All to J.M. Mills?  
13 A. J.M. Mills.  
14 Q. And what was in the warehouse at Niantic?  
15 A. Just -- just general, like a bad chair, couch,  
16 broken furniture, all of that type of stuff.  
17 Q. Any paint coming from the warehouse?  
18 A. No, I don't remember any paint from the

19 warehouse, no.  
20 Q. Do you recall any automotive waste from the  
21 warehouse?  
22 A. No, not really either, no. I just remember  
23 because back in them days I just -- you know,  
24 being young or whatever, look at this, here's a  
25 couch, I could have used that couch before they  
0129  
1 broke it.  
2 Q. Right.  
3 A. No, just stuff like that, a couch, a chair,  
4 like I said. And at times there would be  
5 appliances, you know, damaged appliances, they'd  
6 just -- but that was very rare, but you would see  
7 once in a while.  
8 Q. This is from the Ni antic warehouse?  
9 A. The warehouse, yeah.  
10 Q. So at times you recall there being damaged  
11 appliances that were in the containers at the  
12 Sears Ni antic warehouse that you would bring to  
13 J.M. Mills?  
14 A. Yeah. On a couple of occasions, I seen a  
15 stove, you know, cooking stove.  
16 Q. Okay. Refrigerators?  
17 A. No.  
18 Q. Okay.  
19 A. Nope.  
20 Q. The Dedham facility, do you recall about when you  
21 started to bring the Sears Dedham containers down  
22 to J.M. Mills?  
23 A. Yeah, somewhere -- somewhere around the middle  
24 of the '70's.  
25 Q. And did the --  
0130  
1 A. Like '73, '70 -- somewhere in that area. I  
2 don't exactly know, but we did.  
3 Q. Okay. And what was the frequency of pick-up at  
4 the Sears Dedham store?  
5 A. I'll have to say at least once a week or once  
6 a week-and-a-half because they did a good volume  
7 of business.  
8 Q. And did they have paint cans in their dumpsters?  
9 A. Yes, they were the worst.  
10 Q. Do you have any recollection when you were  
11 bringing any of the Sears waste to J.M. Mills and  
12 dumping it actually seeing the paint cans coming  
13 out the back of the container?  
14 A. Yes. There was times when I'd get there to do  
15 it and before I could even canvas the load I had  
16 to remove the cans, move the cans from the back  
17 so that I could put my canvas on, so yeah.  
18 Always -- yes, I -- I -- I'd visually seen them  
19 several times and you'd see it running out the  
20 back of the container.  
21 Q. And, again, do you ever remember an odor  
22 associated with oil-based paint versus --  
23 A. No, that part I don't remember.  
24 Q. -- latex?  
25 A. Other than the fact that it was paint, but I  
0131  
1 didn't really notice whether it was oil or water  
2 base. It was just paint.  
3 Q. Okay. And when you say the Dedham Sears was the  
4 worst as far as paint cans go --  
5 A. Yes.

6 Q. -- what's the most number of paint cans you saw  
7 in the dumpsters there?  
8 A. There was one time I seen a very large sum. I  
9 didn't really count them, but just to give an  
10 overall, I'd say there had to be more than a  
11 dozen cans.  
12 Q. Okay. And it's your recollection that there were  
13 paint cans in the Dedham dumpster on a regular  
14 basis?  
15 A. On a very regular basis, correct.  
16 Q. All right. Do you remember picking up from  
17 Wyman-Gordon?  
18 A. Yeah, Wyman-Gordon, that's the one we spoke  
19 about up at -- just out of Worcester.  
20 MR. MURPHY: What time is it? Let me  
21 tell you what I have to do. I'm very close to  
22 the end of questions, but then I need to go  
23 through just a few dump tickets then I'm going to  
24 be finished. Do you guys want to -- I probably  
25 have about a half an hour or more, so I don't

0132

1 know how you guys want to do it. Do you want to  
2 take a break now and come back and have me finish  
3 up or -- it's 12:15.

4 MR. NEWTON: Yeah, I'd like a break now.  
5 (A noon recess was taken.)  
6 (Plaintiff's Exhibit Number 1 was so

7 marked.)  
8 Q. Before I continue my questioning, Mr. Castello,  
9 you indicated to me when you came in that you,  
10 over lunchtime, recalled the name of that  
11 plastics company on Manton Avenue.

12 A. Yes.  
13 Q. And what was the correct name of that company?  
14 A. It's Cowan Plastics, C-O-W-A-N, Cowan Plastics  
15 on Manton Avenue.

16 Q. And did you indicate to me that you also were  
17 able to recall the name of another waste hauling  
18 company that you saw periodically at the J.M.  
19 Mills landfill?

20 A. Yeah, it was initials, and to be honest,  
21 already I've already --

22 Q. You've lost it?

23 A. Yes.

24 Q. That's okay.

25 A. I kept the Cowan more under tact (sic) than I  
0133 did the other one.

1 MR. MURPHY: Maybe what we'll do is  
2 this, I'll ask the reporter to leave a blank in  
3 the transcript. If when you're reviewing the  
4 transcript any other -- the names of any other  
5 transporters come to mind, maybe you can just  
6 fill it in.

7 THE WITNESS: I definitely will do it.

8 Q. Do you have a recollection of picking up waste  
9 from a company known as Truex?

10 A. Yes.

11 Q. How many Truex facilities are you familiar with?

12 A. I'm only familiar with one.

13 Q. And where were they located?

14 A. It's in Pawtucket and it's off of York Avenue  
15 or part of York Avenue and -- what's the name of  
16 the corner? It's in Pawtucket off of York.

17 There's another street that it's right near,  
18

19 but --  
20 Q. Do you recall what type of facility that was?  
21 A. It's -- if it's the same one, if the Truex  
22 that you're in reference to is the one I'm  
23 thinking, it's a form of with Teknor Apex. And  
24 they used to do the big sheets which look like,  
25 to me, that it was for -- for carving board  
0134  
1 material, but it was, you know, fabricated board,  
2 not like the wood -- the wood boards for cutting  
3 meat and stuff like that, but this is, you know,  
4 a man-made fabricated board for making like  
5 cutting boards, like I said. Cutting boards  
6 and --  
7 Q. And when you say "fabricated board," was it made  
8 out of wood products or --  
9 A. No, made out -- made out of a plastic or a  
10 resin material.  
11 Q. And you have an understanding that at some point  
12 Truex was affiliated or might have been  
13 affiliated with --  
14 A. With --  
15 Q. -- with Teknor Apex?  
16 A. With Teknor Apex.  
17 Q. Do you know at what point this time that was?  
18 A. No, it goes back into the '70's, but exactly  
19 what, no.  
20 Q. When for the first time did you pick up from  
21 Truex?  
22 A. Somewhere about in the mid-'70's or earlier  
23 '70's, but exact I don't know.  
24 Q. And do you recall the type of container that was  
25 there?  
0135  
1 A. Yes, it was a 30-yard open top.  
2 Q. How many?  
3 A. One.  
4 Q. And do you recall when you picked up from there  
5 where you brought that 30-yard open top to?  
6 A. Yes, that used to go J.M. Mills.  
7 Q. Did any of the containers that you brought from  
8 the York Avenue Pawtucket Truex facility go  
9 anywhere other than to J.M. Mills?  
10 A. No, not that I remember.  
11 Q. All right. And what was the frequency with which  
12 you picked up those 30-yard containers?  
13 A. I did it rarely, but I had done it, but I had  
14 done it rarely. I probably -- maybe on a yearly  
15 basis I might have done it, maybe, four or five  
16 times.  
17 Q. Do you know why it was that you rarely made it to  
18 that location?  
19 A. Yeah, it's just the way the pick up, you know,  
20 used to fall. I don't even know -- I can't even  
21 try and surmise as to how often they actually got  
22 done because that's how often I did it and I just  
23 don't really know how often other drivers might  
24 have done it also. I really don't.  
25 Q. So you have an understanding that other Goditt &  
0136  
1 Boyer drivers also picked up from Truex and  
2 brought the waste to J.M. Mills?  
3 A. Yes, but as to how often I do not know.  
4 Q. Do you know what the contents of those containers  
5 were?

6 A. They would be this big sheeting, you know, cut  
7 down to make cutting boards. There would be a  
8 rubber-like for a floor mat type kind of stuff to  
9 stand on, and there would be the trimmings which  
10 would be the filings from the resin or plastic,  
11 whatever it is, and the rubber and just general  
12 trash, trash bags, things of that nature.

13 Q. Do you have any recollection of any sort of  
14 liquid waste of any type?

15 A. No.

16 MR. BENIK: Objection.

17 A. I don't remember any liquid waste other than  
18 probably just normal water that might have been  
19 in the can because it's an open top, and I  
20 really -- because of doing it rarely I can't even  
21 speculate or say that I can remember rags or  
22 anything else of that nature. I just seem to  
23 remember those -- those, you know, fabricated  
24 pieces with the rubber mats and stuff of that  
25 nature, but that is basically what I can

0137

1 remember.

2 Q. Any odors associated with it?

3 A. No. No, other than just the normal odor of a  
4 plastic or a rubber, but no.

5 Q. Any oily rags?

6 A. Not that I can really remember.

7 Q. Is there anything else you remember about Truex?

8 A. No.

9 Q. Do you have a recollection of ever picking up  
10 from a company known as Handy & Harmon?

11 THE WITNESS: Handy & Harmon in --

12 MR. MURPHY: I believe they're in  
13 Attleboro.

14 A. No, I think it's in North Attleboro in the  
15 industrial park off of John Dietsch Boulevard.

16 Q. Uh-huh.

17 THE WITNESS: Correct?

18 MR. MURPHY: Yes.

19 A. Okay. Yes, I do.

20 Q. Okay. Did you ever bring any Handy & Harmon  
21 waste to J.M. Mills?

22 A. No, that used to go to North Attleboro  
23 landfill.

24 Q. Do you have any knowledge as to whether any other  
25 Goditt & Boyer driver at any point in time ever

0138

1 brought any Handy & Harmon waste --

2 A. No, not that I --

3 Q. -- to --

4 MR. CONNORS: Let him finish the  
5 question.

6 Q. To J.M. Mills?

7 A. No, not that I know of. And if they did, I do  
8 not know of it.

9 Q. Okay. Are you familiar with a company known as  
10 Pearson Yacht?

11 A. Yes, Pearson Yacht down in Portsmouth. They  
12 used to be right around the corner from Kaiser  
13 Aluminum.

14 Q. Okay. And did you pick up from them?

15 A. Yes, I did.

16 Q. What did they do at that facility?

17 A. They made yachts.

18 Q. And do you recall when you first picked up from

19 them?  
20 A. It was back in the early '70's.  
21 Q. So would that have been during that 1971, '72,  
22 '73 era?  
23 A. Oh, even beyond then. It's just that I  
24 remember picking them up -- in the earlier days,  
25 I picked up -- on a few very rare occasions, I  
0139  
1 did, but then after I did them even more often,  
2 but I do remember doing them even in the earlier  
3 days. Okay. Not that I did them constantly, but  
4 I did do them.  
5 Q. All right. So when you first went there to make  
6 pick-ups, what were the containers? What were  
7 the containers at Pearson Yacht?  
8 A. They always had a 50-yard compactor break  
9 away.  
10 Q. And where did you take the 50-yard compactors  
11 from Pearson Yacht?  
12 A. At times, we would try dumping that at the  
13 Portsmouth facility. We -- if they couldn't take  
14 it, we tried -- when Newport -- the Newport  
15 transfer was private we tried dumping it there,  
16 if we could, otherwise, it would come up here to  
17 J.M. Mills.  
18 Q. And are you able to -- of all the Pearson Yacht  
19 containers that you picked up, can you express as  
20 a percentage how many of those went to J.M.  
21 Mills?  
22 A. Somewhere in the vicinity of about  
23 three-quarters of what I did went to Mills.  
24 Q. Three-quarters of Pearson Yacht?  
25 A. Yeah, at least that if not more, but that's  
0140  
1 just giving -- because the majority of them  
2 definitely went to J.M. Mills.  
3 Q. And what was the size container?  
4 A. 50-yard break away.  
5 Q. You might have said that already. Do you know  
6 what the frequency was of their pickup by Goditt  
7 & Boyer?  
8 A. No, I -- I know I went often, but I really  
9 can't give you, you know, a figure as to when.  
10 Q. You indicated that you went infrequently the  
11 first number of years in the '70's, but you also  
12 indicated that at a later period of time you went  
13 more often?  
14 A. Yeah, I did it more often. Correct.  
15 Q. When you were going more often, what was the  
16 frequency you were going there?  
17 A. I'd average once -- one to two weeks. Once --  
18 you know, I'd do it either one week or one every  
19 two weeks, something like that.  
20 Q. Once a week to once every other week?  
21 A. Yeah.  
22 Q. Okay. And do you know during what period of time  
23 was that?  
24 A. I'll say the mid to later '70's.  
25 Q. For how many years?  
0141  
1 A. Oh, I don't know exactly. Say, somewhere  
2 around four. Between three to five years, we'll  
3 do it that way, but I'm really not sure exactly,  
4 but I did do more.  
5 Q. Well, are you sure that it was at least three

6 years that you were picking up with that  
7 frequency?  
8 A. Oh, yeah. Yeah. Yeah, there was a period for  
9 a time where I did do it quite often.

10 Q. All right. And what do you remember about the  
11 contents of the container?  
12 A. It was fiberglass shavings where they used to  
13 cut -- when they made the prefab boats or shells  
14 or so on and they would cut off all the excess,  
15 that would go into these big barrels and they'd  
16 just dump it all in. And that's the majority of  
17 what was in there, pieces of fiberglass and the  
18 fiberglass shavings.

19 Q. What about any of the resin material used as  
20 hardeners for the fiberglass?  
21 A. There could have been some in there but not  
22 that I really noticed, the resin. It was always  
23 the fiberglass and the fiberglass chunks, the big  
24 cut off pieces --

25 Q. Any other --

0142  
1 A. -- that I noticed most.  
2 Q. Okay. Any other waste that you remember in those  
3 containers?  
4 A. Yeah. There would be the, like, you know,  
5 some of that -- they used to put those thin,  
6 white clothing sheets on, like to stop the  
7 fiberglass from sticking to their clothes.

8 Q. Protective --  
9 A. Yeah.  
10 Q. -- clothing?  
11 A. There would be stuff like that. There would  
12 be excess masks, things of that nature. And  
13 there would be some rags, but they didn't look  
14 like rags that were from wiping down stuff. The  
15 majority of what it would be would be those big  
16 plastic pieces, fiberglass pieces, the shavings  
17 and those pieces of clothing and stuff like that.  
18 I don't ever remember really seeing a lot of rags  
19 that had soil and stuff of that nature, no.

20 Q. What about any odors associated with the  
21 containers?  
22 A. No, just the odor of the fiberglass.  
23 Q. What was that odor like?  
24 A. The smell of fiberglass. I mean, it's --  
25 there would be the fiberglass sheeting sometimes,

0143  
1 too, but, you know, it was all of that type of  
2 stuff. I never really did see any large amounts  
3 of the fiberglass resin or the hardener, no. I  
4 don't remember seeing any large quantities of  
5 that, no.

6 Q. Did you see some quantities of the fiberglass  
7 resin or hardening?  
8 A. Well, maybe here and there, but not that I  
9 really can say I remember noticing it, no.

10 Q. Okay.  
11 A. Under the circumstances, there probably was  
12 because of the job they do, but --

13 Q. But I don't want you to guess.  
14 A. No, it doesn't -- no, it does not stick in my  
15 head.

16 Q. Okay. Is there anything else, any other --  
17 anything else you remember about the contents of  
18 those containers?



19 A. No, other than really that, that's about it.  
20 Q. Is Pearson Yacht still in business? Do you know?  
21 A. I think they are, but I'm not sure. I think  
22 so.  
23 Q. Were they still a Goditt & Boyer customer at the  
24 time J.M. Mills closed?  
25 A. Yeah. Yes, they were. As a matter of fact,

0144

1 they were -- they were a customer all the way up  
2 until when Waste Management took us. I don't  
3 know if we've lost them since, but we had Pearson  
4 Yacht for an awful long time.

5 Q. Did you ever pick up from any Coca-Cola  
6 facilities?

7 A. Yes, Coca-Cola in Providence.

8 Q. Did any of that go to J.M. Mills?

9 A. I can't remember if that was about that time  
10 because I seem to remember taking an awful lot to  
11 the Central landfill, and I'm trying to remember  
12 if we did or not take it to there, because, yeah,  
13 we might have just before they closed, but I  
14 remember taking it to Central landfill.

15 Q. Do you recall what their waste stream was, what  
16 was going in the containers?

17 A. Yeah, excess boxes, broken bottles, cans,  
18 stuff of that nature, you know, just all general  
19 trash.

20 Q. Any oily substances or --

21 A. No, not that --

22 Q. -- anything that you recall industrial waste?

23 A. Not that I really noticed the oily substances.

24 THE REPORTER: Say that again, "Not  
25 that" --

0145

1 MR. CONNORS: Let him try and finish. I  
2 know it's hard sometimes. It's tough for her  
3 transition --

4 THE WITNESS: Yeah, I know.

5 MR. CONNORS: -- between the two  
6 dialogues.

7 THE WITNESS: I've got to watch out for  
8 her shoes.

9 MR. CONNORS: That's okay.

10 Q. I'm going to ask you, if you would now, Mr.  
11 Castello, we have -- we've marked as Castello  
12 Exhibit 1 some dump tickets, and the reason that  
13 these are all collated is because at least it  
14 appears that your initials or signature appear on  
15 at least one ticket on each of these pages.  
16 These are documents that we produced to all the  
17 attorneys. This is a subset of those.

18 So would you take a look at the first page,  
19 which is -- and specifically Ticket 50986. Do  
20 you see that --

21 A. Uh-huh.

22 Q. -- in the lower left-hand corner?

23 Do you recognize the signature in the lower  
24 right-hand corner?

25 A. Yeah. Yes, I do.

0146

1 Q. Is that your signature?

2 A. Yes, it is.

3 Q. Is that a signature or basically initials?

4 A. It's initials. It's the T, the A and a C.

5 Q. All right. And does this ticket indicate that on

6 December 15th of 1980 you brought a roll-off  
7 container from Pearson Yacht and deposited it at  
8 J. M. Mills?

9 A. Yep.

10 Q. And where you indicate type of truck, roll-off,  
11 that would have been the vehicle you were  
12 running?

13 A. Correct. They had -- they must have had it  
14 open at the time and I brought Pearson Yacht's  
15 open top.

16 Q. Open top being what size?

17 A. A 30-yard open top. But their 50 was their  
18 main thing and at times they would get an open  
19 top. So in this particular time, they must have  
20 had an open top and I must have done it, even  
21 though I don't remember directly, but, no, this  
22 is my signature and at that date I dumped their  
23 open top.

24 Q. Do you have a recollection of whether the open  
25 top 30-yard container that was periodically at

0147

1 Pearson Yacht had any types of waste in it that  
2 were different from the larger container?

3 A. Well, it would be different because when they  
4 took the open top it used to be for general  
5 clean-up in the area. And, I mean, it would be  
6 different because all of the other stuff, the  
7 compactor was right there by production where  
8 they were doing the yachts.

9 Q. All right.

10 A. So, yeah, but exactly what was in it, I don't  
11 remember.

12 Q. Do you recall whether Pearson Yacht and some of  
13 those yachts were motorized or were they all  
14 sailboats with no kind of --

15 A. All the ones I seen were all -- were not  
16 motorized. They were all sail.

17 Q. You don't have any recollection of any kind of  
18 motor production there or anything that would  
19 generate --

20 A. No, not that I --

21 Q. Let me finish.

22 A. I'm sorry.

23 Q. That would generate oils or greases or anything  
24 that's associated with, kind of, you know,  
25 engines, shipboard engines?

0148

1 A. Yeah. No. Anytime I've been there, and like  
2 I started to say, you know, we never went inside,  
3 first of all, because of the fiberglass issue.  
4 But they had this big tank where they used to  
5 check the yachts for leakage and stuff, and all  
6 the times I've ever been there I've never seen  
7 anything but a sailed yacht. I'd never seen a  
8 motorized. Whether they do or they didn't, I do  
9 not know of it.

10 Q. Do you have any recollection, though, of the  
11 contents, then, of the 30-yard open containers  
12 there?

13 A. No, not that I can -- I can say it was this or  
14 that, no.

15 Q. All right.

16 A. I do not recollect much of anything there.

17 Q. Let's go to the next page. In the bottom  
18 right-hand corner, there's Ticket 50227. Do you

19 see that?  
20 A. Yeah.  
21 Q. Is that your signature?  
22 A. Yep.  
23 Q. Does this reflect that on December 19th, 1980,  
24 you brought a roll-off container from  
25 Wyman-Gordon and deposited it at J.M. Mills  
0149  
1 landfill?  
2 A. Yeah. Correct.  
3 Q. Do you know what size container that would have  
4 been from Wyman-Gordon?  
5 A. Wyman & Gordon was always the 50-yard break  
6 away.  
7 Q. Okay. Consistent with the testimony the last  
8 time as to what you saw in those containers?  
9 A. Yeah. Exactly.  
10 MS. FOGELL: Objection.  
11 A. Exactly.  
12 Q. If we could go to the next page, Ticket Number  
13 50322 in the lower left-hand corner.  
14 A. Yeah.  
15 Q. Does your initials appear there?  
16 A. Yes, they do.  
17 Q. All right. And is this a -- does this reflect  
18 that on December 19th of 1980 you brought a  
19 roll-off container from Apex dust to J.M. Mills  
20 landfill and dumped it there?  
21 A. Yeah.  
22 Q. And Apex dust, again, being a particular Apex  
23 location?  
24 A. That's the live load.  
25 Q. The live load that you testified about --  
0150  
1 A. Yes, Apex dust --  
2 MR. CONNORS: Let him finish.  
3 THE WITNESS: I'm sorry.  
4 Q. That's the live load that you testified about  
5 when Mr. Jackson questioned you?  
6 A. Correct. That would be the live load.  
7 Q. And, again, what size was that container?  
8 A. Now, it depends. If I am -- by what these  
9 show on that same day, like this day here, I am  
10 doing a compactor, I would have to state that  
11 this, this is probably the day I did a live load  
12 with a compactor box.  
13 Because I already had a compactor box on my  
14 truck, instead of me going and picking up a  
15 30-yarder to go do the live load, I would have  
16 probably been loaded. I would have got a live  
17 load with the compactor box or 50-yard box.  
18 Q. Okay.  
19 A. Because I already had it on my truck.  
20 Q. All right. So that, kind of, is an indication to  
21 you as to the type of container?  
22 A. Yeah, for that reason. Because this --  
23 they're both on the 19th, correct? Yes. This is  
24 the 19th, same month, same day, same year, and  
25 when you're considering here is at 10:05, I  
0151  
1 probably went and got a cardboard box after this.  
2 I must have went to United with it. United is  
3 only within a half a mile of this area, so I  
4 probably cleared from United and she said, "why  
5 don't you go over to Apex dust and get a load of

6 dust," and I went over to there.  
7 Q. Okay.  
8 A. I'm only surmising, but I have to say  
9 considering timewise, you try and do things that  
10 are cost efficient.  
11 Q. All right. Let's go to the next page and  
12 specifically in the lower left-hand corner,  
13 Ticket Number 54968. Do you see that?  
14 A. Yep.  
15 Q. Do your initials appear on that document?  
16 A. Yes, they do.  
17 Q. And does this reflect that on December 31st of  
18 1980 you brought a roll-off container from  
19 Pearson Yacht to J.M. Mills and dumped it there?  
20 A. Yep.  
21 Q. Let's go to the next ticket, which is Ticket  
22 Number 54047 upper left-hand corner. Do you see  
23 that?  
24 A. Yep.  
25 Q. Does your signature or initials appear on that  
0152 document?  
1 A. Yes, it does.  
2 Q. Does this indicate that on January 2nd of 1981,  
3 you brought a roll-off container from Apex dust  
4 and dumped it at J.M. Mills?  
5 A. Yes, I did.  
6 Q. Let's go to the next document. It's ticket  
7 numbered 53837, lower left-hand corner.  
8 A. Yeah.  
9 Q. Do your initials appear on that document?  
10 A. Yes, it does.  
11 Q. Does that indicate to you that on January 22nd of  
12 1981 you brought a roll-off container from  
13 Pearson Yacht and dumped it at J.M. Mills?  
14 A. Yes, it does.  
15 Q. Go to the next page and specifically upper  
16 left-hand corner, ticket numbered 52609. Is that  
17 your initials on that document?  
18 A. Yep.  
19 Q. Does this indicate that on January 23rd of 1981  
20 you brought a roll-off container from Apex dust  
21 and dumped it at the J.M. Mills landfill?  
22 A. Yes, I did.  
23 Q. Let's go to the next document, lower left-hand  
24 corner, Ticket Number 59250. Do your initials  
0153 appear on that document?  
1 A. Yep.  
2 Q. Does this indicate that on February 18th of 1981  
3 you brought a roll-off container from Pearson  
4 Yacht and dumped it at the J.M. Mills landfill?  
5 A. Yes, it does.  
6 Q. Okay. Let's go to the next document, ticket  
7 numbered 58346. Do your initials appear on that  
8 document?  
9 A. Yep.  
10 Q. Does that indicate to you that on February 26 of  
11 1981 you brought a roll-off container from Apex  
12 packer and dumped that at J.M. Mills?  
13 A. Yes, I did.  
14 Q. Now, this is a different container from the dust  
15 container; is that right?  
16 A. Correct.  
17 Q. And you testified about that when Mr. Jackson  
18

19 questioned you the last time?  
20 A. Yep. Yes, I did.  
21 Q. And so this would be one of those containers -- a  
22 ticket reflecting that one of those containers  
23 was documented as dumped at J.M. Mills?  
24 A. Yes. This is the automatic -- this one here  
25 is the automatic pick-up one, the regular

0154

1 compactor that stays on-site.  
2 Q. All right. Let's go to the next page. Document  
3 numbered -- or Ticket Number 58589 in the lower  
4 right-hand corner. Do your initials appear on  
5 that ticket?  
6 A. Yep. That's my initials.  
7 Q. All right. And so on March 4th of 1981, does it  
8 reflect that you dumped a roll-off container from  
9 Wyman-Gordon at the J.M. Mills landfill?  
10 A. Yes, it does.  
11 Q. Let's go to the next document. There's a company  
12 listed here called Analog. I don't know whether  
13 I asked you about the Analog one or not. I don't  
14 believe that I did. Do you remember -- are you  
15 familiar with a company known as Analog or Analog  
16 One?  
17 A. That's Analog Devices in Westwood, correct?  
18 Q. Okay.  
19 A. Because that's the one I'm thinking it is is  
20 Analog Devices, and I think they had Buildings 1  
21 and 2, if I remember right.  
22 Q. Okay. Yeah, well, let's go with that. So where  
23 in Westwood was Analog Devices?  
24 A. Analog Devices is just off of Route 1.  
25 Q. In Westwood?

0155

1 A. Yeah, just before you get to -- which would be  
2 128. If you were going Route 1 North just before  
3 you get to Route 128, it will be on your  
4 right-hand side. I forget the little other  
5 street it's on, but as you come up one, it's  
6 right on the corner of the street. There's  
7 Analog Devices One and Two.  
8 Q. All right. And did you --  
9 A. If I remember right, like I said.  
10 Q. Were they two separate facilities?  
11 A. Yeah. They were two separate facilities, but  
12 they were right there. No, they're, like, in the  
13 same small complex but just two separate  
14 buildings.  
15 Q. How many containers were there?  
16 A. There was -- I only remember the one. I don't  
17 remember if there was -- if we did put a second  
18 one in, but I do remember the one container.  
19 Q. When for the first time did you pick up  
20 containers from Analog Devices?  
21 A. I can't even give you a year on it. I know  
22 I've done it, but I really cannot remember to  
23 give you a year.  
24 Q. Let's look at this ticket that we have, 58810.  
25 There's your initials in the upper left-hand

0156

1 corner of that page. Are your initials on that  
2 ticket?  
3 A. Oh, yeah, this is my initials.  
4 Q. Okay. So does this confirm on March 6th of 1981  
5 you brought a roll-off container from Analog

6 Devices and dumped it at the J.M. Mills --  
7 A. Yes, it does.  
8 Q. And do you recall the size of the container at  
9 Analog Devices during the times you picked it up?  
10 A. Oh, yeah. They had a 50-yard break away.  
11 Q. And was there a frequency with which that was  
12 picked up?  
13 A. No, I don't -- I don't remember how often they  
14 used to go, but I had done it a few times myself.  
15 Exactly how many, I don't remember, but --  
16 Q. Well, when you say "a few times," was it one of  
17 those -- was Analog Devices a regular Goditt &  
18 Boyer customer?  
19 A. Analog was a regular Goditt & Boyer customer,  
20 and I'm not saying they got done every week, but  
21 if they did, one of our drivers did them every  
22 week. How often they were done, I don't know. I  
23 just did not do them all the time.  
24 Q. All right.  
25 A. That's what I meant.

0157  
1 Q. Are you able to say the number of times you went  
2 to Analog Devices?  
3 THE WITNESS: Can I say several because  
4 I remember several?  
5 Q. More than five?  
6 A. Oh, yeah. No, definitely more than five.  
7 Q. More than ten?  
8 A. More than five, more than ten, but to give you  
9 an exact figure I can't do it. I don't --  
10 Q. And where did you bring the Analog Devices  
11 containers?  
12 A. They went to J.M. Mills.  
13 Q. Did all of the Analog Device containers that you  
14 picked up at Analog Devices go to J.M. Mills?  
15 A. As far as I can remember, I'd have to say,  
16 yes, unless near later times they might have went  
17 to the Attleboro landfill when they -- when the  
18 Attleboro landfill became a private landfill.  
19 Q. Okay. And what do you remember about what Analog  
20 Devices did? What was their business?  
21 A. To be honest, never went inside. There was  
22 just -- I just remember a lot of just general  
23 trash, cardboard papers and cleanings and stuff  
24 of that. I don't remember anything of a very  
25 offensive to it, so I don't remember that part.

0158  
1 Q. So you don't have any specific recollection --  
2 A. No.  
3 Q. -- of any industrial-type waste in those  
4 containers?  
5 A. Yeah. No. No.  
6 Q. Let's go to the next ticket, which is Ticket  
7 Number 59528. Do your initials appear on that  
8 ticket?  
9 A. Yeah.  
10 Q. And does that confirm to you that on March 12th  
11 of 1981 you brought a roll-off container from  
12 Pearson Yacht and dumped it at the J.M. Mills  
13 landfill?  
14 A. Yes, I did.  
15 Q. Go to the next ticket, ticket in the lower  
16 left-hand corner, 59312. Do you see that?  
17 A. Yeah.  
18 Q. Do your initials appear on that document?

19 A. Yes, they do.  
20 Q. Does that confirm to you that on March 18th of  
21 1981 you brought a roll-off container from Apex  
22 dust and dumped it at the J.M. Mills landfill?  
23 A. Yep. Yes, I did.  
24 Q. Let's go to the next page, lower left-hand  
25 corner, Ticket Number 56889.

0159

1 A. Yeah.  
2 Q. Do your initials appear on that?  
3 A. Yes, they do.  
4 Q. Again, does this indicate that on, I believe,  
5 March 20th, 1981, you brought a container, a  
6 roll-off container, from Apex dust to J.M. Mills  
7 and dumped it there?  
8 A. Yes, it does.  
9 Q. Let's go to the next page. It appears to be two  
10 tickets from Pearson Yacht, tickets numbered  
11 56246 and 56249. Does your initial appear on  
12 each of those?  
13 A. Yes, they do.  
14 Q. Okay. Does the first one in the upper left-hand  
15 corner indicate that on March 30th of 1981 you  
16 brought a roll-off container from Pearson Yacht  
17 and dumped it at J.M. Mills landfill?  
18 A. Yeah.  
19 Q. And does the second ticket numbered 56249  
20 indicate that a couple of hours later you brought  
21 another roll-off container to J.M. Mills from  
22 Pearson Yacht and also dumped that?  
23 A. Yeah. Yes, it does.  
24 Q. Any recollection after seeing these two tickets  
25 of making more than one daily run of roll-off

0160

1 containers from Pearson Yacht to J.M. Mills?  
2 A. Now, what must have happened in this case is  
3 they must have had their open top. I went down  
4 and I switched out the compactor and left it to  
5 the side. I must have went over, picked up their  
6 30, ran it to J.M. Mills, dumped it, returned the  
7 30-yarder, picked up the compactor, came back and  
8 dumped the compactor.  
9 Q. Okay.  
10 A. Because this is -- if you look, there's  
11 roughly a two-and-a-half hour interval and that  
12 is roughly the time it would take to go up, back,  
13 up.

14 THE WITNESS: You know what I'm saying?

15 MR. MURPHY: Yeah, I've gotcha.

16 A. So this is what must have happened. I must  
17 have switched out the compactor, do the 30 while  
18 you're on-site, I did the 30, then I came back  
19 with the 50, so I probably did 30 and 50 that  
20 day.

21 Q. When it says Trucker Plate Number 54, is that a  
22 Goditt & Boyer truck designation?

23 A. Yes, it's the number of the truck, not the  
24 license plate.

25 Q. All right.

0161

1 A. It's the number of the truck.  
2 Q. All right. Let's go to the next page. Actually,  
3 the next page is a duplicate, I believe. I don't  
4 know if you have it, but there's two -- so let's  
5 go to the page after that, upper left-hand

6 corner, Ticket Number 46043. Do your initials  
7 appear on that page?  
8 A. Yes, they do.

9 Q. And is that -- that lists what appears to be an  
10 entity called Shawmut, S-H-A-W-M-O-T?  
11 A. No, M-U-T, Shawmut.

12 Q. Okay. S-H-A-W-M-U-T?  
13 A. M-U-T, Shawmut.

14 Q. Now, there also is some lighter writing that says  
15 Wyman-Gordon.  
16 A. Yes. I don't know why it says Wyman & Gordon,  
17 not unless wherever this ticket was somebody  
18 might have been writing something over it and  
19 it -- you know, carbon copied onto it. But  
20 where -- it shows here I must have done -- I must  
21 have done Shawmut in Stoughton. That's where  
22 they are or used to be. That's Shawmut in  
23 Stoughton, Mass.

24 Q. Stoughton, Rhode Island, or Mass?  
25 A. No, it's Mass. Shawmut is in Stoughton, Mass.

0162

1 Q. What is Shawmut?  
2 A. Shawmut used to make the fabric, what do you  
3 call it, for your -- for your cars. Not leather,  
4 the other one.

5 Q. Vinyl?  
6 A. The vinyl, the vinyl sheeting for your seats,  
7 that's what they used to do. And as a matter of  
8 fact, back in the earlier days their major  
9 customers were the auto dealers, all the  
10 different auto dealers, and they used to make  
11 them all different colors, all different textures  
12 from just thin to nice thick and plush, that's  
13 what they used to make.

14 Now, back in the old days before the  
15 Stoughton landfill closed, all of their -- all  
16 their trash went to the Stoughton landfill. When  
17 the Stoughton landfill closed down, which I don't  
18 remember the year, then we started going to J.M.  
19 Mills.

20 Q. Okay. When for the first time did you bring a  
21 load from Shawmut to J.M. Mills?  
22 A. I don't really remember. Here I definitely  
23 did it in '81, but anytime after the Stoughton  
24 landfill closed that we started going down there,  
25 and I don't really remember the time or date

0163

1 rather.

2 Q. When for the first time did you ever go to  
3 Shawmut?  
4 A. I did it back in the '70's sometime, but  
5 exactly when I don't know.

6 Q. But you remember the first time you picked up  
7 there and brought to any landfill was in the  
8 1970's?  
9 A. Oh, yeah. And it went to the Stoughton  
10 landfill because they were right up the street,  
11 and because they're in the town of Stoughton they  
12 got dumped for nothing. So they're not going to  
13 want to go somewhere where they've got to pay to  
14 be dumped, they're going to go where they get it  
15 for nothing.

16 Q. What size container was at Shawmut?  
17 A. They had a 50-yard break away.

18 Q. And what was the frequency with which it was



19 picked up by Goditt & Boyer?  
20 A. At one point when automotive was at its  
21 height, they were done almost daily or every  
22 other day. I can't -- I think at least every  
23 other day and I think at one point they actually  
24 went daily, but every other day for sure.  
25 Q. And what do you recall about the contents of that  
0164  
1 50-yarder?  
2 A. It was just all of that material, all of that  
3 stripping from cutting the rolls up, the -- and  
4 sometimes even bad rolls that were bad. There  
5 would be whole rolls of that.  
6 Q. And any raw materials or ingredients that you  
7 recall?  
8 A. Every now and then you'd see some excess  
9 five-gallon drums of glue or adhesive or whatever  
10 it was, but most of it was just all of that  
11 fabric or product.  
12 Q. What do you remember about this glue or adhesive?  
13 A. Nothing. Nothing other than that's what they  
14 used to use to put the foam and the -- you know,  
15 the other stuff together.  
16 Q. Okay.  
17 A. But other than that, I didn't really, you  
18 know, know nothing much about it.  
19 Q. Any liquid waste?  
20 A. No, not as a liquid as a liquid, no. Only  
21 some of that if it happened to be in there.  
22 Q. Any unusual odors?  
23 A. No. And they used to throw away a lot of  
24 cardboard tubes that the rolls used to come on,  
25 they would roll them up. And a lot of times  
0165  
1 there'd be these big, heavy, thick, thick plastic  
2 tubes thrown away.  
3 Q. Is Shawmut still in business?  
4 A. I don't know. I haven't been up that way in a  
5 long time.  
6 Q. Do you have a recollection that Goditt & Boyer  
7 brought containers to J.M. Mills up until the  
8 time they closed after Stoughton closed?  
9 A. Oh, yeah. Well, I took them there, too, but,  
10 yes, but prior to Stoughton we used to go to  
11 Stoughton. After Stoughton, yes, we took them  
12 down to J.M. Mills.  
13 Q. All right. Let's go to the next page, Ticket  
14 Number 46154. Are your initials on that  
15 document, lower right-hand corner?  
16 MR. CONNORS: Wait a minute. We've got  
17 a different page. Here we go. We skipped it.  
18 THE WITNESS: I'm sorry. I flipped two  
19 of them.  
20 Q. Do you have that in front of you?  
21 A. Yeah, I've got it now.  
22 Q. Does that indicate that on April 29th of 1981 you  
23 brought a roll-off container from Wyman-Gordon  
24 and dumped it at J.M. Mills?  
25 A. Yes, it does.  
0166  
1 Q. Let's go to the next page, lower right-hand  
2 corner, Ticket Number 46642. Do your initials  
3 appear on that document?  
4 A. Yeah.  
5 Q. Is this another roll-off container from Shawmut

6 to J.M. Mills that you dumped on May 6th of 1981?  
7 A. Yes, it is.

8 Q. All right. Let's go to the next page.  
9 MR. CONNORS: Jonathan, can I just have  
10 a clarification. Are you stating that it was  
11 picked up and disposed on the same day? I just  
12 see a 55 notation on there.

13 MR. MURPHY: All right.  
14 Q. Well, let me ask you is: There anything about  
15 this ticket or anything written on this ticket  
16 that might indicate to you that it was picked up  
17 on one day and dropped off at another time? Are  
18 you able to tell from this ticket?  
19 A. Well, 7 o'clock in the morning I'd have to say  
20 that -- the only thing is if I did another local  
21 stop it is a possibility I might have picked it  
22 up the night before and dumped it that morning  
23 after I done something else local, but really no.  
24 It would have to be on my paperwork to indicate  
25 that.

0167  
1 Q. Well, this particular ticket, though, the one  
2 we're talking about, 46642, under the word  
3 "amount" it appears handwritten "5-5"?  
4 A. Yeah.

5 Q. Does that have any significance to you?  
6 A. No, because that's not my handwriting.  
7 Q. Okay. All you know is that it was dumped at J.M.  
8 Mills on May 6th of 1981?  
9 A. Yes, on May 6th. Correct.

10 Q. All right.  
11 A. And one other thing is if -- because it did  
12 happen on occasion where you pick up a container  
13 and, you know, for whatever reason you might drop  
14 it at the yard, or you might even be on a Friday  
15 you come in with a load on your truck and you're  
16 going on vacation and it would sit there until  
17 the following week.

18 Q. Okay.  
19 A. So unless it's indicated, it's kind of hard to  
20 say whether I picked it up the night before,  
21 dumped it that morning or I even picked it up  
22 that day and dumped it that day.

23 Q. So these tickets indicate the day you dumped?  
24 A. Exactly.

25 Q. All right. And let's go to the next page.

0168  
1 Ticket Number 45798, are those your initials on  
2 that ticket?

3 A. Yeah. Yes, it is.  
4 Q. Does it indicate that on May 20th of 1981 you  
5 dumped a roll-off container from Wyman-Gordon at  
6 J.M. Mills?

7 A. Yeah. Yes, it does.  
8 Q. Let's go to the next page, there's two different  
9 documents, the top left-hand corner, Ticket  
10 45507. Are those your initials?

11 A. Yes, they are.  
12 Q. Does it indicate that you picked up from  
13 Bradley's at some point and on May 22nd, 1981,  
14 dumped a roll-off container at J.M. Mills?

15 A. Yes, it does.  
16 Q. Now, where was this Bradley's?  
17 A. Well, it's kind of hard to understand which  
18 one it is because we did -- we had the main

19 warehouse in Braintree, but we also did several  
20 of the Bradley's department stores in  
21 Massachusetts. So which Bradley's without it  
22 specifying, I don't know.

23 Q. Well, did they all have the same type of waste or  
24 did they have different waste?

25 A. To some degree. The department stores was all

0169

1 similar stuff like it is at the Sears or  
2 whatever, but the main warehouse it would be the  
3 same product but just more of one little  
4 particular one.

5 They used to throw away a lot of -- an awful  
6 lot of your healthcare products, excess clothing  
7 that was destroyed or damaged -- you know,  
8 damaged goods like anything -- anything that  
9 you'd be buying. Not necessarily -- they never  
10 threw away TV's or appliances and stuff, but  
11 like, say, radios and, you know, all of that kind  
12 of material.

13 Q. Any paint?

14 A. No, I don't remember seeing paint in theirs,  
15 no. They were just good for throwing away an  
16 awful lot of health products of all different  
17 forms --

18 Q. When you say "health products" --

19 A. -- whether they be in liquid, aerosol, any of  
20 that kind of stuff. They threw away an awful lot  
21 of that.

22 Q. When you say "health products," what do you mean  
23 by that? I mean, just the stuff that they  
24 would --

25 A. Or hygiene, I should have said.

0170

1 Q. Okay.

2 A. You know, like underarm deodorant, aftershave,  
3 lotion, hair tonic, what do you call it,  
4 hairspray, the dyes for dying their hair, all of  
5 that kind of product. They used to throw away,  
6 for some reason, an awful lot of that out of the  
7 Braintree warehouse.

8 Q. And how much of that was aerosol?

9 A. Oh, I don't know. I really can't give you --  
10 they used to -- on occasion, not every time, but  
11 on occasion there would be -- there would be  
12 quite a large quantity of it.

13 Q. Which would include aerosol cans?

14 A. Yes, it would include a lot of all that  
15 different type of product.

16 Q. When you say "a large quantity," can you  
17 characterize it any further than that?

18 A. If you're talking on a 50-yard container, I  
19 would say at times it could be as much as a yard,  
20 which don't sound like much to some people, but  
21 when you see all that sitting there it's quite a  
22 bit, but it was not every time you did it.

23 Q. Do you recall whether the pick-ups from the  
24 Bradley's main warehouse were brought to J.M.  
25 Mills?

0171

1 A. Yeah, because we had no other facility. The  
2 Braintree incinerator had closed down -- way down  
3 in the early years, so up until, you know, right  
4 after they closed, then forget it, but that's --  
5 that's way in the earlier years that the

6 Braintree incinerator closed.  
7 Q. Okay. And what size container did the Braintree  
8 warehouse have?  
9 A. They had a 50-yard break away.  
10 Q. And how often was it picked up? What was the  
11 frequency?  
12 A. They went very frequent, but I didn't always  
13 get them so it's kind of hard to say. But they  
14 did go -- they went several times a week, but the  
15 exact number I don't know.  
16 Q. And are you able to express, as a percentage, how  
17 often the containers from the warehouse had these  
18 health products with the aerosol cans in them?  
19 A. No. No, not -- and not be accurate, no.  
20 Q. And for how long -- when did you first pick up at  
21 the warehouse?  
22 A. I probably started somewhere around the  
23 mid-'70's, because prior to that I wasn't up that  
24 way. Exactly when I don't, but, I mean, it -- it  
25 goes back somewhere around probably '74, '75, I  
0172  
1 think.  
2 Q. Were they still a -- were they still a customer  
3 of Goditt & Boyer at the time J.M. Mills closed?  
4 A. Oh, yeah. Bradley's was a customer of ours  
5 until Bradley's folded.  
6 Q. Okay. Let's go to the bottom right-hand corner,  
7 Ticket Number 45533. Do your initials appear on  
8 that?  
9 A. Yes, they do.  
10 Q. Is this another ticket that indicates that you  
11 brought a roll-off container from Pearson Yacht  
12 and dumped it at J.M. Mills on May 22nd, 1981?  
13 A. Yes, it does.  
14 Q. Let's go to the next page, Ticket Number 43997.  
15 Do your initials appear on that?  
16 A. Yeah. Yes, they do.  
17 Q. There's an entity called Northeast Cable. What  
18 do you remember about Northeast Cable?  
19 A. Hang on. I'm trying to remember. This is a  
20 division of one of them, and right now unless I  
21 can get something to refresh me, I just cannot  
22 come up with it.  
23 Q. When you say, "this is a division of one of  
24 them," one of who?  
25 A. One of the other cable companies, if I'm not  
0173  
1 mistaken. Northeast Cable was, like --  
2 Q. Was it a part of Carol Cable?  
3 A. I don't know.  
4 Q. All right.  
5 A. This one I have got to think on.  
6 Q. All right. Do you remember where Northeast Cable  
7 was located?  
8 A. Nope. That's the whole thing. For some  
9 reason, I cannot -- and this is my writing. This  
10 Northeast Cable I wrote that and that is my  
11 initials.  
12 Q. Do you remember anything about the size  
13 container?  
14 A. Must have been a compactor. It would have to  
15 be.  
16 Q. All right. But do you remember anything about  
17 Northeast Cable's waste stream?  
18 A. Nope. Nope. For some reason, I cannot.

19 Q. But this document does indicate to you that on  
20 June 3rd of 1981 you dumped a roll-off container  
21 from a facility called Northeast Cable --  
22 A. Northeast, yeah, I definitely did.  
23 Q. -- at J.M. Mills landfill?  
24 A. Correct.  
25 Q. But you don't remember where it was or --  
0174  
1 A. Nope.  
2 Q. -- what was in the container?  
3 A. For some reason, this does not -- you know,  
4 and I just can't come up with it.  
5 Q. All right. Let's go to the next page.  
6 A. But I will think on it.  
7 Q. Yeah, if you would. Let's go to the next page,  
8 Ticket Number 44254. Are your initials on that  
9 as well?  
10 A. There it is again.  
11 Q. Right. Does this indicate that you, again,  
12 brought a load from Northeast Cable and dumped it  
13 at the J.M. Mills landfill on June 4th, 1981?  
14 A. Yes, I did.  
15 Q. Does it help refresh your recollection as to  
16 where it was or what was in the containers?  
17 A. Nope.  
18 Q. Any recollection as to the frequency?  
19 A. No, none whatsoever. This I can't -- I can't  
20 understand why I do not remember this.  
21 Q. All right. Let's go to the next ticket, Ticket  
22 Number 44364 in the bottom right-hand corner. Do  
23 you see that?  
24 A. Yeah.  
25 Q. Is your initial on that document?  
0175  
1 A. Yes, it is.  
2 Q. Does this indicate or confirm to you that on  
3 June 5th of 1981 you dumped a roll-off container  
4 from Wyman-Gordon at J.M. Mills?  
5 A. Yes, it does.  
6 Q. Let's go to the next document on the next page,  
7 lower right-hand corner, Ticket Number 40812. Do  
8 your initials appear on that document?  
9 A. Yes, it does.  
10 Q. Does that confirm to you that on July 6th of 1981  
11 you dumped a roll-off container from Pearson  
12 Yacht at J.M. Mills?  
13 A. Yes, it does.  
14 Q. Let's go to the next page, upper left-hand  
15 corner, Ticket Number 40054. Do your initials  
16 appear on that document?  
17 A. Yes, it does.  
18 Q. Does it confirm to you that on July 7th of 1981  
19 you dumped a roll-off container from Pearson  
20 Yacht at J.M. Mills landfill?  
21 A. Yes, it does.  
22 Q. Let's go to the next page. Let's start with the  
23 lower left-hand corner, Ticket Number 42025. Is  
24 your initial on that document?  
25 A. Yes, it is.  
0176  
1 Q. Does this indicate you dumped a roll-off  
2 container from Mandeville Sign at the J.M. Mills  
3 landfill on July 21st, 1981?  
4 A. Yes, it does.  
5 Q. The upper left-hand corner is a ticket numbered

6 42021. Do your initials appear on that?  
7 A. Yeah. Yes, it does.  
8 Q. And what's the company listed there?  
9 A. That's Mars department store. That was a  
10 chain back in them days.  
11 Q. Okay. Are they still in business?  
12 A. No.  
13 Q. Okay.  
14 A. No, they've gone out of business a long time  
15 ago.  
16 Q. Do you remember what was in their dumpsters?  
17 A. It was just, basically, department store kind  
18 of material, you know, basic just all that  
19 average stuff.  
20 Q. All right. Let's go to the next page, ticket  
21 numbered 45363. Do your initials appear on that  
22 ticket?  
23 A. Yeah.  
24 Q. Is this for Truex?  
25 A. Yes.

0177

1 Q. Does this confirm to you that on October 28th of  
2 1981 you dumped a roll-off container from Truex  
3 at the J.M. Mills landfill?  
4 A. Yes, it does.  
5 Q. Let's go to the next document, Ticket Number  
6 45480. Do your initials appear on that document?  
7 A. Yes, it does.  
8 Q. Does it indicate that on October 28th of 1981 you  
9 dumped a roll-off container from Sears at J.M.  
10 Mills landfill?  
11 A. Yeah. Yes, it does.  
12 Q. Do you know which Sears location that would have  
13 been?  
14 A. No. If there's not an indication, it could be  
15 any of them.  
16 Q. All right. Let's go to the next page, lower  
17 right-hand corner, Ticket Number 45196. Do your  
18 initials appear on that ticket?  
19 A. Yeah.  
20 Q. There's an indication here that says "dust." Do  
21 you see that?  
22 A. Yeah.  
23 Q. Did you mean Apex dust?  
24 A. Yes, I do. That was the only dust load we  
25 really had. And in reference to it, it was --

0178

1 you know, when you mentioned the dust, we all  
2 knew who you meant.  
3 Q. All right. And does this confirm to you that on  
4 November 2nd of 1981 you dumped a roll-off  
5 container from dust at the J.M. Mills landfill?  
6 A. Yes, it does.  
7 Q. Next page, ticket numbered 45048. Your initials,  
8 do they appear on this ticket?  
9 A. Yeah.  
10 Q. Does it confirm to you that on November 2nd,  
11 1981, you dumped a roll-off container from  
12 Pearson Yacht at J.M. Mills landfill?  
13 A. Yes, it does.  
14 Q. Next page, upper left-hand corner, Ticket 45023,  
15 do your initials appear on that document?  
16 A. Yes, it does.  
17 Q. Does it indicate to you that you dumped a  
18 roll-off container from Pearson Yacht at J.M.

19 Mills landfill on November 2nd, 1981 -- hang on  
20 one second -- at a slightly -- a couple of hours  
21 earlier than the ticket from the page before?  
22 A. Yep, so that means I must have done both  
23 again.

24 Q. On the same day?  
25 A. Yeah, exactly.

0179

1 Q. Like that last event?  
2 A. Like the other one, yeah. Switched out, ran  
3 one, then went back and took the other one.

4 Q. Let's go to the next page, Ticket Number 46391 in  
5 the upper left-hand corner. Do your initials  
6 appear on that dump ticket?  
7 A. Yes, they do.

8 Q. Does it confirm to you that on November 10th of  
9 1981 you dumped a roll-off container from  
10 Wyman-Gordon at the J.M. Mills landfill?  
11 A. Yes, it does.

12 Q. Next page, lower left-hand corner, Ticket Number  
13 46309. Do your initials appear on that dump  
14 ticket?  
15 A. Yes, they do.

16 Q. Does it confirm to you that on November 25th of  
17 1981 you dumped a roll-off container from Pearson  
18 Yacht at the J.M. Mills landfill?  
19 A. Yes, it does.

20 Q. Next page, upper right-hand corner, Ticket 35797.  
21 Do your initials appear on that ticket?  
22 A. Yes, they do.

23 Q. Does it confirm that on January 7th of 1982 you  
24 dumped a roll-off container from Wyman-Gordon at  
25 the J.M. Mills landfill?

0180

1 A. Yes, it does.

2 Q. Next page, lower right-hand corner, Ticket Number  
3 35544. Do your initials appear on that ticket?  
4 A. Yep. Yes, they do.

5 Q. Does it confirm to you that on January 13th,  
6 1982, you dumped a roll-off container from  
7 Wyman-Gordon at the J.M. Mills landfill?  
8 A. Yes, it does.

9 Q. Next page, upper left-hand corner, Ticket Number  
10 35586. Do your initials appear on that document?  
11 A. Yep.

12 Q. Does it appear -- or does it confirm to you that  
13 on January 14th of 1982 you dumped a roll-off  
14 container from Union Wadding at the J.M. Mills  
15 landfill?  
16 A. Yes, it does.

17 Q. Next page, upper left-hand corner, Ticket Number  
18 35086. Do your initials appear on that ticket?  
19 A. Yes, they do.

20 Q. Does it confirm to you that on January 15th of  
21 1982 you dumped a roll-off container from  
22 Wyman-Gordon --  
23 A. Yes, it does.

24 Q. -- at the J.M. Mills landfill?  
25 What was the answer?

0181

1 A. Yes.

2 Q. Okay. Next page, Ticket Number 35125. Do your  
3 initials appear on that document?  
4 A. Yes, they do.

5 Q. Does it confirm to you that on January 18th,

6 1982, you dumped a roll-off container from  
7 Pearson Yacht at the J.M. Mills landfill?  
8 A. Yes, it does.

9 Q. Next page, Ticket Number 39883. Do your initials  
10 appear on that document?  
11 A. Yes, it does.

12 Q. Does it confirm to you that on February 1st of  
13 1982 you dumped a roll-off container from  
14 Wyman-Gordon at the J.M. Mills landfill?  
15 A. Yes, it does.

16 Q. The next page, lower right-hand corner, ticket  
17 Number 39648 or 40, it's not clear which it is.  
18 Do your initials appear on that dump ticket?  
19 A. Yes, it does.

20 Q. This is a ticket dated February 4th of 1982. Who  
21 is the company here?  
22 A. Looks like it says Aerosol.

23 Q. Are you able to make out the second --  
24 A. No, I'm trying to figure out is it cans or  
25 cars, but it can't be cars.

0182

1 Q. Are you able to make out where -- do you know  
2 where this is from?  
3 A. I know I signed it, but --

4 Q. Okay. If you can't tell me that you know where  
5 it's from, that's fine. I don't want you to  
6 guess.  
7 A. No, really I can't, but I would like to be  
8 able to figure it out myself.

9 Q. Okay. But as you sit here today, in looking at  
10 the ticket that we just mentioned, you're not  
11 able to --  
12 A. No.

13 Q. -- figure out where that --  
14 A. I definitely dumped it. I definitely dumped  
15 it, but, no, I cannot figure out just right now  
16 where it's from. It just doesn't --

17 Q. All right. That's fair enough. Let's go to the  
18 next page, upper right-hand corner, Ticket 35301.  
19 Is that your initials on that document?  
20 A. Yes, it is.

21 Q. Does it confirm to you that on February 11th of  
22 1982 you dumped a roll-off container from  
23 Wyman-Gordon at the J.M. Mills landfill?  
24 A. Yes, it does.

25 Q. Next page, upper right-hand corner, Ticket Number  
0183

1 33508. Do your initials appear on that document?  
2 A. Yep. Yes, it does.

3 Q. Does this reflect that you dumped a roll-off  
4 container from Hollingsworth & Vose, Walpole, at  
5 the J.M. Mills landfill?  
6 MS. BARRY: Objection.  
7 A. Yes, it does.

8 MR. MURPHY: I don't know if we have a  
9 date for that ticket, but --

10 MS. BARRY: I don't know if you have the  
11 J.M. Mills landfill either. It's all black.  
12 MR. MURPHY: All right.

13 Q. Let's go to the next page, upper right-hand  
14 corner, Ticket Number 39293. Do your initials  
15 appear on that ticket?  
16 A. Yes, it does. Oh, I'm sorry. Yes, it does.

17 Q. And does that confirm with you that on March 4th  
18 of 1982 you dumped a roll-off container from



19 ACS --  
20 A. Yes, I did.  
21 Q. -- at the J.M. Mills landfill?  
22 A. Yeah.  
23 Q. Okay. Next page, upper right-hand corner, Ticket  
24 Number 39091. Do your initials appear on that  
25 ticket?

0184

1 A. Yes, it does.  
2 Q. Does it confirm to you that on March 17th of 1982  
3 you dumped a roll-off container from Pearson  
4 Yacht at J.M. Mills landfill?  
5 A. Yes, it does.  
6 Q. There is something in your entry here, it says  
7 "Pearson" and then there's a slash mark. Do you  
8 know what's written? Was that meant to be yacht?  
9 A. Yeah, I was probably -- because if you look,  
10 you can see a small, little line coming down like  
11 where it's going to meet where it's coming across  
12 and probably in a bug hurry.  
13 Q. All right.  
14 MR. CONNORS: I'll object to the extent  
15 are you stating that he wrote that as opposed to  
16 signing his name?  
17 Q. Is that your handwriting where it says "Pearson"?  
18 A. To be honest, the Pearson looks like mine, but  
19 the other part doesn't.  
20 Q. All right.  
21 A. But then again, it looks like it's a mark  
22 coming here with that.  
23 Q. All right. I gotcha.  
24 A. You know? But this is definitely my -- my  
25 handwriting. The 54 is my truck. And I mean,

0185

1 yes, I may not be sure of the date from  
2 20-something years ago, but it does assume that  
3 this is definitely me.  
4 Q. Right. The last ticket in this exhibit, lower  
5 right-hand corner, Ticket Number 39382 dated  
6 March 24th, 1982. Does this confirm to you that  
7 on that date you dumped a roll-off container from  
8 Wyman-Gordon at the J.M. Mills landfill?  
9 A. Yes, it does.

10 MR. MURPHY: All right. Can we take  
11 just a short break? I just want to make sure  
12 that I'm finished.

13 (A recess was taken.)  
14 (Plaintiff's Exhibit Number 2 was so  
15 marked.)

16 Q. The last exhibit I want to ask you about is  
17 Castello Exhibit 2.  
18 A. Uh-huh. Yeah.  
19 Q. Do you have that in front of you?  
20 A. I ain't got nothing.  
21 Q. Okay. There you go.  
22 A. Yes, I do now.  
23 Q. Look at the first ticket in the upper left-hand  
24 corner. What is this ticket? It's not a dump  
25 ticket, is it? Can you tell me what this is?

0186

1 A. Yeah, that is basically a pick-up ticket.  
2 It's -- it would be the tickets that were given  
3 to us, you know, to make out as a customer.  
4 For an example, do you see where it says  
5 front load? These are all the size containers

6 for a front load container. So if I was  
7 servicing you as a customer and you had a front  
8 load can, I would indicate the size can you had.  
9 All right?

10 Q. Okay.

11 A. If I received cash, I'd mark it here.

12 Q. Okay.

13 A. This would be my signature and then you would  
14 have to sign down here. And the same thing with  
15 the compactors. See, here's the 42, 46, 50, like  
16 I mentioned before. Do you remember I told you  
17 we had compactors that went from -- all right.  
18 And then you'd indicate which size you picked up.  
19 See where it says 50-yarder? It's indicated one  
20 notch.

21 Q. All right.

22 A. And if we were doing the open tops, here's  
23 your open tops, 25, 30, 40. 25's were rare.  
24 40's were rare. 30 was the size container we  
25 used most of the time.

0187

1 Q. So this was a type of ticket you kept in your  
2 truck that Goditt & Boyer gave you a stack of?

3 A. Eventually, they gave us a -- it's a little  
4 pack, you know, like they're all stuck together  
5 and you just pull off the top. It's just we  
6 eventually had some just like this, it was in  
7 like, you know, pull-off form.

8 Q. Okay. And you would give this to certain  
9 customers --

10 A. If they --

11 Q. Let me ask the question.

12 A. I'm sorry.

13 Q. You would give this type of ticket to a customer  
14 at the time you were picking up a container?

15 A. If they requested it.

16 Q. All right.

17 A. A lot of customers didn't want it or need it.

18 Q. Okay.

19 A. And others who did want it to verify that they  
20 did get picked up were for their own records, but  
21 a lot of times we never did.

22 Q. Well, look at the bottom right-hand corner on the  
23 first page of Exhibit 2. Are your initials at  
24 the bottom of that where it says "driver's  
25 signature"?

0188

1 A. Yeah.

2 Q. All right. And is it your handwriting where it  
3 says "Hollingsworth & Vose" at the top?

4 A. Yeah. No, I see it. I have to say yeah  
5 because it looks like my writing.

6 Q. And so would this be a receipt -- and I can't  
7 make out the date, but this would be a receipt  
8 you would have filled out when you were picking  
9 up a 50-yard container at Hollingsworth & Vose  
10 and where you'd give a copy -- you'd give the --  
11 did you keep a copy of this receipt for yourself  
12 or just give it only to the customer?

13 A. No, if -- I forget his name. If he wasn't  
14 around to indicate it, okay, you would give them  
15 a copy. And from the looks of this, this is for  
16 their 50-yard compactor and, yes, you'd have to  
17 go inside and you go down into the office and  
18 they would sign for this.

19 Q. Are you able to indicate -- does this indicate  
20 where the container went?  
21 A. It shows as what, '81? I think that's what  
22 that says.  
23 Q. Right.  
24 A. That would have to be back in them days  
25 Walpole landfill was already closed so this went  
0189  
1 to J.M. Mills.  
2 Q. So in 1981 when you picked up from Hollingsworth  
3 & Vose, all of the containers in 1981 went to  
4 J.M. Mills?  
5 A. Yes, because the Walpole landfill was already  
6 closed.  
7 Q. Let's go to the next page. Does your initial  
8 appear on that ticket as well?  
9 A. Yes, it does.  
10 Q. All right. So does this also indicate you picked  
11 up a 50-yard container and a 30-yard container on  
12 March 3rd, 1981, from Hollingsworth & Vose?  
13 A. Yes, it does.  
14 Q. The Walpole facility?  
15 A. Yeah.  
16 Q. And they both would have gone to J.M. Mills?  
17 A. Correct.  
18 Q. All right. Let's go to the next page, the bottom  
19 ticket dated March 6th. Do you see that?  
20 A. Yeah.  
21 Q. Does this indicate that you gave a ticket for a  
22 50-yard container that you picked up from -- do  
23 you know where you picked this one up from? Does  
24 it indicate the company?  
25 A. No, but by the name that's the people from  
0190  
1 Hollingsworth & Vose.  
2 Q. All right. E. Collins?  
3 A. Yeah, so that's from there.  
4 Q. And if this is 1981, it would have gone to J.M.  
5 Mills?  
6 A. Correct.  
7 Q. Let's go to the next page. Is that your  
8 signature on the driver's signature line? And  
9 don't guess. If it's not, we'll move on.  
10 A. No. It looks like mine except for the T part,  
11 but it does.  
12 Q. All right. Well, does this indicate that on  
13 March 9th of 1981 a 50-yard container and a  
14 30-yard container were picked up from the  
15 Hollingsworth & Vose Walpole facility and signed  
16 for by Hollingsworth?  
17 A. Yes.  
18 Q. And would these two containers in 1981 have gone  
19 to J.M. Mills?  
20 A. Yes, they would have.  
21 Q. Let's go to the next document. Just look at the  
22 bottom ticket. Is that your signature on the  
23 bottom ticket on that page, B1901?  
24 A. Yeah.  
25 Q. On March 23rd of 1981, did you pick up a 50-yard  
0191  
1 container from Hollingsworth & Vose?  
2 MS. BARRY: Objection.  
3 A. Yeah.  
4 Q. Walpole facility?  
5 A. It indicates so.

6 Q. All right. And would that have gone to J.M.  
7 Mills?  
8 A. Yes, it would have.

9 Q. Let's go to the next document. I want you to  
10 look at the two tickets on the right-hand side of  
11 the page. Are they both signed by you?  
12 A. Yeah. Yes, they are.

13 Q. So the top ticket's dated April 8th of 1981. Do  
14 you see that?  
15 A. Yeah.

16 Q. Does that indicate you picked up a 50-yard  
17 container and a 30-yard container from  
18 Hollingsworth & Vose's Walpole facility on that  
19 date?  
20 A. Yes, it is.

21 Q. And in 1981, those would have both gone to J.M.  
22 Mills?  
23 A. Yeah.

24 Q. Look at the bottom ticket. Same questions for  
25 April 9th of 1981, did a 30-yard container get  
0192  
1 picked up by you from the Hollingsworth & Vose  
2 Walpole facility?  
3 A. Yes, it does.

4 Q. And would that have been brought to J.M. Mills?  
5 A. Yes, it would have.

6 Q. Let's go to the next page and just look at the  
7 upper right-hand ticket. Is that your signature  
8 on that document?  
9 A. Yes, it is.

10 Q. Did you pick up a 30-yard container from  
11 Hollingsworth & Vose's Walpole facility on  
12 April 10th, 1981?  
13 A. Yeah.

14 Q. And would that have gone to the J.M. Mills  
15 landfill?  
16 A. Yes, it did.

17 Q. Go to the next page. There's two tickets, two  
18 bottom tickets. They both have your signature on  
19 them?  
20 A. Yeah. Yes, they do.

21 Q. Are they both from Hollingsworth & Vose Walpole  
22 facility?  
23 A. Yeah.

24 Q. Okay.  
25 A. Yes, it is.

0193  
1 Q. Does the one in the lower left-hand corner  
2 indicate you picked up a 50-yard container from  
3 Hollingsworth & Vose's Walpole facility on May  
4 22nd, 1981?  
5 A. Yes, it does.

6 Q. And would that have gone to J.M. Mills?  
7 A. Yes, it would have.

8 Q. And the ticket to the right of that, on May 21st,  
9 1981, does it show you picked up both a 50-yard  
10 container and a 30-yard container from  
11 Hollingsworth & Vose?  
12 A. Yes, it does.

13 Q. And would both of those have gone to J.M. Mills  
14 in that year?  
15 A. Yes, they would have.

16 Q. Next page, does your signature appear in the  
17 upper left-hand corner ticket?  
18 A. Yeah. Yes, it does.

19 Q. Okay. That looks like it's dated June 29th,  
20 1981?  
21 A. That's what it looks like.

22 Q. Does it appear to you or does this confirm to you  
23 that you picked up a 50-yard container from  
24 Hollingsworth & Vose's Walpole facility on that  
25 date in June based on this ticket?

0194

1 A. Yes, it does.

2 Q. And did this go to the J.M. Mills landfill?  
3 A. Yes.

4 Q. Next page, just look at the lower left-hand  
5 corner. Is that your signature on that ticket?  
6 A. Yes, it is.

7 Q. On June 22nd of 1981, did you fill out this  
8 ticket and give it to Hollingsworth & Vose?  
9 A. Yes, I did.

10 Q. And does it confirm to you that you picked up a  
11 50-yard container and a 30-yard container?  
12 A. Yes, it does.

13 Q. And did you bring those to J.M. Mills?  
14 A. Yes, I did.

15 Q. Next page, upper left-hand corner. Is that your  
16 signature on that ticket?  
17 A. Yeah, looks like it.

18 Q. Does that confirm to you that on September 28th  
19 of 1981 you picked up a 50-yard container and a  
20 30-yard container from the Hollingsworth & Vose  
21 Walpole facility?  
22 A. Yes, it does.

23 Q. Okay. And were they both brought to J.M. Mills?  
24 A. Yes, they were.

25 Q. Let's go to the next page, lower left-hand corner

0195

1 only. Does your signature appear on that ticket?  
2 A. Yes, it does.

3 Q. Okay. Does this indicate that on October 22nd of  
4 1981 you picked up a 30-yard container from the  
5 Walpole facility at Hollingsworth & Vose?  
6 A. Yes, it does.

7 Q. Now, that says "shipping" on it. Is that your  
8 handwriting?  
9 A. Yeah.

10 Q. Why did you write "shipping" there?  
11 A. Because they did for a while put a container  
12 on the other side as shipping. The 50-yarder and  
13 the other 30 that you see was at receiving,  
14 always was at receiving.

15 Q. Okay.  
16 A. And for a time, we put one on the other side  
17 of the building at shipping and that's why it was  
18 indicating that. On that day, I had done the  
19 30-yarder. It's shipping.

20 Q. And this went to J.M. Mills?  
21 A. Yeah. No, it went to J.M. Mills also.

22 Q. Was the contents of the 30-yard shipping  
23 container any different than the contents of the  
24 other waste in the other containers you picked  
25 up?

0196

1 A. No, not for the most part. The only  
2 difference is you -- on the shipping one, because  
3 it would be damaged goods. In most cases, it was  
4 nothing but the rolls that were being ready to be  
5 shipped out and they would get damaged and now

6 they have big huge gouges in them and they'd just  
7 throw them in the container. So there would be  
8 just the roll of material without nothing else.  
9 Q. All right.  
10 A. Except maybe a few scattered skids or  
11 something, but that -- that's what was  
12 predominantly in that.  
13 Q. All right. Let's go to the next page, upper  
14 right-hand corner ticket only. Does your  
15 signature appear on that ticket?  
16 A. Yeah. Yes, it does.  
17 Q. Does it indicate that on June 1st of 1981 you  
18 picked up a 50-yard and 30-yard container from  
19 the Hollingsworth & Vose Walpole facility?  
20 A. Yep. Yes, it does.  
21 Q. And in 1981, would both of those have gone to the  
22 J.M. Mills landfill?  
23 A. Yes, they would have.  
24 Q. Next page, lower left-hand corner. Is that your  
25 signature on that ticket?  
0197  
1 A. Yep, it looks like it.  
2 Q. Does that confirm to you -- are you the author of  
3 this ticket? Did you fill out this ticket?  
4 A. Yeah. Yes, I did.  
5 Q. By the way, on all these tickets in Exhibit 2  
6 where you've signed other than the signature  
7 from --  
8 THE WITNESS: The Collins (sic)?  
9 MR. MURPHY: Yeah.  
10 Q. Did you fill out the balance of the ticket?  
11 A. Yeah. This is my -- this is me indicating --  
12 you know, sometimes I'd write out Hollingsworth &  
13 Vose, other times I'd just put H. Vose.  
14 Q. Okay.  
15 A. Okay. And then I would --  
16 Q. You would write the date in every time?  
17 A. Oh, yeah. No, I always wrote in the date.  
18 Q. Then you'd write down which container?  
19 A. Correct.  
20 Q. Now, there's some dates underneath that. Are  
21 those your dates? Is that your handwriting or  
22 somebody else's handwriting?  
23 A. No, that's not mine.  
24 Q. All right.  
25 A. That must be theirs because, see, I would  
0198  
1 indicate the stop on the top.  
2 Q. All right.  
3 A. I would put in the date, I would indicate  
4 which cans I did, and then just like the other  
5 one I would indicate shipping so that when I went  
6 in to get my slip and she'd go "I didn't call for  
7 that." "No, it's shipping. It's not receiving,"  
8 and so yes.  
9 Q. So on July 21st of 1981, the 50-yard and 30-yard  
10 container you picked up pursuant to this ticket  
11 went to the J.M. Mills landfill?  
12 A. Yeah. From the looks of this, I did this one,  
13 this one and this one. These three are mine.  
14 Q. Oh, I'm sorry. Which other ones, the one in the  
15 upper --  
16 A. Upper left and two lower are from me.  
17 Q. All right. So all three of those, July 16th,  
18 July 21st and July 17th tickets, all reflect --

19 A. Because if you look good, you can just make  
20 out the T, the A, the C.  
21 Q. Well, do you recognize the handwriting at the top  
22 of each of those three tickets --  
23 A. Yes.  
24 Q. -- as yours?  
25 A. I do.

0199

1 Q. So is it your testimony that those three tickets  
2 are all your --  
3 A. Correct.  
4 Q. -- pick-ups?  
5 A. Yeah. The upper right, of course, is not  
6 mine, but these.  
7 Q. All right. And that's on Bates Page B1928,  
8 correct?  
9 A. Yes.  
10 Q. And all of those containers --  
11 A. Correct.  
12 Q. -- you picked up went to J.M. Mills?  
13 A. Correct. Those three -- those three that we  
14 have indicated --  
15 Q. Gotcha.  
16 A. -- yes.  
17 Q. Okay. We've got three more tickets. Let's go to  
18 Page 1927 and look at the upper right-hand ticket  
19 only. Did you fill that ticket out --  
20 A. Yes.  
21 Q. -- other than the dark handwriting?  
22 A. Yes, I did.  
23 Q. All right. And does that confirm to you that on  
24 July 23rd of 1981 you picked up a 50-yard and a  
25 30-yard container from the Walpole facility at

0200

1 Hollingsworth & Vose?  
2 A. Yes, it does.  
3 Q. And did both those containers go to J.M. Mills?  
4 A. Yes, they did.  
5 Q. Go to the next page, Page B1955, upper left-hand  
6 corner. Is that your signature on that ticket?  
7 A. Yes, it is.  
8 Q. Does that indicate or confirm to you that on  
9 January 20th of 1982 you picked up a 50-yard  
10 container from Hollingsworth & Vose in Walpole?  
11 A. Yes, it does.  
12 Q. And did that go to J.M. Mills?  
13 A. Yes, it did.  
14 Q. And let's go to the last ticket here, upper  
15 left-hand corner. Is that your signature?  
16 A. Yes, it is.  
17 Q. Okay. On March 5th of 1982, did you pick up a  
18 50-yard container as indicated on this ticket  
19 from Hollingsworth & Vose in Walpole?  
20 A. Yes, I did.  
21 Q. And did you bring that to J.M. Mills?  
22 A. Yes, I did.  
23 MR. MURPHY: Okay. I have no further  
24 questions. Thanks.  
25 MR. JACKSON: So who wants to go next?

0201

1 EXAMINATION BY MR. SALLY  
2 Q. Mr. Castello, my name is Frank Sally. I  
3 represent Blackstone Valley that we talked about  
4 today, and I have a few questions for you. When  
5 did you first learn of this lawsuit?

6 A. I don't know when I first learned of it, but I  
7 learned about the super clean-up -- the Superfund  
8 clean-up back in the '90's when I got paid a  
9 visit at my house by some gentleman who was -- he  
10 claims he was representing Washington, but  
11 that -- that goes back into the '90's. That was  
12 the first time I knew anything was going on.

13 Q. And who is that gentleman? Do you know?

14 A. I do not remember his name. He was a big,  
15 burly guy. No, seriously. You know, he was a  
16 nice guy, but he was -- he was just a big guy.

17 Q. And did you meet with him for a period of time?

18 A. I'd have to say I think it was three times he  
19 came to my house, always on a Sunday, and he  
20 would sit down, and he had similar stuff like you  
21 have right here and he'd ask me all kinds of  
22 questions.

23 Q. And do you know who he worked for?

24 A. No. He just said he was from Washington. He  
25 was from the government.

0202

1 Q. And did he take a statement from you at all?

2 A. One time he had a recorder going. And other  
3 than that, he just wrote down -- and he already  
4 had a lot of paperwork that was already all made  
5 out, and as we talked and asked, he just made  
6 notations on it.

7 Q. And did he take a written statement from you?

8 A. No. No. That's all he did was all of that.

9 Q. And you say on one occasion he had a recorder  
10 going?

11 A. He did. He asked -- yes, and he asked me  
12 would it be all right, and I said, "Go ahead, I  
13 have no problem with it."

14 Q. And can you remember the year that this took  
15 place?

16 A. Well, like we discussed, it would have to be  
17 somewhere around the late-'80's to early '90's.  
18 The exact time, no. And, I mean, I've got my own  
19 funny way of trying to remember it, but that's  
20 what it would be.

21 Q. What's your funny way of trying to remember it?

22 A. Well, I hate to say this, but the first time  
23 he came to my house my mother was at my house.  
24 My mother was diagnosed at 75 with Alzheimer's.  
25 My mother was born in 1914. It wasn't long after

0203

1 that that we had to put my mother into a nursing  
2 home. So if she was 75 years old, born in 1914,  
3 okay, that would put her at 80 -- it would put it  
4 in 1989. Okay? So somewhere around '89 or '90  
5 he came because she was at my house. And it was,  
6 like, within a year-and-a-half after she was  
7 diagnosed we had to put her into a nursing home,  
8 so it's somewhere within that time.

9 And twice when he came my mother was there,  
10 because I used to take her on weekends. And the  
11 last time he came it was only me, so it's  
12 somewhere between, I'll have to say, '89 to  
13 somewhere between '91, '92, but I'd go more with  
14 the '91, so somewhere within a two-year time.

15 Q. Did he come on three successive Sundays?

16 A. Oh, no. No. He came this one time. He said,  
17 "I'll be getting back to you." I said, "Okay."  
18 Then I hadn't seen him in ages.



19 Q. And how long did he spend with you on each of  
20 these visits?

21 A. I'd say the first time was probably the  
22 longest. Maybe about an hour-and-a-half to two,  
23 then other times it was about around an hour or  
24 so.

25 Q. And what did you talk about? What did he say to

0204

1 you and what did you say to him?

2 A. The Superfund. He was informing me that he  
3 was representing the government due to the  
4 Superfund clean-up and trying to find out, you  
5 know, just where we dumped stuff, what we did  
6 with things, just of that. That's all.

7 Q. And what did you tell him as best you can  
8 remember?

9 A. Whatever questions like yours did is what I  
10 answered. You know, where did I dump things, you  
11 know, what do I remember about certain stops, did  
12 I ever take any -- he did ask me about -- what do  
13 you call it -- TI and stuff with the landfill up  
14 in Attleboro, and I told him we had never ever  
15 dumped at that site. I think he had more to do  
16 with the -- what do you call it there -- the  
17 clean-up for nuclear waste because he kept asking  
18 me a lot of questions about nuclear stuff, and I  
19 said, "We never dealt in it, never," and I never  
20 did.

21 Q. You said "TI," what's that?

22 A. Texas Instruments.

23 Q. Now, did you ever talk to any of your colleagues  
24 about this interview?

25 THE WITNESS: This interview here?

0205

1 MR. SALLY: Yeah.

2 A. No, other than the fact of notifying them  
3 that, like, when we've talked in general, I says,  
4 "yeah, got to go down and talk," but I have never  
5 talked no details as to what's been said.

6 Q. Do you know whether any other of your fellow  
7 employees were interviewed by this man or someone  
8 who was in a similar position?

9 A. The only other one I know that was was Phil,  
10 we work together, and I knew last week or  
11 whatever it was the last -- when he was here,  
12 because he said, "You've got to go next," and  
13 that was it.

14 Q. Phil Lapre?

15 A. Phil Lapre, but we still have not spoken about  
16 what's transpired.

17 MR. CONNORS: I want to make a  
18 clarification. You're talking about the  
19 government gentleman?

20 MR. SALLY: Yeah.

21 MR. CONNORS: Are you talking about  
22 these proceedings or the government?

23 THE WITNESS: Oh, no, just that. I  
24 haven't talked to that gentleman since then.

25 MR. CONNORS: So Phil Lapre -- I don't

0206

1 know if you want to back up.

2 MR. SALLY: Let me back up.

3 MR. CONNORS: I think we lost the trail  
4 somewhere.

5 Q. The man from the government who you talked with,

6 okay?  
7 A. Yeah.  
8 Q. Did any of your other fellow employees, to your  
9 knowledge, talk with a government representative?  
10 A. I have no idea. All I know is he had a list,  
11 and -- he had a several page list of names, okay,  
12 names, initials just like you people do and he  
13 did ask me could I help clarify as to who was who  
14 on what. And that's what I did. The ones that I  
15 knew and recognized, I told him who and that was  
16 it, but he had them for everybody. I mean, there  
17 was people there I never even knew existed, so --  
18 Q. Did he give you any documents?  
19 A. No. No, I never got nothing, never received  
20 nothing. He only asked, like I just said, did I  
21 know any of these other people, and he just  
22 always kept saying it had to do with the  
23 Superfund clean-up.  
24 Q. Now, after this series of interviews with this  
25 government person -- strike that.

0207

1 Do you know whether he worked for the EPA or  
2 did he mention any agency at all?  
3 A. No. Only thing he said is he said, "I'm from  
4 Washington," and he showed a badge.  
5 Q. Okay.  
6 A. That was it.  
7 Q. He was, like "I'm from the federal government.  
8 I'm here to help you"?  
9 A. I hear you, but you're asking and I'm  
10 answering you and I'm answering you truthfully.  
11 I don't know what else to tell.  
12 Q. I'm sure you are. Now, after these three  
13 interviews with this gentleman from the federal  
14 government, what was the next -- strike that.  
15 You talked to this man from the federal  
16 government in, you think, about 1990; is that  
17 correct?  
18 A. Somewhere between the -- somewhere around the  
19 time of '89 to about the '91 somewhere, yes.  
20 Q. And when was the next time you became involved in  
21 this situation, you learned of this lawsuit or  
22 the clean-up?  
23 A. Just a few years ago when all of a sudden it  
24 all started up again and Waste Management had  
25 said they wanted to talk to me, and my own

0208

1 company spoke to me and said, "Do you know -- do  
2 you remember any of this stuff," and that was it.  
3 So there was quite a lull for a long time.  
4 Q. So from 1990 until after -- can you remember the  
5 year?  
6 A. Still at Attleboro. Somewhere -- because when  
7 they first asked me, I asked them if they knew  
8 this gentleman and they knew nothing about him.  
9 So somewhere around '94, somewhere in that area,  
10 is the first time the company asked me about what  
11 was happening.  
12 Q. So it was about four years after you met with the  
13 fellow from the federal government?  
14 A. Maybe that or a little less, yes.  
15 Q. Now, who was the first person at Waste Management  
16 who brought this up to you in 1994?  
17 A. My supervisor at the time.  
18 Q. What was his name?

19 A. I think Gene Corsey, if I remember right,  
20 C-O-R-S-E-Y.  
21 Q. And is he still with the company?  
22 A. No. No, he's not.  
23 Q. And do you know is he still alive?  
24 A. Oh, yeah. Yes, he's still -- I haven't seen  
25 him in years, but I know he's still alive, yes.  
0209  
1 Q. Do you know where he lives?  
2 A. He lives in Mass somewhere down by the  
3 Berkeley area, but that's -- I've never been to  
4 his place.  
5 Q. Now, where were you when he first talked to you?  
6 A. I was still at the Attleboro division on  
7 O'Neil Boulevard.  
8 Q. And was there anyone else involved in this  
9 discussion besides you and Mr. -- what was his  
10 name?  
11 A. Gene Corsey. They might have spoke to others,  
12 but when he asked me, there was only me. And  
13 then when one of the company lawyers came over to  
14 speak, there was just me and the company lawyer.  
15 We sat down in one of the rooms and we talked.  
16 Q. Okay. Let me talk to you about your discussion  
17 with you and Gene. Okay? What did you say to  
18 him and what did he say to you, as best you can  
19 remember?  
20 A. Nothing other than "Do you remember where you  
21 dumped," just like you are doing, what we did,  
22 and that was basically about all I can remember.  
23 There wasn't much a deal made out of it. It was  
24 just -- and it was dropped. So to be honest, I  
25 really do not remember much because there was not  
0210  
1 much emphasis put on it at the time way back  
2 then. There's been more emphasis lately than  
3 there were back in the earlier days.  
4 Q. And then your next contact was you met with a  
5 company lawyer?  
6 A. Yes. We had a company lawyer come down to ask  
7 me some of the same things about who -- could I  
8 figure out who some of these initials were.  
9 MR. MURPHY: You know, you might want  
10 to --  
11 MR. CONNORS: I was going to let him  
12 finish his sentence.  
13 A. That was it.  
14 MR. CONNORS: I'm going to object to any  
15 conversation with counsel.  
16 Q. Who was the company lawyer?  
17 A. I have no idea. I don't know.  
18 Q. Do you know who he worked for?  
19 A. No, other than the fact that they said that  
20 that was it, that he was -- as a matter of fact,  
21 it wasn't a he, it was a she. She was  
22 representing the company.  
23 Q. And where did this discussion take place?  
24 A. In Attleboro.  
25 Q. And who was present besides you and this woman,  
0211  
1 if anyone?  
2 A. That's it. Just us two.  
3 Q. Now, did you have more than one meeting with the  
4 company lawyer?  
5 A. At that time, no. I had had another one a few

6 years later, about, like, a couple years later I  
7 think it was.  
8 Q. So would that meeting with the company lawyer  
9 have taken place in 1994 --  
10 A. No.  
11 Q. -- about the time you talked to Gene?  
12 A. I don't think so. I think it was a little bit  
13 longer.  
14 Q. It was after that?  
15 A. I think it was a little longer than that.  
16 Q. Can you tell me how long after?  
17 A. No, not really.  
18 Q. I mean years or months?  
19 A. No, it -- well, it was -- a little time had  
20 elapsed because I had totally forgotten about it  
21 because no more had been brought up to me. Then  
22 all of a sudden when they asked, you know, "do  
23 you have time to talk again" and I said, "yeah."  
24 I said, "I totally forgot about the whole damn  
25 thing."

0212

1 Q. Okay. Now, after this first meeting with the  
2 company lawyer, when was this situation next  
3 brought up to you?  
4 A. I was in Cranston. The last time I spoke  
5 to -- which is many years ago, but I was down in  
6 Cranston, Cranston, Rhode Island, and we've been  
7 in Cranston for a while now.  
8 Q. And who came to talk to you?  
9 A. I have no idea. This was a gentleman. As a  
10 matter of fact, there was two gentlemen and the  
11 same thing, they were lawyers, and that was it,  
12 and they asked the same form of questions.  
13 Q. And did they identify themselves as representing  
14 the company?  
15 A. Yes. As a matter of fact, the company's the  
16 one whole called me and told me that, you know,  
17 "when you get in make sure you see (sic) because  
18 we've got somebody we'd like you to talk to."  
19 Q. Did you give any of these lawyers a statement?  
20 THE WITNESS: A statement in what  
21 regard?  
22 Q. Well, did they record your discussion?  
23 A. No, it was a verbal conversation like this,  
24 and all they did was they had papers similar, not  
25 in detail, and they just asked do you know who

0213

1 this name is and so on and the same thing.  
2 Q. Did they take notes?  
3 A. Yes, I think they had taken some notes.  
4 Q. Did you sign anything at any of those meetings?  
5 A. No, I've never had to sign anything yet.  
6 Q. So then you get to this Cranston meeting, when  
7 did that take place, as best you can recall?  
8 A. I'll probably say probably toward the early of  
9 the year -- the early of the decade, somewhere  
10 around the early 2000 something.  
11 Q. 2000?  
12 A. Because it's been a long time.  
13 Q. Okay. Now after that Cranston meeting, what was  
14 your next contact with this situation?  
15 A. When all this came about.  
16 Q. Okay. All right.  
17 A. I'm serious.  
18 Q. That's fine. And how did you -- strike that.

19 Who contacted you?  
20 A. My boss. My boss said that, you know, this  
21 was going to be happening and would I be willing  
22 to go. I said, "yeah, I've got nothing to hide."  
23 I said sure, so here I am.

24 Q. Who's your boss?

25 A. My boss right now is Mike Damon.

0214

1 Q. And when did this discussion take place with  
2 Mike?

3 A. To be honest, I didn't really talk to Mike.  
4 Mike talked to my boss. My immediate foreman is  
5 Phil Jordan. He's the one who -- and I says,  
6 "What's this about?" He goes, "I was just  
7 talking to go Mike Jordan -- I mean Mike Damon  
8 and he wants to know will you go because we've  
9 got this deposition coming up." And I said,  
10 "Yes." So that's how this all came about.

11 Q. Okay. And what did your foreman tell you about  
12 the situation, if anything?

13 A. They asked me what do I know about the  
14 Superfund, and I said, "Well, over the years I've  
15 been hearing things on and off for the longest  
16 time." I said, "But nothing's ever happened."  
17 They said, "We're going to go," and then that's  
18 when they mentioned that I would, you know, come  
19 down here and this is who I had to meet was Curt  
20 and then the rest is history.

21 Q. And when did you first meet with your counsel  
22 who's here today?

23 A. Oh, cripes. We spoke once a while back and  
24 then when I met him here the last time we met,  
25 which was, what, three weeks ago down in the

0215

1 front.

2 MR. CONNORS: And we're not going to  
3 discuss our discussions.

4 A. Oh, yeah, no, but I'm just saying that was it.

5 MR. CONNORS: I just want to make you  
6 aware.

7 A. I met him out here and he escorted -- not here  
8 rather, the other building, and he escorted me  
9 upstairs and that was it.

10 Q. Did you say that you had spoken with him before  
11 or met with him before you were at the other  
12 building?

13 A. No. When we were there --

14 Q. Yeah.

15 A. -- I spoke to him once about, you know, this  
16 is all going on and that was all.

17 Q. And when did that discussion take place?

18 A. I don't -- I don't remember and I'm being  
19 honest.

20 Q. But it was before the first session of your  
21 deposition.

22 A. Yeah, but it wasn't long, was it? I don't  
23 remember, no.

24 MR. CONNORS: Answer to the best of your  
25 ability.

0216

1 A. No.

2 Q. Just to the best of your memory.

3 A. I really don't, so I'm not -- mostly since  
4 this whole thing all really got going, that's  
5 when I had to talk to him and that was it and I

6 met him out here.

7 Q. Now, has anybody shown you any documents that  
8 concern this case?

9 A. No, other than what I've seen here today and  
10 what that gentleman from Washington had, that was  
11 it. And I didn't even really see. He only had  
12 papers indicating a whole bunch of names. And at  
13 the time he said he got most of those from my ex  
14 boss through the dispatcher. She's the one who  
15 gave him all of everybody's names.

16 Q. Now, you went to work for Goditt & Boyer in,  
17 what, 1971, did you say?

18 A. Yes, I did, '71.

19 Q. And do you remember the month?

20 A. April 1st, 1971.

21 Q. And as I recall your testimony, you said that  
22 when you first began work you began to drive a  
23 roll-off -- roll-on truck?

24 A. Yes, I drove a roll-off. Correct.

25 Q. And you were working in the local area; is that  
0217 right?

1 A. Yes, I was.

2 Q. And you mentioned a number of companies who you  
3 were working for; is that right?

4 THE WITNESS: A number of companies I  
5 worked for?

6 MR. SALLY: A number of companies that  
7 you were picking up trash for.

8 A. Oh, yes. Okay. Yeah.

9 Q. And they were basically local?

10 A. Correct.

11 Q. And then as I understand that situation, that  
12 went on for a year or two?

13 A. Probably closer to two years is when I did all  
14 of the very local and which was considered the  
15 crappier work, yes.

16 Q. And you weren't happy with what you were doing?

17 A. No, not that I wasn't happy. It's just that  
18 after a while you like to just do other stuff.  
19 If I wasn't happy, I would have left. I wouldn't  
20 stayed 38 years.

21 Q. Okay. And then you went to your boss. Who was  
22 your boss at that time?

23 A. Dave Brask was always the big boss. Russell  
24 Brask, vice president, was the next, and then  
0218 there was Linda. But I had spoken to Russell to  
1 see about getting -- how about if I start doing,  
2 you know -- and then finally we did and then from  
3 then on the rest is history.

4 Q. So about two years after you began working at  
5 Goditt & Boyer you went to Russell?

6 A. Well, yeah, to mention about, you know, can I  
7 start getting some other little work instead of  
8 always doing the same stuff. Yes, I did.

9 Q. And then you wanted to do some of the long haul  
10 jobs?

11 A. Well, I just wanted to do -- it was getting so  
12 monotonous doing repetitious. I could close my  
13 eyes and drive to all these stops from doing them  
14 so much. I just wanted a little break and a  
15 change. And then once I -- once they gave me the  
16 break and the change, things really changed a lot  
17 and then things moved on.

18

19 Q. And so that happened about two years after you  
20 began --  
21 A. Yeah, roughly around the two years.

22 Q. And then you began hauling trash from Worcester  
23 and other locations other than in the Rhode  
24 Island area?  
25 A. Well, at a period. At what time I started  
0219  
1 going farther and farther out is another -- I  
2 don't really remember exactly, but, yes,  
3 somewhere after the two -- the two- to three-year  
4 period then I really started. And then the more  
5 I went, the more different I started doing,  
6 correct.

7 Q. And what's your best memory of when you started  
8 that?  
9 A. Somewhere after the -- somewhere around the  
10 '73 and after that I started.

11 Q. And at that point in time when you began this  
12 sort of long haul work, the amount of work that  
13 you did locally diminished, correct?  
14 A. Yeah. I mean, unless I happened to be in the  
15 area at the time and if it was convenient for  
16 them to give me something, I would still end up  
17 doing it, but it wasn't like before. Every  
18 morning at a certain time you had to be at a  
19 certain stop, then you had to be at this stop and  
20 then you had to be at this stop. That type of  
21 repetitious stopped. I would just go from one  
22 location to another. It was a different -- just  
23 a different monotony. It wasn't the one place  
24 right after another.

25 Q. I mean, a lot of the tickets that we have from  
0220  
1 the '80's you're going up to Stoughton and you're  
2 going to up to Dedham and you're going to  
3 Westwood and you're going to Worcester. You're  
4 going all over the place, right?  
5 A. Correct.

6 Q. And that wasn't the case when you first began  
7 working at --  
8 A. No, it was not.

9 Q. Now, as I recall your testimony, when you first  
10 began working at Goditt & Boyer and for those two  
11 years you were working locally you would do  
12 about, what, 14 or 15 trips a day; is that fair?  
13 A. No. On an average, a good day was  
14 somewhere -- anywhere depending on what type of  
15 problem you might have with the stop would be  
16 eight or ten. What I had said before was my best  
17 day was 14 cans. That was my best day.

18 Q. So you'd do somewhere eight or ten trips a day?  
19 A. On an average, I could definitely average that  
20 many cans. And like I said, my best was 14.

21 Q. And you were working six days a week, as I  
22 understand it?  
23 A. Yes. Correct. Saturday was a must.

24 Q. They insisted that you work six days a week?  
25 A. Everybody had to work. Exactly.

0221  
1 Q. So you were doing between -- in between 36 and  
2 40 --  
3 A. It would probably be between the 36 or  
4 whatever cans, yeah. Correct.

5 Q. 36 and 48 trips a week?

6 A. Could have been, yeah.  
7 Q. And did you take any vacations?  
8 A. Yep.  
9 Q. How many weeks vacation would you take?  
10 A. The first year was one week, second year was  
11 two, after the 5th was three, ten, and then I  
12 worked up to six years -- six weeks until we got  
13 bought out by Waste Management. But I used to  
14 average two to three weeks vacation a year  
15 whether I took them all or not, but I always did  
16 take off two to three weeks.  
17 Q. So if you were doing 36 trips a week and you were  
18 working 50 weeks a year, how many trips would  
19 that be? That would be 1,800 trips?  
20 A. I guess so, yeah.  
21 Q. And if you were doing 48 trips a week --  
22 A. But that wouldn't be every week. I mean,  
23 you're more or less coming up with figures on a  
24 perfect scenario, and I mean, come on, we don't  
25 live in a perfect world. Yes, there were times  
0222  
1 when I would, but then there was other times --  
2 like if it was inclement weather, I can remember  
3 doing as little as two and three because I was  
4 stuck in a snowstorm somewhere.  
5 Q. But that would be unique, wouldn't it?  
6 A. Yeah. Well, it was so unique that in '78 when  
7 the blizzard hit I never did one because I  
8 couldn't get out of my house.  
9 Q. None of us --  
10 A. Okay. But this is what I'm getting at, that's  
11 all.  
12 Q. Okay. But is it fair to say, Mr. Castello, that  
13 usually you would do six to eight trips a week;  
14 is that fair?  
15 A. I -- I definitely had a very good productive  
16 schedule.  
17 Q. Six to eight trips a day. I'm sorry.  
18 A. Yeah. No, I knew what you meant, but, yeah,  
19 because then once I started doing even the  
20 longer, longer runs, then I was more consistent,  
21 but I was averaging three and 400 miles a day and  
22 I was averaging a good six cans a day.  
23 Q. Okay.  
24 A. Depending on what I got.  
25 Q. Let's just stick with the first couple of years  
0223  
1 when you're doing six to eight trips a day, and I  
2 came up with 36 to 48 trips a week. And do you  
3 want to take that back and give me an average  
4 number in your testimony as to --  
5 A. No.  
6 MR. CONNORS: To the extent you're able  
7 to mathematically give him that average. If  
8 you're not --  
9 A. No, I'm really -- unless I really sit down and  
10 start to figure out, no. But, no, I don't really  
11 have a mathematical figure, but I would probably  
12 say it would be more like -- if I was averaging  
13 somewhere in that vicinity, I'd have to say  
14 closer on a more overall figure I was probably  
15 doing somewhere between the 36 to, maybe, 40 a  
16 week would have been a more -- a more average  
17 figure if things was to go right.  
18 Q. Let's just take the lower figure.



19 A. All right.  
20 Q. The 36. If you're taking two weeks vacation,  
21 that would be 1,800 trips a year, would you agree  
22 with me on that?

23 A. Okay.

24 MR. CONNORS: What time frame are we  
25 discussing?

0224

1 MR. SALLY: We're talking the first two  
2 years, 1971, 1972.

3 A. Okay. Well, that would be -- because back in  
4 them days, I only took -- I only took the  
5 vacation that I had. So you're talking one or  
6 two weeks, but all right.

7 Q. All right. Will you give me that 1,800 trips a  
8 year for the first two years?

9 A. Yeah. Could be, yeah.

10 Q. So that's about 3,600 for those first two years,  
11 '71 and '72; is that right?

12 MR. CONNORS: Objecti on.

13 A. Yeah.

14 Q. And then you went into this sort of -- in '73  
15 into the longer hauls and, of course, you  
16 couldn't do as many cans at that time?

17 A. Correct.

18 Q. Because, as you said, you were driving four or  
19 500 miles a day; is that right?

20 A. Yes, somewhere between the three -- three or  
21 400 a day is a more realistic figure, I mean.  
22 But, yes, I would average between the three,  
23 four, 450 was the high end, back up, yes.

24 Q. So how many cans would you be doing a day? How  
25 many containers?

0225

1 A. Well, on the days like that depending on what  
2 the location was and what others I had done, I  
3 have done as many as almost 500 miles and six  
4 cans, but the difference was I drove several  
5 miles to get to where I was and then I did two or  
6 three cans in that one little area, come back  
7 down and do the same, similar.

8 Yes, I got a lot of mileage, but I had cans  
9 that was all grouped in a small area and I  
10 knocked them out. That's why a lot of this  
11 depends on where you are going. You know, you  
12 cannot -- you can't sit here and say, well, I  
13 drove all the up to there and back and you did --  
14 no, it just ain't feasible. But depending on the  
15 locale and what you had, yes, there was times I  
16 could do very, very well. Other times I  
17 couldn't.

18 Q. Would you agree with me that when you were  
19 working in the long haul routes you were doing  
20 six cans a day on an average, just an average?

21 MR. CONNORS: Objecti on.

22 A. Yes. I would average five or six a day, yeah,  
23 on the long haul.

24 Q. Let's stick with five, then, so we have a more  
25 reasonable number. And you were still working

0226

1 six days a week; is that right?

2 A. Correct.

3 Q. So you'd be averaging about 30 cans a week?

4 MR. CONNORS: Objecti on.

5 A. No. On a Saturday, you didn't work a full

6 day.  
7 Q. Okay.  
8 A. On Saturdays, you mostly only did two to three  
9 cans depending on what he gave you, and there was  
10 a lot of Saturdays I only did one can. I would  
11 leave here, drive all the way to Provincetown,  
12 pick up that can in Provincetown because it was a  
13 load of cardboard, and I would drive it all the  
14 way back up here to United to dump. United used  
15 to close at 12:00.  
16 Q. All right. Well, then just for the sake of  
17 argument, what do you say we say 25 cans. We'll  
18 forget about Saturdays.

19 MR. CONNORS: Objection.  
20 Q. Would you agree with me on that you did at least  
21 25 cans a week?  
22 A. Yes, I'd say I did.  
23 Q. And how many weeks vacation -- did you get an  
24 increase in vacation as you were more senior?  
25 A. Yes, but I never took -- I didn't take them

0227  
1 all because at the end of the year he used to  
2 just pay me. So I used to save two or three  
3 weeks at the end of the year and that was my  
4 Christmas money.  
5 Q. And how many -- could you take any vacation at  
6 all?  
7 A. Oh, yeah. Like I told you, I averaged about  
8 three weeks a year.  
9 Q. Okay.  
10 A. And in the later days when I had accumulated,  
11 you know, extra -- extra vacation time.  
12 Q. So then you were working about 49 weeks a year --  
13 A. Yes.  
14 Q. -- is that a fair statement?  
15 A. Between the 49 and 50 is definitely it.  
16 Q. Okay. I estimate that you would have been  
17 hauling about 1,200 cans a year?  
18 MR. CONNORS: Objection.  
19 Q. 49 weeks times 25, is that --  
20 MR. CONNORS: To the extent you're able  
21 to agree with it. If you don't --  
22 A. Yeah. Like I said, unless I sit down and  
23 figure it, I don't really know, but it's more  
24 than possible, I guess, if that's what it all  
25 figures out.

0228  
1 MR. SALLY: Counsel, I would appreciate  
2 it under the rules that if you have an objection,  
3 that's fine, the witness can answer the question.  
4 If he can't answer the question, I'll certainly  
5 be glad to give him another one.  
6 MR. CONNORS: I'd appreciate it if you'd  
7 ask him questions to his personal knowledge and  
8 not take him through a math exercise. You're  
9 certainly free to come up with whatever figures  
10 you want, but that doesn't mean that he has to  
11 come up with them or agree with them, but that's  
12 fine.  
13 MR. SALLY: I'm simply asking him if he  
14 agrees with them. If he does, he does. If he  
15 doesn't, I'll ask him another question.  
16 MR. CONNORS: Sure.  
17 Q. I'm sorry. I made a mistake in my calculation.  
18 I'm assuming 49 weeks working and 25 cans a week,

19 I think that comes out to a thousand or  
20 approximately a thousand, would you agree with me  
21 on that?

22 MR. CONNORS: Objection.

23 A. If that's about what it comes out to, then  
24 fine, it would be somewhere in that vicinity.

25 Q. Now, how many years were you doing that long haul  
0229 route?

1 A. Up until they bought out in '88, so I'd have  
2 to say somewhere in the vicinity maybe 12, 13.

3 Q. 12 or 13?

4 A. I'll go to 14 years. I'll give you the  
5 benefit.

6 Q. So during that 14 years, would it be fair to say  
7 that you picked up and dumped an additional  
8 14,000 cans?

9 MR. CONNORS: Objection.

10 A. I don't know about the figure until I sat down  
11 and figured it, but if --

12 THE WITNESS: Is that the figure you  
13 came up with?

14 MR. SALLY: No, I want your testimony.

15 Q. I assumed that based on your testimony you said  
16 you were working 49 weeks a year?

17 A. Yeah.

18 Q. And I've taken about 25 cans a week, we  
19 discounted Saturdays, and I come up with a number  
20 of approximately a thousand cans a year.

21 A. Okay. So that's what I just asked.

22 THE WITNESS: That's the figure you just  
23 came up based on those weeks at those amount?

24 MR. SALLY: Right.

0230

1 A. Then, yes, it is possible that I had done  
2 that, correct.

3 Q. And if we take that approximately thousand cans  
4 and we multiply that by 14 years, you've got an  
5 additional 14,000 runs; is that a fair statement?

6 A. Could be.

7 Q. And that brings -- well, no.

8 A. No. No, only for one reason. I drove over  
9 the road for Brask during the meantime also. I  
10 would be gone sometimes a week, week-and-a-half  
11 and I wouldn't do one can. So this is -- this is  
12 where this hypothetical or whatever comes into  
13 where there's -- where you've got a problem. I  
14 have -- on a national register, I have well over  
15 two point something million miles that is logged  
16 on a national log. Okay? Now, you don't get  
17 that by just working around here. I mean, I  
18 drove all over the country for him delivering his  
19 machinery through his lease company. And there  
20 was times I'd be gone anywhere from four or five  
21 days, six days, come back, I'd be here two or  
22 three, four days do some work and then I'd take  
23 off again.

24 So, I mean, what you're saying in one  
25 respect, yes, it is possible I could have done

0231

1 it. But the times when I was also driving over  
2 the road, no, I couldn't have done it because I  
3 would be gone.

4 Q. What percentage of your work would you estimate  
5 involved driving over the roads for Mr. Brask

6 delivering machinery?  
7 A. Between the '74/'75 -- I'll probably say '75 I  
8 started, somewhere in there, and then to about  
9 right around the '80/'81, then it started  
10 curtailing off and another gentleman was doing it  
11 also, so I wasn't as much. But there was a time  
12 there when I did do a lot of driving and then it  
13 curtailed off.

14 Q. Can you estimate the percentage of time that you  
15 spent in that activity driving over the roads and  
16 delivering machinery? Maybe three weeks a year?  
17 Five weeks a year?

18 A. At one point -- at one point, I'd probably say  
19 it was a little bit more than the three to four  
20 weeks and then other times it was less once this  
21 other gentleman started. But without sitting  
22 down and figuring out and being more with a --  
23 no, I don't really know.

24 Q. Now, 1988 you said -- what did you start doing in  
25 1988?

0232

1 A. I was still doing the same thing, but Waste  
2 Management bought us out. And being -- Waste  
3 Management being a much larger company and we  
4 have smaller divisions all over the place, all  
5 that long work they took off of us because each  
6 and every one of their separate divisions started  
7 taking care of that. And when they moved me to  
8 Cranston, I even stopped coming to Massachusetts.  
9 I only took care of Rhode Island work.

10 Q. And what sort of a truck were you driving after  
11 1988?

12 A. Roll-off. I have driven roll-off up until  
13 '07.

14 Q. And from 1988 on, what sort of work were you  
15 doing for Waste Management?

16 A. I was doing roll-off work.

17 Q. But, I mean, which customers were you servicing?

18 A. All the ones in the -- in the Rhode Island  
19 area that we have. All the same thing, all  
20 roll-off containers.

21 Q. Were you basically going back to the same type of  
22 work that you did in 1971 and '72?

23 A. Oh, yeah, they were the same customers but I  
24 wasn't -- they take -- what Waste Management did  
25 was they more -- they kept you in a closer area.

0233

1 So I started doing, like, the airport, I started  
2 more in Warwick, West Warwick, Cranston, you  
3 know, Johnston. They just condensed my area so  
4 now you weren't traveling. You'd be in one area,  
5 I'd be in another and so on. I'm still doing the  
6 same work but not the same customers.

7 Q. So from 1988 through today, you're still doing  
8 that same work?

9 A. No. In 2007, I do container delivery and I  
10 drive the trailer. I do not do roll-off no more  
11 since -- toward the end of 2007, I stopped doing  
12 roll-off.

13 Q. And each time you picked up a container you would  
14 take it to a dumping facility to dispose of the  
15 trash?

16 A. Correct.

17 Q. Now, in Rhode Island, there were a number of  
18 different dumping facilities, weren't there?

19 A. Only in the early days. Once the Central  
20 landfill opened, they closed every landfill  
21 and -- including Joe Mills at the end. J.M. was  
22 the only one holding out other than the Central  
23 landfill. They closed all the others. There was  
24 J.M. and Central and then J.M. closed and Central  
25 was the only one.

0234

1 Q. Let's go back to the early days. What landfills  
2 were available to you when you first started  
3 working for the Goditt & Boyer?  
4 A. Used to dump in the -- used to the dump in the  
5 Coventry landfill, the North Kingstown landfill,  
6 used to go down to South Kingstown, there was  
7 Capuanno, he had the landfill in Cranston, there  
8 was Joe Mills, there was the Pawtucket  
9 incinerator, there was the Providence one,  
10 Woonsocket. Woonsocket had their incinerator  
11 right up there on Route 122. Oh, cripes. Just  
12 about all of them. Like I said, North Providence  
13 had one but they didn't take commercial trash,  
14 although, we didn't really have anything in North  
15 Providence at the time.

16 But they all had their own whether it be a  
17 city or town. They had -- West Warwick had  
18 theirs -- had their own landfill. There was a  
19 whole mess load of different landfills around and  
20 they had gradually -- the landfill when  
21 Central -- when city -- when the state bought out  
22 the Central landfill, they started closing all  
23 the others, and J.M. was the last one to be  
24 opened and then finally he went down also.

25 Q. And when did the State buy Central landfill?

0235

1 A. I really don't remember the -- I just remember  
2 that they did do it, but the exact date I cannot  
3 give you.

4 Q. And you used all of these landfills at one point  
5 or other in your career?

6 A. Yes, we did.

7 Q. Now, would you agree with me, Mr. Castello, that  
8 over the years you've dumped literally thousands  
9 of loads of trash --

10 A. Yes.

11 Q. -- at various landfills?

12 A. I'll agree, yeah.

13 Q. And would you agree with me that you can't  
14 distinguish one load from another?

15 MR. CONNORS: Objecti on.

16 A. The only loads I cannot distinguish is  
17 something that I have not done on a regular  
18 basis. The ones that I did very regularly, yes,  
19 they get embedded into your memory for one reason  
20 or another because they have a distinction to  
21 them. Just like when he asked me about a stop I  
22 had done, I'd only done it once or twice, and you  
23 are correct. In all those years, I remember the  
24 stop but I cannot really remember what the  
25 contents was. I'll agree with you there. If I

0236

1 don't do it often enough, no, I cannot.

2 Q. You can't remember where you were on December 7th  
3 of 1971, can you? You don't have a speci fic  
4 memory of that day?

5 A. No, but one other thing -- you're right, I

6 cannot except for one thing. You tell me what  
7 happened on that day and for why it should be and  
8 I'll give you an answer.

9 Q. Your testimony is based on your general  
10 recollection, isn't it?

11 A. My -- my answers are on what I remember at the  
12 stops that I did, correct.

13 Q. Will you agree with me, Mr. Castello, that you  
14 don't have a specific memory of where you stopped  
15 on December 7th of 1971?

16 A. Oh, I agree. No, I don't, not exactly that  
17 one day. But if I did this stop on that day, I  
18 remember what's in that container because I had  
19 done it repetitious, correct.

20 Q. But would you agree with me, Mr. Castello, that  
21 your testimony as to what was in a container,  
22 what was referred to in one of these dump slips,  
23 is simply based on your assumption that it was  
24 the same as before?

25 A. Meaning -- okay. What you are meaning is that

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1 on December the 7th the container I dumped did  
2 have the exact same product that was in that  
3 container when I dumped it December the 14th?  
4 No, I cannot tell you that it was exactly the  
5 same. But based on the product from doing it all  
6 those years and with their history of what they  
7 threw away, I'd have to say it was almost  
8 identical.

9 Q. But it wasn't based on your specific memory, it  
10 was based on an assumption that the product was  
11 the same?

12 A. It ain't even an assumption. It's based on  
13 the fact that in the past when I dumped the  
14 individual containers, as to the product that was  
15 in it was -- 90-something, almost 100 percent of  
16 the time, it was exactly the same way.

17 Q. Now, as I understand from your testimony in the  
18 first session that you did attend service  
19 containers at Blackstone Valley Electric?

20 A. Yeah. Yes, I did.

21 Q. And was that before you began to do this long  
22 haul business?

23 A. Yeah. Most of the time when I did Blackstone,  
24 it was when I did more local work. And if I  
25 happened to be in the area at the time, then I

0238

1 would get to do it periodically if I was in that  
2 area, correct.

3 Q. When you began the long haul business, was it  
4 fair to say that most of your time was taken up  
5 with that long haul activity?

6 A. No. Repeat that again.

7 MR. CONNORS: Objection.

8 MR. SALLY: Yeah, that's a bad question.  
9 Let me ask another question.

10 Q. When you began the working long haul, which, I  
11 believe, was 1973, is that an accurate date?

12 A. Yeah, somewhere around the '73 to '75, yes.

13 Q. That didn't leave you much time to do work  
14 locally, did it?

15 A. No. And like I had said before, when I was in  
16 the area, I would do local work. But there were  
17 some days for whatever reason, whether it be me  
18 or another -- one of the other drivers, for some

19 reason they would keep you in this area instead  
20 of sending you off. Like, sometimes when they  
21 hired new guys they'd say "you know what, we're  
22 going to let him go out there, let's see what he  
23 can do" and they would keep you around here. So  
24 some days on and off, which wasn't the norm, I  
25 would be left around town to do, but it wasn't

0239

1 the norm. It was rare.  
2 Q. The norm was you were doing the long haul  
3 business?  
4 A. Exactly. The norm is I did the long.  
5 Q. And you really don't have any specific memories,  
6 do you, of days in the 1973/'74 period when you  
7 might have been working locally? You don't have  
8 any memory of that right now, do you?  
9 A. Not -- not any particular that on this one day  
10 that I stayed here, normally -- I stayed here  
11 doing only local work, no, not off -- but if --  
12 if I'm in the area doing the work, then, yes, I  
13 was here. I mean, it is kind of tough to just  
14 remember now on what particular day that I was  
15 around here, but not that I don't remember the  
16 stops that I did or what the product they had.  
17 Q. It's almost 40 years ago. That's a long time.  
18 A. Well, I'll give you an example --  
19 Q. Sorry. Sorry.  
20 A. No. No. When you mentioned --  
21 Q. Go ahead. Go ahead.  
22 A. You mentioned about Microfibers. Microfibers'  
23 been here from Day One. You can talk to any --  
24 and I can take you right now and what I just  
25 verified what was in that product, in that can,

0240

1 the product, we can go there, dump that can and  
2 it will come out exactly like I said from many  
3 years ago.  
4 Q. Now, was the Central Landfill opened in the early  
5 1970's, Silvestri?  
6 A. It was Silvestri's, but it was not Central  
7 landfill. It was a private. Silvestri brothers  
8 owned the landfill.  
9 Q. But that was opened in the early --  
10 A. No, not in the real early. They owned a  
11 gravel and cement company and then they turned it  
12 into a landfill.  
13 Q. And when did that --  
14 A. And I don't remember the exact date of them  
15 either.

(Off the record discussion.)

(The question was read.)

18 Q. Well, let me ask you a question about that. Do  
19 you have any recollection of the date that the  
20 Silvestris began operating the landfill?  
21 A. No.  
22 Q. Would it have been in the -- as early as the --  
23 strike that.  
24 Would it have been in the early 1970's?  
25 A. No. No, it was not the early 1970's. It

0241

1 wasn't until a later date. Like I said, I do not  
2 remember the date.  
3 Q. Now, will you agree with me, Mr. Castello, that  
4 you serviced the Blackstone Valley Electric  
5 Company on a regular basis during 1971 and 1972

6 before you began long haul?  
7 A. Yes, there was a period when I did do it on a  
8 fairly regular basis.  
9 Q. And that was 1971 and '72?  
10 A. Yes, in the earlier days, correct.  
11 Q. And were there other drivers who also were  
12 working and picking up containers at Blackstone  
13 Valley, to your knowledge?  
14 A. Yes. Yes, there was other drivers. I was not  
15 the only driver, yeah.  
16 Q. And what landfills were in the area of Blackstone  
17 Valley Electric at that time?  
18 A. None other than Joe Mills. We all went to Joe  
19 Mills.  
20 Q. You went to Joe Mills?  
21 A. So did the other drivers. Those certain stops  
22 went to certain locations because there was --  
23 that's where they were designated to go.  
24 Q. But you have no specific knowledge of where those  
25 drivers went, do you?  
0242  
1 A. If you're talking certain -- certain -- and if  
2 you are in reference to Blackstone Valley, yes.  
3 Blackstone Valley went to Joe Mills.  
4 Q. Let me back up a little bit. You assume that  
5 they went there because that was your practice?  
6 A. No, I do not assume. I know that's where they  
7 went.  
8 Q. Well, you weren't with them, were you?  
9 A. No. Correct. But we had a single -- a  
10 single -- our radio system was a one-channel  
11 system. When you talked to him, everybody else  
12 heard it. So when you were -- when you called in  
13 and you were given work, the other seven or eight  
14 of us all heard what you got. I heard what you  
15 got and I heard where you were going.  
16 Q. You never went with another driver who dumped his  
17 trash at J.M. Mills, did you?  
18 A. No, I --  
19 THE WITNESS: In the same truck?  
20 MR. SALLY: Yeah.  
21 A. No.  
22 Q. Now, what types of containers were at Blackstone  
23 Valley Electric?  
24 A. They had open tops, then they had a -- what it  
25 basically was was a 30-yard container which was  
0243  
1 at the office complex. And it was made slanted  
2 with sliding doors to throw the office paper, but  
3 the ones at the other end where -- I guess would  
4 be where the trucks and the linemen were, there  
5 was two open tops. But two 30-yard open tops,  
6 they were just open where they could just throw  
7 the stuff in from the top.  
8 Q. And there was a third container?  
9 A. There was the office one where it was made on  
10 a slant covered where you could slide the doors  
11 and throw the office paper in and then close the  
12 doors back up so that the paper and stuff  
13 wouldn't get all wet and stick so that you  
14 couldn't dump it.  
15 Q. And how often would those containers be picked  
16 up, to your knowledge?  
17 A. The office paper one would probably go, maybe,  
18 every two or three weeks or longer sometimes.



19 The open tops, depending on when they had  
20 problems, I've dumped it as little as once a  
21 week, once a week-and-a-half and then there's  
22 times when there's been problems I've done the  
23 open top with the poles in it, dump them every  
24 other day.

25 Q. And there were other drivers who were also

0244  
1 servicing Blackstone Valley at that time?

2 A. Yes, there was.

3 Q. And how would it be decided who would pick up the  
4 containers at any stop including Blackstone  
5 Valley?

6 A. Whoever happened to be in the right place at  
7 the right time or who called in at the right  
8 time. If you happened to call in and it just  
9 came in or if they had it and they were waiting  
10 for somebody to call, the next guy who called got  
11 it.

12 MR. SALLY: Can we mark these.

13 (Defendant's Exhibit 3 was so marked.)

14 Q. Let me show you a series of documents that have  
15 been marked as Exhibit 3, Mr. Castello, and ask  
16 you if you can identify them for me. Do you know  
17 what they are?

18 A. Yeah, I'm looking it over.

19 Q. Let me know when you've had a chance to look  
20 those over, Mr. Castello.

21 A. Most of these, from what I can see --

22 MR. CONNORS: Wait for the question.

23 Just tell him when you've had a chance to really  
24 look it over.

25 Q. Can you tell me what documents are in Exhibit 3.

0245  
1 What are they?

2 A. To me, they look like they're accounts for  
3 front load. It's a front load account.

4 Q. They don't concern roll-on -- roll-off, to your  
5 knowledge?

6 A. The one that -- I scanned it quick and  
7 scanning it quick I see Atwood Med. We have a  
8 compactor at Atwood Medical. There's Imperial  
9 Knife or Imperial Plate, but that -- that's not  
10 the knife, that's the plate. But from what I am  
11 seeing, Rhode Island Country Club, school house,  
12 but a lot of these appear to be front load  
13 containers and not roll-offs. They're accounts  
14 that I've never done.

15 Q. At the top left-hand corner, there's a listing on  
16 all of these sheets as a disposal site. Do you  
17 see that?

18 A. Yes, it does.

19 Q. And do you know what that first disposal site is?  
20 One is J.M. Mills. What does that top say?

21 MR. JACKSON: Are you talking about the  
22 first page?

23 MR. SALLY: On the first page.

24 THE WITNESS: Where it says Silvestris  
25 up here?

0246  
1 Q. Is that Silvestris?

2 A. That's what it looks like, Silvestri one.

3 Q. So this --

4 A. Oh, wait a minute. I'm sorry. You mean right  
5 on the front? I was still back here reading this

6 one.  
7 Q. Which one were you reading?  
8 A. I was reading this one.  
9 MR. CONNORS: I would just say the Bates  
10 number for clarification.  
11 MR. MURPHY: Are you talking about  
12 WM1546, Frank? Is that the one you're asking him  
13 about first.  
14 MR. SALLY: Yeah, I'm talking about  
15 WM1546.  
16 A. Okay. All right.  
17 Q. Have you got that one?  
18 A. Now we're on the right page.  
19 Q. And at the top, does that say "Silvestris"?  
20 A. No.  
21 Q. What does it say, if you -- does it mean anything  
22 to you, that word?  
23 A. No, not offhand.  
24 Q. On the second page, that would be 1542, in the  
25 upper left-hand corner --  
0247  
1 A. Oh, wait a minute. Yes, it does. That's  
2 Sanitas.  
3 Q. And what's Sanitas?  
4 A. Sanitas would be when I mentioned about when  
5 Truk Away was bought out by Sanitas, so that  
6 would be Warwick.  
7 Q. Okay. So that would be a landfill?  
8 A. Yeah, that -- that should stand for Warwick,  
9 Sanitas.  
10 Q. And that was in use at least as of 1973?  
11 A. Yeah. The Warwick landfill, yes, it was.  
12 Q. Now, what types of disposal vehicles do these  
13 reports concern, Exhibit 3, if you know?  
14 A. Like I said, there's a couple of names here  
15 that ring a bell only because I think they have  
16 compactors and front loaders, but most of these  
17 looks like it's an account for a front load, a  
18 front load route.  
19 Q. Did you ever operate a front loader?  
20 A. I used to fill in in Attleboro. I only did  
21 very little. I never -- I never had a route of  
22 my own and I only used to go and help out very  
23 rarely.  
24 Q. Now, you see there's -- in the front sheet, that  
25 would be 1546?  
0248  
1 A. Yeah.  
2 Q. There's -- next to Pawtucket Dry Pine WHSE, but  
3 there were several numbers 12468 along the top.  
4 Do you see that?  
5 A. Yep.  
6 Q. Do you have any idea what they mean?  
7 A. Yeah. We don't -- okay. Just to let you  
8 know, this is one-yarder, two-yarder,  
9 four-yarder, six-yarder, eight-yarder, and it  
10 should be -- they should indicate a ten-yarder  
11 but it's not, so when the driver went and did  
12 this route, whoever did Pawtucket Dye he marked  
13 off that he dumped his eight-yarder, then he  
14 dumped the six-yarder, the eight-yarder. And  
15 down here -- six one-yarders, I mean we don't  
16 even deal with them. But, like, the two -- where  
17 it shows the two-yarder, there's an indication of  
18 a seven meaning he must have dumped seven

19 two-yarders.  
20 Q. And that would be referring to the size of the  
21 container?  
22 A. The size of the container, correct.  
23 Q. That he picked up and dumped in his truck?  
24 A. That he picked up and dumped in his truck.  
25 And down here in the bottom where they're written

0249

1 in, that would indicate they were call-ins. And,  
2 like, as an extra pick-up they must have called,  
3 they got in touch with the driver saying "while  
4 you're down there you'll want to take care of  
5 these customers." And that's why it's written  
6 in, so he could be billed properly.  
7 But like I said, there's a couple here that I  
8 recognize the name, but I only recognize them  
9 because they are stops where there are  
10 compactors. But these others I've -- they're  
11 nothing for me.

12 Now, this one over here out of the Attleboro,  
13 I recognize a lot of these because of all the  
14 years I was in Attleboro, even though if I didn't  
15 do them, but what this looks to me is this is a  
16 front load route.

17 MR. SALLY: I don't have any more  
18 questions at this time.

19 MR. JACKSON: Who wants to go next.

20 EXAMINATION BY MR. BENIK

21 Q. Hi, Mr. Castello. How are you? My name is Greg  
22 Benik and I represent Teknor Apex and a number of  
23 other companies in this case. I just have a few  
24 questions. You said earlier in your testimony  
25 that you were issued -- I'm talking at this

0250

1 two-year period where you had the regular routes  
2 that Mr. Sally talked to you about --  
3 A. Yeah.

4 Q. -- you've testified at length about. During that  
5 two-year period, I thought you told us that you  
6 had one truck assigned to you for that two-year  
7 period?

8 A. Correct.

9 Q. Okay. Can you tell me -- can you describe that  
10 truck for me?

11 A. Well, first of all, whether it be a two-year  
12 period or not with Brask, once you were assigned  
13 a truck that was your truck until he replaced it  
14 no matter how long you had it.

15 Q. Okay.

16 A. And I had a Diamond Reo which was called  
17 Number 15 from '71 to '73. In '73, he gave me a  
18 brand new Diamond Reo. I had that one from '73  
19 to '78 and that had on the front was the big  
20 Number 31, because a lot of times in notation  
21 just like on the other slips where it said 54,  
22 that was the auto car he had given me and I was  
23 driving that one and that had the big Number 54.

24 And each one of our trucks had numbers so  
25 that if you were anywhere and he was in town and

0251

1 he happened to see the truck, he didn't have to  
2 go crazy trying to figure out who it was. He'd  
3 see the number on the truck and he'd know who you  
4 were.

5 But you're right, I had one Diamond Reo from

6 '71 to '73. I had another Di amond Reo from '73  
7 to '78.  
8 Q. That's a good system. Actually, I like that. So  
9 let me just understand. The truck that you had  
10 from '71 to '73, was that truck capable of  
11 handling compactors and open top containers?  
12 A. Yes.  
13 Q. Okay.  
14 A. As long as it was roll-off designed, our  
15 trucks could pick-up any container that was  
16 designed to be put on a roll-off truck, yes.  
17 Q. Okay. As I understand it, for this first  
18 two-year period from when you were -- started  
19 your employment in April of '90 -- I'm sorry --  
20 '71 through, let's say, the end of '73 or  
21 thereabouts, that two-year period, you had what  
22 you characterized as a dedicated route which  
23 serviced the Attleboro area, correct?  
24 A. Correct.  
25 Q. And the Cumberland/Pawtucket area, correct?  
0252  
1 A. Correct.  
2 Q. Okay. And as to the Attleboro area, the  
3 customers that you serviced there, if I remember  
4 your testimony, the waste that you picked up from  
5 those customers was delivered to the Attleboro  
6 landfill until that landfill closed?  
7 A. Until that landfill -- yes, correct, until it  
8 closed.  
9 Q. Okay.  
10 A. But as long as it was --  
11 Q. That's my question.  
12 A. All right.  
13 Q. You've answered my question.  
14 A. Then, yes, it went to Attleboro.  
15 Q. Thank you. And that was your standard practice,  
16 correct?  
17 A. Yes, it was.  
18 Q. Okay. Let me just see if I understand what you  
19 did at these early -- the routes that you had in  
20 the early period from '71 through '73. Let's  
21 talk, first, about the Attleboro customers. How  
22 many customers were there between '71 and '73  
23 that you serviced on a regular basis?  
24 A. We had -- I did the Sisakraft. We did the TI.  
25 We had Mars Bargainland. For a short time, we  
0253  
1 had the Fernandes. We had Robinson Company. We  
2 had Swank's. We had Balfour's. I mean, to come  
3 up with a -- I'd actually have to sit down and go  
4 through them all. I mean, there was numerous. I  
5 mean, we had almost all of it. We had just about  
6 all of the accounts up in that area that was --  
7 if it was especially for a roll-off.  
8 Q. Well, I guess what I'm trying -- and maybe I --  
9 what I'm trying to understand, Mr. Castello, is  
10 on a typical day, in the period 1971 through  
11 1973, how many customers did you service in the  
12 Attleboro area?  
13 A. Well, this is what the whole thing is. I  
14 mean, like all those accounts that I just -- but  
15 the only thing is they always didn't all go every  
16 day. The biggest accounts that went every day  
17 was Sisakraft or St. Regis, which is now  
18 Fortifibre and the TI's.

19 The others, they were on call, because they  
20 did not generate, you know, the amount of waste  
21 that those other two did. So I cannot say I did  
22 those other ones every single day, no. The  
23 Sisakraft and the Fortifibre -- I mean, and the  
24 TI, those were done just about -- they were done  
25 every day, not even just about. They were done

0254

1 an everyday basis.

2 Q. Okay. Well, then I misunderstood your testimony.  
3 You're going to have to educate me here. I was  
4 under the impression that you had dedicated  
5 customers and you spent a fixed percentage of  
6 your time servicing Attleboro customers during  
7 the 1971/1973 period; is that inaccurate?

8 A. No, that is accurate.

9 Q. Okay. Let me just --

10 A. Okay.

11 Q. -- ask the questions, please.

12 So I go back to this question: On a typical  
13 day, during the period 1971 through 1973, how  
14 many customers did you service in the Attleboro  
15 area?

16 A. On a standard basis, every morning I would do  
17 three to four cans out of Sisakraft first thing  
18 every morning. That was the norm. Sometimes she  
19 would give me the TI cans, sometimes she  
20 wouldn't. When I got done with that work, then  
21 she would take me out of that area and there  
22 would be someone else. The Sisakraft was  
23 considered our worst stop, and that's why I said  
24 before, I always got the worser work. If she  
25 felt it, she'd send me to another location.

0255

1 Other days I could stay in that Attleboro area  
2 all day and do eight, ten, whatever stops a day  
3 if she kept me in the area. See, this is where  
4 the difference comes in. It wasn't the same.

5 Q. You've answered my question. I think we can -- I  
6 want to shorten this. So you've answered my  
7 question. I believe you told me that there was  
8 not a typical day that, in fact, you could have  
9 spent your entire day in Attleboro. Is that what  
10 you just told me?

11 A. Yes.

12 Q. Okay. Thank you. Now, here's my next question.  
13 How frequently would you spend your entire day in  
14 Attleboro?

15 A. Very rarely.

16 Q. Very rarely. But you have a recollection of  
17 doing it?

18 A. Oh, yes, I -- I do remember doing it, but not  
19 on a regular basis.

20 Q. Okay. But you can't tell me how frequently that  
21 that happened?

22 A. No. Not very often, no.

23 Q. But that's the best you can give me, right, not  
24 very often?

25 A. Not for a whole day. Correct.

0256

1 Q. Okay. So some days during the period 1971  
2 through 1973 you spent the entire day in  
3 Attleboro, right?

4 A. On a rare occasion, yes.

5 Q. Some days, you agree with me, correct?

6 A. Yes.  
7 Q. Okay.  
8 A. On a rare occasion, yes.  
9 Q. So on those days, you did not go to Teknor Apex  
10 to pick up the compactor, did you? Answer the  
11 question, please, yes or no.  
12 A. Yes. Yes. The compactor was --  
13 Q. You did not, correct? You did not on those days?  
14 A. No, not on the day I was in Attleboro all day.  
15 Q. Thank you. That's my question. So your  
16 testimony that you went every day to Teknor Apex  
17 six days a week is not accurate, is it?  
18 A. I didn't say I did it six days a week. I said  
19 earlier -- I said earlier I used to do -- I used  
20 to get stuck with it every day at quarter of  
21 3:00.  
22 Q. Let me interrupt you, sir.  
23 A. Go ahead.  
24 Q. I'm looking at your deposition.  
25 A. All right. Go ahead.  
0257  
1 Q. Do you want to change your deposition testimony  
2 now?  
3 A. No, I'm not going to change it, but go ahead.  
4 Q. Okay. You were asked --  
5 MR. MURPHY: What page are you on?  
6 MR. BENIK: 65, the bottom.  
7 Q. Question, and that is the Teknor Apex, the  
8 42-yard compactor? And that was a scheduled  
9 pick-up every day 3 o'clock?  
10 A. Quarter of 3:00.  
11 Q. Quarter of 3:00. But you didn't make that every  
12 day at 3 o'clock, did you?  
13 A. I guess there might have been one of -- but I  
14 did do it 99 percent of the time.  
15 Q. Mr. Castello.  
16 A. Okay.  
17 Q. Thank you.  
18 A. Yeah.  
19 Q. Now, let's just talk further about your  
20 recollection. So you can't tell us how many  
21 days -- or you can't even give us an estimate as  
22 to how many days you spent exclusively in  
23 Attleboro, right, but you can tell me that  
24 99 percent of the time you went to Teknor Apex,  
25 right?  
0258  
1 A. (Nods head in the affirmative).  
2 Q. That's your recollection today, correct?  
3 A. My recollection is just as before, I used to  
4 do it, yes. I mean, from my point, I was not  
5 thinking of a single day here and there, but to  
6 put out of most of the days and the major  
7 percentile, I was the one. And then there were  
8 days when I was in Attleboro and they would  
9 still -- she would still save it and I would have  
10 to go down, do Teknor Apex and come back. There  
11 was --  
12 Q. Thank you, Mr. Castello, for your testimony.  
13 (Off the record.)  
14 Q. Please describe the 42-yard compactor for me.  
15 A. 42-yard compactor is eight feet wide, roughly  
16 22-whatever feet long and by about nine feet  
17 high, between eight and nine feet high. Probably  
18 eight feet high.

19 Q. Totally enclosed?  
20 A. Totally enclosed except for the back door  
21 where it hooks up to the machine and the machine  
22 fills the compactor.  
23 Q. So I asked Mr. Lapre this and I still don't  
24 understand it. How was the compactor loaded?  
25 How do you put stuff in the compactor?

0259

1 A. There was a machine which is called the ramp.  
2 It is the power unit. It hooks up and when you  
3 back that container in to where that opening is,  
4 that machine fits within that opening. There is  
5 two big hooks that hook onto the container and  
6 hold the container in place. So while it's being  
7 loaded, it will not move. There is a hopper  
8 which is an opening at the top. They throw their  
9 stuff into the opening of the hopper. There's an  
10 electrical button on and off, tells you it's on,  
11 shut it off, you start it up and it will pack it.

12 In the earlier days, the compactors used to  
13 cycle three times. People have been hurt.  
14 People have been killed. Now, a lot of -- there  
15 is no more open hoppers unless you have a big bar  
16 across to protect yourself, and a lot of them  
17 have gone to single run. They'll only cycle one  
18 time.

19 Q. Okay.  
20 A. But that's how you load it. You load it from  
21 the back.

22 Q. In 1971 through 1973, was the hopper that Goditt  
23 & Boyer used an open hopper?

24 A. They were open hoppers if that's what the  
25 customer required, yes.

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1 Q. Were there closed hoppers as well?

2 A. Yes, there was.

3 Q. Okay. When you picked up a customer who had an  
4 open hopper, was the hopper full of material?

5 A. Most of the time, yes, they were.

6 Q. And would the material that -- well, let me see  
7 if I understand that. If the hopper is open and  
8 you pick up the compactor, won't the stuff that  
9 is in the hopper fall out onto the ground?

10 A. Yes, it does.

11 Q. So are you telling me that a customer would fill  
12 up the hopper, have you pick up the container and  
13 let stuff fall on the ground out of the hopper?

14 A. Yeah.

15 Q. That would be what customers would do? That  
16 would be their practice?

17 A. Yes, it is.

18 Q. So in that situation, what happens to the stuff  
19 on the ground?

20 A. If you have a spare container with you, when  
21 you get through pulling the full one and putting  
22 it off to the side, you put the empty one down in  
23 front of the mess, you pick up the mess, shovel  
24 it inside the container. Then when you've got  
25 the area cleaned, you push it back in place and

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1 hook it up.

2 If you do not have a spare container, when  
3 you get through running that container that you  
4 have and dump it, when you return you do exactly  
5 as I say, pick it up and then push it in place,

6 but you don't push it over the mess. You always  
7 have to pick up the mess and then put it back  
8 into its position.

9 Q. Wait a minute. If you do not have an extra  
10 can --  
11 A. A spare container.

12 Q. If you do not -- let me ask you the questions,  
13 please, Mr. Castello. This will be a lot faster.  
14 I want to get out of here. I really want to get  
15 out of here, but I need to know these answers.  
16 So just help me out.  
17 If you do not have an extra container, then  
18 what was your standard practice with respect to  
19 that in that situation where you didn't have an  
20 extra container and you pulled the container away  
21 and stuff fell on the floor?  
22 A. And that's what I was answering. Once you  
23 take that can and you go dump it --  
24 Q. Yes.  
25 A. -- you come back.

0262

1 Q. I see.  
2 A. You put it down in front of the mess.  
3 Q. I see.  
4 A. You shovel up the mess, then you push it in  
5 place.  
6 Q. Thank you.  
7 A. And that's what I was explaining when you  
8 stopped me.  
9 Q. Okay. Then I apologize for that. End of that  
10 discussion. Thank you for clarifying that.  
11 So what kind of hopper did Teknor Apex have?  
12 A. Teknor Apex packer used to have an open  
13 hopper.  
14 Q. Okay. Did they have an open hopper for the  
15 entire period 1971 through 1973?  
16 A. They had an open hopper for the entire  
17 season -- for the entire time I did it on and  
18 off, yes.  
19 Q. On and off?  
20 A. Whether it was -- in the earlier years, like I  
21 said, I did a lot, then after I would do it once  
22 in a great while. But, yes, the times that I did  
23 do it, there was always an open hopper.  
24 Q. Hold on. So you said Teknor Apex had an open  
25 hopper on and off, correct?

0263

1 A. No, I said when I -- I did it an awful lot. I  
2 did it all the time in the early days. Then  
3 after that period where now I was going, but  
4 still once in a while I would get to do it and  
5 the times that I did do the stop on and off it  
6 always had an open hopper. In other words, I  
7 never seen them with a closed hopper, sir.  
8 Q. I see. Okay. But your testimony is that there  
9 was a point in time when Teknor Apex used a  
10 closed hopper also?  
11 A. No. I said there was times on and off when I  
12 did it. All right? I have never seen them with  
13 a closed. They always had the opened hopper.  
14 Q. Oh, all right. So maybe I -- so your testimony  
15 is that Teknor Apex never used a closed hopper?  
16 A. Correct.  
17 Q. As far as you know?  
18 A. Correct.



19 Q. Okay. Thank you. So you go to Teknor Apex,  
20 which was on your route, right? That was part of  
21 the Pawtucket/Cumberland route, correct, in the  
22 '71/'73 period, correct?

23 A. Or if I was just sent there either way, but,  
24 yes, I would go to Teknor Apex.

25 Q. Let's just talk about '71 through '73. I thought

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1 your testimony was that it was on your committed  
2 route. Was it on your committed route?

3 A. It's -- okay. This is the part -- see, not  
4 being in the trash business you don't understand  
5 what's considered a -- a considered route, but,  
6 yes, I would be sent there every day. Whether I  
7 was actually in Pawtucket all day or not, at  
8 certain times -- I could be anywhere in that  
9 time. And I would be sent over to do Teknor Apex  
10 even if I had to go right back to Attleboro and  
11 do -- finish my work in Attleboro, but I would do  
12 Teknor Apex. She would see to it that at a  
13 quarter of 3:00 I was in Pawtucket to do Teknor  
14 Apex and then go back and do the work in  
15 Attleboro. I used to do Sisakraft and Teknor  
16 Apex every day. Whether I was there or not, I  
17 got those stops for that first short time.

18 Q. You threw me a curve ball there. You said  
19 whether you were there or not you did that trip.  
20 You've got to help me out there, Mr. Castello. I  
21 don't understand that.

22 A. I was in that location, all right? Well,  
23 maybe I should be a little bit -- I guess you  
24 aren't just comprehending some of the whatevers  
25 here, but --

0265

1 MR. CONNORS: Wait a minute. Should we  
2 just repeat the question and just start over,  
3 because I think we lost where we started.

4 Q. You said that you went to Teknor Apex and did  
5 that pick-up whether you were there or not. What  
6 do you mean by that?

7 A. For an example, here I am, I'm in Attleboro  
8 doing some Attleboro work. So now I'm in  
9 Attleboro doing Attleboro work. Linda would call  
10 me or I'd say, "I just finished this." She goes,  
11 "Well, guess what's waiting for you." Or she  
12 said, "I'm saving it for you." Now I would have  
13 to go down to Teknor Apex, do them. When I got  
14 done doing the Teknor Apex, dumping it, come back  
15 up and do whatever else was to be done in  
16 Attleboro. But what I meant was when I'm there  
17 is whether I was right in that area doing that  
18 work or not, I always was sent down to do it.

19 Q. Okay. I thought that you told us that Teknor  
20 Apex was not -- was a regular not on-call stop  
21 for the compactor.

22 A. You're right. Correct.

23 Q. Okay. So why did you need to be called to go  
24 there?

25 A. Because I was hoping somebody else would have

0266

1 got it.

2 Q. Well, you also told us that that was on your  
3 regular route. Was it or was it not on your  
4 regular route, sir?

5 A. It was on my regular route -- it wasn't on my

6 regular route sheet, but it was on my regular  
7 route that the fact that I knew every day I used  
8 to get stuck with that stop. That's what I --  
9 when I say "regular route," that's what I mean by  
10 it. Every day regularly she would give it to me  
11 whether I was right in that area to do the stop  
12 or not. That's what I meant when I meant my  
13 regular route. It wouldn't be on my route sheet,  
14 no, but when I called in in the afternoon she  
15 would give it to me. That's how I mean it as my  
16 regular route. I ended up with certain stops  
17 whether I was right there or not. That's why I  
18 call them my regular work.

19 Q. So just so I understand --

20 A. Okay.

21 Q. -- Teknor Apex was not always written in as part  
22 of your regular route when you had a regular  
23 route in 1971 through 1973, is that your  
24 testimony?

25 A. Fine.

0267

1 Q. Would you please answer that question and then  
2 you can embellish until the cows come home.

3 A. Well, the problem is you don't understand what  
4 a regular route is.

5 Q. Well, why don't you first answer my question,  
6 then you can explain to me what you think a  
7 regular route is.

8 MR. CONNORS: So according to your  
9 definition of a regular route --

10 MR. BENIK: No. No. No. I want him to  
11 answer my question.

12 Q. Were there times when your regular route as  
13 specified when you picked it up in the morning  
14 did not include Teknor Apex compactor?

15 A. Yes, there was times when it was not on the  
16 route sheet.

17 Q. Fine. Now, please explain however you want to  
18 explain. Are you done?

19 A. I'm done because I've said it over and over  
20 and you're not catching on.

21 Q. I think I catch it. I just want to clarify --

22 A. You're not catching on.

23 Q. -- the testimony that you gave earlier in this  
24 deposition, sir.

25 A. Yes. And like I said, my regular route would

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1 start off with one or two stops, then you'd call  
2 in as you go. And at the end of the day, no  
3 matter what it was -- we all knew certain stops  
4 had to be done certain days at certain times, and  
5 you'd be in Attleboro doing other work and then  
6 she'd call you say, "You still got" -- "I'm up  
7 here and I've got" -- and you'd have to go down  
8 and do Teknor Apex. Like I said, it was more my  
9 scheduled route, not that it was on my route  
10 sheet every day. Yes, it was not written on the  
11 route sheet, but I more or less knew every day I  
12 would be sent there.

13 Q. Would the dispatcher call anybody else to pick up  
14 the Teknor Apex compactor in 1971 through 1973?

15 A. Yes, there would have been a time if something  
16 had happened or if I was on vacations, yeah,  
17 somebody else would have to do it because I  
18 wouldn't come in and do it.

19 Q. All right. Putting aside "on vacations," what do  
20 you mean if something would happen?  
21 A. If I was broken down or something was to go  
22 wrong where now because of there's a problem with  
23 the truck and it's -- it's mechanically  
24 impossible to do any work with it, yes, somebody  
25 else would have to do it.

0269

1 Q. All right. So if you were tied up in  
2 Pawtucket -- in Attleboro all day or if your  
3 truck broke down, you wouldn't go to Teknor Apex  
4 and pick up the compactor, correct?

5 MR. CONNORS: Objection.

6 Q. Is your answer yes?  
7 A. On that basis, if my truck was to break down,  
8 yes, it would happen and I wouldn't be able to  
9 go.

10 Q. I also included the reference to the fact that  
11 when you were tied up 100 percent in Attleboro --  
12 A. I was never tied up 100 percent, she seen to  
13 it.

14 Q. I guess the record states what it states. Okay.  
15 You told Mr. Jackson what was contained in the  
16 compactors that you picked up at Teknor Apex. Do  
17 you remember that testimony?

18 A. Yep.

19 Q. And your testimony, if I remember it, said that a  
20 great majority of the material in the compactor  
21 was excess garden hose; is that right?

22 A. Correct.

23 Q. And you also saw what you characterized as dust,  
24 correct?

25 A. Yes, a baby powder-type kind of -- a very fine

0270

1 dust.

2 Q. Do you know what the dust was made of?

3 A. No.

4 Q. You also said you saw BB's or pellet types?

5 A. Pellets, little plastic pellets that were  
6 about the size of BB's.

7 Q. When you say they were plastic, do you say that  
8 just because they looked like plastic to you?

9 A. Correct. They were of a harder form and I  
10 figured they were of plastic or something on that  
11 basis, but yes.

12 Q. Okay. But you don't have any -- you don't know  
13 for a fact --

14 A. I don't have a degree in science, no.

15 Q. So just like if I saw that, I'd say that's a  
16 plastic part.

17 A. Right. Exactly.

18 Q. You also testified to and gave testimony to the  
19 effect that a certain percentage of the material  
20 in the compactors was dust. Do you remember  
21 that?

22 A. Yes, but I remember also saying there was more  
23 garden hose than anything.

24 Q. Okay. I remember that that's clear.

25 A. The garden hose was the most. If the hose was

0271

1 a complete hose with the ends, you could see all  
2 the blemish marks in the hose where the hose was  
3 no good. If the hose, I guess, for any reason if  
4 they thought was good, they would cut the ends  
5 off, so they never threw away really whole garden

6 hose, but that's how it went. But mostly it was  
7 blimished garden hose that was thrown away.  
8 Q. And what occasion did you have to observe the  
9 material in the compactor, Mr. Castello? How was  
10 it that you knew what's in it, in the compactor?  
11 A. When it used to take you three-quarters of an  
12 hour to an hour almost every day to pick up the  
13 mess, you see what you're picking up. That's how  
14 you used to tell what was there. And then the  
15 same thing when you're dumping the load, you dump  
16 the load -- I mean, you have to open the door and  
17 you open the door and the door's open, there's  
18 everything --  
19 Q. Right.  
20 A. -- and so on.  
21 Q. Okay.  
22 A. But you see mostly when you were cleaning up  
23 the messes on most of these accounts.  
24 Q. So you took the compactor from Teknor Apex and  
25 you took it to the landfill, right?

0272

1 A. Joe Mills.  
2 Q. And do you bring the same compactor back?  
3 A. Correct. Yes. Their compactor -- at one  
4 point they started, but at one time we never  
5 exchanged a container. It was always do the  
6 same -- just empty and return the same container.  
7 Q. Yeah. And then after you brought the compactor  
8 back, what did you do next on a typical day?  
9 THE WITNESS: After I was all done with  
10 Teknor Apex?  
11 MR. BENIK: Well, yeah.  
12 THE WITNESS: Well, I want to -- I want  
13 you to clarify. Do you mean --  
14 MR. BENIK: Well --  
15 MR. CONNORS: Let him ask the question  
16 first.  
17 THE WITNESS: Still with Apex or not?  
18 Q. Well, I guess let's break this up in two ways.  
19 If you -- well, I guess my question is this:  
20 During the 1971/1973 period, my understanding is  
21 that you were servicing at Teknor Apex the  
22 compactor exclusively; is that correct?  
23 A. For the most part, yes, exclusively. I would  
24 get it at that time in the afternoon, yes.  
25 Q. Okay. And so after you brought the clean

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1 compactor back, you'd hook it up, correct?  
2 A. Correct.  
3 Q. And then you would go off to another job?  
4 A. Okay. In a lot of cases if I didn't already  
5 have another stop to go to, Sisakraft was always  
6 to be done in the afternoon and I would call to  
7 see if there was something else here or -- and  
8 she'd say no, you're going to get back up,  
9 Sisakraft's waiting. And I'd go back to  
10 Attleboro and switch out Sisakraft for their  
11 nightly switch out for the next morning.  
12 Q. Okay. Thanks. So now we're going to move  
13 forward in time. We're going to the point in  
14 time when you are -- as you told Mr. Sally, we're  
15 focusing primarily on the long haul. And I know  
16 I'm being -- I don't want to be -- I want to be  
17 accurate about this, but there was a time -- and  
18 I guess it was about two years after you began --

19 when you started this long haul work, correct?  
20 A. Doing the longer work, yes.  
21 Q. Okay. Now, and that started roughly in the  
22 mid-1973 or there about?  
23 A. Somewhere in that area.  
24 Q. Good. Okay. So when you started that long haul  
25 work, as we'll call it, did you service customers

0274

1 in the Attleboro area?  
2 A. If I was back down this way at a given time,  
3 yes, I could have done some work there.  
4 Q. Okay. When you say when you were "back down this  
5 way," where were you coming from?  
6 A. In other words, if I had brought a load down  
7 here -- first of all, Stop & Shops had a  
8 contract. All their Stop & Shops went to United  
9 in Pawtucket. And if I was doing a Stop & Shop,  
10 I would be in Pawtucket. And a lot of times she  
11 would give me -- from there, if I had no other  
12 work, I'd do a local trash load to Joe Mills.  
13 Now when I call from there, I could be sent to --  
14 back to anywhere or just back up north.  
15 Q. Okay.  
16 A. This is where it's hard to try and --  
17 Q. I understand. I'm not trying to --  
18 A. No. No, I'm just trying to let you know how  
19 it worked because it is very hard at times to  
20 understand, but that's how it goes.  
21 Q. So here's my question: During this period of  
22 time, your long haul route activity, do you have  
23 a specific recollection of picking material up at  
24 Teknor Apex?  
25 A. Yes, I do.

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1 Q. Okay. And do you have a specific date in mind?  
2 A. No, not a specific date as to what --  
3 Q. Okay.  
4 A. I just know what was in the cans for when I  
5 did do them.  
6 Q. Okay.  
7 A. But for you to tell me that I did this on  
8 December of '73, I don't know.  
9 Q. Fair enough. Listen, I can't remember the case I  
10 had 25 years ago, so I wouldn't expect you to do  
11 that, and if you did, I would be highly  
12 surprised.  
13 Now, you're telling me you have a general  
14 recollection that when you were a long hauler you  
15 did service Teknor Apex; is that correct, on  
16 occasion?  
17 A. I would on a rare occasion, but, yes, I would  
18 still get it to do once in a while but not all  
19 the time, no.  
20 Q. Okay. All right. So after 1973 or mid-1973,  
21 your services at Teknor Apex were on a rare  
22 occasion?  
23 A. Correct.  
24 Q. Okay. Now, and on those rare occasions,  
25 Mr. Castello, what containers do you recall today

0276

1 that you picked up at Teknor Apex?  
2 A. On occasion, I would do any -- just like the  
3 paperwork just showed, in '81 it showed where I  
4 did the compactor and I had done the dust. And,  
5 yes, even though I hadn't done them in a while,

6 but it -- I always remember that anytime I did  
7 these accounts it was the same kind of product  
8 that I remember from old days.

9 Q. Okay.

10 A. So like I said, there's our paperwork right  
11 there to prove that in '81 I did both of them, my  
12 truck number, my name, my everything's right  
13 there.

14 Q. Okay. So on those rare occasions that you picked  
15 up -- let me withdraw that question and try  
16 again.

17 During the period, 19 -- your long haul  
18 period when you were visiting Teknor Apex on a  
19 rare occasion, the waste that you picked up was  
20 the same type of waste that you picked up in the  
21 1971/1973 period?

22 MR. MURPHY: Objection to form. You can  
23 answer.

24 MR. BENIK: You can answer.

25 A. Yeah.

0277

1 Q. Okay. Thank you. What was the name of that  
2 coffee shop that you always went to before you  
3 went into work?

4 A. Say this again.

5 Q. What was the name of the coffee shop that you  
6 went into every morning?

7 THE WITNESS: In Attleboro?

8 MR. BENIK: No, I think where you picked  
9 up your truck.

10 A. In Attleboro.

11 Q. You told this great story, you walked in with a  
12 cup of coffee and a doughnut.

13 A. Tom's.

14 Q. Tom's. Okay.

15 A. I used to stop at Tom's, Tom's store. It is  
16 now an insurance company.

17 Q. I figured you'd remember that.

18 A. His name was Herb.

19 Q. How was the coffee?

20 A. Good. There were two elderly people, very  
21 nice. Her name was Tom. His name was Herb.

22 MR. BENIK: We could go on for a long  
23 time about that one, but --

24 THE WITNESS: I agree. I agree. I used  
25 to stop in there, then one day I turned to him

0278

1 and I said, "Tom." He goes, "I'm not Tom." He  
2 goes, "I'm Herb and her nickname is Tom." But  
3 that's where I used to stop every morning. And I  
4 didn't get doughnuts, I used to get a cup of  
5 coffee. Every morning I'd get a cup of coffee  
6 and go to work. I was going to say if we're  
7 going to do it, let's do it right here.

8 MR. BENIK: I've gotcha on that. I'm  
9 all in favor of that. All right, Mr. Castello,  
10 thank you, so much. You've been very helpful to  
11 me and to the world at large, I guess, in this  
12 case.

13 MR. CONNORS: Can we take a five-minute  
14 break.

15 (Off the record.)  
16 (A recess was taken.)  
17 EXAMINATION BY MR. COBURN

18 Q. Mr. Castello, my name is Scott Coburn and I'm

19 going to ask you some questions regarding your  
20 testimony regarding Carol Cable -- regarding  
21 picking up waste from Carol Cable facilities.  
22 In your previous day's testimony, you  
23 testified that you picked up from a Carol Cable  
24 facility on Roosevelt Avenue?  
25 A. Correct.

0279

1 Q. Do you recall that facility?  
2 A. Yes.  
3 Q. And that you used to pick up waste from that  
4 facility before Carol Cable built a plant in  
5 Lincoln; is that correct?  
6 A. Correct, but I also picked them even after  
7 they opened the plant. But, yes, there was a  
8 very short time where Lincoln -- the big plant in  
9 Lincoln hadn't been built or finished yet. Yes,  
10 I did Roosevelt Ave.  
11 Q. Do you recall when the Lincoln facility was  
12 built?  
13 A. No, not really. I just remember them doing  
14 it, but, no, but it was early. It was -- it goes  
15 back into the early '70's.  
16 Q. Do you recall whether or not that facility was  
17 built during the time period between 1971/1973  
18 that we're talking about?  
19 A. No, to be honest, I really don't. When it  
20 comes to that part, I can't even speculate as to  
21 when, but it was only a short time. I just  
22 remember all of a sudden there it was. It was  
23 all built and done. But, no, I just remember at  
24 one point I had only done -- that short time I  
25 had only knew of Carol Cable on Roosevelt Avenue

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1 and then I was told to go to the Lincoln  
2 facility.  
3 Q. Sitting here today, would I be correct that you  
4 can't tell me the approximate period of time that  
5 it was where you were only picking up waste from  
6 the Roosevelt Avenue facility?  
7 A. Yeah. Really, no, exactly. I do not remember  
8 the time for those. I just remember that, yes, I  
9 did do them, and I remember, you know, from doing  
10 them, but a year and a time, no. For some  
11 reason, like I said, I just can't remember, you  
12 know, the -- when the new one was, you know, or  
13 was not built. For some reason, I just don't.  
14 MR. CONNORS: Wait for a question.  
15 Q. Was it more than a year after you started picking  
16 up from the Roosevelt Avenue facility?  
17 A. I don't know. I cannot speculate on the time.  
18 I just can't. Sorry about that. I mean, I guess  
19 at that time that wasn't an issue.  
20 Q. And with respect to the Roosevelt Avenue  
21 facility, you testified that you picked up  
22 approximately once a week; is that correct?  
23 A. Yes, but, I mean, I didn't do it all the time,  
24 but yes. To me it seemed like, you know, a week  
25 had transpired before I had done them again.

0281

1 Q. When you say you didn't do it all the time, what  
2 exactly do you mean?  
3 A. Yes, I didn't do it all the time. I wasn't  
4 the only one doing it.  
5 Q. Would you go -- would there be times where you

6 would go more than one week without picking up  
7 from the Roosevelt Avenue facility?  
8 A. Oh, yes. Yes, there was.

9 Q. Would there be times where you would go more than  
10 a month without picking up from the Roosevelt  
11 Avenue facility?  
12 A. After -- especially after Lincoln was open,  
13 yes, there was times it was a lot longer than  
14 that that I wouldn't do Roosevelt Ave, yes.

15 Q. I'm sorry. Could you --  
16 A. There would be times when, yes, it would be a  
17 lot longer, not even just a month, even longer  
18 than a month before I would do them again, yes.  
19 There was times where there was long stretches  
20 that I did not do Carol Cable on Roosevelt Ave.  
21 At times, we've got to remember, there was an  
22 awful lot of drivers so there was an awful lot of  
23 guys who might be -- not saying they didn't get  
24 done, I just didn't do them.

25 Q. And as far as whether other Goditt & Boyer  
0282 drivers did or did not pick up the Roosevelt  
1 Avenue facility, you have no firsthand knowledge  
2 of whether they did or didn't, correct?  
3 A. Correct.

4 Q. And then am I correct that you testified that  
5 after the period of time where you were doing the  
6 local stops in the early '70's, you very rarely  
7 picked up from the Roosevelt Avenue facility; is  
8 that correct?  
9 A. After a while, I very rarely did it at all,  
10 correct.

11 Q. Do you recall the last time that you picked up  
12 any waste from the Carol Cable facility at  
13 Roosevelt Avenue?  
14 A. It goes back a while is the last time I ever  
15 did it, but exactly when I stopped doing it, no.

16 Q. Do you recall whether it was in the 1970's?  
17 A. Oh, no, it was after that because I -- I have  
18 done them since I had a certain truck of mine and  
19 I didn't get that truck until the late almost  
20 '80's and I kept that up until -- what do you  
21 call it -- the late '90's. So I've done that  
22 somewhere in that time frame, but exactly when, I  
23 don't know.

24 Q. And when did you get that truck that you're  
0283 referring to?  
1 A. That one I got it in '78 and I drove it for  
2 many years.

3 Q. What type of container did that truck hold?  
4 A. I always did roll-off, always. All the trucks  
5 that I'm talking about no matter what make they  
6 may be, they were all roll-off trucks and all  
7 designed to pick up roll-off containers, whether  
8 they be the big break away compactor or the open  
9 tops.

10 Q. And you've obviously testified today and the  
11 first day that you picked up from the Lincoln  
12 facility, correct?  
13 A. Yes.

14 Q. And you just don't know when you started doing  
15 that; is that right?  
16 A. Not exactly. Like I said, it seems like it's  
17 almost whenever, but, no, I cannot give you an  
18



19 exact date as to when that place opened up, no,  
20 but they were opened up in the earlier '70' s.  
21 But to tell you it was '71 or whatever, no, but I  
22 know it goes way back then.

23 Q. And you did not pick up compactors from the  
24 Lincoln facility on a daily basis, correct?

25 A. Not on a very regular basis, no. At times --

0284

1 there was times when, for whatever reason, you'd  
2 get it and you'd be the guy doing it every day  
3 and then you might not do it again for two,  
4 three, you know, whatever, but, yes, but I did do  
5 Lincoln an awful lot.

6 Q. And you have no firsthand knowledge of how often  
7 or who picked up compactors at the Lincoln  
8 facility on the days that you did not, correct?

9 A. No, not -- no, not to say yes, it was you or  
10 him or her, no.

11 Q. In terms of waste that you picked up from the  
12 Carol Cable Lincoln facility, you discussed  
13 excess -- or powders. Do you recall that?

14 A. Correct.

15 Q. Do you know what those powders were made of?

16 A. No.

17 Q. What they were used for?

18 A. I really do not know. I always just assumed  
19 that was in the making of the rubber to coat the  
20 wire, but, no, not to say that's what I know it  
21 was for.

22 Q. You also testified that you picked up pellets?

23 A. Yes, little plastic beads, whether they're  
24 plastic or whatever, but, yes, little beads that  
25 looked like BB's.

0285

1 Q. And your testimony with respect to your knowledge  
2 of what the beads or pellets were made out of,  
3 would that be similar to your testimony regarding  
4 the pellets --

5 A. Yes, it was on the same type of --

6 THE REPORTER: Wait. "Regarding the  
7 pellets."

8 MR. CONNORS: Wait. It's really hard  
9 for Devin.

10 Q. Is your testimony regarding the pellets that you  
11 picked up at a Carol Cable facility at Lincoln  
12 the same as your testimony with regard to pellets  
13 that you picked up for Mr. Benik?

14 A. They were similar and looked just like it,  
15 yes. And a lot of the boxes that they had, the  
16 big gaylords, had Teknor Apex written right on  
17 them.

18 Q. But let me ask it another way. The pellets that  
19 you picked up from the Carol Cable Lincoln  
20 facility, you don't know what those were made out  
21 of, correct?

22 A. No. No, I don't.

23 Q. Whether it was plastic or rubber or whatever?

24 A. Exactly.

25 Q. You also testified that you picked up rags from

0286

1 the Lincoln facility. Do you recall that  
2 testimony?

3 A. Yes.

4 Q. And you testified that there was maybe a couple  
5 of barrels worth of rags in the compactors?

6 A. Yes. At times, there would be, yes. There  
7 would be bags, oil -- well, oil soaked or they  
8 were soiled rags and they'd just throw the  
9 barrels away.  
10 Q. And they would throw them right in the barrels?  
11 A. They'd either throw just the whole barrel or  
12 they'd dump the barrel, but, yes. And then the  
13 barrel would roll over anyways and you'd have  
14 them all inside the container or along the edge.  
15 Q. And you actually saw them putting the rags in the  
16 compactors?  
17 A. No. No. No. I probably shouldn't have said  
18 it that way. Not that I stood there and watched  
19 them do it, no.  
20 Q. Did the Carol Cable Lincoln facility have  
21 hoppers?  
22 A. Yes, they did.  
23 Q. Were they open or closed?  
24 A. They were open hoppers with gaylord dump  
25 carts. The lower level and the upper level had

0287

1 what's called a gaylord dump carts. They're big  
2 huge metal carts on wheels, you fill them up, you  
3 bring them up, and when they get to the open  
4 hopper there's little -- there's pieces that fit  
5 into these sleeves and then you hit the button  
6 and there's a big metal bar. Most of the bars  
7 were around two-and-a-half to three inches. And  
8 you hit the button, the bar comes up, hits the  
9 bottom of the thing and dumps all of your product  
10 into the open hopper.

11 We used to have to go change those bars  
12 every -- every periodic because the product was  
13 so heavy it would bend them bars until they were  
14 like this and couldn't be used anymore.

15 Q. By a "product," you're referring to --  
16 A. The big, heavy rubber chunks (sic), they would  
17 load them things up so much that that was it.  
18 You could not push them. They had to use those  
19 by tow motor. When they moved them, they moved  
20 them by tow motor.

21 Q. Mr. Castello, I'm assuming there were two  
22 compactors at the Lincoln facility, correct?  
23 A. Correct, lower and upper.

24 Q. I'm assuming that your testimony with respect to  
25 any powder that you may have seen in the lower

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1 would be the same as any powder you saw in the  
2 upper, meaning that you don't know what it's made  
3 out of?

4 A. Correct.  
5 Q. Or what it's used for?  
6 A. No. Correct.

7 Q. Same thing with any pellets that you may have  
8 seen in the upper compactor?  
9 A. Yeah.

10 MR. COBURN: I have nothing further,  
11 Mr. Castello. Thank you.

12 MR. NEWTON: Nothing. I have no  
13 questions.

14 MS. FOGELL: I guess I'll go then. Do  
15 you want to go?

16 MS. BARRY: I have more than you do.

17 MS. FOGELL: Yes, go ahead.

18 EXAMINATION BY MS. BARRY

19 Q. Mr. Castello, my name is Julie Barry. I'm sorry.  
20 I'll try to move where I can see you. I  
21 represent Hollingsworth & Vose.

22 A. Uh-huh.

23 Q. I'm going to try to keep this quick. Would you  
24 consider Hollingsworth & Vose's facility in  
25 Walpole to be part of your long haul route that

0289

1 you were discussing earlier?

2 A. It would have been part of that, yes.

3 Q. Okay. I believe you testified on the first day  
4 of your deposition that you would make pick-ups  
5 at the Hollingsworth & Vose Walpole facility from  
6 the mid-'70's to the mid-'80's. Do you recall  
7 that?

8 A. Yeah, probably somewhere in there. Yes.

9 Q. Can you be more specific as to -- strike that.

10 Would your time that you started picking up  
11 from the Hollingsworth & Vose Walpole facility  
12 have been after your first two years with Goditt  
13 & Boyer?

14 A. Without being sure of the dates, I'd have to  
15 say yes. I thought they were -- it was more  
16 later, not the -- you know, not those first two,  
17 like you said.

18 Q. So it wouldn't have been during that time from  
19 April 1971 to approximately 1973 when you were  
20 doing a more local route here in Rhode Island,  
21 correct?

22 A. Correct.

23 Q. So we can say --

24 A. Between the lower Mass and Rhode Island,  
25 correct.

0290

1 Q. So at some point after -- some point in 1973/'74?

2 A. Somewhere around there, yes, would be when I  
3 started doing it.

4 Q. Okay. And you testified that the containers at  
5 Hollingsworth & Vose were a 50-yard compactor and  
6 a 30-yard open top; is that correct?

7 A. Correct.

8 Q. The compactor at the Hollingsworth & Vose  
9 facility, was it similar to what you described to  
10 Mr. Benik as far as size and the cover?

11 A. Okay. The compactor itself is the same size.  
12 The unit he was talking about at Apex packer is a  
13 much smaller packing unit.

14 Q. Okay.

15 A. If I'm not mistaken, the one at his facility  
16 was a two-yard, a two-yard machine.

17 Q. Okay.

18 A. The one at Hollingsworth & Vose is a four- or  
19 a six-yard machine. It's much larger and can,  
20 therefore, pack a lot more.

21 Q. Okay. And was it also enclosed except for the  
22 opening in the back?

23 A. It was all totally enclosed. And with  
24 Hollingsworth & Vose, everything is all enclosed  
25 because it's backed up to what used to be a

0291

1 loading dock, but from inside it was an open  
2 hopper. They used to just drive right up to the  
3 forklift and dump the stuff.

4 Q. Okay.

5 A. The one at his unit everything was outdoors

6 and it was all open. He just come, that was it.  
7 You were out in the open.  
8 Q. And would you have occasion to go inside to where  
9 the hopper was?  
10 A. Yes, we always had to go inside.  
11 Q. And why?  
12 A. Because of the way they packed it and they  
13 packed it so tight. And they used to -- they  
14 used to bale their -- their scrap gasket material  
15 first and they'd come up with forklifts and dump  
16 them in. And sometimes they would be stuck half  
17 in and half out. And we used to try to pack it  
18 all the way in first, because then if it didn't  
19 get packed in when you went down to get your  
20 slips, you'd tell them, "You'd better get  
21 somebody out with a tow motor." Because when  
22 that thing falls out you can't budge it, they  
23 have to get the tow motor again, so yes.  
24 Q. And when you say "when that thing falls out"  
25 you're referring to the big bale?

0292

1 A. The big bale. When the bale falls out and  
2 they will come. It was rare, but some of the  
3 rolls when the guys didn't want to go out and  
4 dump them into the open top they would dump them  
5 in there, too, and then they would get jammed  
6 half in and half out. So you always went inside  
7 to check to save yourself a problem.  
8 Q. Okay. So it was your standard practice, then, to  
9 try to push through whatever -- compact whatever  
10 was in the hopper into the compactor --  
11 A. Into the compactor.  
12 Q. -- before you would pull the compactor away?  
13 A. Correct.  
14 Q. And can you just describe for me, what was your  
15 process. And let's say you got -- strike that.  
16 The Hollingsworth & Vose facility in Walpole  
17 was an on-call facility; is that correct?  
18 A. As far as I can remember. At one point they  
19 were an every morning pick-up, but it was only  
20 for a short time and then they did away with that  
21 and it was on call. But even when they first  
22 went off on call, they were calling almost every  
23 day to be done.

24 Q. Okay.  
25 A. But they didn't want to be on call on regular

0293

1 pick-up for fear, I guess, of some day they were  
2 being charged when they weren't being done.  
3 Q. Okay. So it was a cost --  
4 A. Yes.  
5 Q. -- issue?  
6 Do you recall what period it would have been  
7 that they would have had a regularly scheduled  
8 morning pick-up? Was that earlier in the time  
9 you started picking up there?  
10 A. No, I don't -- I'd probably say it was  
11 somewhere around the later '70's.  
12 Q. Okay.  
13 A. Somewhere in that area, if I remember right.  
14 Q. Okay. So can you describe for me, then, what you  
15 would do if you went to pick up the packer -- the  
16 compactor at Hollingsworth & Vose in Walpole?  
17 Can you describe for me how you would go about  
18 doing that starting with the route that you would

19 take.  
20 THE WITNESS: To drive up there, you  
21 mean?

22 MS. BARRY: Uh-huh. Yes, sir.  
23 A. Okay. Well, I mean, if I was somewhere  
24 wherever south of it, I would just come up 95 and  
25 get off at Exit 9, which is the Route 1 exit,

0294  
1 take that all the way up until you get to Route  
2 27, you take a left-hand turn, you go down --  
3 well, now there's another red light where before  
4 there wasn't. But you used to go to the first  
5 red light, which would be Washington Street, take  
6 a right-hand turn, you go down about a mile or  
7 so, and Hollingsworth & Vose was on your  
8 right-hand side. You'd drive to the far end of  
9 the building keeping the building on your  
10 right-hand side, there would be a fence, then  
11 there would be an opening, drive into that  
12 opening and as you drive around heading back  
13 toward the building the compactor would be  
14 directly in front of you to the left-hand edge of  
15 the building.

16 Q. Okay. And the compactor was outside, the hopper  
17 was inside?

18 A. Was inside. And right alongside was a loading  
19 dock with a set of stairs to go up inside. Just  
20 to the right of it in front there was two loading  
21 docks with a big ramp and that's where we used to  
22 put the 30-yarder was up on that ramp on that  
23 dock, that's where that one was, which that was  
24 all considered receiving.

25 Q. Okay.

0295  
1 A. The shipping end was on the opposite side and  
2 that's where there would be a 30-yarder when --  
3 you know, when they needed it.

4 Q. So what would you do, then, once you drove up and  
5 there's the packer?

6 A. I would pull in -- when you first pulled in  
7 and drove around, like I said, there was an area  
8 here that they used to use for all their own.  
9 But there was a parking area here and it was like  
10 a turn around for the trailers so that they could  
11 back into the docks. You would drop your empty  
12 container here, pull up, back up to the loaded  
13 one, do what you needed to do, pull it forward,  
14 strap it up, pick it up, put it next to that  
15 empty, pick the empty back up, just reverse your  
16 procedure. When you're done, pick up the other  
17 one. The only thing is when I -- before you  
18 left, you used to just walk through the building  
19 down over to the next and get your ticket signed,  
20 your slip signed.

21 Q. Okay. When you would go inside up those stairs  
22 where the hopper is, was there an H&V employee  
23 that would typically be there to assist with this  
24 process or did you just handle it yourself?

25 A. Usually there wouldn't be anybody, typically,

0296  
1 there to help. But if you needed help anytime,  
2 you helped -- I mean, anytime you asked they  
3 always helped to assist. They were always very  
4 good at that.

5 Q. Okay. So was it your typical or your standard

6 practice when you'd do a pick-up at Hollingsworth  
7 & Vose to bring an empty container with you?  
8 A. Yes. Yes. When I was normally doing the  
9 longer work, as we call it, I always had a  
10 container because it was feasible to take one  
11 with you to switch out instead of run back and  
12 forth.

13 Q. Okay.

14 A. The only time that that wouldn't have been  
15 done is if I had done another stop somewhere else  
16 and I'm coming by this way then I would stop,  
17 leave the loaded one, pick up the full one, run  
18 it back and forth and then put it down. But  
19 Hollingsworth -- and I don't blame them.  
20 Hollingsworth & Vose did not want it done that  
21 way because you'd be gone too long and you're  
22 holding their men up from putting their product  
23 away.

24 Q. I see. Okay. So you testified in the first day  
25 of your deposition that for some period of time

0297

1 after you picked up the container you would take  
2 it to the Walpole landfill, correct?

3 A. Yes.

4 Q. Okay. How close was the Walpole landfill to the  
5 Hollingsworth & Vose facility?

6 A. Probably round trip between eight -- eight to  
7 ten miles, if it's even that.

8 Q. Okay. Do you know whether Hollingsworth & Vose  
9 was able to use that landfill facility free of  
10 cost being a Walpole business?

11 A. I think they did, because every where else  
12 was. When it was a -- you know, a town landfill,  
13 yes. Because I don't remember ever signing any  
14 slips with them, I used to just go in, wave your  
15 arms, okay, and dump it.

16 Q. So when you'd go to the Walpole landfill, there  
17 were no slips or any paperwork, you'd just dump  
18 the load?

19 A. Dump, yeah. Because most of them no matter  
20 what the different landfills were, when you went,  
21 and it's like anything else, they get to know you  
22 after a while so they know that you're coming.  
23 But if at any time they doubted, they used to  
24 come over and check the load to make sure that's  
25 where it would be from.

0298

1 Q. Okay. Now, for that period of time when you --  
2 strike that.

3 You testified that for some period of time  
4 you took the container from Hollingsworth & Vose  
5 in Walpole to the J.M. Mills landfill site,  
6 correct?

7 A. Yes.

8 Q. How far is the H&V Walpole facility from the J.M.  
9 Mills landfill approximately?

10 A. Probably talking 30, 35 miles easy.

11 Q. Okay.

12 A. One way.

13 Q. Okay. So approximately 60 to 70 miles round  
14 trip?

15 A. Exactly.

16 Q. Okay. And regarding the Walpole landfill, you  
17 testified on the first day of your deposition  
18 that you don't recall or didn't know the date

19 when that landfill closed.  
20 A. Yes. I remember going to the landfill, but I  
21 do not remember going for a very long time. It  
22 was like -- it was only right after we started  
23 doing it and we did very few containers, then all  
24 of a sudden, nope, they were closed, but I do not  
25 remember. But I do remember bringing, like I

0299

1 said, those very few first containers. And then  
2 that was it, there was no more going. So it was  
3 very, very short lived.

4 Q. How often would you, yourself, do a pick-up at  
5 Hollingsworth & Vose either of the 50-yard  
6 compactor or the 30-yard open container?

7 A. Exact how many times, I don't know. But  
8 there's times when I done it -- depending on  
9 whatever, I might do it on a short-term regular  
10 basis and then there was times I didn't get back  
11 for weeks.

12 Q. Okay. So is it fair to say you could do it as  
13 often as once a week?

14 A. Oh, yeah, there was times -- like there was --  
15 on that time when they went from automatic every  
16 day to call, it's just that you'd be up there  
17 every day for three, four, five days, and then  
18 all of a sudden one of the other guys might be  
19 doing it and might not go back for two, three,  
20 four, however many weeks.

21 Q. And you don't have any personal knowledge of what  
22 other Goditt & Boyer drivers might have picked up  
23 from Hollingsworth & Vose, correct?

24 A. No, I -- I cannot turn around and say, well, I  
25 didn't do it this day but you did it that day,

0300

1 no. I just know one of the other ones did it.  
2 Exactly which one, no.

3 Q. Okay. And so you would personally either take  
4 the pick-up load from Hollingsworth & Vose in  
5 Walpole to either the Walpole landfill or J.M.  
6 Mills, correct?

7 A. At first, they went to Walpole. Then after  
8 that, everything went to J.M. Mills.

9 Q. Okay. You don't have any personal knowledge of  
10 where the other drivers might have taken the  
11 pick-ups from Hollingsworth & Vose?

12 A. No, I don't know if they have any other place,  
13 but it was always that they were supposed to go  
14 to J.M. Whether anybody took it anywhere else, I  
15 don't know, but I just -- that's where we always  
16 took it. At this point, I just assumed that's  
17 where they went also just like myself.

18 Q. Now, you testified the first day of your  
19 deposition and touched on it earlier that the  
20 material that you -- that was in the compactor or  
21 in the open top container was gasket material,  
22 correct?

23 A. Correct.

24 Q. How do you know it was gasket material?

25 A. Well, first of all, by just looking at it, and

0301

1 second of all, from speaking to, what do you call  
2 it, one of the -- one or two of the -- the tow  
3 motor operators at the time informed me that  
4 that's what they make is all gasket material.

5 Q. And you testified that it looked cardboard-like,

6 correct?  
7 A. Yeah, it's just like on a cardboard. It was  
8 anywhere from a dark gray to just about black and  
9 it was thin cardboard-like, like a thin cardboard  
10 material.  
11 Q. Okay. But you don't know what that material was  
12 made of, correct?  
13 A. No. No, not really. No, I don't. No. Other  
14 than the fact that, like you said, if it's like  
15 any other gasket material, you know, you just  
16 assume that it's like all the others, but, no, I  
17 do not know exactly what they made it of.  
18 Q. Okay. And you don't have any expertise in paper  
19 manufacturing or cardboard or anything?  
20 A. No, I don't.  
21 Q. Okay. And you've testified that they would  
22 dispose of these materials if there was something  
23 wrong with the materials. Do you recall that?  
24 A. Yeah. Well, that's what I assume because, I  
25 mean, sometimes you would see, like, just  
0302  
1 trimmings of it or you'd see big semi sheets of  
2 it. And sometimes, like I said, they would put  
3 it in the big bales and it would always be, like,  
4 just pieces that are all ripped off and they're  
5 baled up and they would dump.  
6 Q. And when you say they were baled up, do you mean  
7 bound with wire or some type of material?  
8 A. Yeah, they had a very heavy twine they used to  
9 use.  
10 Q. Okay.  
11 A. Because, I guess, once it was compacted and it  
12 was so tight, it's not like regular cardboard  
13 where it would expand and you had to use wire. I  
14 think that's why they used twine because it used  
15 to just sit there.  
16 Q. Okay. And you also testified previously that  
17 there was also clean-up debris in the container.  
18 What do you mean by "clean-up debris" just to be  
19 clear?  
20 A. In the compactor, there was always 90-whatever  
21 percent of just the gasket material, whether it  
22 be loose, baled and stuff. The big, big ramp and  
23 the loading dock on this side, they used to sweep  
24 all of that and just sweep that into the  
25 compactor, whatever excess might be, and you'd  
0303  
1 see rags and stuff from just using.  
2 It was the open top that they used to throw  
3 the big rolls in. That's where they were  
4 supposed to put all rolls. The rolls would go in  
5 the open top and there was a sludgeish material  
6 that they used to dump in the open top.  
7 Q. I'm sorry. What was that word?  
8 A. It was like a sludge, some form of a sludgeish  
9 material. What it actually was I have no idea,  
10 but they used to just dump that in there.  
11 Q. So you just said you don't know what the  
12 sludge-type material was, correct?  
13 A. Well, when you used to look at the color and  
14 knowing the color of the gasket material,  
15 assuming, again, not that I know, but I would  
16 assume that it come from one of the machines and  
17 it's the excess of the product that went into the  
18 machine. And once it's on the floor or on the



19 ground, I guess, it's no good and they used to  
20 dump it into the open top.

21 Q. So the sludge material could have been made for  
22 all you know of the same thing that the --  
23 A. Gasket material. Exactly.

24 Q. Or the cardboard-type material?  
25 A. I have no idea what it was other than that it  
0304  
1 was a sludge material.

2 Q. Okay. And I believe you testified that you saw  
3 rags as part of that debris. Do you know what  
4 that --  
5 A. No, but on occasions when they had messes and  
6 they would clean, that type of stuff, most of the  
7 bigger stuff, like, for a lot of it would go in  
8 the open top and not in the compactor.

9 Q. Okay.  
10 A. I would see just a few scattered rugs -- rags  
11 rather here and there, but in the open top is  
12 where, at times, I seen, you know, large  
13 quantities of it. And originally that was  
14 supposed to be for skids but that didn't work out  
15 either.

16 Q. Okay. And were there skids in the open top?  
17 A. Every once in a while there would be some  
18 skids, yes, there would.

19 Q. And is it your understanding or are you assuming  
20 that the skids were what the rolls of  
21 cardboard-type material came on?  
22 A. It could have been, but, no, when you came out  
23 of that back door where the loading dock was,  
24 right along your left-hand side to the wall that  
25 faced -- was Washington Street, they used to put  
0305  
1 all their old, old or damaged skids. And it  
2 would be just skids that made it in there, that's  
3 what I think, but they could have had the rolls  
4 on the skids. That's -- that is more than  
5 possible, but --

6 Q. Okay. So just to be clear, is it your  
7 understanding that there were skids in the  
8 compactor?  
9 A. No. No, the open top.

10 Q. Okay.  
11 A. I mean, on and off you would find an excess  
12 skid in the compactor also, but it was mostly all  
13 of that gasket material. And the majority of it,  
14 like I said, was baled or loose, and then every  
15 now and then, like I said, because that compactor  
16 had so much power they used to like to drop them  
17 rolls and see what they could do.

18 Q. Okay. All right. And I believe you also  
19 mentioned that you would see Speedy Dry in some  
20 of this clean-up debris?  
21 A. Correct. Most of that would all be in the  
22 open top.

23 Q. Okay. Do you know what the Speedy Dry was used  
24 for other than to absorb something?  
25 A. Exactly, yeah.

0306  
1 Q. But you don't know what it was absorbing?  
2 A. No. The only thing is, and that wasn't  
3 always, I mean, by the discoloring of it, you  
4 just figured it was to clean up some type of  
5 whatever was there, but, no, not that I really

6 can turn around and point a finger that it was  
7 this, this or this, no.  
8 Q. Okay.  
9 A. But it would be soiled, so it was used to do  
10 something.  
11 Q. So if Goditt & Boyer serviced H&V until the  
12 mid-'80's, is it no longer an active account, H&V  
13 with Goditt & Boyer?  
14 A. Yeah, because we don't -- see, that's Mass,  
15 and like I said earlier, since I got shipped to  
16 Cranston I don't go and now I don't even do  
17 roll-off. But I don't even know if our Attleboro  
18 division does Hollingsworth & Vose anymore. I  
19 don't even know if we have them for an account.  
20 Q. Okay.  
21 A. Once I got moved down to Cranston, and I think  
22 it was in '91 that I moved -- you know, that they  
23 shipped us from the Attleboro division to the  
24 Cranston and I haven't done it since then.  
25 Q. Okay. Let me just ask you a couple of quick  
0307 questions about the exhibits that you were shown  
1 earlier, one of them being Exhibit 2.  
2 A. Okay.  
3 Q. I'm just going to direct your attention to the  
4 first page, the upper left-hand ticket, and the  
5 line towards the bottom, the second to last line  
6 from the bottom that says "Driver's Signature."  
7 Do you see where I am?  
8 A. Yeah, that's not mine, though.  
9 Q. No, I know it's not.  
10 A. Oh, okay.  
11 Q. My question to you is: Do you know whose  
12 signature that is?  
13 A. I could be a smarty and say no, but I will be  
14 honest. That is, as you can see, 51 and that is  
15 Mike Malorin.  
16 Q. Can you spell that, please, if you can.  
17 A. M-A-L-O-R-I-N, if I remember right. Mike  
18 Malorin. He hasn't worked with us for a long,  
19 long time, but that's his truck number, 51, and  
20 I'd have to say that Mike unless somebody else  
21 drove the truck, but that's his truck. Truck 51  
22 belonged to Mike.  
23 Q. Okay. And he no longer works at the company; is  
24 that correct?  
25  
0308  
1 A. No, he left us back in the -- back in the  
2 '80's.  
3 Q. Do you know where Mr. Malorin went?  
4 A. Last I heard he was driving a cement truck out  
5 of Attleboro, then I heard he had -- what do you  
6 call it -- became a born again Christian and now  
7 I don't know what's happened.  
8 Q. Okay. Do you know if he's still alive?  
9 A. Oh, yeah. No, he's still alive and he's still  
10 around, it's just that -- and somebody first said  
11 that, no, he wasn't there no more and I spoke to  
12 another gentleman just a few months ago because  
13 we were -- us older guys all get together every  
14 once in a while and they were saying he's still  
15 around and they say he's still driving cement  
16 trucks.  
17 Q. So it's not clear what he's doing? You don't  
18 know for sure what he's doing?

19 A. Yeah. I haven't talked to Mike in ages.  
20 Q. Okay. Now, again, with reference to Exhibit 2,  
21 there's nothing on these Goditt & Boyer tickets  
22 that indicates where these pick-ups were -- what  
23 facility these pick-ups were dropped off at,  
24 correct?

25 A. Yes. No. That used to be only in our route

0309

1 sheet.

2 Q. Okay. And there's nothing on these tickets that  
3 indicates what was in the containers that you  
4 dropped off, correct?

5 A. Yes. No. No. You just always marked up what  
6 size container you did.

7 Q. Okay. Now, Mr. Castello, would you get a ticket  
8 from J.M. Mills when you delivered a load, a  
9 container to the J.M. Mills site?

10 A. Yes. Oh, yeah, we'd get a -- indicating that  
11 we definitely dumped at his site, correct.

12 Q. Okay. I'm going to turn your attention to the  
13 Castello Exhibit 1. Do you have that exhibit in  
14 front of you?

15 A. Yeah. Yes, we do.

16 Q. And is it fair to say that these are copies of  
17 the tickets that you would perceive from the J.M.  
18 Mills facility when you dropped off?

19 A. Yes, it is.

20 Q. Can you just describe for me generally what would  
21 happen if you picked up a load and dropped it off  
22 at J.M. Mills. What was the procedure that you  
23 would follow when you got to the landfill?

24 A. Well, when you got to the landfill depending  
25 on who it was who had the book at the time was

0310

1 doing their thing, you'd pull in, you know, and  
2 they'd -- some cases they'd come right up to you  
3 if they were really busy because you couldn't  
4 dump anyways, but once you got there and whatever  
5 they'd come in, you know, what have you got.  
6 They'd already have this all written out and you  
7 would -- in some cases, they'd write down what  
8 you had or you'd write down, you'd sign it and  
9 then rip it off and give you yours and they'd  
10 keep their copy.

11 Q. And would they direct you where to dump the load  
12 then?

13 A. Yes. Oh, yes.

14 Q. And when you would dump the load that you were  
15 bringing into the facility, is it fair to say  
16 that there were other loads that had been  
17 previously dumped in that area?

18 A. From that day, yes. Correct.

19 Q. And unless you were the last load of the day, is  
20 it fair to say that there would be other loads  
21 dumped onto that top of the load that you  
22 delivered?

23 A. Well, there would be probably -- I mean, at  
24 any given time, there could be two or three loads  
25 at one given time but you can't leave it. You

0311

1 had to -- as soon as you got done, you had to  
2 keep pushing and then make room for the others  
3 because they don't just go the whole length of  
4 the landfill because then it would be, you know,  
5 not feasible to try and to keep up with it. So

6 they always work -- and in most cases, it was  
7 anywhere from a three to four truck span, if it  
8 would even be that wide, so that's how many at a  
9 time. And then like I said, as soon as you got  
10 done dumping and out of the way, they would just  
11 keep pushing and let the next people go.

12 Q. So they want to get you in and out of there  
13 quickly?  
14 A. Exactly. In and out.

15 Q. And when you dumped the load, were you inside the  
16 truck when that process occurred?  
17 THE WITNESS: As the load is being  
18 dumped?  
19 MS. BARRY: Yes.

20 A. Yes, you have to be in the truck in order to  
21 work the hydraulics and then you have to drive  
22 the truck, you know, you have to make the truck  
23 pull forward yourself.

24 Q. Okay. So that's with the compactor. What about  
25 with the 30-yard open tops, would you have to  
0312  
1 remove the canvas first before you dumped the  
2 load?  
3 A. Correct.

4 Q. Okay. There wasn't anyone at the facility who  
5 helped you do that, you would --  
6 A. No. No, very -- unless another driver  
7 happened to be there and he was already done  
8 dumping and out of the way, he'd help you  
9 whatever, but no.

10 Q. Okay.  
11 A. The majority of the times you did it yourself.

12 Q. Okay. And if I can, let me direct your attention  
13 to a specific page of this document. I'm going  
14 to say it's -- well, the Bates number at the  
15 bottom is WM0001018.  
16 A. Okay.

17 Q. And the ticket on the top right-hand there, I'm  
18 going to direct your attention to that. The line  
19 that is under the -- what looks to be Brad  
20 warehouse and the signature there. Do you  
21 recognize that signature?  
22 A. No. I can't figure out that one, no. As of  
23 right now, no, I can't figure it out, but it's  
24 Bradley's warehouse. That's what it looks like  
25 it stands for.

0313  
1 Q. Okay.  
2 MR. CONNORS: That's okay. That was the  
3 question.  
4 THE WITNESS: No, I know. I was just  
5 trying to --  
6 Q. Let me just direct your attention really quickly,  
7 Mr. Castello, back to Exhibit 2 which is the  
8 Goditt & Boyer tickets.  
9 A. Yeah.

10 Q. You haven't seen any J.M. Mills tickets that  
11 correspond to the pick-ups from H&V that are  
12 contained in Exhibit 2, correct?  
13 A. Not that I was really paying attention to to  
14 the dates, no.

15 Q. And you testified earlier that these were --  
16 these have been the only documents that you've  
17 seen other than what the gentleman from the  
18 government in Washington showed you?

19 A. He never showed. He always kept his  
20 paperworks in front of him and all he did was ask  
21 me questions about them.

22 Q. Okay.  
23 A. The only thing he did was a paper with a whole  
24 bunch of, you know, names and initials and stuff  
25 like that and he'd go, "by the way, do you happen

0314  
1 to know," and I'd go "who the heck," and he'd go,  
2 "well, do you think you know who that is?" That  
3 was all. Anything else he had, no. It was only  
4 pertaining to names, if I knew the name or if I  
5 could make out the initials.

6 Q. Okay.  
7 A. That was the only thing he actually ever  
8 showed me.

9 Q. Okay. Do you recall when the first time that  
10 that gentleman from Washington came to see you at  
11 your home on a Sunday, who was -- what company  
12 was the employer at that time? In other words,  
13 was it still Goditt & Boyer or was it Waste  
14 Management? Who was your employer at that point?

15 A. When he came, I was already with Waste  
16 Management.

17 Q. Okay.  
18 A. I was already -- I was already part of Waste  
19 Management because I also remember him making a  
20 remark and I says, "I don't even work for the guy  
21 anymore." You know, I said -- and that's when  
22 he -- but, no, I was already with -- I was  
23 already with Waste Management. And like I said,  
24 I had never said nothing to nobody until that one  
25 time when Waste Management -- and I says, yeah,

0315  
1 somebody -- who's been talking to you?

2 But I never seen this gentleman again. I  
3 seen him on those three different occasions,  
4 which was -- which was stretched over a period.  
5 I may be a little off here and there because I  
6 wasn't paying attention to how long that the span  
7 was, but there was a span involved. I seen him  
8 three times and a year-and-a-half, two, a year or  
9 whatever, but it was. He didn't come one Sunday,  
10 the next Sunday, the next Sunday, no. It was  
11 stretched out.

12 Q. Okay.  
13 A. And he never told me, you know, I'm going to  
14 be coming back to see you, he just -- no.

15 Q. He just showed up?

16 A. He showed up.

17 Q. And do I understand, then, that you didn't tell  
18 anyone at Waste Management at the time that this  
19 gentleman had come to see you at your home about  
20 the J.M. Mills landfill?

21 A. Yes. No, I didn't because the way he -- I  
22 assumed it had to do with the Goditt & Boyer  
23 days, so there was no need to be telling them  
24 about the Goditt & Boyer days.

25 Q. I see.

0316  
1 A. The only thing he did say was the last time --  
2 because he was a little irritated with me. When  
3 he came the last time, he said to me that, you  
4 know, my name comes up everywhere and, "gee, it's  
5 funny everybody knows you but you don't know

6 nobody." And he walked out the door, and he  
7 never came back.

8 Q. And your current employer, Waste Management, have  
9 they promised you anything in exchange for your  
10 appearance at this deposition today?  
11 A. No, they have not.

12 Q. Are you being paid today while you're at this  
13 deposition?  
14 A. Yes, I am.

15 MS. BARRY: If you could just give me a  
16 couple of minutes. I think I'm probably  
17 finished.

18 (P A U S E)

19 Q. Do you know where -- are either of the Brasks --  
20 I can't remember what you said their first names  
21 were.  
22 A. David was the owner and Russell was the  
23 brother and vice president. Russell has since  
24 passed away.

25 Q. Okay. And what about David?  
0317  
1 A. No, David is still alive.  
2 Q. Okay.  
3 A. He's mostly in Texas and other places, but,  
4 yes, but he is still alive.

5 Q. And you haven't spoken to either him or the  
6 brother before he passed away about this lawsuit?  
7 A. No, I haven't talked to him about this. Yes,  
8 I've seen him but, no, we don't -- the only thing  
9 is I -- I ran into him a few months back and we  
10 were sitting and talk and he says -- and I  
11 says -- he says, "Hey, have they called you?" I  
12 says, "Well," I said, "I haven't talked to nobody  
13 in a long time," and that was it. That was the  
14 extent of the conversation. He did not get into  
15 anything about this.

16 Q. Did he tell you whether he had been called by  
17 anybody about this matter?  
18 A. No. When I spoke to him, no.

19 Q. Okay. Do you recall where you were when you ran  
20 into him?  
21 A. Oh, yeah. We were at the local club in  
22 Attleboro having a beer and a blade meat  
23 sandwich.

24 Q. And that was a couple months ago?  
25 A. Oh, no, that's -- that's last year now, but,  
0318  
1 yes, it is a while back.  
2 MS. BARRY: That's all I have.  
3 MS. FOGELL: I'll be quick, I promise.  
4 Almost done.  
5 THE WITNESS: Okay, dear.  
6 EXAMINATION BY MS. FOGELL

7 Q. Hi, Mr. Castello. My name is Tina Fogell and I  
8 represent Wyman-Gordon, and I just have a few  
9 questions for you today. I understand from your  
10 previous testimony that you have picked up or you  
11 previously picked up at the Wyman-Gordon facility  
12 in North Grafton; is that correct?  
13 A. Yes, I have.

14 Q. And I also understand from your previous  
15 testimony that that time period would coincide  
16 with what I guess we've been calling as the long  
17 haul days after '73-ish; is that correct?  
18 A. Yes, somewhere up in that area, yeah.

19 Q. And it also appears from your previous testimony  
20 that initially when you picked up at Wyman-Gordon  
21 in approximately 1973 that you would bring the --  
22 it was a 50-yard roll-off; is that correct?

23 A. Yes, 50-yard break way compactor.

24 Q. You would bring that to the Worcester landfill;  
25 is that correct?

0319

1 A. Yeah.

2 Q. And you brought all the waste from the  
3 Wyman-Gordon facility exclusively to Worcester  
4 until Worcester closed; is that correct?

5 A. Correct.

6 Q. Do you know about when the Worcester facility  
7 closed?

8 A. No. No, I really don't remember the time.

9 Q. Any kind of late '70's, late -- I'm not trying  
10 to -- any kind of a time span?

11 A. No. No. No. No. No. Exactly when, I  
12 really don't remember. The only thing is when I  
13 say "exclusive" it shouldn't have been really  
14 exclusive because if you picked them up later in  
15 the day or at an off time, even though Worcester  
16 was there, we would pick it up and bring it back  
17 and then in the morning we would dump it right  
18 there at Joe Mills. But it did get dumped in  
19 Worcester a lot, but I mean, I don't want to  
20 be -- I don't want to turn around and say, well,  
21 from this time to this time we only dumped it in  
22 Worcester and then you see a ticket and say,  
23 "Wait a minute, how come you dumped this at Joe  
24 Mills?"

25 But pertaining to the time of the day, it

0320

1 still might have went to Joe Mills even though  
2 because either they're already closing or Wyman &  
3 Gordon would need a pick-up real bad and couldn't  
4 wait till the next day. So there was times even  
5 though -- yes, but I did dump a lot of times in  
6 Worcester. I'm just trying to clarify that part  
7 because things come up and now I've said  
8 something, it's like, wait a minute, you -- so  
9 this is -- okay.

10 Q. So I guess your testimony would be that the  
11 majority of the time during that initial  
12 period --

13 A. Through that period, we dumped it --

14 Q. -- you dumped in Worcester?

15 A. Right.

16 Q. But if you had a late pick-up or there was some  
17 other reason you had to come back to Rhode  
18 Island, then maybe first thing in the morning you  
19 would bring it to J.M. Mills before you would do  
20 any other pick-ups; is that correct?

21 A. Right. Correct. Or even on a very early  
22 morning. If for some reason it was very early  
23 and we went up and the landfill wasn't going to  
24 be opened yet and the rest of the work was down  
25 this way or down toward the Rhode Island area,

0321

1 you would just come right back down, still dump  
2 it at Joe Mills and then do your work. That's  
3 why there's too many verbals in between as to how  
4 sometimes it's like, "well, how could you be here  
5 but yet you're over there?" So --

6 Q. Okay. And, again, you have no time span as to  
7 when the --  
8 A. No.  
9 Q. -- Worcester landfill closed?  
10 A. No, I don't. I really do not have no time.  
11 Just like before there was the Worcester landfill  
12 there was the Worcester incinerator and I can't  
13 remember when that was, so no.  
14 Q. Okay. So after the Worcester landfill closed,  
15 all waste that was picked up from Wyman-Gordon  
16 was brought to J.M. Mills; is that correct?  
17 A. J.M. Mills. Correct.  
18 Q. There was no other landfill that you personally  
19 brought any of that waste to?  
20 A. No. No. I never even dumped in the Worcester  
21 incinerator with Wyman & Gordon. I've only taken  
22 it to Worcester landfill or to J.M. Mills.  
23 Q. Okay. I think your testimony has been before  
24 that you were not the only -- you were not the  
25 only driver who picked up waste from

0322

1 Wyman-Gordon; is that correct?  
2 A. No. No. As a matter of fact, for quite a  
3 while Buffington did Wyman & Gordon. And as a  
4 matter of fact, on a couple of occasions, I had  
5 taken it there. And he goes to me, "Why aren't  
6 you taking it to Worcester? What are you running  
7 all the way down there for?" I said, "I didn't  
8 know." He goes, "Oh, yeah. I dump there all the  
9 time." I said, "I didn't know they took it." He  
10 says, "Yeah, they take it." So that's when I  
11 started taking it. And then it wasn't long after  
12 that that -- you know, like I said, that  
13 Worcester landfill closed.  
14 Q. So there were times when Goditt & Boyer and  
15 Buffington were doing the same routes but on  
16 different days --  
17 A. Yeah.  
18 Q. -- or servicing the same customers?  
19 A. Bruce Buffington was a subcontractor for us so  
20 he hauled our accounts for us off of Goditt &  
21 Boyer. So he --  
22 Q. Were there -- I'm sorry. Finish.  
23 A. No. No, because in the earlier days Bruce  
24 Buffington only had the one truck and all of his  
25 work was due to Goditt & Boyer. He wasn't, you

0323

1 know, on his own. Yes, he owned his own truck,  
2 but he didn't have his own accounts.  
3 Q. Okay. Were there other drivers from Goditt &  
4 Boyer who also picked up at Wyman-Gordon?  
5 A. Yes.  
6 Q. Okay.  
7 A. There was any one of us.  
8 Q. Okay. Do you know what kind of product that was  
9 made at Wyman & Gordon?  
10 A. Well, like I said in the last deposition,  
11 you're not supposed to know because -- but  
12 technically it's a government facility. And from  
13 doing it for a period of time, like one of the  
14 guys told me, they made -- they made stuff for  
15 the space shots (sic), they made stuff for the  
16 submarines, and they made stuff for some of -- I  
17 guess probably now what's called our Stealth  
18 Fighter there, but, yeah. But really, no. I



19 mean, it could all be a lie, but -- because when  
20 you got there, you weren't allowed -- you know,  
21 you just have to sign it, then you got in. And  
22 once you got in, you were only allowed a short  
23 area to be in. You weren't allowed to go out of  
24 that area. So if there wasn't something right  
25 there in front of you, no, you couldn't see

0324

1 nothing. So --  
2 Q. After the J.M. Mills landfill closed, did Goditt  
3 & Boyer still continue to service Wyman-Gordon?  
4 A. As far as I know, we -- we serviced Wyman &  
5 Gordon up until -- you know what, though, I  
6 wasn't doing it anymore, so I don't know what  
7 happened to it. I don't know if we even lost it,  
8 but yeah.  
9 Q. About when -- I'm sorry.  
10 A. No, I'm just saying, I think what happened was  
11 once we became -- well, Waste Management, I -- to  
12 be honest, I don't know what happened to it. I  
13 don't know if we lost it or not.  
14 Q. Do you remember when you stopped picking up at  
15 Wyman-Gordon?  
16 A. No. No, I really do not know. I don't  
17 remember when I stopped.  
18 Q. Did you read your previous deposition transcript  
19 before you came here today?  
20 A. No, I did not.  
21 Q. Did you review any other documents before you  
22 came here today?  
23 A. Nope, I have not.  
24 MS. FOGELL: No further questions.  
25 MR. SALLY: I have a couple more

0325

1 questions unless there's anybody in the interim.  
2 MR. JACKSON: Well, why don't you go  
3 ahead.  
4 EXAMINATION BY MR. SALLY  
5 Q. Mr. Castello, just to sum up a few points. In  
6 '71 to '72, that was when you were servicing the  
7 local companies; is that correct?  
8 MR. JACKSON: Objection.  
9 A. Correct.  
10 Q. And then you went on the sort of long haul  
11 route; is that correct?  
12 A. Yes, around the '73 to '74, yes.  
13 Q. And then during '71 and '72, part of your work  
14 involved the Blackstone Valley Electric Company;  
15 is that right?  
16 A. Yes, it did.  
17 MR. MURPHY: Objection, form.  
18 Q. And let me just show you your testimony from your  
19 first deposition and ask you if you agree with  
20 this.  
21 MR. MURPHY: What page, Frank?  
22 MR. SALLY: This would be Page 139.  
23 This is referring to the containers at Blackstone  
24 Valley Electric. And do you -- I think you said  
25 you had occasion to pick up both of those

0326

1 containers and your answer, yes. And the  
2 question: "Okay. The container with the office  
3 trash first, do you recall how often you'd pick  
4 up that one?" "No. No, I didn't -- I know it  
5 didn't go often, but how often, I don't

6 remember." Have I read that correctly?  
7 A. Yes. Correct.  
8 Q. Do you agree with that?  
9 A. Yes.  
10 Q. How about the other one, do you recall how often  
11 you picked that one up? I object. Not really.  
12 I didn't do either one of them often. I had done  
13 them, but the times that I did do it -- let me  
14 start reading the answer again.  
15 Not really. I didn't do either one of them  
16 often. I had done them, but the times that I did  
17 do it, I did the one from the -- you know, with  
18 the open top from where they parked their trucks.  
19 I did do that one more often than I ever did the  
20 other one. The other one was only done a few  
21 times from my point. The other one was done -- I  
22 mean, I don't know. I might have done it once  
23 every couple of weeks or something like that. Do  
24 you agree with that?  
25 A. Yes. I mean --

0327

1 Q. No. No, I just asked you if you agree with that.  
2 Okay? I'll ask you another question.  
3 A. Okay. Go.  
4 Q. Now, once you began the long haul work, what was  
5 your -- the hours that you worked each day?  
6 A. Depending on where I was going and what I had  
7 to do, I would start in anywhere from 2:00 to  
8 3:00 in the morning. If I was going extremely  
9 far to come in for 4:00 and 5:00, if I was going.  
10 But not -- you know, it depend on what I had  
11 so -- and it depend on what time of the season.  
12 If I had the Cape to do, for an example, to beat  
13 all the traffic, I would leave the yard between  
14 2:00 and 3:00 to be down in Orleans and  
15 Provincetown, be down and back before the traffic  
16 started.  
17 Q. And what time would you quit work?  
18 A. Back in them days, there was no -- there was  
19 no limitation on how many hours. I worked as  
20 many as 18-and-a-half hours in a day.  
21 Q. You worked that long?  
22 A. I have, but that was not a norm. I just said  
23 that's --  
24 Q. What was your normal working day --  
25 A. You could --

0328

1 Q. -- in the long haul work?  
2 A. You definitely averaged around the 12-hour  
3 day.  
4 Q. 12-hour days?  
5 A. It was always usually a 12-hour day to 14.  
6 Q. Now, you said that you drove between 4 and  
7 500 miles a day in the long haul road?  
8 A. Yeah. I averaged about that much, yeah.  
9 Q. And you're a safe driver, aren't you?  
10 A. I've got a pretty good record, I think, yeah.  
11 Q. Would you say that you spent about six or seven  
12 hours a day just behind the wheel driving the  
13 truck?  
14 THE WITNESS: You mean at one particular  
15 solid time or you mean for the --  
16 MR. SALLY: The whole day if you're  
17 going 4 or 500 miles.  
18 A. No, it would be more than that, sir. Let me

19 tell you, it used to take -- just to get to  
20 Provincetown, it used to take between two and  
21 three hours depending on what time of the day.  
22 Q. So in any event, you were driving at least six or  
23 seven hours a day behind the wheel?  
24 A. Yeah. Definitely more than that for those  
25 kind of hours, yeah -- I mean, for those kind of

0329

1 miles.  
2 Q. And then you were doing several pick-ups a day?  
3 A. Correct.  
4 Q. And that would take you time?  
5 A. To some degree. Some stops would take you  
6 longer to do than others.  
7 Q. And then you had -- did you stop for lunch or --  
8 during the day?  
9 A. My more bigger thing was breakfast. I used to  
10 stop for breakfast and grab a fast sandwich, and  
11 a lot of times you ate as you ran back in them  
12 days.  
13 Q. And I take it a couple of times you'd have to  
14 stop and go to the bathroom, whatever, take some  
15 breaks?  
16 A. Yeah, probably did.  
17 Q. So given all those time commitments out of an  
18 average 12-hour day, it didn't really allow you  
19 much of an opportunity to service customers on a  
20 local level, would you agree with me on that,  
21 once you started the long haul route?  
22 A. No, not when it was a shorter hour day, no.  
23 But then again, my -- my hours for the week, I  
24 always averaged in the high 60's to 70-something  
25 hours and I put in as many as 90-something hours

0330

1 for a five-and-a-half hour day.  
2 Q. You told me you averaged 12 hours a day. That's  
3 what you testified to. Are you changing that  
4 now?  
5 A. Wait a minute. You know, I also told you --  
6 Q. Are you changing that testimony now?  
7 A. No, I'm not really changing.  
8 Q. You testified that your average was 12 hours a  
9 day. Are you changing the testimony?  
10 MR. CONNORS: Of his average?  
11 MR. SALLY: Of the average.  
12 MR. CONNORS: That's not what he -- go  
13 ahead.  
14 A. The thing is if you want -- like I said, when  
15 you're driving that many miles, the days you  
16 drove that many miles you did more hours. But  
17 the days you did do less, I used to probably  
18 average around 12, then we'll stick with it. I  
19 averaged 18-and-a-half hours a day then.  
20 THE WITNESS: Do you want to do it that  
21 way?  
22 Q. You averaged 18-and-a-half hours on every day, is  
23 that your testimony, Mr. Castello?  
24 A. You're making the remark about how can I do  
25 this and that? I only did it according to the

0331

1 miles I had on for that day and for the stops I  
2 had. The days that I did do very heavy miles,  
3 no, I did not get done at -- in 12 hours. I did  
4 most likely closer to the 14. On the days that I  
5 did the lesser, maybe around the four to -- right

6 around the three something to four was the times  
7 I probably did the 12, 12-and-a-half hour day,  
8 yes. But I did not have time to sit and  
9 socialize. You got out, you did your job and you  
10 went on your way.

11 Q. And you didn't have much time to service local  
12 customers while you were on that long haul job,  
13 did you?

14 A. No, not if I was on long hauls. If I was  
15 here, then I did them. If I wasn't, no.

16 Q. And the J.M. Mills landfill closed at, what, 5:00  
17 or 6 o'clock?

18 A. J.M. Mills would close when you told him you  
19 weren't coming back no more.

20 MR. SALLY: I have no more questions.

21 MR. JACKSON: Let's take a minute.

22 (A recess was taken.)

23 EXAMINATION BY MR. JACKSON

24 Q. I just had one follow-up question, Mr. Castello.  
25 Referring your attention to Exhibit 1, which was

0332  
1 the dump tickets, do you know whether this set of  
2 dump tickets represents a complete set of J.M.  
3 Mills dump tickets for the period from December  
4 of 1980 through March of 1982?

5 MR. CONNORS: For him personally?

6 THE WITNESS: For me personally?

7 MR. JACKSON: Yes.

8 A. No, I don't know, but I made the remark to  
9 him, "I said, I don't think this can be all of  
10 the different accounts that I brought in there."

11 MR. JACKSON: Okay. That's all.

12 A. But, no, I don't think this is complete for  
13 everything, but I mean -- no. No, I don't think  
14 so, but I can't say for positive, but I doubt it.

15 MR. JACKSON: Thank you.

16 MR. MURPHY: I have just one follow-up  
17 question, Mr. Castello.

18 EXAMINATION BY MR. MURPHY

19 Q. There are some questions about, you know, the  
20 quote-unquote longer haul period when you were  
21 driving more for Goditt & Boyer. Were there some  
22 days during that period where you didn't drive  
23 300 miles?

24 A. Oh, yeah, but a lot of the times, too, when  
25 you did the longer driving depending on, like I

0333  
1 said, when it was, you would drive to a certain  
2 area, you would drive all them miles to get  
3 there. For an example, Gardener and Athol, Mass,  
4 you would drive all that distance. Now you're  
5 driving 100-something miles just to get there.  
6 Once you got there, within that one plaza we had  
7 three containers. One was for cardboard, the  
8 other two were for trash. And the landfill at  
9 the time was the Gardener landfill was only right  
10 around -- was within two miles.

11 So you would get up, you'd do all this  
12 driving to get there, then within an hour or less  
13 you'd have them all done and now you're heading  
14 back down to United in Pawtucket to dump them.  
15 So now you've got yourself 200-and-something  
16 miles on, but you've got three containers done  
17 because two of them were very quick and easy to  
18 do.

19 Q. Is that an example of when you'd end up part way  
20 through the day in the local Cumberland area?

21 MR. SALLY: Objection.

22 A. Correct. But at the same point, this is why,  
23 at times, I would end up with around the 400 or  
24 400-and-something miles and, you know, six stops  
25 in that amount of time because I drove

0334

1 straight -- you know what I'm saying? I drove  
2 straight to get there.

3 Q. No, I understand that, but one of my questions  
4 is --

5 A. Yes. Correct.

6 -- what's the least number of miles you'd drive  
7 during the long haul period?

8 A. I had short 200-mile days, but they were rare.

9 Q. Okay.

10 A. I had 200-something miles, but for the most  
11 part I did -- but when I got to one area, I would  
12 do several stops in that long area and then I'd  
13 come back.

14 MR. MURPHY: I have no further  
15 questions.

16 THE REPORTER: Okay. I need to get the  
17 orders on the record. Curtis?

18 MR. CONNORS: Yes, please.

19 THE REPORTER: Ms. Fogel I?

20 MS. FOGELL: Mini.

21 THE REPORTER: Mr. Sally?

22 MR. SALLY: Yes, please.

23 THE REPORTER: Ms. Barry?

24 MS. BARRY: Yes.

25 THE REPORTER: Mr. Benik?

0335

1 MR. BENIK: Yes, please.

2 THE REPORTER: Ms. Holt?

3 MS. HOLT: No.

4 THE REPORTER: Mr. Coburn?

5 MR. COBURN: Yes, please.

6 THE REPORTER: Mr. Newton?

7 MR. NEWTON: No.

8 THE REPORTER: Mr. Murphy, copy?

9 MR. MURPHY: Yes.

10 THE REPORTER: Mr. Jackson?

11 MR. JACKSON: Yes.

12 (Deposition adjourned at 5:25 p.m.)

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### C E R T I F I C A T E

I, Devin J. Baccari, a Certified Shorthand  
Reporter and Notary Public within and for the State of  
Rhode Island, do hereby certify that I am expressly

4 approved as a person qualified and authorized to take  
5 depositions pursuant to the Rules of Civil Procedure  
6 of this Court, especially, but without restriction  
7 thereto, under Rule 30 of said Rules; that the witness  
8 was first sworn by me; that the foregoing is a true,  
9 accurate, and complete transcript of my notes taken in  
10 the above entitled proceedings.

11 I further certify that the exhibits are  
12 attached and copies furnished to counsel.

13 I further certify that I am not counsel,  
14 attorney or relative of either party or clerk or  
15 stenographer of either party, or of the attorney of  
16 either party, or otherwise interested in the event of  
17 this suit.

18 I further certify that neither the deponent  
19 nor any party requested a review of the transcript.

20 IN WITNESS WHEREOF, I hereunto set my hand  
21 this 25th day of March, 2009.

22 \_\_\_\_\_  
23 DEVIN J. BACCARI, CSR, NOTARY PUBLIC  
24 My Commission Expires 8/17/10

25 DATE: MARCH 11, 2009  
IN RE: UNILEVER BESTFOODS VS. TEKNOR APEX  
WITNESS NAME: THOMAS CASTELLO

0001

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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UNI LEVER BESTFOODS and KIK CUSTOM  
PRODUCTS, INC., f/k/a CCL CUSTOM  
MANUFACTURING, INC.,

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vs. C. A. No. 01-496-L

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TEKNOR APEX COMPANY, et al.,

8

-----  
KIK CUSTOM PRODUCTS, INC., f/k/a  
CCL CUSTOM MANUFACTURING, INC.

9

10

vs. C. A. No. 01-511-L

11

A. T. CROSS COMPANY, et al.

12

13

DEPOSITION OF RICHARD ELDERKIN,  
a witness in the above-entitled cause, taken on  
behalf of the Plaintiff, before Devin J. Baccari,  
CSR, at the Law Office of Adler, Pollock &  
Sheehan, P. C., One Citizens Plaza, 8th Floor,  
Providence, Rhode Island, on July 28 2009,  
scheduled at 10:00 a.m.

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Job No. : 210111

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0002

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0004  
1 (Deposition commenced at 10:07 a.m.)  
2 RICHARD ELDERKIN,  
3 Being duly sworn, deposes and testifies as follows:  
4 THE WITNESS: I don't swear. I affirm.  
5 EXAMINATION BY MR. DANLEY  
6 Q. Can I get you to state your name for the record,  
7 please.  
8 THE WITNESS: Please?  
9 Q. Can I get you to state your name for the record,



10 please?  
11 A. Richard Elderkin. I've got a middle name,  
12 Leslie.  
13 Q. Mr. Elderkin, thank you for being here. I know  
14 this is probably not one of your first options  
15 when you woke up today to come here and hang out  
16 with us, so we appreciate it. My name is Chris  
17 Danley. I'm an attorney who's representing  
18 Unilever Bestfoods, and my client is currently  
19 involved in some litigation that is pending  
20 before a Federal District Court in Rhode Island.  
21 And I want to ask you, first of all, if you've  
22 ever been deposed before.

23 THE WITNESS: Where?  
24 Q. Have you ever been deposed before? Have you ever  
25 had your deposition taken?

0005  
1 A. Not that I remember.  
2 Q. Okay. You would remember, I'm sure.  
3 A. I don't remember.  
4 Q. Let me just go over a couple things that will  
5 make it as painless as possible. Number 1, if  
6 you don't understand me or you can't hear me, let  
7 me know and I'll be more than happy to repeat or  
8 rephrase my question. And the second thing is  
9 when you're answering if you could do so verbally  
10 so the court reporter can take down your  
11 response. Okay?

12 THE WITNESS: Yeah. One question,  
13 what's the name of that company?

14 MR. DANLEY: The name of the company I'm  
15 representing?

16 THE WITNESS: Yeah.  
17 MR. DANLEY: Unilever.  
18 THE WITNESS: Yeah, but you just named  
19 the company off there, New England food  
20 something.

21 MR. DANLEY: Excuse me?  
22 THE WITNESS: What did you just say  
23 there? It was a name of a company you just said.

24 MR. DANLEY: The name of the company  
25 that I'm representing? I did name a company

0006  
1 Unilever Bestfoods.

2 THE WITNESS: Yeah, that's what I meant.

3 MR. DANLEY: Yeah.

4 THE WITNESS: What about it?

5 MR. DANLEY: Well, we're going to get  
6 into that.

7 THE WITNESS: Yeah. Okay.

8 Q. A couple more things. If you could wait until  
9 I'm done with my question, then I'll wait until  
10 you're finished with your answers so we don't  
11 talk over one another.

12 You're going to hear some objections probably  
13 from different attorneys that are sitting here.  
14 That's nothing you need to be concerned with.  
15 Even though there are objections, you can still  
16 answer my question unless your attorney directs  
17 you not to.

18 And finally, if you need a break, then just  
19 let us know. This is not an endurance contest.  
20 So if you need a break, then we will break.

21 Can you tell me where you currently live, the  
22 address?

23 A. 86 South Main Street, Attleboro,  
24 Massachusetts.  
25 Q. Can you tell me how old you are?  
0007  
1 A. I'll be 66 on August 1st.  
2 Q. Well, almost happy birthday.  
3 A. (Nods head in the affirmative).  
4 Q. Are you currently employed?  
5 A. Yes.  
6 Q. Where?  
7 A. Waste Management, Incorporated.  
8 Q. And what are you doing for Waste Management now?  
9 A. I'm a truck driver.  
10 Q. And how long have you been with Waste Management?  
11 A. 20 some years.  
12 Q. Okay. Since about 1989?  
13 A. When they bought the company out.  
14 Q. Okay. Let's just walk through your background a  
15 little bit. Can you tell me when you graduated  
16 from high school?  
17 A. '63.  
18 Q. And where did you graduate from?  
19 A. East Providence.  
20 Q. And what did you do after you graduated high  
21 school?  
22 A. Went to work for Goditt & Boyer.  
23 Q. Okay. So about 1963, you went to work for Goditt  
24 & Boyer?  
25 A. I worked part-time before that.  
0008  
1 Q. How long did you work for Goditt & Boyer  
2 part-time?  
3 A. Well, I was just -- there was no records, but  
4 we just went, like, on weekends and Saturdays  
5 back then '61, '62.  
6 Q. So '61 and '62 --  
7 A. Part-time.  
8 Q. -- you worked part-time?  
9 A. Yeah, then I went full-time in '63.  
10 Q. And what were you doing for them in 1963?  
11 A. Front loader.  
12 Q. Front loader. What were you doing for Goditt &  
13 Boyer when you were working part-time in 1961 and  
14 1962?  
15 A. Well, we did household trash and burner  
16 barrels and stuff like that, you know,  
17 Q. You did household trash and barrels?  
18 A. House to house. You know, that was back in  
19 the -- yeah, burner barrels, used to dump burner  
20 barrels.  
21 Q. Burner barrels where people would --  
22 A. Burner barrels, and then we had, like, house  
23 stops and stuff like that, household trash.  
24 Q. And you said "burner barrels"?  
25 A. Well, that's when you used to burn trash in  
0009  
1 the backyard.  
2 Q. Got it. Was there anything else in these barrels  
3 besides leaves and trash?  
4 A. No.  
5 Q. Okay. And you picked them up from houses?  
6 A. Yeah.  
7 Q. Did you go to any companies when you were  
8 working? Did you pick up from any companies  
9 while you were working for --

10 A. Not part-time, no.  
11 Q. Okay. In 1963, you said you started driving a  
12 front loader for Goditt & Boyer?  
13 A. First, I worked in the mid Cape highway doing  
14 the travel trash barrels in '63. My first job  
15 was doing the travel trash, mid Cape highway, you  
16 know where the cars go off, the rest areas.  
17 Q. You were picking up garbage?  
18 A. The barrels, yeah.  
19 Q. From the rest area?  
20 A. Yeah.  
21 Q. How long did you do this?  
22 A. Just for the summer. Just for that summer.  
23 Q. And then after the summer, you started driving  
24 front loaders?  
25 A. Yes.

0010

1 Q. And how long did you drive the front loaders?  
2 A. Still driving them.  
3 Q. Oh, so from 1963 until now, you're still driving  
4 front loaders?  
5 A. Yeah.  
6 Q. And you worked for Goditt & Boyer how long?  
7 A. 25 years.  
8 Q. And then you started working --  
9 A. Well, they sold out to Waste Management.  
10 Q. And then you just started working for Waste  
11 Management?  
12 A. Well, they just -- they took -- you know, we  
13 just -- they just bought the company, so I went  
14 with the company.  
15 Q. Okay. When you started in 1963, was it just you  
16 alone driving in the truck?  
17 A. Yes.  
18 Q. At any point in time when you were driving, were  
19 there other people that would ride along with  
20 you?  
21 A. Only when I was teaching a route or something  
22 like that. Front loaders, you work alone.  
23 Q. I'm going to give you a memory test. I apologize  
24 ahead of time.  
25 A. I can only remember what I remember.

0011

1 Q. Can you remember the names of the other employees  
2 that you worked with at Goditt & Boyer?  
3 MR. CONNORS: In 1963.  
4 MR. DANLEY: At any time, but starting  
5 in 1963 working your way up.  
6 A. My brother, John, was there, Dave Brask,  
7 Russell Brask, Linda. I think that's about --  
8 that's it. Small company.  
9 Q. Can you remember the names of the other drivers?  
10 THE WITNESS: You mean as they come on,  
11 as the years went on?  
12 MR. DANLEY: Yes.  
13 THE WITNESS: Mean from '63 up?  
14 MR. DANLEY: Yes.  
15 THE WITNESS: Different people that  
16 worked with me?  
17 MR. DANLEY: Different people that drove  
18 trucks for Goditt & Boyer.  
19 A. Well, Tom Castello and Ernie, but they came  
20 later. That company had so many guys that came  
21 and go (sic). There was a lot of them. But  
22 Ernie, the guys that stayed, cousin Davie, Tony,

23 my brother, Paul. And like I say, Sonny Luthy  
24 came later. There was a lot of them, you know,  
25 trucking at different ages -- years in between.

0012

1 There's probably others, but I just -- Allen  
2 Doucette.  
3 Q. When did Allen work for the Goditt & Boyer?  
4 A. In the beginning. In the beginning. He  
5 didn't stay long.  
6 Q. Do you know how long he stayed?  
7 A. No. I know he didn't stay long.  
8 Q. Like five years?  
9 A. Something like that.  
10 Q. Do you know where Allen's at now?  
11 THE WITNESS: What?  
12 Q. Do you know where Allen is at now?  
13 A. No.  
14 Q. Okay. Starting in 1963, can you tell me the area  
15 that you covered?  
16 THE WITNESS: I was driving the truck?  
17 MR. DANLEY: Yes.  
18 A. Pawtucket, Attleboro, Taunton, East  
19 Providence, Warwick, Providence, Woonsocket,  
20 Smithfield, Dedham 128. That's about it in that  
21 general area, Foxboro, Mansfield, Taunton,  
22 Somerset, Fall River. That's about it.  
23 Q. Would this be through your entire time frame  
24 working for Goditt & Boyer?  
25 A. Yeah. Like I said, we've got different

0013

1 sections. As the company got bigger, we stayed  
2 in one general area.  
3 Q. And the general area that you stayed in for your  
4 time frame was what you just mentioned?  
5 A. Yeah. But, see, I didn't do all that area  
6 because there was -- as the company got bigger,  
7 we put different trucks in different areas. I  
8 stayed more into the Rhode Island area.  
9 Q. Can you tell me about the time frame the areas  
10 started getting divided up?  
11 A. Not really because as it went along it just --  
12 you know, just '63 on, it just -- you know, then  
13 we just went on -- I did -- like I said, I went  
14 to Rhode Island. So that's -- I'll say about  
15 five years, maybe more.  
16 Q. So about 1968 you started the Rhode Island area?  
17 A. Yeah. Well, like I say, you went around the  
18 ramp there.  
19 Q. Can you tell me how long a typical day would be  
20 for you?  
21 A. Let's put it this way, I worked for Goditt &  
22 Boyer for 25 years, I averaged 70 hours a week,  
23 so you tell me. I worked about 12 hours a day,  
24 13.  
25 Q. And this would be true for the entire time?

0014

1 A. I worked for them -- the 25 years I averaged  
2 70 hours a week.  
3 Q. How many days a week did you work?  
4 A. Five-and-a-half. They were long days, short  
5 nights.  
6 Q. Did you ever have a set route?  
7 A. Yeah. Yeah, we always had a set route, but,  
8 you know -- we always had set routes, but as you  
9 went around they just changed it. So we had,

10 like, four trucks and they just changed it a  
11 little bit.

12 THE WITNESS: You know what I mean?

13 MR. DANLEY: Yes.

14 A. Like, I did the outskirts. I never did  
15 Pawtucket. I did, like, down to Woonsocket.  
16 That was the first. Then as I got into Rhode  
17 Island, I went to -- because the company got  
18 bigger and we went farther, went Johnston, West  
19 Warwick and all that stuff down there, so we  
20 wasn't big in that area at first.

21 Q. Can you remember customers that you picked up  
22 from?

23 A. Few.

24 Q. Can you name them?

25 A. Apex, Puritan Aerosol, Harry Balls in

0015

1 Pawtucket, Schoolhouse Candy, E. A. Adams Jewelry  
2 Company, Arden (ph) Engineering. There's a few  
3 more, I just -- ain't coming.

4 Q. I'm sure we'll throw some names of companies out  
5 there later in the day.

6 A. Okay. Then I'll give you the answer then.

7 Q. So for your stops, did you have any paperwork  
8 that you had to fill out?

9 A. Just a route sheet that would go where the  
10 stops were, so -- no paperwork, just the stops  
11 were there. I put them in order the way I want  
12 them, then just check it off and hand it back in.

13 Q. You picked up these route sheets in the morning?

14 A. In the morning.

15 Q. And you handed them back in at the end of the  
16 day?

17 A. Yeah.

18 Q. Do you know who set the routes?

19 THE WITNESS: Huh?

20 Q. Do you know who set the routes?

21 A. Dispatcher Linda, I guess.

22 Q. Did Linda tell you where to take the garbage?

23 A. They had certain dumps and whatever area it  
24 was in -- back then we had more dumps, so you had  
25 to -- I had the choice to do where I want to go,

0016

1 you know, but they had certain dumps they went  
2 to.

3 Q. When you said you had a choice, what would make  
4 your decision?

5 A. Well, according to how the truck filled up.  
6 They had different dumps, Capuano's, Joe Mills,  
7 Attleboro, North Attleboro, Woonsocket -- I mean,  
8 Smithfield.

9 Q. So is it fair to say that whenever the truck got  
10 full you just went to the nearest landfill?

11 A. Well, I stayed in the general area. Mostly  
12 when I was in Rhode Island, I went to Capuano's  
13 because that's where all my work was. And at the  
14 end of the day if I was working back, then I  
15 would go to Joe Mills.

16 Q. And this would be true of the entire time frame  
17 that you drove?

18 A. Yeah.

19 Q. About how many pick-ups a day could you do?

20 THE WITNESS: Meaning stops that we went  
21 to?

22 MR. DANLEY: Yes.

23 A. On the average, we went to about 120 stops a  
24 day. That's an average. Some days more, some  
25 days were less. And I dumped about -- about 100

0017

1 -- between 100 and 120 cans a day.

2 Q. You did?

3 A. Yeah. You know, it varied back then.

4 Q. And out of the 120 stops, can you tell me  
5 approximately how many of those stops you would  
6 take to each landfill.

7 A. Well, if I was in Rhode Island, it would have  
8 all went to Capuano's. Like I say, coming back  
9 through Pawtucket, I'd come back and I would go  
10 to Joe Mills and dump it there. Or if I was down  
11 in the Woonsocket area, go to Smithfield back to  
12 Attleboro. You know, I had -- like I said, I had  
13 my choice, so -- but most of my work, when I was  
14 working in Rhode Island, I went to Capuano's.  
15 And then when they had Truk Away over there in  
16 Warwick, too, there was another landfill by the  
17 airport.

18 Q. If you could give a percentage to the amount of  
19 stops that you took to J.M. Mills landfill, what  
20 would it be?

21 THE WITNESS: On a daily basis?

22 MR. DANLEY: On average.

23 A. That would probably be about one, maybe two  
24 loads a week of trash. It's a 40-yard body. I'm  
25 only saying it because I didn't go there all the

0018

1 time. That wasn't my special dump to dump. Only  
2 in the beginning because I moved out of that  
3 area.

4 Q. So in the beginning, you went to J.M. Mills more  
5 than you did later?

6 A. Well, the route was in that general area, and  
7 like I said, I worked in Attleboro so -- in the  
8 beginning. On the average about, like I said,  
9 two or three loads a week. That's it.

10 Q. Averaged out over the entire time that you drove  
11 for Goditt & Boyer?

12 A. On the basis, yes.

13 Q. What type of truck did you start off driving in  
14 1963?

15 THE WITNESS: Do you want the name and  
16 the model and everything?

17 MR. DANLEY: Sure.

18 A. Let's see. It was a white -- white 1957  
19 white, bubble top, cab over, six wheels.

20 Q. Did you drive that same truck the whole time?

21 A. Well, we had different trucks. We had  
22 Internationals, you know. Different trucks, I  
23 drove different trucks through the years, but  
24 then we went to Macks and that's what we've been  
25 driving, Macks.

0019

1 Q. Were these all front loaders?

2 A. All front loaders.

3 Q. Typically what type of container would you pick  
4 up?

5 A. There's different sizes, two, four, six,  
6 eight, tens. They're all different. I mean,  
7 apartment houses, stuff, they had, like,  
8 different -- whatever the volume of rubbish,  
9 that's the size of container they would get.

10 Q. Was this true during the entire time frame?  
11 A. Yeah.

12 Q. Did you pick up containers that were over -- was  
13 it ten feet square?  
14 A. No, there's -- there's a ten-foot -- it was a  
15 cubic yard. It's a ten-yarder, ten-yarder, a  
16 cubic yard, I guess. And they're high, you know,  
17 ten yards of trash, eight-yard container,  
18 two-yard. It's a --

19 THE WITNESS: You know what I mean?

20 Q. Did you pick up a 30-yarder?  
21 A. No, I didn't do that on a regular basis. I  
22 only did that when they needed it in a pinch. So  
23 I never did it that much, no.

24 Q. Nothing over a ten-yarder?  
25 A. No, I never drove roll-off that much. I only  
0020  
1 did that in a pinch.  
2 Q. When you were making your stops, could you tell  
3 what was in these containers?  
4 A. Apartment house rubbish. You know, it's  
5 apartment house rubbish. But most of the time,  
6 yeah, on a general basis, I could tell what was  
7 in it. But I never looked in, I just dumped  
8 them. But I could -- you know, if it's a machine  
9 shop, I could tell, you know, it was stuff like  
10 that.

11 Q. How could you tell what were in the containers?  
12 Did you look in there?  
13 A. Not on the basics, no, but I could -- you  
14 know, if it's a machine shop, you know, they have  
15 rags and stuff like that.

16 Q. And you saw these rags?  
17 A. Yeah, some -- on occasion, yes. And if it was  
18 garbage, you could smell it.

19 Q. Let's just talk briefly about the Joe Mills  
20 landfill. Do you know where it was located?  
21 A. Cumberland, isn't it? Lonsdale or Cumberland.  
22 It's on the -- I know where it's located, but I  
23 just --

24 Q. Fair enough. Do you know if this landfill had  
25 any restrictions on what you could dump there?  
0021  
1 A. That's all I did was I went in and dumped and  
2 gave them a slip, signed a slip and I dumped it.  
3 I don't know about no restrictions that they had  
4 on it. I just went there, got a slip, dumped my  
5 load and drove out.

6 Q. Do you know how many days a week the landfill was  
7 open?  
8 A. Well, I went there six days, so it was open  
9 six days. I don't know if it was open on  
10 Sundays.

11 Q. Do you know the hours that it was open?  
12 A. Usually 6:00 to 5:00. When it's summertime,  
13 it was longer.

14 Q. Were you able to dump there after hours?  
15 A. Yes. Special occasions, yes.

16 Q. And what would a special occasion be?  
17 A. Well, if it broke down the day before, if you  
18 had extra work, that's just where you went.

19 Q. Do you remember this landfill ever being closed  
20 temporarily?  
21 A. It was shut down there for a while, wasn't it?  
22 I think so. Yeah, it was shut down there for a

23 while. I don't remember being -- I really can't  
24 answer that one if it was actually closed right  
25 up.

0022

- 1 Q. Do you know when it was shut down?  
2 A. No. See, I didn't dump there on a regular  
3 basis there, so it didn't really effect me if it  
4 was closed or open.  
5 Q. Did you ever have occasion to deal with David  
6 Brask while you were at Goditt & Boyer?  
7 A. He was the boss of the company.  
8 Q. Do you know if it was him who set the routes?  
9 A. Not really. I don't think it was him. I  
10 think he -- in the beginning he did because he  
11 was -- he owned the business, then I think he  
12 left, then I don't know who -- you know, Linda  
13 was the dispatcher, so you'll have to ask him  
14 that question. She set the routes up. But in  
15 the beginning, Dave did set the routes up because  
16 we was a small company.  
17 Q. You said that there were about four trucks  
18 starting off; is that right?  
19 A. Yeah. Well, we had rear loaders, something  
20 like that.  
21 Q. And this is around 1963?  
22 A. Yeah. We had two front loaders and a couple  
23 of rear loaders. Could have been more.  
24 Q. Do you remember the names of the particular  
25 drivers during this time frame?

0023

- 1 A. My brother, Paul, Russell, Dave.  
2 THE WITNESS: In '63, you said? '64?  
3 Is that what you're saying?  
4 MR. DANLEY: Yes.  
5 A. That's about it.  
6 Q. So Russell Brask and Dave Brask drove trucks?  
7 THE WITNESS: Huh?  
8 Q. Russell Brask and Dave Brask drove trucks?  
9 A. Dave drove, not as much, but Russell drove on  
10 a regular basis back then.  
11 Q. Did Dave Brask ever tell you where to take  
12 garbage from your stops?  
13 A. They had special dumps where the route was,  
14 yeah. They'd tell you which one to go to.  
15 Actually, was -- after a while, it was Linda  
16 because she just set -- put the dump on there and  
17 we knew where the dumps were.  
18 Q. Do you know Al Dumont?  
19 A. Yeah, I know Al Dumont.  
20 Q. How do you know him?  
21 A. He runs the landfill. He's a friend of mine.  
22 Q. Do you know if David Brask had a business  
23 relationship with Al?  
24 MR. NEWTON: Objection.  
25 A. What Al and Dave had, I really don't know what

0024

- 1 they had in common because I just worked for  
2 them. And Al run the landfill, that's all I  
3 know. What they had in business, I couldn't tell  
4 you that.  
5 MR. NEWTON: What landfill are we  
6 talking about here?  
7 MR. DANLEY: Whenever I say "the  
8 landfill," I'm talking about, in this instance,  
9 the J.M. Mills landfill.



10 A. I don't know nothing about that, if they was  
11 in partners or anything with that, no.  
12 Q. So let's talk again a little bit more  
13 specifically about the J.M. Mills landfill. Can  
14 you just walk me through what you would do when  
15 you would pull up to dump your garbage?  
16 A. Went to pull up, there was a guard shack like,  
17 and there was a man in there. He'd just hand you  
18 a paper, you signed it and you went and dumped  
19 your load. That was it.  
20 Q. And the paper that you signed, did that represent  
21 where the waste was coming from?  
22 A. Well, it was -- not necessarily. It would  
23 just -- the name of the company and who was --  
24 you know, the name of the company and where it  
25 was coming from. Not where it's coming from,

0025

1 just the name of the company. That's all I  
2 remember. I don't -- it's been a while.  
3 Q. The name of the company and your signature?  
4 A. Yeah.  
5 Q. And the guard gave you this slip?  
6 A. Yeah, if it was a front loader or a rear  
7 loader.  
8 THE WITNESS: You know what I mean?  
9 Q. And once you got in the landfill, would somebody  
10 tell you where to dump?  
11 A. Yeah. There was a guy that would usually tell  
12 you where to dump it.  
13 Q. And then you dumped your trash. Did you get out  
14 of your truck at any point to see what you  
15 dumped?  
16 A. All you had to do was get out to open it and  
17 then you'd just push it out and drove off.  
18 Q. And this is one of the instances where you could  
19 see what you had picked up?  
20 A. Yeah. If you looked at it and checked it out,  
21 yeah.  
22 Q. Let me ask you something else. Were other people  
23 starting in 1963 also making 120 stops a day like  
24 you were?  
25 A. Truk Away of Rhode Island. I was a

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1 workaholic, so I wouldn't compare them with me.  
2 Truk Away of Rhode Island, they had a big company  
3 then, back then.  
4 Q. The other drivers who worked at Goditt & Boyer,  
5 would they make about 120 stops a day?  
6 A. My brother, Paul, would. We only had two  
7 trucks back then, so it was a little less than  
8 that.  
9 Q. Do you know when Goditt & Boyer got more trucks?  
10 A. As the business got bigger, the company got  
11 bigger. '64, '65, '66, you know, he started  
12 buying more trucks.  
13 Q. Do you know how many more trucks were bought?  
14 A. Well, when we -- when are you talking about?  
15 When the -- ten years? Five years? We ran seven  
16 front loaders one time.  
17 Q. Just walk me up from 1963 until you stopped  
18 working there.  
19 A. We had about seven front loaders and I think  
20 he had ten front loaders -- I mean, roll-offs,  
21 and whatever the other business he had like other  
22 companies. Whatever deals he had with other

23 companies, I don't know nothing about because,  
24 you know, we had other companies hauling, but I  
25 don't know nothing about them, what they did or

0027

1 what they --

2 THE WITNESS: You know what I mean?

3 Q. So at the very end, Goditt & Boyer had seven  
4 front loaders and ten roll-offs?

5 A. Yeah. Like I said, he could have more, but I  
6 don't know. I'm not -- I didn't work in the  
7 office.

8 Q. Can you give me some dates about when the trucks  
9 started expanding? Like in 1968, did he have  
10 four trucks by then?

11 A. Yeah, we had -- about '68, we had about four  
12 trucks that we had -- cousin Allen, cousin Tony.  
13 It was a family unit. One, two -- I'd say we had  
14 about five front loaders, two spares.

15 Q. Okay. What about 1975, do you know about how  
16 many trucks Goditt had then?

17 A. Well, as we went, we merged with other  
18 companies. You know what I mean? They did some  
19 of the work, so we had about -- basically seven  
20 trucks, seven front loaders. I think we had  
21 seven routes, seven trucks going out on the front  
22 loaders. Roll-offs, I'd have to -- I know they  
23 had routes, but I don't know nothing about it  
24 because I didn't work in the roll-off end.

25 Q. Do you know about how many stops these different

0028

1 drivers could do a day?

2 THE WITNESS: On the roll-offs?

3 MR. DANLEY: And front loaders.

4 A. On the roll-off, I don't know what they did in  
5 a day. Front loaders, they'd do on the  
6 average -- like I said, they would do -- actually  
7 we went by loads, three loads a day, two or three  
8 loads a day.

9 Q. The drivers who drove the front loaders did two  
10 or three stops a day?

11 A. No, loads.

12 Q. Loads?

13 A. Truckloads. 40-yarders that goes to the dump  
14 three times, sometimes four.

15 Q. Those are front loaders?

16 A. Yeah. They hold, like I say, between 40 -- 30  
17 to 40 containers in a load and you just fill the  
18 truck up.

19 Q. You said you did 120 stops a day?

20 A. 120 containers. Yeah, 120 stops, yeah.

21 Q. How many other stops did the other drivers do a  
22 day?

23 A. Well, I don't know what their records is, but  
24 they did basically about the same, a little less.

25 Q. So all the drivers who were driving front loaders

0029

1 were doing about 100, 120 stops?

2 A. 100 containers a day, about 100 containers a  
3 day.

4 Q. Do you know where they would take their loads, to  
5 which landfill?

6 A. No, because only -- I didn't -- I know where  
7 they went generally, but I couldn't tell you  
8 where they dumped because I didn't do their  
9 route. So if they was in the Pawtucket area,

10 they would dump in Joe Mills. If they was in  
11 Woonsocket, that's where they would, you know --  
12 Q. So when you say that you knew where they picked  
13 up, you would know the customers they would pick  
14 up from?  
15 A. Yeah, because I did them sometime in a pinch,  
16 yeah.  
17 Q. But you wouldn't know which landfill they'd take  
18 the loads?  
19 A. No.  
20 Q. All right. I want to go through a -- I promised  
21 this earlier, I was going to go through a list of  
22 defendants names to see if you remember. You  
23 already mentioned that you remember picking up  
24 from Teknor Apex, right?  
25 A. Yes.

0030

1 MR. BENIK: Objection.  
2 Q. Do you remember picking up from A.T. Cross?  
3 A. Yes. That's not on a regular basis. A.T.  
4 Cross was not on a regular basis for me. It was,  
5 like, on a Saturday in a pinch, like I used to do  
6 the Saturday route for a while.  
7 Q. Do you know how long you picked up there every  
8 Saturday?  
9 A. Well, as the years went by, like I said, I  
10 only did it in -- like on a pinch. That was not  
11 my regular route.  
12 Q. Did you pick up there every Saturday for about  
13 two years?  
14 MR. BENIK: Objection.  
15 A. No, I wouldn't say -- well, it could have  
16 been, but I -- it was not on a weekly basis that  
17 I went there.  
18 Q. Can you tell me what type of basis it was on?  
19 A. Whatever I worked for that Saturday. And then  
20 if it's on the route sheet that day, I done it.  
21 But like I said, I didn't do it that often.  
22 Q. Would it be monthly?  
23 MR. BENIK: Objection.  
24 A. We did it. I don't know how the route -- if  
25 it was on the route sheet, we did it. So if it

0031

1 was on the route sheet that Saturday, it got  
2 dumped. But I wasn't the regular guy on that  
3 route every Saturday.  
4 Q. Do you know if trash was picked up at A.T. Cross  
5 every Saturday by somebody at Goditt & Boyer?  
6 A. As far as I know, somebody did it if I didn't  
7 do it.  
8 Q. Do you remember picking up loads from Blackstone  
9 Valley?  
10 THE WITNESS: Electric?  
11 MR. DANLEY: Yes.  
12 A. I never went there. That was not one of my  
13 stops. That was more like a compactor. I don't  
14 remember going there.  
15 THE WITNESS: That's off of 116?  
16 MR. DANLEY: Yes.  
17 A. I don't remember ever going there.  
18 Q. Do you remember who went there?  
19 A. No.  
20 Q. Did you ever pick up loads from Carol Cable?  
21 A. I never picked up a full load. I used to dump  
22 containers over there at Carol Cable in

23 Pawtucket. And I never dumped a full load on  
24 there, I only dumped containers, two-yarders.  
25 Q. When you say "dumped containers," what does that  
0032 mean?  
1 A. Two-yard containers. I used to go in there --  
2 you're talking as they got big, compactors and  
3 they had the open roll-offs. When I went there,  
4 I had a two-yard container, I'd just go in and  
5 dump them and go out, but I didn't --  
6 THE WITNESS: Huh?  
7 MR. DANLEY: I'm sorry. Go ahead.  
8 A. I didn't do that on a regular basis either.  
9 That was not my -- one of my regular stops. I  
10 did that in a pinch.  
11 Q. Do you remember picking up loads from  
12 Wyman-Gordon?  
13 MR. NEWBERRY: Objection.  
14 THE WITNESS: Where is that located?  
15 Q. Do you remember that company at all?  
16 A. Where is it? I don't remember that one,  
17 Wyman-Gordon. I think they had the packers. If  
18 they had packers or roll-off body, I didn't do  
19 it, so I don't remember. That don't ring a bell  
20 to me. I knew we had it, but I never dumped it.  
21 Q. What about Wyman-Gordon in Millbury?  
22 MR. NEWBERRY: Objection.  
23 A. Never went to Millbury to Wyman-Gordon. I  
24 didn't do that. I didn't drive a roll-off.  
0033  
1 Q. What about Wyman-Gordon in North Grafton?  
2 A. No.  
3 MR. NEWBERRY: Objection.  
4 Q. What about Wyman-Gordon in Worcester?  
5 MR. NEWBERRY: Objection.  
6 A. Never did it.  
7 Q. Do you remember picking up from a company named  
8 Leech & Garner?  
9 A. Yeah, I did that a few times.  
10 Q. Can you tell me how many times you picked up from  
11 this company?  
12 A. It's not on a regular basis because that was  
13 not one of my regular routes, but I dumped it.  
14 It was on the route sheet if it's once a week --  
15 but I didn't do the route every time on that one,  
16 but I dumped it a few times.  
17 Q. Do you know who picked up from Leech more  
18 regularly than you?  
19 A. The guy who was assigned to that route, the  
20 Attleboro route.  
21 Q. Do you know who that was?  
22 A. At that time, no.  
23 Q. Do you remember picking up from a company named  
24 Hollingsworth & Vose?  
25 A. Never did that. I know where it is in  
0034  
1 Walpole. That was a roll-off or open body.  
2 Never done that.  
3 Q. Do you remember picking up from any GE facility?  
4 THE WITNESS: Electric plant?  
5 MR. DANLEY: General Electric.  
6 A. No, I don't remember doing that. Like I said,  
7 there was some roll-offs in the open bodies.  
8 Q. All right. Let's talk a little bit more  
9 specifically about Teknor Apex. Do you remember

10 which facilities of Teknor's that you picked up  
11 from?

12 MR. BENIK: Objection.

13 A. Attleboro, Pawtucket.

14 Q. Do you remember where in Pawtucket the facility  
15 was located at?

16 A. Off of Central Street over there, and there's  
17 the warehouse on the corner.

18 Q. Did you pick up from the warehouse also?

19 A. Yeah, but I only did that on -- like I said, I  
20 didn't do Apex and them that often because that  
21 was not my regular route, but I have done them.

22 Q. On average, can you tell me how often you picked  
23 up there?

24 A. Like I said, when they put it on the route  
25 sheet. It was not my regular route.

0035

1 Q. And how often --

2 A. Well, it was over the first -- say, first --  
3 until we went into the big -- I picked them up  
4 till we went to the -- I'll say five years  
5 because after that they went to the bigger size  
6 containers, the packers and the open roll-off  
7 bodies.

8 Q. So you picked up at Teknor Apex for the first  
9 five years?

10 A. Yeah. Not on a regular basis, though. What  
11 I'm trying to say is I think that we went to the  
12 roll-offs and the open bodies. As the volume of  
13 rubbish they made, we didn't do it with the front  
14 loaders.

15 Q. After the five years when they went to bigger  
16 containers, did you pick up there at all?

17 A. No, because I didn't drive -- I didn't drive  
18 roll-off. I always drove front loader.

19 Q. Okay. Let's focus on the first five years where  
20 you did go there on occasion. Would this be  
21 about once a week?

22 A. A little less sometimes. Sometimes twice in  
23 one week.

24 Q. So on average, maybe once every two weeks?

25 A. Yeah.

0036

1 Q. Would this be true for both the Attleboro and  
2 Pawtucket facilities?

3 A. No, the Attleboro, that was only for a little  
4 while.

5 Q. But you picked up at the Pawtucket facility for  
6 five years?

7 A. Like I said, I only -- not on a regular basis,  
8 but I did pick there.

9 Q. Do you remember how big the facility was at  
10 Pawtucket?

11 THE WITNESS: With Apex?

12 MR. DANLEY: Yes.

13 A. I had -- when I went there, I had two  
14 six-yarders. That's all I dumped was in the  
15 platform, that was it, and then the other one had  
16 a four-yarder and the other had a two-yarder, so  
17 it was like four containers.

18 Q. Okay. Let's talk about these four containers at  
19 the Pawtucket Teknor facility. You said there  
20 were two six-yarders on the platform?

21 A. Yeah.

22 Q. And then where were the other two containers at?

23 A. Right on the corner. There was, like, a  
24 warehouse in the other one. There was a store  
25 there. What's the name of that store? The  
0037  
1 clothes store they had, there was a two-yarder in  
2 there.  
3 Q. And there was a four-yarder somewhere else?  
4 A. Around the corner in there, that's like a  
5 warehouse.  
6 Q. Would you pick up these four containers all at  
7 once when you visited the Teknor facility?  
8 A. Yeah, when they -- that's when I went that --  
9 when I had that -- did that stop, yeah, but  
10 sometime I just did the warehouse because I was  
11 coming through. Like I said, that was not my  
12 regular route, so --  
13 Q. And then around 1968, Teknor Apex went to bigger  
14 containers?  
15 A. Yeah.  
16 Q. Do you know if Teknor Apex was a scheduled stop?  
17 THE WITNESS: For me?  
18 MR. DANLEY: For anybody.  
19 A. It was on a regular basis on the route sheet.  
20 Q. So if you didn't pick up here, somebody else  
21 would?  
22 A. Somebody else in the company did.  
23 Q. When you picked up at the Teknor Pawtucket  
24 facility, were the containers generally full?  
25 A. Mine's were (sic). I didn't go to Joe Mills,  
0038  
1 though, with that.  
2 Q. Where did you take the waste from the Teknor  
3 Pawtucket facility?  
4 A. North Attleboro.  
5 Q. Did you ever go to Joe Mills at all taking the  
6 Teknor Pawtucket facility waste?  
7 A. Maybe over the years probably, but most of the  
8 time I went to North Attleboro.  
9 Q. Could you tell what were in the containers at  
10 Teknor's Pawtucket facility?  
11 A. Paper, trash.  
12 Q. Let's focus on the two six-yarders that were on  
13 the platforms. Could you tell what was in there,  
14 generally, when you picked up?  
15 A. It was, like, the 50-pound bags that had white  
16 stuff in it. They had, like, a finan (sic), shoe  
17 finan (sic).  
18 THE REPORTER: Shoe finan?  
19 THE WITNESS: Like grinders, grind up  
20 leather. That's what I called it.  
21 Q. Can you tell me what type of waste was in the  
22 two-yarder at the clothes store?  
23 A. Yeah, that was general store, the paper, stuff  
24 like that. \$5 bills once in a while.  
25 Q. They'd throw away \$5 bills? Can you tell me what  
0039  
1 type of waste was in the four-yarder at the  
2 warehouse?  
3 A. Warehouse was -- all the trash from the  
4 warehouse, wood, paper, bags.  
5 Q. What type of bags?  
6 A. The same thing they had at the warehouse -- I  
7 meant the other plant with the six-yarder.  
8 Q. Where you saw 50-pound bags of white stuff?  
9 A. Yeah, in the bags. Yeah, there was, like,

10 bags.  
11 Q. Let's go back to the two six-yarders. Did the  
12 trash have any type of odor?  
13 A. It had a little smell to it. The whole place  
14 stunk there. Yeah, it had a smell to it.  
15 Q. What type of smell?  
16 A. Trash, it smells like.  
17 Q. But the two six-yarders, were there any type of  
18 chemical odors?  
19 MR. BENIK: Objection.  
20 A. I couldn't tell you because I really -- you  
21 know, it had an odor. Everything has an odor. I  
22 can tell you that.  
23 Q. On these bags, was there anything written on  
24 them?  
25 A. Yeah, there was names of stuff. I don't  
0040  
1 remember what was on them. Something was on  
2 them.  
3 Q. A skull and cross bones on them?  
4 THE WITNESS: Huh?  
5 Q. Was a skull and cross bones on these bags?  
6 MR. BENIK: Objection.  
7 A. I don't remember that.  
8 Q. For the six-yarders, do you remember any of this  
9 trash ever catching on fire?  
10 A. Let's put it this way, when I went to the  
11 dumps there was burning back then. I'd back the  
12 truck up to the dump. There was fire then. Just  
13 open the door and I pushed the load out and I  
14 drove away, and when it hit it would go up in  
15 flames and it would make a little (witness  
16 indicated), but that's all I remember.  
17 THE WITNESS: You know what I mean?  
18 MR. BENIK: I move to strike. It's not  
19 responsive to the question. He's talking about  
20 the landfill. Fire's got nothing to do with.  
21 THE WITNESS: Well, he's asking me where  
22 I dumped the trash.  
23 MR. DANLEY: You don't have to pay  
24 attention to him.  
25 Q. So when you picked up from Teknor Apex Pawtucket  
0041  
1 facility, the six-yarders, and you took the trash  
2 to the landfill --  
3 A. They had a fire going. And I just opened the  
4 back door, pushed it out and then it caught fire.  
5 Once in a while you'd hear the (witness  
6 indicated), but most of the time it just burned  
7 up. But it -- it was like a little explosion  
8 come out once in a while, but like I said, I just  
9 dumped it and drove off.  
10 Q. So the trash, when you dumped it at a landfill,  
11 would catch fire?  
12 A. Yeah, because there was a fire there. That's  
13 what we was burning back then. We burned trash  
14 then.  
15 Q. This white stuff that was in the bags, was it  
16 sand or did it look like sand? Do you know?  
17 A. Let's put it this way, the white stuff is --  
18 it was just white. If you got it on you, it used  
19 to turn black. It was like -- in other words,  
20 used to go on your hands and if you'd rub it, it  
21 would turn black. That's all I know. It's used  
22 for the stuff -- when they made that rubber. I

23 guess it was the coloring for -- on the rubber  
24 because all the guys in the shop they were all  
25 black when they would come out. They had the

0042

1 stuff all of over them. But when I used to dump  
2 it, the white stuff if you rubbed it, it turned  
3 black because that must have been the coloring in  
4 it. I don't know.

5 Q. Were these like little pebbles or rocks?

6 A. No, just like a flour. It was white. And  
7 when you rubbed it, it turned black.

8 Q. Did you ever rub it on your hand?

9 A. Come home and look like a -- I was a different  
10 color when I came home if it got on you.

11 Q. Did you just wash it off?

12 A. Yeah, I washed it off.

13 Q. Did anybody ever tell you what it was?

14 A. No.

15 Q. Did you ever see any drums in these six-yarders  
16 at Teknor Apex?

17 MR. BENIK: Objection.

18 A. If there were, they were inside the truck so I  
19 didn't see them. But -- no, like I said, if they  
20 was in the truck, I would -- I pushed it out. I  
21 don't remember seeing drums in there.

22 Q. Was there any liquid waste from these six-yarders  
23 at the Teknor Pawtucket facility?

24 MR. BENIK: Objection.

25 A. If there was, it was in the small containers

0043

1 like a five-gallon or something like that. But I  
2 never -- like I said, I don't remember no big  
3 barrels going in the truck like that because mine  
4 was all contained.

5 Q. So you would see some five-gallon pails and  
6 liquid?

7 A. Pails, whatever. I don't know what -- some  
8 were empty.

9 (A discussion was had off the record.)

10 MR. DANLEY: Is everybody ready to go  
11 back on the record? We're ready.

12 A. You've got to remember one thing when you're  
13 dumping containers, is a lot of different stuff  
14 goes in the containers, empty barrels, container,  
15 five gallons. You know what I mean? So what was  
16 in it, I don't know.

17 Q. Would you see any five-gallon containers of  
18 liquid occasionally at the Teknor Pawtucket  
19 facility?

20 A. No.

21 MR. BENIK: Objection.

22 A. No, I really didn't do it that often enough to  
23 tell. Like I said, I was down in this end. I  
24 only did that on a special occasion of stops up  
25 there.

0044

1 Q. Would you see any rags in the trash from the  
2 Teknor Apex facility?

3 MR. BENIK: Objection.

4 A. A few, but not that many.

5 Q. Did the rags have any oil on them?

6 MR. BENIK: Objection.

7 A. I can't tell. It had something on it.

8 Q. Do you know what Speedy Dry is?

9 A. Yeah, I know what Speedy Dry is.



10 Q. Have you ever seen any Speedy Dry in the  
11 six-yarders at the Teknor Pawtucket facility?  
12 MR. BENIK: Objection.  
13 A. I don't know what -- probably in there, but I  
14 don't know. I couldn't tell you because I -- it  
15 was all mixed.  
16 Q. Did you ever see any plastic pellets in the  
17 six-yarders at the Teknor Pawtucket facility?  
18 MR. BENIK: Objection.  
19 A. I really didn't look for that. I don't  
20 remember.  
21 Q. Did you see garden hose in these containers?  
22 A. I did see garden hose, yes.  
23 Q. This powder that you saw, was it any other color  
24 than white before it got on people's skin?  
25 A. As far as I know, it was just white. It could  
0045  
1 have been another color, but all I know is white  
2 because when it got on my clothes it was white.  
3 When I touched it, it turned black.  
4 Q. Do you know what gaylord boxes are?  
5 THE WITNESS: What?  
6 Q. Do you know what gaylord boxes are?  
7 A. Not really.  
8 Q. Did you ever see any cardboard boxes in the  
9 trash, the six-yarders, at the Teknor Pawtucket  
10 facility?  
11 A. Not that I -- I don't remember.  
12 Q. Let's talk about the four-yarder at the warehouse  
13 at the Teknor Pawtucket facility. Do you  
14 remember what type of trash was in --  
15 A. Well, they had their maintenance trucks over  
16 there that they did some of the maintenance.  
17 They had wood in it, a lot of wood, then  
18 maintenance stuff from the trucks.  
19 Q. What type of maintenance stuff?  
20 A. Fixing the trucks, greasing, oil change.  
21 Q. So there would be grease and oil in the  
22 four-yarder at the Teknor --  
23 A. Just the rags and stuff like that. I don't  
24 remember seeing any oil.  
25 Q. Oily rags --  
0046  
1 A. Yeah.  
2 Q. -- you would see in the four-yarder?  
3 A. (Nods head in the affirmative).  
4 Q. Yes?  
5 A. Yes.  
6 Q. Was there ever any liquid waste in the  
7 four-yarder?  
8 A. Not that I know of, no.  
9 Q. Ever any drums?  
10 A. No.  
11 Q. Ever any gallon containers?  
12 A. No, I don't remember seeing them.  
13 Q. Was there Speedy Dry in the four-yarder?  
14 A. A few bit, little bit.  
15 Q. Did they have any of those paper bags with the  
16 white dust?  
17 A. Yeah, a few.  
18 Q. Did you ever see any truck tires in the trash?  
19 MR. BENIK: Objection.  
20 A. I don't remember that. I don't think they put  
21 truck tires in it, no. I don't remember seeing  
22 no truck tires in there.

23 Q. What about oil filters in the four-yarders?

24 MR. BENIK: Objection.

25 A. Could have been, but I didn't see any.

0047

1 Q. So when you picked up the four-yarder at the  
2 Teknor Pawtucket facility, about how much of the  
3 waste would consist of truck maintenance type  
4 waste?

5 MR. BENIK: Objection.

6 A. Mostly it was wood and stuff like that. I --  
7 it was very little in the maintenance. It  
8 just -- you know, very little.

9 Q. Would it be about 20 percent?

10 MR. BENIK: Objection.

11 A. I would say less because it was mostly wood in  
12 the warehouse cleaning there.

13 Q. Going back to the two six-yarders, can you tell  
14 me about how much of the waste would be these  
15 bags with the white dust?

16 A. Not very much. Most of the stuff in there was  
17 that filings, like the dust dust, you know, the  
18 leather, it was leather, chopped up leather, is  
19 what I used to call it.

20 Q. How much of the waste for the six-yarders would  
21 be chopped up leather?

22 A. At least half of it in both containers.

23 Q. About how much of it would be the bags of the  
24 white dust?

25 A. Whatever they used for that day. I don't

0048

1 know. Couldn't tell you.

2 Q. 20 percent?

3 MR. BENIK: Objection.

4 A. I couldn't tell you because I -- I didn't do  
5 it on a regular basis. I didn't go there every  
6 day, you know.

7 Q. But when did you go there --

8 A. I saw the top of the container and on the top  
9 of the container was that dust stuff and I dumped  
10 it and I left. So what was in it, I couldn't  
11 tell you that much.

12 Q. How much of the waste for these six-yarders would  
13 be rubber?

14 MR. BENIK: Objection.

15 A. That's hard to say. Just on the top, there  
16 were two yards or less. Of a six-yard container,  
17 maybe two yards or less. Could have been more.

18 Q. So for the five years that you picked up the  
19 six-yarders at the Teknor Pawtucket facility, did  
20 the waste pretty much stay the same?

21 A. Yeah. You've got to remember, though, like I  
22 was telling you, I didn't go there on a regular  
23 basis so I really can't tell you, you know. But  
24 like I said, I only went there if they needed me  
25 in a pinch. I didn't go there on a regular

0049

1 basis.

2 Q. I think you may have said this, but I'll ask you  
3 again: And where did you take the waste from the  
4 Teknor Pawtucket facility?

5 A. I went to North Attleboro with it. That was  
6 my route.

7 Q. Did you ever take it to J.M. Mills?

8 A. Could have. A possibility. But most of the  
9 time, I went north.

10 Q. Why would you go north?  
11 A. Well, my next route was North Attleboro, so I  
12 did that North Attleboro, then I went from there  
13 to Woonsocket.  
14 Q. Let's talk about the Attleboro facility for  
15 Teknor Apex.  
16 A. You mean the -- I only did that on a pinch.  
17 That was over there -- I only did that in a pinch  
18 over there. It was at the warehouse in the  
19 front. I only did the two-yarders in the front  
20 of the building.  
21 Q. How many two-yarders were in the front of the  
22 building?  
23 A. Maybe three or four.  
24 Q. So there were about three or four two-yarders in  
25 the front --

0050

1 A. Yeah.  
2 Q. -- of the Teknor Attleboro facility?  
3 A. Yeah. Like I said, I didn't do that on a  
4 regular basis either. So --  
5 Q. Do you know who did it on a regular basis?  
6 A. No.  
7 Q. Did you pick up here from 1963 to 1968?  
8 A. Off and on, but I -- like I said, it's not my  
9 general area. I was on the outskirts.  
10 Q. Did you go there after 1968 or this facility?  
11 A. No, because they went to -- they went to  
12 roll-offs and compactor.  
13 Q. So you did not go there after 1968?  
14 A. As far as I remember, I didn't go there on a  
15 regular basis after 1968.  
16 Q. Do you know what type of products were made at  
17 the Teknor Attleboro facility?  
18 A. All I know about -- over there, they take  
19 water or something and make it into a powder.  
20 That's all I know about them. I don't know  
21 nothing about what they made over there.  
22 Q. Do you know how big the Teknor Attleboro facility  
23 was?  
24 A. Three or four buildings, I guess. I don't  
25 know. It wasn't -- I couldn't tell you that.

0051

1 Q. Let me just backtrack to the Teknor Pawtucket  
2 facility. Was there any type of special  
3 procedure for picking up the containers there?  
4 A. Just dump the containers and go.  
5 Q. Nobody made you fill out any kind of paperwork?  
6 A. Just fill the truck up, dump the can, backed  
7 up and left, went to the next stop.  
8 Q. Was that the same procedure for the Teknor  
9 Attleboro facility?  
10 A. Yeah.  
11 Q. On average from 1963 to 1968, could you tell me  
12 how many times a month you went to the Teknor  
13 Attleboro facility?  
14 A. I couldn't tell you because, like I said, it  
15 was on a -- it was on a come and go. It was a  
16 fill in for me. They used to say, "Apex over  
17 there, they need a pick up today." So that's --  
18 if it's on the route sheet, I did it. If it  
19 wasn't on there -- most of the time, it wasn't on  
20 there for me.  
21 Q. Would it be fair to say you picked up there about  
22 once a month?

23 MR. BENIK: Objection.  
24 A. No, I couldn't say that. I got there when  
25 I -- was on the route sheet. I didn't do that on

0052

1 a regular basis.  
2 Q. Did somebody else pick up there on a regular  
3 basis?  
4 A. As far as I know, there was. I don't -- I  
5 couldn't tell you because I wasn't the dispatch.  
6 Q. Do you remember -- I'm sorry. Were you going to  
7 say something?  
8 A. No, all I was going to say was we only did  
9 what was on our route sheet. The dispatcher put  
10 on what we wanted to do.

11 THE WITNESS: You know what I mean?

12 Q. When you picked up -- were you going to say  
13 something else?  
14 A. No, go ahead.  
15 Q. When you picked up at the Teknor Attleboro  
16 facility, were the two-yarders generally full?  
17 A. Yeah, they're full. Paper. That was it,  
18 though.  
19 Q. And you could tell what were in the two-yard  
20 containers?  
21 A. No. I'd go up to the platform, dumped it, put  
22 it down, dumped the next one, packed it.  
23 Q. And where did you take the waste from the Teknor  
24 Attleboro facility?  
25 A. Probably went to the Attleboro landfill with

0053

1 that.  
2 Q. Did you ever go to J.M. Mills landfill?  
3 A. Not with that, no.  
4 Q. When you dumped the waste at these landfills from  
5 the Teknor Attleboro facility, did you get out to  
6 look at what was dumped?  
7 A. No. All I did was pulled the latch and dumped  
8 the load.  
9 Q. Did the waste at the Teknor Attleboro facility  
10 have any type of odor?  
11 A. Well, the whole load had an odor, garbage,  
12 there was a mixture.  
13 Q. What did it smell like?  
14 A. Garbage, trash.  
15 Q. Did it have a chemical odor?  
16 A. Could have been.  
17 Q. Did you ever notice any type of -- the bags the  
18 white dust in the Teknor Attleboro containers?

19 MR. BENIK: Objection.

20 THE WITNESS: What do you mean? What  
21 was in it?

22 MR. DANLEY: Can you read back that  
23 question, please.

24 (The question was read.)

25 A. No.

0054

1 Q. When you dumped the waste from the Teknor  
2 Attleboro facility at the landfill, do you  
3 remember it igniting?  
4 A. No, that was -- no. We could not back  
5 directly into the fire. You used to back away  
6 from it like.  
7 Q. Let me just back up. Did the Teknor Pawtucket  
8 facility -- when you were talking about that  
9 trash igniting, did you dump directly on top of a

10 fire?  
11 A. Yeah, backed right up to a fire. Yeah. Yeah.  
12 We used to burn back then.  
13 Q. Were there any explosions when you did that?  
14 A. They're just -- like I said, just a little  
15 flare went up, that's it. No explosion, no.  
16 Q. And where did you take the loads from the Teknor  
17 Attleboro facility?  
18 A. Attleboro landfill. There was a dump there.  
19 Q. Did you take the loads from the Teknor Attleboro  
20 facility to any other landfill?  
21 A. Not that I know. As far as I know, they went  
22 to Attleboro.

23 MR. DANLEY: Can we go off the record.  
24 (Off the record.)  
25 (A recess was taken.)

0055

1 Q. Let's talk for a little bit about A.T. Cross.  
2 You said earlier that you remembered picking up  
3 there some Saturdays, correct?  
4 A. Yes.  
5 Q. Was this from the time period of 1963 to 1968?  
6 A. If we had the contract then, yeah, that's  
7 about it.  
8 Q. Did you pick up at A.T. Cross after 1968?  
9 A. No. I left that area.  
10 Q. When you say you "left that area," what area is  
11 that?  
12 A. Well, down here, Rhode Island. Like I said, I  
13 only did that A.T. Cross on a Saturday if it was  
14 a Saturday route -- you know, if I did the  
15 Saturday route.  
16 Q. And you said you didn't pick up there every  
17 Saturday, just occasionally?  
18 A. No. Whatever was on the route sheet. If it  
19 was on the route sheet that Saturday, it got  
20 picked up.  
21 Q. And you said around 1968, you left the area  
22 and --  
23 A. Went to Rhode Island.  
24 Q. Went to the Rhode Island area?  
25 A. Yeah.

0056

1 Q. And where did you go?  
2 A. Warwick, Cranston, Providence, Cranston,  
3 Johnston, Rhode Island.  
4 Q. How long were you in the Warwick, Cranston,  
5 Providence area?  
6 A. Until I went to -- let's see. I think it was  
7 '88, I went back to Dedham in the Norwood area.  
8 Q. So from about 1968 to 1988 --  
9 A. Yeah.  
10 Q. -- you were in the Warwick, Cranston, Providence  
11 area?  
12 A. Yeah, in that area, yeah, Johnston.  
13 Q. Which landfills did you use when you were in the  
14 Warwick, Cranston, Providence area?  
15 A. Capuano's, Truk Away is Warwick, and  
16 Silvestri's Landfill at the time. It's Rhode  
17 Island State Landfill now.  
18 Q. So for the most part, from 1968 to 1988, you took  
19 loads to Capuano's, Truk Away and Silvestri?  
20 A. Yeah. Like I said, Joe Mills was in a pinch  
21 on the way home if I was -- had extra work or  
22 something, dump it in there.

23 Q. So during this time period, from 1968 to 1988,  
24 you would stop at J.M. Mills --  
25 A. Yeah.

0057

1 Q. -- rarely?  
2 A. Regularly, yeah.  
3 Q. Regularly?  
4 A. I didn't go there on a basic there (sic). I  
5 just -- most of my work went down here in Rhode  
6 Island at that time. I only went there on a  
7 special occasion, like I said, on the way in.  
8 Q. In a pinch, I think, is how you phrased it.  
9 A. Yeah, in a pinch, like on the way in at night  
10 if I had extra on the truck.  
11 Q. This is asking a lot. Would you be able to tell  
12 me about how many times total that you went to  
13 J.M. Mills from 1968 to 1988?  
14 A. I can't tell you that, no. I just went there.  
15 I don't know how I -- I mean, how many times that  
16 I went into the landfill.  
17 Q. All right. We got a little off track and that  
18 was my fault. Let's go back to A.T. Cross. You  
19 said you picked up there some Saturdays from 1963  
20 to 1968, correct?  
21 A. Right.  
22 Q. Can you tell me how big the facility was -- let  
23 me ask -- let me withdraw that question.  
24 Can you tell me where the facility was  
25 located at for A.T. Cross?

0058

1 A. 116 -- what's that? What's the name of that?  
2 116 -- I know where it is, but I can't give you  
3 the name of it off the --  
4 Q. Was it the A.T. Cross facility located in  
5 Lincoln?  
6 A. Is that the one on 116 up by the Lincoln mall?  
7 Yeah. The Lincoln mall is right across the  
8 street. That's the one.  
9 Q. Can you tell me how big the facility was?  
10 A. All I know I dumped two containers there, two  
11 eight-yard containers. I don't know how big the  
12 company was.  
13 Q. Do you know what type of products the company  
14 made?  
15 A. They made pens. They made pens, didn't they?  
16 Something like that. I don't know.  
17 Q. Was there any type of special procedures for  
18 picking up the waste from A.T. Cross?  
19 A. No, just go and dump the can and go to the  
20 next one.  
21 Q. Would you pick up the eight-yarders at the same  
22 time?  
23 A. Two of them right together, boom boom. I've  
24 got to get them words out.  
25 Q. I would like to see the "boom boom" in the

0059

1 transcript.  
2 Can you tell me where the two eight-yarders  
3 were located on the property?  
4 A. When you come off the highway, take a left, it  
5 was right in front of the building at the  
6 platform, like.  
7 Q. So after 1968, they went to a bigger container?  
8 A. I didn't go there anymore. I went to -- moved  
9 on and they did go to the -- as far as I know,

10 they went to the compactors. I'm not sure.  
11 Q. When you picked up at the A.T. Cross facility in  
12 Lincoln, were the two eight-yarders generally  
13 full?  
14 A. Most of the time, yeah. If the covers were  
15 closed, you couldn't tell if they were full or --  
16 half full or full because the covers were closed  
17 on the top of them, so I'd just dump what was in  
18 it and took off.  
19 Q. So both the eight-yarders had a cover?  
20 A. All the containers had covers on them. They  
21 just, you know --  
22 Q. And sometimes the covers would be open, sometimes  
23 they would be closed?  
24 A. Most of the time they were closed.  
25 Q. Could you see what were in the two eight-yard

0060

1 containers at the A.T. Cross facility?  
2 A. Not unless I got out and looked in it.  
3 Q. Did you ever do that?  
4 A. No, I just dumped them.  
5 Q. Could you tell what was in the A.T. Cross  
6 eight-yarders when you dumped them?  
7 A. Well, if they were mixed in with the load,  
8 unless I find there was a name that says A.T.  
9 Cross on it, something in there that tells me  
10 that.  
11 Q. So you never had an occasion to observe the waste  
12 that were in the two eight-yarders at the A.T.  
13 Cross Lincoln facility?  
14 A. No.  
15 Q. Where would you take the loads from the A.T.  
16 Cross Lincoln facility?  
17 A. Would either be back to Attleboro, J. Mills.  
18 Q. Would you go to Attleboro half the time and J.M.  
19 Mills half the time with the A.T. Cross loads?  
20 A. Most of the time went to Joe Mills.  
21 Q. After picking up from the A.T. Cross facility and  
22 taking the trash, the load to the J.M. Mills  
23 landfill and dumping it, would you ever see waste  
24 that contained ink?

25 MR. BENIK: Objection.

0061

1 A. Got to remember when you dumped the load,  
2 there was a mixture of trash. In other words,  
3 that wasn't the only trash. In that compactor,  
4 there was, like, five or six different other  
5 accounts in there packed in. Really you  
6 couldn't -- unless you'd go in and picked out a  
7 piece of paper that said A.T. Cross on it, you  
8 know, it could have been ink or something from  
9 other companies because it's a mixture.  
10 Q. So you would see ink?  
11 A. Whatever it is, oil, whatever it is. It's  
12 like a mixture because it's a compactor, and  
13 that's not the only stop that went on the truck.  
14 You're talking about 20, 30 stops on the truck.  
15 There's a mixture in there.  
16 THE WITNESS: You know what I mean?  
17 Q. How many stops would it take for to you get full  
18 and have to go to a landfill?  
19 A. Well, if it was heavy stuff, eight containers  
20 will fill a truck up. But sometime I can put 40,  
21 50 containers on there. It all depend what you  
22 got in it. If it's paper, the lighter the stuff,

23 the more you get on. Wet, the more you get on  
24 the truck.  
25 Q. Can you tell me, generally, how many stops it  
0062 would take to fill up the truck?  
1 A. About 25 containers, 25 to 30 containers,  
2 different sizes.  
3 Q. After the truck was full, you would take it to  
4 the landfill, correct?  
5 A. Yeah. Right.  
6 Q. And would the choice of the landfill depend on  
7 the location of where you were at and the  
8 location of the landfill?  
9 A. Yeah, and where you were at and whatever you  
10 was doing that day. Saturday was a short day,  
11 so -- yeah, wherever you load the truck out,  
12 that's where you had the choice.  
13 Q. Do you know if other drivers were picking up at  
14 A.T. Cross when you were not?  
15 A. I don't know who was doing the route then. My  
16 brother was on -- I don't know if he was doing  
17 the stops because I didn't do their route.  
18 Q. What's your brother's name?  
19 A. Paul. And I've got a cousin, Allen, he was up  
20 in that area. But I don't know who did the route  
21 when I wasn't there. I did -- grabbed my route  
22 sheet and I did my work.  
23 Q. What's your cousin's name?  
24 A. Allen.  
25  
0063  
1 Q. Allen?  
2 A. Viera.  
3 Q. What's his last name?  
4 A. Viera.  
5 Q. Is that the same as Tony Viera?  
6 A. His brother.  
7 Q. Is that the same as Dave Viera?  
8 A. That's his brother.  
9 Q. Do you know where Allen is at today?  
10 A. He lives in Rehoboth, that's all, runs his own  
11 business.  
12 Q. Lives where?  
13 A. Rehoboth, Massachusetts.  
14 Q. Do you know the time frame that Allen drove  
15 trucks for Goditt & Boyer?  
16 A. He came and he went. I couldn't keep track of  
17 it. He was there and the next thing I know he  
18 was gone.  
19 Q. So it wasn't a long time, about a year or two?  
20 A. No, he worked longer than that.  
21 Q. About five years?  
22 A. Something like that.  
23 Q. What time frame was this?  
24 A. I can't recall because it was -- he's a little  
25 younger than I am, so could have been in the  
0064 '70's, I guess. I really can't tell you.  
1 MR. DANLEY: Well, I know he's not  
2 better looking than you.  
3 THE WITNESS: How do you know that?  
4 MR. DANLEY: Well, you're a good looking  
5 guy, and I don't mind that being on the record.  
6 THE WITNESS: Looks ain't everything.  
7 Q. Can we talk about Carol Cable for a minute?  
8 A. Yeah, I can talk about Carol Cable.  
9



10 Q. You said that you would dump two-yard  
11 containers -- or I'm sorry -- you would pick up  
12 two-yard containers at Carol Cable?  
13 A. Yeah.

14 MR. COBURN: Objecti on.

15 Q. Let's just get some background on Carol Cable.  
16 Do you remember where the Carol Cable facility  
17 was located?

18 A. In Pawtucket, off of -- right off of 95, the  
19 old building. Not the new plant, the old  
20 building.

21 Q. The old Carol Cable facility?

22 A. Yeah. I think it's an apartment house now.  
23 They changed it.

24 Q. Do you know how big the old facility was?

25 A. It's still there. It's still there. It's an  
0065 apartment house now. No, not really.

1 Q. Was it about a block?

2 A. Yeah, I would say a block.

3 Q. Do you know what types of products they made at  
4 the Carol Cable Pawtucket facility?

5 A. Not offhand.

6 Q. How many two-yard containers were at the Carol  
7 Cable Pawtucket facility?

8 A. Three in the front and maybe five in the back.  
9 Had to go around the back. Well, it was in the  
10 alleyway.

11 Q. So three two-yarders in the front and five  
12 two-yarders in the back, correct?

13 A. Yeah, whatever they brought out.

14 Q. When you stopped here, would you pick up all  
15 eight two-yarders at the same time?

16 A. Yes.

17 Q. Were these two-yard containers generally full  
18 when you picked them up?

19 A. They were always full.

20 Q. And can you give me the time frame that you  
21 picked up at the Carol Cable Pawtucket facility?

22 A. I didn't pick it up on a regular basis. And  
23 like I said, from '63 till I left there, whenever  
24 I left that area at that time to go to Rhode  
25 Island.

0066 1  
2 Q. Would that be about from 1963 to 1968?

3 A. Something like that, yeah, because I went to  
4 Rhode Island -- I mean, this -- this general area  
5 here.

6 Q. Do you know if the Carol Cable Pawtucket facility  
7 was a scheduled stop?

8 A. It was a scheduled stop, but not for me.

9 Q. But it was a scheduled stop?

10 A. (Nods head in the affirmative).

11 Q. Yes?

12 A. Yes.

13 Q. Do you know if it was picked up daily?

14 A. As far as I know, it was. Like I said, I  
15 didn't look at the route sheet. I know I didn't  
16 go there then.

17 Q. Okay. You've already said that you didn't pick  
18 up at the Carol Cable Pawtucket facility on a  
19 regular basis. Can we try to estimate how much  
20 you picked up there?

21 A. No, you can't estimate. They told me when I  
22 went there, it was like if a truck broke down or

23 if I worked on a Saturday. That's the most time  
24 I went there. It's not my regular stop. So if a  
25 truck broke down or if I worked Saturdays, that's

0067

1 when I done it. And that's not very often.  
2 Q. Could you see what type of waste that were in the  
3 two-yarders in the front of the building?  
4 A. Yeah, if you opened the covers. They had them  
5 bags, they had them white bags, the bags, paper  
6 bags, like 50-pound bags. Mostly them.  
7 Q. Would they have the paper bags of the white dust  
8 in the two-yarders in back?  
9 A. Yeah, same thing.

10 MR. COBURN: Objection.  
11 Q. Would the waste and all of the eight two-yarders  
12 be generally the same?  
13 A. Well, they had the stuff in the warehouse  
14 skids and stuff like that, about the same.

15 Q. Did you ever see any wire in the two-yarders at  
16 the Carol Cable Pawtucket facility?  
17 A. On occasion, yes, there was a little bit.

18 Q. Were they copper wire?  
19 MR. COBURN: Objection.  
20 A. Not at that plant. That plant mostly was the  
21 paper bags.  
22 Q. The paper bags of the white dust?  
23 A. Yeah, the white -- whatever that was in there.  
24 Q. So about 75 percent of the load would consist of  
25 these paper bags?

0068

1 MR. COBURN: Objection.  
2 A. (Nods head in the affirmative).  
3 Q. Can you tell me about what the other 25 percent  
4 consisted of?  
5 A. Wood and stuff like that, paper from the stop.  
6 Q. What about rubber?  
7 A. There was little chunks of rubber in there.  
8 Q. This dust, was it any other color besides white?  
9 A. Black. It turned black.

10 Q. Did you ever see any oily rags in the trash?  
11 MR. COBURN: Objection.  
12 A. Not in that because it was mostly dust stuff.

13 Q. Did you ever see any Speedy Dry --  
14 MR. COBURN: Objection.  
15 Q. -- in the waste?

16 A. Not in that stop. If it was, I couldn't see  
17 it.  
18 Q. Did you ever see any liquid in the waste at the  
19 Carol Cable Pawtucket facility?

20 MR. COBURN: Objection.  
21 A. Not in that one. It was all dry stuff.  
22 Q. Were there any drums?  
23 A. No, no drums.

24 Q. You said that you did see some rubber. Can you  
25 tell me about the size of the rubber?

0069

1 A. Little chunks, little hand fists, like, chunks  
2 of rubber, strips.

3 Q. Were there ever any big blobs of rubber?  
4 A. No.

5 Q. Did you ever see any metal shavings in the waste  
6 at the Carol Cable Pawtucket facility?  
7 MR. COBURN: Objection.  
8 A. Yeah.

9 THE WITNESS: At the Carol Cable? I

10 mean, Apex you're talking about?  
11 MR. DANLEY: Carol Cable Pawtucket  
12 facility.  
13 A. No, no shavings.  
14 Q. Did you see metal shavings at the Teknor Apex  
15 Pawtucket facility?  
16 A. That -- that stuff I was telling you, this  
17 stuff, the rubber.  
18 Q. The ground leather?  
19 A. The ground leather.  
20 Q. That had a metallic-type --  
21 A. It was a brown color.  
22 Q. Was it leather or metal?  
23 A. Metal -- rubber like.  
24 Q. Like the place mats?  
25 A. Yeah, like the rubber -- had like a rubber.

0070

1 Q. You didn't see any metal shavings at the Teknor  
2 Apex Pawtucket facility?  
3 A. If it was at the warehouse, they might have  
4 had some, but I don't remember seeing it at the  
5 -- where the two six-yarders were.  
6 Q. And you stated that you did not see any metal  
7 shavings at the Carol Cable Pawtucket facility?  
8 A. No.  
9 Q. But you said that -- you stated previously that  
10 you saw some wire in the Carol Cable --  
11 A. Well, that's the other plant. I didn't do the  
12 other plant. The other Carol Cable had the other  
13 plant over there. They had two plants. I never  
14 did the other one.  
15 Q. Where was the other plant located at?  
16 A. Down by the Pawtucket police station.  
17 Q. Was this in the same time frame?  
18 A. Same area, yeah. Same -- same area.  
19 Q. Do you know who picked up over there?  
20 A. Different ones. My brother, Paul, mostly, if  
21 he was in that area.  
22 Q. Do you know what else was in the waste?  
23 A. Same thing as the other plant, but they had  
24 the wiring because I guess they did more wiring  
25 over there, coating of the wiring, I guess.

0071

1 MR. COBURN: Objection. Move to strike.  
2 Q. Can we talk about Leech & Garner for a minute.  
3 Do you remember picking up from a Leech & Garner  
4 facility?  
5 A. Yes.  
6 Q. Do you know where this facility was located?  
7 A. It's in Attleboro right down the road from  
8 where we park our trucks.  
9 Q. I forgot to ask you, let me back up to Carol  
10 Cable. Where did you take the waste from the  
11 Carol Cable Pawtucket facility?  
12 A. Joe Mills, Attleboro, North Attleboro.  
13 Q. Is Attleboro and North Attleboro two different  
14 landfills?  
15 A. Two different landfills? Well, yeah.  
16 Q. Where would you go mostly?  
17 A. Back then, it would probably be North  
18 Attleboro.  
19 Q. So from 1963 to 1968, you would take the Carol  
20 Cable Pawtucket facility loads to North  
21 Attleboro?  
22 A. Yeah. Like I said, on occasion probably went

23 to one -- to Joe Mills, but mostly went to North  
24 Attleboro.

25 Q. Can you give a percentage about how many times --  
0072

1 a percentage of the times you took the Carol  
2 Cable Pawtucket waste to J.M. Mills?

3 A. Didn't do that many times because I didn't  
4 pick the stop up. That, like I said, was only on  
5 a -- maybe one Saturday over the month is  
6 probably when I picked it, not even that. It was  
7 not a regular stop for me. Or if the truck broke  
8 down or the guy couldn't make it there.

9 Q. All right. Back to Leech & Garner. Do you  
10 remember picking up loads at Leech & Garner's  
11 Attleboro facility?

12 A. Yeah, I went there, but not -- like I say, in  
13 a pinch. Not very often.

14 Q. How often would you go?

15 A. Whenever they told me or how often, but it  
16 wasn't that -- it was not on a regular basis for  
17 me.

18 Q. Once a week?

19 MS. HOLT: Objection.

20 A. Not even that.

21 Q. Once a month?

22 MS. HOLT: Objection.

23 A. Maybe once a month or less.

24 Q. Did you ever pick up loads from any other Leech &  
25 Garner facility?

0073

1 THE WITNESS: Where were the other ones  
2 located? In North Attleboro?

3 MS. HOLT: Objection.

4 MR. DANLEY: I only know of one.

5 A. Well, that's the only one I picked at.

6 Q. How big was the Leech & Garner Attleboro  
7 facility?

8 A. Not a big -- it's like half a block, block.

9 Q. Were there any type of special procedures for  
10 picking up the waste at the Leech Attleboro  
11 facility?

12 A. Yeah, just dump it, go to the next one.

13 Q. Was there any type of special procedure for  
14 picking up the Carol Cable waste?

15 A. No, just go there. It's on the route sheet,  
16 you dump it and go to the next one.

17 Q. Do you know what type of products were made at  
18 the Leech Attleboro facility?

19 A. No. No, not really.

20 Q. Let's talk about the size of the containers. Can  
21 you tell me how many containers you picked up at  
22 the Leech Attleboro facility?

23 A. As far as I know, I think it was one  
24 eight-yarder.

25 Q. And where was this eight-yarder located on the

0074

1 property?

2 A. The platform where they do the receiving and  
3 shipping.

4 Q. Can you give me the time frame that you picked up  
5 from the Leech Attleboro facility?

6 A. Yeah. Like I said, from -- actually, it was  
7 there as long as we had that account. So it was  
8 like -- me, it was on a part-time basis, you  
9 know, if we were in a pinch or something, so even

10 back when we -- like if I came back in 1970, they  
11 might have told me to go dump it. As long as we  
12 had that account, I dumped it part-time.  
13 Q. So when you said when you "came back," what does  
14 that mean?  
15 A. If I was coming back from my other route and  
16 they said, "hey, Richard, go to Leech & Garner,  
17 dump it on the way in," then I would dump it.  
18 Q. So when you were in your other area, if you were  
19 coming back --  
20 A. Yeah. So if I -- when I come back in the  
21 truck, they say, "hey, Leech & Garner needs a  
22 pick up, will you dump it tonight," so I dumped  
23 it.  
24 Q. So would it be fair to say that Leech & Garner  
25 was in your area from 1963 to 1968?

0075

1 A. Yeah.  
2 Q. Then after 1968, it was not in your area?  
3 A. No, it was not in my area. No, it was never  
4 my regular stop as far as picking it up.  
5 Q. Was it --  
6 A. It was the other guy's route. Like I said, I  
7 only did it in a pinch.  
8 Q. Do you know if the Leech Attleboro stop was a  
9 scheduled stop?  
10 A. Yeah, scheduled pick-up.  
11 Q. When you would pick up a load from the Leech  
12 Attleboro facility, was the eight-yarder full?  
13 A. Yes.  
14 Q. Could you tell what was in the container?  
15 A. No. Already dumped it. A metal shop, I think  
16 it was. I don't know.  
17 MS. HOLT: Objecti on.  
18 A. As far as I know, I think it's a metal shop.  
19 Q. Did you ever notice any metal shavings in the  
20 container?  
21 A. No, just dumped it.  
22 Q. So at no time did you observe the waste in the  
23 Leech --  
24 A. Well, because, like I said, didn't do it on a  
25 regular basis, so I just went in, dumped, backed

0076

1 up, took off.  
2 Q. So at no time could you observe what was in the  
3 Leech Attleboro facility --  
4 A. No.  
5 Q. -- container?  
6 A. No.  
7 Q. Was there any odor associated with the Leech  
8 facility?  
9 A. That I know of.  
10 Q. No?  
11 A. Not that I know of, no.  
12 MR. DANLEY: Can we go off the record.  
13 (Off the record.)  
14 Q. All right. Mr. Elderkin, I have a few more  
15 questions. I promise. Let's talk about the  
16 Teknor Apex Pawtucket facility. Was that a  
17 scheduled stop?  
18 A. No.  
19 MR. COBURN: Can you just hold up for a  
20 second. I think Greg had to step out of the  
21 room.  
22 MR. DANLEY: Oh, let's go off the

23 record.  
24 (Off the record.)  
25 Q. So I'm just going back over the few stops that  
0077  
1 you remember that I asked about. You said  
2 previously that you picked up from the Leech &  
3 Garner facility sometimes, correct?  
4 A. Yes.  
5 Q. And the Leech facility was a scheduled stop,  
6 correct?  
7 A. No. I didn't do the Attleboro route on a  
8 regular basis, so Leech Garner was just a -- like  
9 if a truck broke down, if I filled in or  
10 something. No.  
11 Q. It was not a scheduled stop for you, correct?  
12 A. No.  
13 Q. Was it a scheduled stop for the company of Goditt  
14 & Boyer?  
15 A. For the company, yes.  
16 Q. Do you know what the frequency was for the  
17 pick-ups of the Leech facility by Goditt & Boyer?  
18 MS. HOLT: Objection.  
19 A. No. Not at that one, no.  
20 Q. Not at the one you picked up at?  
21 THE WITNESS: The Leech & Garner one?  
22 MR. DANLEY: Yes.  
23 A. I don't know the regular pick-ups on that one,  
24 no.  
25 Q. You said "not at that one." Do you remember  
0078  
1 regular pick-ups at other Leech facilities?  
2 A. No, Leech and -- what I'm trying to say is in  
3 that one there was no other Leech & Garner, as  
4 far as I know.  
5 Q. So it was a scheduled stop for Goditt & Boyer?  
6 A. Yes.  
7 Q. But you don't know the frequency of the pick-ups?  
8 A. No.  
9 MR. DANLEY: Can we go off the record  
10 for one second.  
11 (Off the record.)  
12 Q. So for the Carol Cable facility that you picked  
13 up at occasionally, do you know if that was a  
14 scheduled stop for the company?  
15 MR. COBURN: Objection.  
16 A. Yeah, it was a scheduled stop.  
17 Q. Do you know the frequency of the pick-up?  
18 A. No, because they went to the compactors after  
19 that. They was on-call. You know, the  
20 compactors were on-call when they fill them up.  
21 No, I don't know the regular basis pick-up on  
22 that.  
23 Q. Okay. So for the Teknor Apex facility and  
24 Attleboro, was that a scheduled stop for Goditt &  
25 Boyer?  
0079  
1 A. Yes.  
2 Q. Do you know the frequency of the pick-up at that  
3 location?  
4 A. No.  
5 Q. The Teknor Apex facility in Pawtucket, was that a  
6 scheduled stop for the company --  
7 A. Yes.  
8 Q. -- of Goditt & Boyer?  
9 A. Yeah.

- 10 Q. Do you know the frequency of pick-up?  
11 A. That probably was done every day, as far as I  
12 know. Like I said, as far as I know, I think it  
13 was done every day.  
14 Q. The A.T. Cross facility in Lincoln, was that a  
15 scheduled stop for Goditt & Boyer?  
16 A. Yes.  
17 Q. Do you know the frequency of pick-up?  
18 A. No.

19 MR. DANLEY: I have no further  
20 questions. Let's go off the record.

21 (Off the record.)

22 EXAMINATION BY MR. BENIK

- 23 Q. Good morning, Mr. Elderkin.  
24 A. Good morning.  
25 Q. My name is Greg Benik and I represent the Teknor

0080

- 1 Apex company. I have a very few questions for  
2 you this morning.  
3 Earlier in your deposition, you indicated  
4 that one of the stops that you made was at  
5 Puritan Aerosol. Do you recall that?  
6 A. Yes.  
7 Q. Where was that facility located?  
8 A. Cumberland or Lincoln there right off of --  
9 oh, let's see -- that highway that goes to  
10 Woonsocket there, 122.  
11 Q. Can you describe the facility to us?  
12 A. It's like a -- they made -- Puritan Aerosol,  
13 they made those spray stuff for the, you know,  
14 deodorants and stuff like that, chemicals.  
15 Q. During what time period did you make pick-ups at  
16 the Puritan Aerosol facility?  
17 A. It was in between '63 and when I left that  
18 area, '68.  
19 Q. Okay. And during that five-year period, how  
20 frequently would you visit the Puritan Aerosol  
21 plant?  
22 A. Maybe three times a week. It was, like, on a  
23 Monday, Wednesday and Friday schedule. I'm not  
24 sure right offhand right now because it's been a  
25 while.

0081

- 1 Q. During that five-year period, 1963 to 1968, do  
2 you know if any other drivers were picking up  
3 waste at the Puritan?  
4 A. Yes, there was other drivers doing that. I  
5 didn't do that route on a regular basis either so  
6 there was other drivers doing it, yeah.  
7 Q. Was the Puritan Aerosol facility a regular stop?  
8 A. Yes, it was a regular stop. You've got to  
9 remember one thing, they went to the compactors.  
10 There was a -- containers were there first, then  
11 they went to the compactors. So we -- the front  
12 loaders we just didn't do it anymore, so I don't  
13 know when that transaction was taken.  
14 Q. I see. Okay. When you were visiting the Puritan  
15 Aerosol plant from '63 to '68, were compactors  
16 present there?  
17 A. No, not that I know of. They had open  
18 roll-off bodies, you know, the ones that --  
19 Q. Okay. Do you recall when roll-offs first  
20 appeared at the Puritan Aerosol plant?  
21 A. No. I couldn't tell you that right offhand,  
22 no.

23 Q. When you were working at the Puritan facility,  
24 what size containers were you picking up?  
25 A. Two eight-yarders, as far as I remember.

0082  
1 Q. Okay. And where were those two eight-yarders?  
2 A. In the back of the building at the receiving  
3 dock, shipping.  
4 Q. Did you have occasion to observe what was in  
5 those two eight-yard containers?  
6 A. There was those -- them cans, them spray cans,  
7 you know, deodorants, stuff like that.  
8 Q. Where would you take these eight-yard containers  
9 and dispose of them?  
10 A. In the beginning took a few loads to J.M.  
11 Mills, but on the end it was like on the special  
12 pick-ups because I left the area. I didn't do it  
13 on a regular basis. I took that because I -- he  
14 would call me and say "go down there with a truck  
15 and take the whole load out of there and take it  
16 right to Attleboro" because they wanted to see  
17 the stuff crushed, flattened out. They didn't  
18 want it -- they wanted the stuff all crushed.  
19 They didn't want nobody using the cans.  
20 Q. When you say "at the end," are you talking about  
21 a time period after 1968?  
22 A. Well, when I left there. When I left there,  
23 you know, I didn't do that on a regular basis.  
24 Then he'd say to me, "hey, I've got a special  
25 load. You've got to do it today." So take you  
0083  
1 out, I'd make three loads, take it to Attleboro.  
2 Q. I think you said that during this three-year  
3 period you visited this Puritan plant about three  
4 times a week?  
5 A. At the time -- when it first was scheduled, I  
6 was doing it about three times a week, yeah,  
7 until I left the area.  
8 Q. With respect to those visits that you've just  
9 identified, how frequently would those pick-ups  
10 go to J.M. Mills plant?  
11 A. Most of the time they went to J.M. Mills.  
12 Q. What happened when you took a load that contained  
13 Puritan Aerosol waste to the J.M. Mills facility?  
14 A. Just opened the back door, pushed it out and  
15 left.  
16 Q. Some of the other drivers described activities on  
17 the face of the landfill where there were  
18 machines moving on the landfill --  
19 A. Yes.  
20 Q. -- face, if you will. Did you observe that?  
21 A. Yes.  
22 Q. Did you observe what, if anything, happened to  
23 the aerosol cans when they were --  
24 A. They would pop because of the pressure in  
25 them.

0084  
1 Q. What else did you observe when the cans popped?  
2 A. Just the stuff that was in it came out of it,  
3 whatever stuff that was in the cans.  
4 Q. Do you recall what, if any, odor was associated  
5 with the aerosol --  
6 A. Whatever was in the spray was, you know,  
7 smells, whatever it was in the spray can,  
8 whatever that was.  
9 Q. Just to clarify your testimony regarding the



10 fires that you saw at the landfill, do I  
11 understand your testimony that when you take a  
12 particular load to the landfill, solid waste,  
13 waste material on the floor of the landfill was  
14 burning?

15 A. The fire was burning. Yeah, I used to back  
16 right up to a fire.

17 Q. I see. So when you --

18 A. Well, I didn't get close enough to burn the  
19 truck up, but I backed up to a fire.

20 MR. CONNORS: Can you just clarify, are  
21 you talking about a specific landfill or just  
22 generally the --

23 MR. BENIK: We're talking about J.M.  
24 Mills landfill now, sir.

25 A. J.M. Mills, I don't remember they had -- I

0085

1 don't know if they were burning then in there at  
2 J.M. Mills.

3 Q. So you --

4 A. I -- I'm talking back before J.M. Mills was --  
5 I don't remember -- they had a fire in it. They  
6 don't burn no rubbers at J.M. Mills. The only  
7 thing they used to burn in there was brush.

8 Q. Okay. Just so the record is clear, you did not  
9 observe any fires at the J.M. Mills landfill that  
10 was burning or combusting waste that you dumped  
11 in the landfill?

12 A. No.

13 Q. Then I think we've clarified the record.

14 MR. BENIK: I think that's all I have,  
15 sir. Thank you, very much.

16 MR. NEWTON: I have a couple of  
17 questions.

18 EXAMINATION BY MR. NEWTON

19 Q. My name is Mortimer Newton, Mr. Elderkin, and I  
20 represent David Brask. You mentioned that you  
21 knew Al Dumont?

22 A. Yes.

23 Q. How did you know Al Dumont?

24 A. He ran the Attleboro landfill and he was a  
25 friend of mine.

0086

1 Q. He ran the Attleboro landfill?

2 A. As far as I know, he was the guy that owned  
3 the land.

4 Q. Okay. Do you know whether there was any business  
5 relationship between Mr. Dumont and Mr. Brask?

6 THE WITNESS: As far as being together,  
7 partners or anything?

8 MR. NEWTON: Yes.

9 A. I don't know nothing about that.

10 Q. Okay. Do you know of any connection at all that  
11 Mr. Brask may or may not have had with the J.M.  
12 Mills landfill?

13 A. Don't know nothing about that either.

14 MR. NEWTON: Okay. Thank you. That's  
15 all the questions.

16 A. But I did see Al Dumont was down there, but I  
17 don't know any connection that they had. That  
18 was front office.

19 MR. NEWTON: Okay. Thank you.

20 MR. CONNORS: Martha, anything?

21 MS. HOLT: No questions.

22 MR. DANLEY: Who's next?

23 MR. CONNORS: I think that's it. We got  
24 the nod from everybody.

25 MR. DANLEY: So I have one follow-up

0087

1 question following up on Mr. Newton's questions.

2 EXAMINATION BY MR. DANLEY

3 Q. You said that Al Dumont was "down there." And  
4 when you said that, what is "there"?

5 THE WITNESS: Mean down at J.M. Mills?

6 MR. DANLEY: Yeah.

7 A. His compactor was down there, compactor, he  
8 was running it, driving it. I saw him. The  
9 compactor, he was running the compactor.

10 Q. He was in a compactor taking a load to J.M.  
11 Mills?

12 A. No. No. He was crushing it.

13 Q. He was crushing garbage at J.M. Mills?

14 A. Yeah, with the compactor. He would drive a  
15 compactor.

16 Q. And he crushed garbage at J.M. Mills?

17 A. When you put the rubbish in there, the  
18 compactor goes over and crushes. He was driving  
19 one of the machines.

20 Q. He was driving a compactor at the J.M. Mills  
21 landfill?

22 A. Yeah.

23 Q. When was that?

24 A. I don't know. Let's see. I've got to go  
25 back. I know it wasn't in the '60's because it

0088

1 was the '70's that they -- I don't really know  
2 offhand, but I know he was there.

3 Q. Was he doing anything else besides driving the  
4 compactor at J.M. Mills landfill?

5 A. That's all I know. He was just driving the  
6 compactor going -- he was the guy that was  
7 crushing the load.

8 MR. DANLEY: I have no further  
9 questions.

10 MR. MURPHY: Do you want to break now?

11 MR. CONNORS: Yeah, do lunch and start  
12 over.

13 MR. DANLEY: Do you want to come back  
14 at -- it's ten after. Do you want to come back  
15 at 1 o'clock or before that?

16 MR. MURPHY: Try to get back before  
17 1:00. That would be good.

18 MR. DANLEY: Okay. We're going to try  
19 to start maybe ten till 1:00, but, you know, if  
20 there's people that make it a little bit after  
21 that, we'll wait till 1:00.

22 MS. BARRY: Devin, I'm not going to come  
23 back so can I just get a mini?

24 MS. HOLT: I'm not coming back either.  
25 Mini. Could you send me an E transcript?

0089

1 THE REPORTER: Sure.

2 MR. GURAY: Same. I'll take a mini and  
3 an E transcript.

4 THE REPORTER: Brian, are you coming  
5 back?

6 MR. NEWBERRY: Probably.

7 THE REPORTER: If you don't, do you want  
8 a copy?

9 MR. NEWBERRY: Just a mini.

10 THE REPORTER: Scott, are you coming  
11 back?  
12 MR. COBURN: I don't know.  
13 THE REPORTER: Do you want a copy?  
14 MR. COBURN: Yes.  
15 THE REPORTER: Mr. Benik, are you coming  
16 back?  
17 MR. BENIK: I'm not coming back.  
18 THE REPORTER: Do you want a copy?  
19 MR. BENIK: I do.  
20 (A noon recess was taken.)  
21 (Now present in the deposition are  
22 Attorneys Mortimer Newton, Curtis Connors,  
23 Jonathan Murphy, Ms. Cavanagh-Dunn and  
24 Christopher Danley.)  
25

0090

1 EXAMINATION BY MR. MURPHY  
2 Q. Mr. Elderkin, how are you?  
3 A. Good.  
4 Q. Good afternoon. My name is Jonathan Murphy. I  
5 represent the company that it's now called KIK  
6 Custom Products. Before that, it was CCL.  
7 They're basically the entity that was Peterson  
8 Puritan, and we're one of the plaintiffs in this  
9 case, so I'm going to ask some questions, too,  
10 today. And just so you know, I'm going to try to  
11 avoid any duplication. The only areas where I'm  
12 going to backtrack a little bit is where I have  
13 just a follow-up question or two. Okay?  
14 If any of my questions don't make any sense  
15 to you, let me know and I'll rephrase it. All  
16 right? I'll try to --  
17 A. Got to be honest with you, none of them make  
18 any sense to me.  
19 Q. I know. When's the last time you were at J.M.  
20 Mills landfill, if you remember?  
21 THE WITNESS: Do you remember when they  
22 closed?  
23 MR. MURPHY: About 1982 is my  
24 understanding.  
25 A. '82. Let's see. '82 they closed, huh?

0091

1 That's probably the last time, '82.  
2 Q. Do you remember, kind of, being there, kind of,  
3 the year before they closed?  
4 A. Yeah, I was there in the end.  
5 Q. And when you were going there back or at and  
6 around the time -- the year they closed, were you  
7 bringing mostly compactor trucks there? By  
8 "compactors," I mean front end loaders.  
9 A. No. We had more roll-off bodies going in  
10 there, the open bodies, because, like, they went  
11 to the bigger compact. All the big companies  
12 went to the big compactors so there was more  
13 compactors going there than the front loaders.  
14 Q. And you said this morning that on occasion you  
15 did sometimes do relief driving of roll-offs?  
16 A. No, I didn't do -- I only did that -- like if  
17 we'd come back some night, Linda, the dispatcher,  
18 would say, "Hey, Ricky, would you go down and  
19 take this truck out and go get them two stops and  
20 take it down." I only did that, like, on a once  
21 in a while, not very -- maybe ten times since  
22 I've been with the company.

23 Q. All right. So in the later years right before  
24 J.M. Mills closed, if you were there it was with  
25 the front end loader?

0092

1 A. Front end loader, right. No --

2 Q. You also said earlier this morning that there was  
3 a point in time when you kind of left the area  
4 around J.M. Mills and your route changed.

5 A. Oh, see, in other words, I used to do the  
6 Woonsocket area and that stuff, so all my work  
7 went right into the J.M. Mills, then I went down  
8 to Rhode Island.

9 Q. Farther south?

10 A. Right here in this Providence, Warwick,  
11 Cranston --

12 Q. Okay.

13 A. -- and Johnston. I did the Rhode Island --  
14 call this the Rhode Island end of it.

15 Q. Let me ask you this then: The area up near  
16 Cumberland, did you ever pick up actually in  
17 Cumberland, Rhode Island?

18 A. Yeah, I picked up in Cumberland.

19 Q. I'm trying to get a sense for if there was a  
20 specific route that included Cumberland, Rhode  
21 Island, and, like, Lincoln?

22 A. Yeah, that was Woonsocket, Lincoln, Lonsdale  
23 down there by where the dump was in that area.

24 Q. Okay. By the way --

25 A. And a little bit of Pawtucket down.

0093

1 Q. All right. By the way, you recall the road  
2 Mendon Road?

3 A. Mendon Road, yeah.

4 Q. Was the J.M. Mills landfill just off of Mendon  
5 Road?

6 A. Yeah, that's Mendon Road, that main drag  
7 there.

8 Q. Has it also got a route number? Do you know?

9 A. One -- yeah, it's got a route number. I can't  
10 remember.

11 Q. But it's Mendon Road?

12 A. Yeah.

13 Q. Okay. The Woonsocket, Lincoln route, would that  
14 have been on a -- back in '63 --

15 A. Yes.

16 Q. -- would that have been on a route sheet?

17 Would there have been a particular route  
18 sheet that everybody called that's the Woonsocket  
19 route? Is that --

20 A. They wouldn't call it that because we -- back  
21 in '63, they wouldn't -- I started, like, in  
22 North Attleboro and came down and did through  
23 there, you know. Because we wasn't big then, so  
24 we'd pick here and there, and we had more  
25 landfills than dumps and we'd dump often.

0094

1 THE WITNESS: You know what I mean?

2 MR. MURPHY: Yeah.

3 Q. All right. So in the early days -- well, let me  
4 ask you this: You said that over time Goditt &  
5 Boyer got bigger?

6 A. Yeah.

7 Q. And they had more trucks?

8 A. Yeah.

9 Q. Did they also have more drivers?

10 A. Yeah.  
11 Q. And they got more customers; is that right?  
12 A. Yep.  
13 Q. So would it be fair to state that there was a  
14 point where the routes changed because there were  
15 more pick-ups in a smaller area for every area?  
16 A. Yeah, the routes changed because of that.  
17 Yeah, more pick-ups in smaller areas, plus they  
18 went from -- the big factories went to the  
19 compactors. So in other words, you go with a  
20 truck with a big factory sometime take a half a  
21 load where they put the compactor in, you know,  
22 it holds more rubbish, so we -- in other words,  
23 we went bigger in the compactors.  
24 In fact, the first one we had was the Sears  
25 warehouse over here on Ni antic Avenue. I can

0095

1 remember the first one we had because it had a  
2 picture of the two Brask brothers on it. It was  
3 always in my mind, you know. It was like a new  
4 era. And it did, it did change the history of  
5 rubbish after that.  
6 Q. So when you started in '63, were there times when  
7 you'd start in Attleboro and you had a long route  
8 that at times ended up down in Woonsocket?  
9 A. No, not -- yeah. Yeah. I used to go to -- I  
10 started out Pawtucket and I'd go to North  
11 Attleboro, then I'd shoot down to the back woods  
12 and go down to Woonsocket back to Joe Mills,  
13 yeah.  
14 Q. All right. And is that that -- you were talking  
15 about that period, 1963 to 1968?  
16 A. Yeah.  
17 Q. That would have been the period when you went to  
18 J.M. Mills the most?  
19 A. Yes. Yes.  
20 Q. Is it because the route was --  
21 A. Yeah, because of the route.  
22 Q. -- set up where --  
23 A. Yeah.  
24 Q. -- wherever you ended up with a full truck was  
25 closest to J.M. Mills?

0096

1 A. Right.  
2 Q. Is that kind of how you decided where to dump?  
3 A. If the truck filled up before that, I had  
4 another dump in Smithfield that I used to dump.  
5 Q. All right. So but what you said before that I  
6 know it depended on the size of the --  
7 A. Container.  
8 Q. -- boxes, and if it was fluffy or wet or  
9 whatever --  
10 A. Yeah.  
11 Q. -- but anywhere from, say, 10 to 30 loads would  
12 fill the truck up?  
13 THE WITNESS: Containers?  
14 MR. MURPHY: Yeah.  
15 A. Yeah. Less. Yeah. 10 to 30 containers,  
16 yeah.  
17 Q. So once you got full, if you were in Cumberland  
18 when you got full --  
19 A. Yeah.  
20 Q. -- would you dump at J.M. Mills?  
21 A. Yes.  
22 Q. What about if you were at Woonsocket and you got

23 full?  
24 A. J.M. Mills.  
25 Q. Let me go past the '62 to '68 period. Let me go  
0097  
1 all the way to when J.M. Mills closed. In 1982,  
2 you said you were there a few times?  
3 A. Yeah. Well, see, my route was down here more  
4 Rhode Island area, so I'd go to Capuanos. I did  
5 the Capuanos, Warwick and Silvestri Landfill,  
6 which is the state landfill now.  
7 Q. The Central Landfill?  
8 A. Central Landfill.  
9 Q. But on the times in '82 when you'd end up at J.M.  
10 Mills, how would that work? Would that be  
11 because --  
12 A. Well, because I'd be coming back through  
13 nights and I'd sometime end up here in Pawtucket  
14 right up here, Schoolhouse Candy. So I used to  
15 take that half a load or whatever it is to the  
16 dump.  
17 Q. Okay.  
18 A. I still dump there on, like, a, maybe, once or  
19 twice a week.  
20 Q. And that would just depend on whether you had a  
21 route back from the Rhode Island -- central Rhode  
22 Island --  
23 A. Yeah.  
24 Q. -- and where you had a full truck near --  
25 A. Yeah.  
0098  
1 Q. -- J.M. Mills?  
2 Okay. Couple questions about Al Dumont. Did  
3 he have a burning dump up in Attleboro for a  
4 while?  
5 A. Yes. That was a burning dump, yeah.  
6 Q. And was that in, like, the mid-'60's? Do you  
7 remember?  
8 A. '60's, yeah.  
9 Q. How long did he have the burning dump up there?  
10 A. Because they banned the burning. When the  
11 state banned the burning, whenever that was.  
12 Q. All right. And then after that, did he continue  
13 to run the other -- the Attleboro landfill --  
14 A. As far as I know, he was the guy that run it.  
15 I don't know who owned it, but he ran -- he owned  
16 the land, so he ran it.  
17 Q. Okay. You said you saw Al Dumont down at the  
18 J.M. Mills landfill running a machine compacting  
19 the landfill?  
20 A. Yeah. That's when his landfill was closed.  
21 They closed his landfill. The city, Attleboro  
22 closed it for a while.  
23 Q. And so he came down and worked at J.M. Mills?  
24 A. Yeah.  
25 Q. Did you ever see him work at the gate at any  
0099  
1 point in time?  
2 A. I don't remember him at the gate. There was a  
3 guard shack. He was never in there.  
4 Q. Did you know a younger guy at the landfill that  
5 you understood to be Joe -- Joe's son?  
6 A. Yeah. Joe Junior, yeah.  
7 Q. Did he ever work the gate?  
8 A. Not that I know of. I never saw him in there.  
9 I seen him at the landfill. He worked mostly

10 driving the compactor. He could have been in the  
11 shack sometime because I have -- you know, I  
12 don't remember him being there, but he could have  
13 because it was like a little shed. And they --  
14 just line up to the door and you get a slip.  
15 Q. Do you remember the names of any of the guys --  
16 the first name or otherwise, who ran the shack  
17 '63/'68?  
18 A. Joe Kulick (phonetic spelling). Joe Kulick,  
19 if that's his name, but --  
20 Q. Was that '63 to '68?  
21 A. Yeah. Some of the -- some of the older  
22 guys -- I can't remember names for beans.  
23 Q. Do you remember anybody else's name? And I don't  
24 want you to guess. I mean, just, you know, if  
25 you remember.

0100

1 A. No. They're all -- they're there. I know who  
2 they are if they walked in, but I couldn't tell  
3 you their names right now.  
4 Q. All right. You talked a couple minutes ago about  
5 kind of this new era in waste hauling when the  
6 roll-offs got big.  
7 A. Well, see, when you went to a factory where  
8 you had a lot of rubbish, used to stay there and  
9 dump -- like E.A. Adams, for instance, they was  
10 the biggest drugstore around. Well, we used to  
11 go over to Pawtucket, you go there you dump forty  
12 two-yarders. The guys just fill them up, drive  
13 the truck in, dump it. So when you've got a  
14 compactor, you don't go there no more. They just  
15 put the stuff in the compactor. So we went from  
16 the -- the front loaders went to more just  
17 picking up their little stops because the big  
18 stops they all got the compactors.  
19 Q. And that's what I wanted to ask you a little bit  
20 about. So -- and let's take E.A. Adams for an  
21 example, because that's one of the companies I'm  
22 going to ask you about in a couple minutes. They  
23 were a pretty big operation?  
24 A. Yeah.

25 THE WITNESS: Now you're talking about

0101

1 the drug store or the plant?  
2 Q. Who were you just talking about? The drug store?  
3 A. Yeah, I was talking about the drug store.  
4 Q. And you said you'd pick up 40 small containers?  
5 A. 40 two-yarder.  
6 Q. At one location?  
7 A. Yeah, you just go in there and the guy would  
8 fill them, you'd back the truck up, dump it,  
9 drive it back to the building and fill it.  
10 Q. Like, for example, for that -- that's Adams  
11 Drugs, right?  
12 A. Yeah.  
13 Q. So at Adams Drugs, this is back before '68?  
14 A. Yeah, in the '60's.  
15 Q. How many empty two-yarders would they have  
16 available to them there?  
17 A. There was only one. The guy used to just fill  
18 them. They had them bins. They had the bins,  
19 the bins that the cardboard company picks up,  
20 plastic bins like.  
21 Q. Yeah.  
22 A. I'm not -- canvas bins. They used to --

23 Q. On the wheels?  
24 A. Canvas, yeah.  
25 Q. Canvas bins on the wheels?  
0102  
1 A. Yeah.  
2 Q. All right.  
3 A. They used to roll them and dump them in.  
4 Q. But in a circumstance like that at Adams, would  
5 you sit there and wait for them to --  
6 A. Yeah.  
7 Q. -- fill them up?  
8 A. Yeah, you just drive the truck and put two in,  
9 back up, drive it in, back up, yeah.  
10 Q. And you'd stay until they --  
11 A. Yeah, sometimes fill the whole truck right up.  
12 Q. Okay. Now, and then did Adams go to -- some of  
13 the Adams waste go to J.M. Mills?  
14 A. Yeah.  
15 Q. Okay. Let me ask you this: I'm trying to figure  
16 out, as best you remember, any other bigger  
17 companies between '63 and '68 that were in that  
18 same situation that at some point later switched  
19 to big roll-offs.  
20 A. Yeah, Truk Away.  
21 Q. No. But at some point, you picked up lots of  
22 little containers from them. Do you remember any  
23 other companies other than --  
24 THE WITNESS: I picked up for them? Oh,  
25 you mean little other companies that I picked up  
0103  
1 from?  
2 Q. Yeah, other companies you picked up from like  
3 Adams. And I'm going to ask you the names of  
4 companies later, but --  
5 A. It's better for you to ask me the names of the  
6 company because I --  
7 Q. All right. You know what, if that's easier,  
8 we'll do that.  
9 A. Like I said, Harry Balls in Pawtucket.  
10 Q. Okay.  
11 A. And then they had Schoolhouse Candy.  
12 Q. Yeah, those guys are on my list so I'll ask you  
13 about that.  
14 A. That's them, but some of them ain't going to  
15 remember unless you tell me.  
16 Q. In 1963, when you started at Goditt & Boyer, did  
17 they have any of the, say, 40- or 50-yard  
18 compactors?  
19 A. No.  
20 Q. They did not?  
21 A. No. They only had the front loader and a  
22 couple of rear loaders.  
23 Q. Anybody in the waste business have compactors in  
24 the early '60's --  
25 A. No.  
0104  
1 Q. -- to your recollection?  
2 A. No. We was probably one of the first because  
3 I can remember right down there in Niantic  
4 Avenue, Sears & Roebucks, remember putting the  
5 first one out. But they came right after, after  
6 we started, Truk Away of Rhode Island, the Macera  
7 Brothers came a little later. They all followed  
8 Dave. Dave was like the leader.  
9 Q. And a couple of guys that we took depositions of,



10 some of your former colleagues, said that they  
11 also helped Mr. Brask by going out in the Midwest  
12 and picking up compactors and bringing them back?

13 THE WITNESS: In the Midwest?

14 Q. Yeah. Did you ever know anybody that said "I'm  
15 not driving the route today because I've got to  
16 go out and pick up a compactor from the factory  
17 and bring it back"? Did you know anybody that  
18 did that?

19 A. Not the regular driver doing the route because  
20 the regular driver on the route doing the front  
21 loader never did that.

22 Q. What about the mechanics in the shop, did some of  
23 them ever do, like, long hauls to pick up  
24 compactors from the factory that made them?

25 A. Yeah, Tommy used to.

0105

1 Q. Castello?

2 A. Yeah, Tommy. I don't know if my cousin,  
3 Dave -- he did a lot of stuff for Dave. I don't  
4 know what he did, but he did --

5 Q. And when did that Sears, the Ni antic warehouse,  
6 when did they get that compactor?

7 A. It was one of the first ones. It's got to be  
8 in the '60's.

9 Q. Any idea of the year?

10 A. No, because I know -- all I know is the first  
11 one because we've got pictures of it and took a  
12 picture. There was like a big thing for Ni antic.

13 Q. Okay. So you said this morning that although  
14 there weren't roll-off compactors in the early,  
15 say, '60's --

16 A. '60's. In the first -- '63, there was no  
17 compactors around.

18 Q. But you said that there might have been a couple  
19 of open tops?

20 A. Yeah, that's what started first, the open  
21 tops.

22 Q. Did Mr. Brask or Goditt & Boyer have any open  
23 tops in '63?

24 A. Not in '63, I don't think.

25 Q. So how soon after '63 did they start --

0106

1 A. Couple years.

2 Q. -- with open tops?

3 A. A couple years or something like that. I'm  
4 not really -- offhand, I really don't remember.

5 Q. So for the first couple of years that you worked  
6 at Goditt & Boyer, it was only front end or rear  
7 end loaders?

8 A. And plus we had the stake body truck.

9 Q. And tell me about -- the stake body truck  
10 though --

11 A. That bulky --

12 THE REPORTER: Say that again.

13 A. Bulky rubbers they had --

14 Q. Correct me if I'm wrong, if you have a stake body  
15 truck, you're not sliding a roll-off back and --

16 A. No. No. No. Stake body truck --

17 MR. CONNORS: Wait.

18 Q. You've got to load it -- physically load the --

19 A. Yeah.

20 Q. -- stake body?

21 A. Yeah, that's what I meant to say.

22 Q. Did you ever drive a stake body?

23 A. Only once in a while. Not very often.  
24 Q. Did any of the factories, any of the  
25 manufacturing companies ever call up Goditt &  
0107 Boyer and say, "I've got a big load of rubbish, I  
1 don't want to put it in 15 two-yarders, bring me  
2 down a stake body" that you know of?  
3 A. Could have, but I don't remember. I know we  
4 had a cardboard -- like Apex had cardboard and I  
5 used to go down and get the cardboard, put it on  
6 the truck, take it to the cardboard. That was a  
7 special account.  
8 Q. That's a stake bed?  
9 A. Yeah, just put it on the truck, take it to the  
10 cardboard place.  
11 Q. In '63 or '64 when you first started, do you have  
12 any memory of some of these factories that later  
13 switched to roll-offs having their own trucks to  
14 haul some of their waste?  
15 A. The only ones I know in Attleboro, Texas  
16 Instrument they had their own truck. They did  
17 their own trash. Leech & Garner had their own  
18 truck, too.  
19 Q. Let me ask you this: For Texas Instruments, did  
20 any Texas Instruments waste go to J.M. Mills?  
21 A. I -- I couldn't tell you that.  
22 Q. All right.  
23 A. Because they was in Attleboro and Texas  
24 Instrument was a big company and they had a lot  
0108 of compactors with them and I couldn't tell you  
1 where the trash went.  
2 Q. When they went to switch to compactors, did they  
3 still keep using their own trucks?  
4 THE WITNESS: Texas Instrument?  
5 MR. MURPHY: Yes.  
6 A. No.  
7 Q. All right. What about Leech & Garner, did  
8 they --  
9 A. They had their own trucks there for a while.  
10 I don't know what they --  
11 Q. Did you ever see any Leech & Garner trucks at  
12 J.M. Mills when you were dumping a load?  
13 A. No. No.  
14 Q. Let me ask you this: When you would go to --  
15 these are the early days, '63, '64, '65, when you  
16 were down in the Woonsocket/Cumberland area --  
17 A. Yeah.  
18 Q. -- do you remember seeing any other company  
19 trucks bringing waste?  
20 A. Yeah, Truk Away of Rhode Island. Then there  
21 was a lot of little guys, little companies, but I  
22 don't know the names of them. There was a lot of  
23 little companies there, you know. Everybody was  
24 small back then.  
25  
0109  
1 Q. Do you remember a Norwood Rubbish?  
2 A. Yeah.  
3 Q. Were they there back then?  
4 A. They came a little later. Not early, no.  
5 Q. What about Bruce Buffington before he drove for  
6 Dave?  
7 A. That was later. That was in the '70's.  
8 Q. Three Rs, do you remember them?  
9 A. Three R's, I heard of them, but they're -- I

10 don't know where they dumped.  
11 Q. Okay. When you would get a dump ticket at J.M.  
12 Mills for the front-end loader, what did they  
13 write on the ticket? Did they write like  
14 "front-end loader" or "push out" or something  
15 like that? Do you know?  
16 A. Yeah, front loader, whatever it is. I don't  
17 remember because it's been a long time since I've  
18 seen one of those tickets. All I did was just  
19 looked at it and signed it and drove away.  
20 Mostly had the name of the company on it.  
21 Q. We've seen a bunch of tickets that say "push  
22 out."  
23 A. That must be our truck, then, the push outs.  
24 They call that -- the packer they're called.  
25 They call them the push out.

0110

1 Q. So front end loader could be called a push out?  
2 A. Yeah.  
3 Q. And is that because when you're dumping it at the  
4 landfill, there's a hydraulic --  
5 A. Got a blade in it. It's got a blade in it  
6 and that pushes the rubbish out. That's why you  
7 call them a push out. The other trucks you had  
8 to dump them. The compactors you had to dump  
9 them up in the air to cut the rubbish out.  
10 Q. But the push outs, for example, in '63 you said  
11 you had that white bubble top?  
12 A. Yeah.  
13 Q. Right?  
14 A. Yeah.  
15 Q. What did you have to do? When you got to the  
16 landfill, did they tell you where in the landfill  
17 to go dump?  
18 A. Yeah, they had a guy standing there and he  
19 would tell you where to back up.  
20 Q. So you back up. And after you backed up, I'm  
21 assuming you put the truck in neutral --  
22 A. Yeah.  
23 Q. -- and put the parking brake on?  
24 A. Yeah.  
25 Q. What did you physically have to do to get the

0111

1 push out to --  
2 A. All I did was go outside, there's a latch, put  
3 that up. That opens the back tailgate. Get back  
4 in the truck, pull the hydraulic pump on, hit  
5 the -- had a little -- they had the hand controls  
6 then, just push that and the rubbish would go  
7 out, bring it back and the blade comes back, push  
8 it right out to the end of the truck, hit it a  
9 couple times, back up, drive out.  
10 Q. And would you have to go back out and latch up  
11 the --  
12 A. Yeah, just pull away from the pile because  
13 it -- on the end of them trucks back then, it had  
14 a -- like that because the tailgates used to go  
15 up, so they had a -- so if the gate came down, it  
16 wouldn't hit you in the head. Had, like, the two  
17 ends on it.  
18 Q. All right. But when you got out to relatch the  
19 back end --  
20 A. Yeah.  
21 Q. -- whatever was dumped there wasn't from one  
22 company, it was from --

23 A. No.  
24 Q. -- a bunch of different companies?  
25 A. 30, 40 companies, whatever I had on the truck.  
0112  
1 Q. Do you ever remember, from '63 to '68, picking up  
2 from any one particular company where the stuff  
3 that you were picking up caused a problem with  
4 the truck?  
5 THE WITNESS: What kind of problem?  
6 Q. I mean it was sticky or screwed up the blade,  
7 didn't come out of the dumpster very well when  
8 you were trying to front end load it. Do you  
9 have any recollection of any companies that  
10 had --  
11 THE WITNESS: Did anybody mention Union  
12 Wadding in Pawtucket?  
13 MR. MURPHY: Yes.  
14 Q. Did you pick up from Union Wadding because  
15 they're on my list to ask you about? But I'm  
16 trying to figure out if there's any  
17 companies that --  
18 A. There was sticky stuff in there. Like I said,  
19 there could have been two or three of them, but  
20 offhand I couldn't really tell you because it's  
21 been a while, but there's a few stops that had  
22 that sticky stuff in them. Fiberglass, anybody  
23 that had made fiberglass in that thing,  
24 fiberglass there was a big area there, they had a  
25 lot of sticky stuff.  
0113  
1 Q. Did you ever pick up from Pearson Yacht?  
2 THE WITNESS: Where's Pearson Yacht  
3 located?  
4 MR. MURPHY: Down -- I'm not sure of the  
5 town.  
6 THE WITNESS: Is it around here?  
7 MR. MURPHY: Boat maker, yeah.  
8 THE WITNESS: Whereabouts is it, though?  
9 MR. MURPHY: Do you remember?  
10 MR. CONNORS: I'm trying to think.  
11 THE WITNESS: East Providence?  
12 MR. NEWTON: Off the record. Bristol.  
13 A. Bristol. I probably went there once or twice.  
14 Q. Because we had a lot of people saying they had a  
15 lot of fiberglass in there.  
16 What about any -- do you remember any  
17 manufacturers that had any sort of wet waste or  
18 stuff that stuck that you remember because when  
19 you went there it just didn't dump nicely into  
20 the back of the truck?  
21 A. See, most of them were in the compactors, and  
22 I used to see the compactor guys come in and  
23 their stuff used to be stuck. Union Wadding is  
24 the only one I remember in Pawtucket that --  
25 there are probably others out there, but I don't  
0114  
1 remember.  
2 Q. All right. And I'll get to the list in a minute.  
3 MR. CONNORS: Jonathan, I think it was  
4 Portsmouth for --  
5 Q. Portsmouth. Pearson Yacht in Portsmouth.  
6 A. Never did that. Never went over the bridge.  
7 I couldn't go over the bridge. I was too heavy.  
8 No, I never went over to Portsmouth.  
9 Q. What was the -- in '63, the white truck you

10 drove?  
11 A. White.  
12 Q. What was the make of that?  
13 A. White.  
14 Q. It was called White?  
15 A. Yeah, White Motors.  
16 THE REPORTER: White what?  
17 THE WITNESS: White Motors.  
18 Q. And what was the volume of the --  
19 A. Only a 24-yarder then.  
20 Q. So that one -- let me ask you this: When you  
21 switched to the Macks --  
22 A. Yeah.  
23 Q. -- what was the volume in the back?  
24 A. Then we went to the 32-yarders, then we went  
25 to -- the body size was a 40-yarder they called  
0115  
1 it, 42-yarder.  
2 Q. When did you go to 42-yarders? After '68?  
3 A. Yeah.  
4 Q. So before '68, did you have the 32-yarders before  
5 '68?  
6 A. No. There's a possibility they came in, but  
7 first we had to -- that was the first ones  
8 because they wasn't as high as the 42-yarders, so  
9 they came in first. We only bought them for,  
10 like, three years.  
11 Q. So in the early days when you were driving the  
12 24-yarder --  
13 A. Yeah.  
14 Q. -- how many -- I'm assuming if you get 12  
15 two-yarders that were full you were full?  
16 A. Yeah. Right.  
17 Q. But did your White truck, could it compact?  
18 A. Yeah, it could compact.  
19 Q. So you could fit more than 12?  
20 A. Yeah, sometime. Yeah, all depend what was in  
21 the container sometime. Sometime less. I've  
22 been to stops where the truck when they're small  
23 like that I've got to sit four containers on  
24 heavy stuff, had to go to the dump because it  
25 wouldn't pack it.  
0116  
1 Q. So depending on whether you could compress it or  
2 not?  
3 A. Yeah.  
4 Q. But in the early days you had to make more --  
5 A. More trips to the dump, yeah.  
6 Q. And in the end with the 40-yard was less?  
7 A. Yes. Yep.  
8 Q. So let me ask you this: When you were driving  
9 the Woonsocket route, Woonsocket, Lincoln,  
10 Cumberland, and you were driving the 24-yarder --  
11 A. Yeah.  
12 Q. -- how many times a day did you have to go to the  
13 dump?  
14 A. Three to four because the routes were smaller  
15 then.  
16 Q. And of those three -- let's take 1963 when you  
17 first started driving the White 24-yarder. How  
18 many times out of those three to four times a day  
19 did you dump at J.M. Mills?  
20 A. Well, say, for example, I started out  
21 Siskraft in Attleboro, that was a big company,  
22 so you got more volume of rubbish there. I

23 probably made three trips to the dump to  
24 Attleboro because it was a close haul, woom, woom  
25 (witness indicated).

0117

- 1 Q. Just from Si sakraft?  
2 A. Yeah, it was a big company, paper company,  
3 then I'd come back and I'd go to North  
4 Attleboro -- go down to Pawtucket do my route, go  
5 to North Attleboro, dump that, then I'd go to  
6 Woonsocket, then I had another dump over there,  
7 Smithfield, and I'd come back maybe Joe Mills,  
8 maybe once a day.  
9 Q. And the once a day would have been when you got  
10 finished with the northern stuff --  
11 A. Yeah.  
12 Q. -- and you got down in the Woonsocket,  
13 Cumberland, Lincoln area?  
14 A. Yeah.  
15 Q. And then you'd dump at Joe Mills?  
16 A. Yeah.  
17 Q. And so did you end up in the Woonsocket,  
18 Cumberland area about once a day back then?  
19 A. No, didn't go there every day, Monday,  
20 Wednesday. Tuesday and Friday we went to  
21 Woonsocket because I had another run in the  
22 Taunton area around the other end.  
23 Q. Two times a week? Three times a week? Do you  
24 remember?  
25 A. In the Woonsocket area? Twice a week.

0118

- 1 Q. Twice a week? Okay.  
2 A. So sometimes three.  
3 Q. So on the days that you were in the area, you  
4 always ended up at J.M. Mills at least once?  
5 A. I dumped, yeah, at least one load there.  
6 Q. Sometimes twice depending on --  
7 A. Sometimes twice.  
8 Q. Did you have any -- this is in the Woonsocket,  
9 Cumberland area around the Mills landfill -- any  
10 special pick-ups from any factories down here of  
11 any -- where you made -- you filled the whole  
12 24-yarder up from one place and brought it to Joe  
13 Mills?  
14 A. No. I did that at Puritan Aerosol, but I took  
15 that to Attleboro because the guy wanted to see  
16 the cans crushed.  
17 Q. And let me ask you about that.  
18 A. Well --  
19 Q. Did you ever hear that if the cans were still  
20 workable if they got dumped that people would  
21 come and scavenge them?  
22 A. Yeah, that's why he wanted to see them dumped.  
23 That was on a special occasion. I'd go down  
24 there, fill the truck up, take it to Attleboro,  
25 and the guy would come from the company to see

0119

- 1 if -- he wanted to see those cans crushed because  
2 he didn't want his products back on the road.  
3 Q. All right. Did you ever hear that Joe Mills had  
4 a little store behind his house?  
5 A. That's Joe Mills. I don't know what he had.  
6 Q. All right.  
7 A. But whatever went on with Joe Mills, I don't  
8 know what he had behind his house.  
9 Q. All right. All right.

10 A. Really, I don't.  
11 Q. No. No, I know. And I just --  
12 A. I know he was a dump picker. The bigger rats  
13 in the dump were the people, not the rats.  
14 Q. I gotcha. So did most of the Peterson Puritan  
15 stuff that you picked up end up going to  
16 Attleboro or J.M. Mills?  
17 A. In the end when they got big, Puritan Aerosol  
18 got big, the company got bigger, and when they  
19 got more volume they wanted to see their product.  
20 So it mostly went to Attleboro because I got on  
21 the special detail something to do with -- then  
22 they went to the compactor so it wasn't very long  
23 that I did that, maybe one year, maybe two. I  
24 don't know. I forgot.

25 Q. All right.  
0120

1 A. But they went to the compactor, so -- maybe  
2 you're talking about a year that I did that, not  
3 even that.  
4 Q. And the year that you did it, did it always go to  
5 J.M. Mills from Puritan?  
6 A. No. For me, when I did -- when they had just  
7 the small containers, I went to J.M. Mills, but  
8 when they had the special details, went to  
9 Attleboro.  
10 Q. All right. So -- okay. That's good. The route  
11 sheets, were they, like, preprinted? In other  
12 words, did you have -- like, for the  
13 Tuesday/Thursday Woonsocket run --  
14 A. Yeah.  
15 Q. -- did Linda Terry have a sheet --  
16 A. Yeah.  
17 Q. -- that already had all the names on it --  
18 A. Yeah.  
19 Q. -- that was the same sheet as the last time you  
20 went already with the names on them?  
21 A. Had little stickers. They'd just clip it off.  
22 But in between, it would have -- the names would  
23 be on the stops. All she did was put them  
24 underneath and print a copy out for us. It's  
25 right on the -- like the little thing, you take

0121

1 it out. My route sheet would be my name on it,  
2 boom, the other guy, whatever his name, it would  
3 be that route.  
4 Q. Was it on a clipboard? Do you remember?  
5 A. Yeah, it was on a clipboard, but it was on --  
6 actually, she put it on one of those things and  
7 took a copy of it.  
8 Q. Like a mimeograph?  
9 A. Yeah, but they made a copy of the route sheet.  
10 Q. This is before the Xerox machines?  
11 A. Yeah. They didn't have none of those before.  
12 Q. But it was preprinted, the route was preprinted?  
13 A. The route was on a -- had a little sticker  
14 with the name on it. She said, you want to  
15 change the stop, you take the sticker out. Say  
16 you want to put the stop to Number 10 to Number  
17 9, you take the sticker out and you did it  
18 yourself.  
19 Q. All right. I gotcha. So in other words. If you  
20 were going to Schoolhouse Candy and it was on  
21 your route, there was a little sticker that said  
22 "School house Candy"?

23 A. Yeah.  
24 Q. And that was stuck in a certain order?  
25 A. Yeah. Well, there was all -- yeah, it was on  
0122  
1 that order, yeah.  
2 Q. And so did the route sheet -- were you supposed  
3 to follow the route sheet in the order that the  
4 companies were listed?  
5 A. As long as the route got done. But the route  
6 sheet was in order so somebody -- if I was sick,  
7 the guy could do the route without, you know,  
8 missing the stop.  
9 Q. Did the route make sense? And by that I mean,  
10 they were set up so you could -- you didn't have  
11 to keep driving back and forth?  
12 A. Each driver set their own route up according  
13 to where they wanted -- you had certain stops  
14 that had to be done at certain times, just the  
15 time stops. The rest you could do as long as it  
16 got done before midnight.  
17 Q. All right. When you came down to central Rhode  
18 Island -- I might have already asked you this.  
19 When you were down in the Warwick area, is  
20 that when you said that the only time you'd go to  
21 Joe Mills was if you were coming back through?  
22 A. That's when the route came back at night,  
23 usually half a load --  
24 Q. School house Candy?  
25 A. School house Candy was on the last one, usually  
0123  
1 the last load of the day, yeah. Or sometime I  
2 didn't go to Joe Mills, I just took it right back  
3 to Warwick/Cranston, just as quick to go back  
4 there.  
5 Q. When you dumped your truck out last load of the  
6 day, then you'd drive empty back to the --  
7 A. Shop.  
8 Q. -- O'Neil Boulevard yard?  
9 A. Yeah.  
10 Q. And the truck would be there. Did you have a  
11 truck assigned to you that was your truck?  
12 A. Same truck, unless it broke down and you'd  
13 take a spare.  
14 Q. And then when a new truck came in, when the Macks  
15 came in, for example --  
16 A. Yeah.  
17 Q. -- then you were assigned a truck and they said,  
18 "Richard, this is your truck"?  
19 A. Yeah.  
20 Q. And you ran it until either --  
21 A. Ran it until they took it away or gave it to  
22 somebody else. We had a new truck every -- well,  
23 the first five years, we had junks. And after  
24 that, every three years we got a new truck.  
25 Q. Do you have radios in the trucks at some point?  
0124  
1 A. Two-way radios.  
2 Q. Starting when?  
3 A. Let's see if I can remember the first time. I  
4 can remember the day I got it because I wouldn't  
5 turn the radio on and the boss says, "Have you  
6 got a radio in your truck, Richard?" And I said,  
7 "Yeah." "Why don't you use it?" I said, "I  
8 don't get paid enough to use the radio." I would  
9 say about three years after I got it, maybe a



10 little earlier.  
11 Q. '66, '65?  
12 A. Maybe a little earlier, '64.  
13 Q. And once you got a radio, you had a radio in  
14 every truck?  
15 A. Every truck had a radio, yeah, front loaders.  
16 Q. And was Linda Terry the one that was on the radio  
17 most?  
18 A. Yeah, she'd do the dispatching.  
19 Q. Could you hear all the other --  
20 A. All the conversations were on the radio. Once  
21 you turn the radio on, you could hear everybody's  
22 conversation.  
23 Q. So if you wanted to listen, you could pretty  
24 much -- if Linda Terry sent somebody somewhere  
25 off their route, you could hear it?  
0125  
1 A. Yeah, I could hear it.  
2 Q. If she said, hey -- if she told another driver to  
3 go, say, to --  
4 A. Yeah.  
5 Q. -- Wyman-Gordon, you'd hear that?  
6 A. Yes.  
7 Q. Do you remember her ever telling people -- you  
8 know, there was a couple companies that you were  
9 asked about by Mr. Danley and one of them was --  
10 I just want to ask you if you remember hearing  
11 radio traffic about BVE. Did you ever hear her  
12 tell somebody go to Blackstone Valley?  
13 A. Got to remember one thing about the radios, we  
14 had two systems, one for the roll-offs, one for  
15 the front loader. So if it was the roll-off  
16 work, I didn't hear it.  
17 Q. All right. Two different frequencies?  
18 A. Yeah, for the roll-off because there was too  
19 much competition.  
20 Q. Did you ever hear, though, on the --  
21 A. Not on mine because I wasn't on that line.  
22 Q. So you never heard about BVE on the radio?  
23 A. As far as I know, no.  
24 Q. What about Wyman-Gordon?  
25 A. I heard about that one because that was a  
0126  
1 common one. I heard about that a couple times.  
2 I heard them talking about that one, but I don't  
3 remember hearing that one on the radio.  
4 Q. Do you know that back in the early days that  
5 Wyman-Gordon was a Goditt & Boyer account?  
6 A. Yeah.  
7 Q. But you just never picked up there?  
8 A. No.  
9 THE WITNESS: Where is it?  
10 MR. MURPHY: I think North Grafton or  
11 Worcester.  
12 A. No, I never did that. I know I heard of it.  
13 Q. Do you know who did?  
14 A. No. Ask Linda.  
15 Q. Okay. Hollingsworth & Vose?  
16 A. Yeah, I remember. I know where that is.  
17 That's in Walpole. Never did that one.  
18 Q. If you didn't pick up, do you remember who did?  
19 A. No. Well, see, there's different drivers.  
20 You know, there's -- they had ten drivers, we had  
21 subcontractors, so different drivers did it.  
22 Q. Okay.

23 A. So I don't know who did it.  
24 Q. All right. You said this morning that at times  
25 you could go to the J.M. Mills landfill after  
0127 hours?  
1 A. Yes.  
2  
3 Q. Did you need a key to go after hours?  
4 A. I don't remember. I know there was a cable on  
5 it. I don't know if it had a lock on it. That's  
6 going back a few years. I don't remember that  
7 part. Most of the time when I went there,  
8 because other guys go there before me. The dump  
9 was usually open, you know. I usually went early  
10 in the morning because if the truck didn't get  
11 dumped the night before I'd go early. Most of  
12 the time when I got there, it was open at the  
13 time I went.  
14 Q. The first time you went to J.M. Mills, how high  
15 was the landfill?  
16 A. Level with the --  
17 Q. Railroad tracks?  
18 A. The water.  
19 Q. It was? Did you ever get directed to dump on a  
20 little island out in the river? Do you remember  
21 an island out in the river?  
22 A. Well, I know the water -- the road -- the  
23 water came down and went like that and made an S.  
24 There might have been an island over there.  
25 THE WITNESS: Do you know what I mean?  
0128  
1 Q. Is that a part of the landfill where you dumped?  
2 I'm trying to figure out all the different places  
3 you remember getting directed.  
4 A. We just went -- wherever they told me to dump,  
5 I dumped.  
6 Q. Was there a main landfill, the one main kind of  
7 mountain that was being made?  
8 A. Where you see the big pile now, that's the  
9 main landfill. Then over on the left side of it,  
10 there was another area that never did get full up  
11 to capacity for some reason.  
12 Q. Did you dump in both areas?  
13 A. I dumped in both areas.  
14 Q. So but when you started in '63, the landfill was  
15 level with the river pretty much?  
16 A. Yeah.  
17 Q. The last load you took, how high above the river  
18 was it?  
19 A. It's on the end, on the north end of the dump,  
20 and you go -- you get a running start, the truck,  
21 to make the hill. In the wintertime, you didn't  
22 make it.  
23 Q. Do you remember a point in time in the '70's when  
24 a lot of the town landfills started -- state  
25 started closing them?  
0129  
1 A. Yes.  
2 Q. Do you remember about when that was, when that  
3 started?  
4 A. No, I don't remember, but I know -- I remember  
5 a lot of the -- because we got more work then.  
6 Q. Did there come a point in time when J.M. Mills  
7 was one of the last landfills that was open other  
8 than Central down this way?  
9 A. I would say. I don't remember any other

10 Landfills being opened except Silvestri's.  
11 Silvestri was a gravel pit, they opened up with  
12 the Central Landfill as they opened up.  
13 Q. Do you remember about when it was that there were  
14 only a few landfills around? What year that was  
15 about?  
16 A. Early '70's.  
17 Q. When there were less landfills, did you end up  
18 bringing more to J.M. Mills then?  
19 A. No, see, not me in general because I worked in  
20 this area. I went more, like, to Capuano's and  
21 Silvestri Landfill.  
22 Q. Because you were farther south?  
23 A. But more people did come in the landfill. A  
24 lot of other companies came into the --  
25 Q. To Joe Mills?

0130

1 A. Joe Mills, yeah. There was a lot of small  
2 companies out there.  
3 Q. What about the Goditt & Boyer guys? Did the  
4 Goditt & Boyer guys have this route in the  
5 Cumberland area?  
6 A. We dumped a few loads in there.  
7 Q. All right. Do you know why J.M. Mills closed?  
8 A. No, not really. I guess the landfill got  
9 full. I really don't know why they closed.  
10 Q. I'm going to ask you about some companies and  
11 we'll try to get through this as quickly as we  
12 can. And if you remember picking up from the  
13 company, then I'm going to ask you some  
14 follow-up. Do you remember Ann & Hope?  
15 THE WITNESS: Ann & Hope in Warwick?  
16 MR. MURPHY: Department store.  
17 THE WITNESS: Yeah, at Warwick or  
18 Cumberland?  
19 MR. MURPHY: They were in a couple of  
20 different locations.  
21 Q. What about the Cumberland Ann & Hope?  
22 A. I probably dumped that a few times. I was one  
23 of -- at the flower shop, I think they had a  
24 front loader, but they had compactors in there,  
25 mostly compactors. They had a couple of

0131

1 containers in the front, but I don't know who was  
2 using them. I don't know if it was Ann & Hope or  
3 the flower shop.  
4 Q. This is in Cumberland?  
5 A. Yeah.  
6 Q. There was a flower shop in the same --  
7 A. Yeah.  
8 Q. -- area?  
9 A. (Nods head in the affirmative).  
10 Q. The times you did pick up Ann & Hope containers,  
11 did you ever bring them to J.M. Mills?  
12 A. Yes.  
13 Q. Do you remember what was in the containers?  
14 A. It was at the flower shop mostly, so  
15 whatever's in the flower shop, trees and bushes.  
16 Q. Did Ann & Hope have an automotive supply  
17 department? Do you remember? Did they have auto  
18 supplies?  
19 A. I don't remember back then.  
20 Q. Do you have any idea what was in the Ann &  
21 Hope --  
22 A. No.

23 Q. -- dumpsters?  
24 A. They had cardboard in one for cardboard. I  
25 don't know what was in the others. Trash.

0132  
1 Q. How often did you go -- would this have been  
2 between '63 and '68 when you were down there?  
3 A. I think the flower shop had it right up a long  
4 time as far as an open container, but I wasn't  
5 the regular guy that dumped that one because I  
6 was in the Warwick area. I dumped the Ann & Hope  
7 at the Warwick area.  
8 Q. And the Warwick Ann & Hope went where?  
9 A. Capuano's, Warwick where Truk Away -- the back  
10 of the airport, or Central Landfill.  
11 Q. But the Cumberland one went to J.M. Mills?  
12 A. Yeah.  
13 Q. Would that depend on the route?  
14 A. Uh-huh.  
15 Q. You have no idea what was in their containers?  
16 A. No, I just -- whatever they put in it.  
17 Q. Do you remember a company called Athen Rubber  
18 (phonetic spelling)?  
19 THE WITNESS: Where was they located?  
20 MR. MURPHY: I'm not sure.  
21 Q. But do you remember whether you picked up from a  
22 company that --  
23 A. That's not ringing a bell.  
24 Q. You don't have any recollection. Do you ever  
25 remember picking up from any company that had a  
0133  
1 black dust-like substance that you picked up?  
2 A. Nothing besides Apex and Carol Cable.  
3 Q. Those are the two you remember black dust?  
4 A. Yeah.  
5 Q. You don't remember an Athen Rubber?  
6 A. Like I said, if you tell me the town or where  
7 it is I could tell you.  
8 Q. I don't have the town, but you don't -- if you  
9 don't remember the name, you don't remember it.  
10 THE WITNESS: Athens Rubber, was that in  
11 Smithfield?  
12 MR. MURPHY: It might have been.  
13 THE WITNESS: 44?  
14 MR. MURPHY: It might have been.  
15 A. I never picked that. I think that was a  
16 compactor.  
17 Q. Okay.  
18 A. I think it was in Smithfield down in -- off of  
19 44, Athens Rubber.  
20 Q. Do you remember a company called Atwood Medical  
21 Center or a hospital Atwood Medical Center?  
22 A. I remember that.  
23 Q. Did you pick up from them?  
24 A. No. It was a compactor.  
25 THE WITNESS: Where were they located?  
0134  
1 Out of Johnston, right?  
2 MR. MURPHY: Yeah.  
3 Q. You don't remember picking up a four-yard box  
4 from there, Atwood?  
5 A. That's what I was going to say. Yeah, I  
6 remember that.  
7 Q. When you picked up from Atwood Medical Center --  
8 do you remember now the four-yard boxes?  
9 A. Yeah.

10 Q. Do you remember what was in those boxes?  
11 A. No. I just went in and dumped it and took  
12 off.  
13 Q. Those were covered so you --  
14 A. Four-yarders, you just go in and (indicating).  
15 Q. Okay. Do you remember how often you brought  
16 Atwood Medical Center four-yard boxes? Did you  
17 bring them to J.M. Mills?  
18 A. If it was in Johnston, it went to Silvestri.  
19 It's a possibility it went to J.M. Mills.  
20 Q. When you say "it's a possibility," do you have a  
21 specific memory of at least one Atwood Medical  
22 Center going to J.M. Mills?  
23 A. Maybe once, twice.  
24 Q. But not that often?  
25 A. No, because I went the other way to the

0135

1 Johnston Landfill, Capuano's.  
2 Q. Do you remember a company called B&S Roofing?  
3 A. Yeah, B&S Roofing, Pawtucket.  
4 Q. Where did you bring their waste?  
5 A. Either Capuano's or Joe Mills, Attleboro on  
6 occasion, too.  
7 Q. What percentage of the loads went to J.M. Mills  
8 over the years?  
9 A. I would say about half, half went there. The  
10 other half went to the other dumps.  
11 Q. Do you remember the size box at B&S?  
12 A. Eight-yarder. Then they went to the open  
13 roll-off body.  
14 Q. But in those early years, '63, '64, '65 --  
15 A. Yeah, I --  
16 Q. Let me just -- so I've got it straight. You were  
17 picking up an eight-yarder from B&S and about  
18 half the time you went to J.M. Mills?  
19 A. Yeah.  
20 Q. What was in the B&S Roofing?  
21 A. Tar paper, stuff like that, tar paper, roofing  
22 material.  
23 Q. Tar paper, meaning like asphalt shingles?  
24 A. Yeah. And then they had that black stuff that  
25 goes in the cans, tar stuff.

0136

1 Q. What about the empty tar stuff?  
2 A. The cans, the containers.  
3 Q. Cans. Tools with the tar on them?  
4 A. What? The brushes, yeah.  
5 Q. Any solvents for cleaning the --  
6 A. It could have been in there, but I -- you know  
7 what I mean? Anything from roofing material  
8 would have been in the container.  
9 Q. All right. How often did you pick up from B&S  
10 Roofing in those early years?  
11 A. I'd say about three times a week, maybe more,  
12 maybe less.  
13 Q. So fair to state that three times a week you  
14 picked from B&S Roofing and about half the time  
15 it went to J.M. Mills?  
16 A. Yeah.  
17 Q. Were the eight-yard containers always full when  
18 you picked up there?  
19 A. Yes. Yeah.  
20 Q. Do you remember anything else about what you  
21 picked up from B&S roofing?  
22 A. They had a lot of wood in the containers, too,

23 and the roofing material, the texture that you  
24 lay down on the roof --  
25 Q. Like the bituminous stuff, flat roof?  
0137  
1 A. The material they use for the ceiling stuff,  
2 you know, on the roofs.  
3 Q. All right.  
4 A. The square pieces.  
5 Q. All right. What about roofing insulation?  
6 A. Yeah, that was in there.  
7 Q. Did they do commercial roofs or residential or  
8 both?  
9 A. Did both, I think.  
10 Q. All right. Did you ever see any of that flat  
11 rubber or roofing membrane stuff?  
12 A. Possibility.  
13 Q. Do you remember picking up from a place called  
14 Kale's Pontiac (phonetic spelling)?  
15 THE WITNESS: Where is that located?  
16 MR. MURPHY: I'll tell you in a minute.  
17 If I have it here, I'll tell you. It was a car  
18 dealership, Kale's Pontiac. They had an  
19 eight-yard box.  
20 THE WITNESS: Is that in Warwick?  
21 MR. MURPHY: Might have been.  
22 Q. Did you ever pick up from a Pontiac dealership?  
23 A. Yeah, in Warwick off of Route 5 down there. I  
24 don't know if it was --  
25 Q. You picked up from a car dealership on Route 5 in  
0138  
1 Warwick?  
2 A. Down by Ann -- the -- I think it's Route 5.  
3 Q. Did any of that car dealership waste go to J.M.  
4 Mills?  
5 A. No, that went to Capuano's.  
6 Q. Are you sure none went to J.M. Mills?  
7 A. Well, if they got a compactor it might have  
8 went there. But when I dumped it, if you're the  
9 one I'm talking about, went to Capuano's.  
10 Q. Any car dealerships that you brought to J.M.  
11 Mills that you remember?  
12 A. Possibility, but I don't remember offhand who  
13 they were.  
14 Q. Any garages that did automotive work that you  
15 brought to Joe Mills?  
16 A. Yeah, there's a possibility. Gas stations.  
17 Q. Do you remember who they were?  
18 A. There was a lot of them, but I don't know.  
19 Hess gas station and stuff like that.  
20 Q. Well, let me ask you this: Do you remember that  
21 one of the types of companies on your route  
22 sheets was gas stations? Did you have gas  
23 stations as stops?  
24 A. Yeah. Yeah. Mobile station, that Hess I just  
25 mentioned, the Hess.  
0139  
1 Q. Did you pick up at one Hess or more than one  
2 Hess?  
3 A. More than one. North Attleboro, wherever they  
4 were.  
5 Q. Do you remember any Hess stations that got --  
6 that was a part of a route that got dumped at  
7 J.M. Mills?  
8 A. One probably in Woonsocket.  
9 Q. Do you remember a Woonsocket Hess?

10 A. Yeah.  
11 Q. Was it an eight-yard box or different?  
12 A. Four-yarder. They usually only had  
13 four-yarders. Sometimes they went twice a week.  
14 They didn't do no auto repair. All they did was  
15 sell gas.  
16 Q. And those plastic Hess trucks for the kids.  
17 A. Still got those. I don't have any, but --  
18 Q. So you don't remember Hess doing auto repair?  
19 A. As far as I know, they didn't do no auto  
20 repair.  
21 Q. You picked up from so Mobils, too?  
22 A. Any kind of gas station. A lot of gas  
23 stations I picked up.  
24 Q. But I'm going to ask you to think of any gas  
25 station that did auto repair work that were in

0140

1 the route that ended up at J.M. Mills that you  
2 can remember.  
3 A. Not right offhand, no. Apex is the only one,  
4 Apex Automotive in Pawtucket. That's it.  
5 Q. Tell me about Apex Automotive.  
6 A. It was like a tire company, tires and auto  
7 mechanics, grease jobs and stuff like that.  
8 Q. So Apex Automotive was in Pawtucket?  
9 A. Yeah.  
10 Q. And are they still around? Do you know?  
11 A. Yeah, they're still there.  
12 Q. Are they a big outfit? Small outfit?  
13 A. As far as I know, they're pretty big. As far  
14 as I know, it's still there.  
15 Q. What do they do there, Apex?  
16 A. Fix tires, put tires on, automobile work,  
17 stuff like that.  
18 Q. Oil changes?  
19 A. Oil changes.  
20 Q. What size box does Apex Automotive have?  
21 A. Six-yarder, I think.  
22 Q. How often did you pick up from there?  
23 A. I didn't do that on a regular basis.  
24 That's --  
25 Q. Somebody else's?

0141

1 A. -- somebody else's.  
2 Q. But was it a regular Goditt & Boyer stop for  
3 somebody?  
4 A. Yeah.  
5 Q. Do you know what they dumped in that six-yarder?  
6 A. Like I said, only what they -- automobile  
7 waste and whatever they put in there. I never  
8 looked in it.  
9 THE WITNESS: You know what I mean?  
10 Q. In the late days before Goditt & Boyer sold to  
11 Waste Management, did they have a separate  
12 business where they recycled automobile oil --  
13 A. No.  
14 Q. -- Goditt & Boyer?  
15 A. We didn't have that. I don't remember doing  
16 that.  
17 Q. Was there a point in time that you remember in  
18 the early '60's where the gas stations didn't  
19 recycle their oil or they just dumped it in the  
20 dumpster?  
21 A. I don't remember any oil being dumped in the  
22 dumpsters. The oil that got in the dumpster was

23 from people going down the road and throwing  
24 their oil from the cars.  
25 Q. All right.  
0142  
1 A. That's where the most oil came from.  
2 Q. What about oil filters?  
3 A. There was a few filters in the oil containers.  
4 Q. Of the gas stations?  
5 A. Yeah, there was a few in there.  
6 Q. So at the Apex Automotive, were there some oil  
7 filters in there?  
8 A. I didn't look in the container. I can't tell  
9 you.  
10 Q. All right. Okay. Some of the Apex Automotive  
11 waste went to J.M. Mills?  
12 A. Yeah.  
13 Q. How much of it? What percent?  
14 THE WITNESS: At the one location?  
15 MR. MURPHY: Yeah.  
16 A. Four-yarder maybe once a week.  
17 Q. To J.M. Mills once an week?  
18 A. Yes.  
19 Q. Okay. Do you remember a store called Cherry &  
20 Webb?  
21 A. Yeah, I remember that. That's in Pawtucket.  
22 Q. Did you pick up from them?  
23 A. No, I never picked there (sic). That's with a  
24 compactor. If they had a small container there,  
25 like I said, I only did it on occasion.  
0143  
1 Q. Do you have any idea what was in that container?  
2 A. Paper and stuff that they'd throw out.  
3 Q. What kind of a store was Cherry & Webb?  
4 A. Clothes store.  
5 Q. No automotive or hardware?  
6 A. Not in that particular plant.  
7 Q. All right. Did you ever pick up from the  
8 Chrysler warehouse in Natick?  
9 A. No.  
10 Q. Never?  
11 A. Never did that. Roll-off.  
12 Q. You don't remember ever picking up defective  
13 automotive parts at the Chrysler warehouse?  
14 A. Never did that. That's the compactor. I  
15 never drove that truck to do that. Natick.  
16 That's up on the other side of Massachusetts.  
17 Q. What about any other Chrysler warehouses that you  
18 picked up at?  
19 A. No. There was one in Mansfield, but I didn't  
20 do that one either.  
21 Q. Do you remember a company called City Metal in  
22 East Providence?  
23 A. Yes, I remember that.  
24 Q. A scrap business?  
25 A. Yeah.  
0144  
1 Q. Did you pick up a four-yard box from them?  
2 A. I didn't do that. That was my cousin. He did  
3 that stop. I only did that maybe once or twice  
4 in the time I did it. That was in the East  
5 Providence run.  
6 Q. So which Viera cousin picked up?  
7 A. Tony.  
8 Q. Do you remember what sort of stuff City Metal  
9 threw in that four-yard box?



10 A. Whatever they had. It was like a metal shop,  
11 so they threw whatever -- all the filings and  
12 stuff, whatever they had on the ground, stuff  
13 that they couldn't use.  
14 Q. The metal shops --  
15 A. I mean metal material, you know, filings.  
16 Q. Like metal filings?  
17 A. Yeah, the stuff they couldn't junk so they  
18 just threw it in there.  
19 Q. But did they do machine work in there, too?  
20 A. No. There was a junkyard, scrap metal.  
21 Q. Okay. Well, when you say "junkyard," was it an  
22 automotive junkyard or just a metal --  
23 A. They did cardboard. They did paper. They did  
24 all the -- they did all the recycling stuff.  
25 Q. Did you ever see any petroleum stuff?  
0145  
1 A. No.  
2 Q. Oil?  
3 A. None of that.  
4 Q. Gasoline?  
5 A. No.  
6 Q. Any solvents?  
7 A. No.  
8 Q. Any unusual smells at City Metal?  
9 A. No.  
10 Q. Do you know where the City Metal containers went,  
11 I mean, what route was it on?  
12 A. Capuano's.  
13 Q. Do you remember a company called Cokin (phonetic  
14 spelling)?  
15 A. They're an electric company in Providence.  
16 Q. Did you pick up from them?  
17 A. Yeah.  
18 Q. What did they do there?  
19 A. Telephone wires company, repaired telephone  
20 wires and stuff.  
21 Q. Do you remember what route they were on?  
22 A. Yeah, they went to Capuano's.  
23 Q. Did you ever bring any of that Cokin waste to --  
24 A. Possibility once -- maybe a load -- you know,  
25 a couple of containers went to Joe Mills.  
0146  
1 Q. What was the -- what did they throw out?  
2 A. Wire, skids and stuff like that.  
3 Q. When you say "wire," did they make wire there?  
4 A. Well, they used the wire to put the wires for  
5 the telephone pole. No, they didn't make wire  
6 there. There was a small company that repaired  
7 wire and stuff, electric.  
8 Q. Any oily stuff or chemical stuff in their boxes  
9 that you remember?  
10 A. I don't remember seeing that, no. Mostly dry  
11 stuff.  
12 Q. You don't remember any unusual odors there?  
13 A. No.  
14 Q. Do you remember a company called Cumberland  
15 Engineering?  
16 A. Yes.  
17 Q. Do you remember whether any of their stuff went  
18 to J.M. Mills?  
19 A. Yes.  
20 Q. How much of it went to J.M. Mills?  
21 A. I would say most of that went there. That was  
22 one of my stops that was not a regular basis.

23 Q. Not regular but --  
24 A. Not for me but for Goditt & Boyer.  
25 Q. What did they do at Cumberland Engineering?  
0147  
1 A. Metal --  
2 Q. Did they make machines there?  
3 A. Yeah, machine shop. They do a lot of the --  
4 machine shop. There was a lot of that filings of  
5 the --  
6 Q. Oily grinding?  
7 A. Yeah, grindings and stuff like that.  
8 Q. Do you know whether they used, like, a cutting  
9 oil when they --  
10 A. I imagine they did, but I don't know --  
11 remember.  
12 Q. Do you ever remember --  
13 A. Yeah, they had a funny smell.  
14 Q. -- an oily smell?  
15 A. Yeah.  
16 Q. So when you picked up from Cumberland  
17 Engineering, you smelled that oily smell?  
18 A. Yeah.  
19 Q. And what size box did they have there?  
20 A. Had an eight-yarder.  
21 Q. When you say it wasn't your regular stop --  
22 A. Probably did it on a Saturday or a call-in or  
23 something like that.  
24 Q. So in that period '63 to '68 --  
25 A. If it was on the route sheet, maybe it was --  
0148  
1 maybe it was dumped three times a week. I don't  
2 really know because I didn't do the route.  
3 Q. You don't know the frequency, but you picked up  
4 there, like, at least how often? Once a month?  
5 A. Once a month, twice a month.  
6 Q. And other than smelling that oily smell from  
7 Cumberland Engineering, do you have any  
8 recollection of anything else that was in the --  
9 their boxes?  
10 A. No.  
11 Q. So but the once or twice a month that you picked  
12 up the eight-yarder at Cumberland Engineering, it  
13 went to J.M. Mills?  
14 A. As far as I know.  
15 Q. Because it was on the Woonsocket route there?  
16 A. It was in that general direction.  
17 Q. Do you remember what years you picked up there?  
18 A. The early 60s.  
19 Q. That same period, '63 to '68?  
20 A. Yeah.  
21 THE REPORTER: Could we take a break.  
22 I'm having a computer problem.  
23 (A recess was taken.)  
24 (Mrs. Elderkin is present in the  
25 deposition.)  
0149  
1 Q. Mr. Elderkin, we were talking about -- let me ask  
2 you about the jewelry business first, the Adam  
3 Jewelry, did you pick up from them?  
4 A. Yes.  
5 Q. Where were they located?  
6 A. North Main Street right up here at the  
7 intersection.  
8 Q. North Main Street Providence. What did they do?  
9 What did Adams Jewelry do?

10 A. All kind of jewelry.  
11 Q. They make it?  
12 A. Make it and I guess refine it and, you know,  
13 stuff like that.  
14 Q. And do you remember the size boxes they used?  
15 A. They had an eight-yarder every day.  
16 Q. One or two?  
17 A. One.  
18 Q. And every single day?  
19 A. Yeah, sometimes twice.  
20 Q. How do you know it was every day?  
21 A. I did it most of the time in morning then  
22 sometime at night they had it coming back.  
23 Q. Ever go to J.M. Mills?  
24 A. Yeah, I went to J.M. Mills, then most -- the  
25 first -- if it was in the morning, it went to  
0150  
1 Cranston and at night it went to J.M. Mills.  
2 Q. Okay. About what percentage went to J.M. Mills?  
3 A. Two-thirds of it.  
4 Q. And what was in there?  
5 A. Everything, rags, metals, finan (sic),  
6 jewelry.  
7 Q. When you say rags, oily rags?  
8 A. Yeah.  
9 Q. Mild (sic) grinding?  
10 A. Yes.  
11 Q. Did they do any plating there?  
12 A. Yes, they did a little bit.  
13 Q. Was there any kind of plating waste, metal waste  
14 in there?  
15 A. I don't remember, but I know they did a little  
16 bit of that.  
17 Q. Any smells?  
18 A. Yes, they had a smell in it.  
19 Q. What was the smell?  
20 A. A chemical smell.  
21 Q. So you said about two-thirds of the Adams  
22 eight-yard boxes that were picked up on a daily  
23 basis went to J.M. Mills?  
24 A. Yeah.  
25 Q. And for you that was, what, 1963 to 1968?  
0151  
1 A. Yeah.  
2 Q. Do you remember any -- other than the oily rags  
3 and the metal grindings and the chemical smell,  
4 do you remember anything else?  
5 A. Well, see, the chemical smell was from the  
6 jewelry factory. Any jewelry plant you went on,  
7 you put your truck in and you could smell it.  
8 Q. And did it have the same smell coming out of the  
9 dumpster?  
10 A. Yeah, same smell.  
11 Q. Can you describe it in any more detail?  
12 A. Like the stuff you put on, you know, and you  
13 dip it in that plating.  
14 Q. Metal plating?  
15 A. Yeah, smelled like that.  
16 Q. Did you ever hear the --  
17 A. You know the acid smell, like an acid that  
18 burns.  
19 Q. Yeah.  
20 A. That kind of smell.  
21 THE WITNESS: You know what I'm talking  
22 about?

23 Q. All right. Ever notice any liquid --  
24 A. No.  
25 Q. -- over there?  
0152  
1 A. (Shakes head in the negative).  
2 Q. Dumpsters?  
3 A. No.  
4 Q. Anything else you remember about what was in  
5 there?  
6 A. No.  
7 Q. So that was a pretty frequent stop then?  
8 A. Yeah.  
9 MR. CONNORS: Adams Jewelry or E. A.  
10 Adams?  
11 THE WITNESS: E. A. Adams.  
12 MR. MURPHY: E. A. Adams is the jewelry.  
13 MR. CONNORS: Okay.  
14 Q. Then there was Adams Drug?  
15 A. Yeah, that was Adams Drug.  
16 Q. Tell me about Adams Drug. Did they have a  
17 warehouse?  
18 A. Yeah, that was the big warehouse I used to  
19 pick up. Actually, I didn't really do it, my  
20 brother did it, but that was in Pawtucket.  
21 Q. Where did Adams Drug waste go?  
22 A. Joe Mills.  
23 Q. What did they throw away?  
24 A. Whatever they had in the warehouse, boxes,  
25 anything, you know, paper, wood.  
0153  
1 Q. Old medicine bottles? Did you ever see any  
2 old --  
3 A. Probably went in there because they just  
4 dumped it.  
5 Q. Did you ever see inside? Did you ever see the  
6 waste coming out of the Adams Drug?  
7 A. All I seen when they dumped the container into  
8 my container.  
9 Q. Those -- the canvas --  
10 A. Yeah. When they dumped the canvas container  
11 into our container, then I looked in. That's the  
12 only time I seen. I didn't get out the truck.  
13 Q. That's the place where you'd just sit and let  
14 them -- they just kept loading them and loading  
15 them and loading them?  
16 A. I didn't do it that often, but I did it.  
17 Q. But it was big volume?  
18 A. Big volume until they put the packer in.  
19 Q. Do you have any specific recollection of what was  
20 in their waste?  
21 A. Whatever's in the drugstore, whatever they  
22 sold.  
23 Q. All right. And the times you went there, would  
24 it fill the whole truck up?  
25 A. At least half the truck and better. Sometime  
0154  
1 it did fill the truck up.  
2 Q. And you'd bring it to Joe Mills?  
3 A. Joe Mills. Sometime it went to Capuano's.  
4 Q. How often did -- what percentage Joe Mills versus  
5 Capuano?  
6 A. Most of the time, it went to Joe Mills.  
7 Q. 90 percent?  
8 A. 80 percent.  
9 Q. 80 percent. And how often did you go there?

10 A. Only on, like, special occasions, my brother  
11 could n't handle the work or vice versa.  
12 Q. And what size -- that's right. I'm sorry.  
13 A. Four-yard.  
14 Q. Two-yarders, but lots of them?  
15 A. Yeah.  
16 Q. Okay. And that was a regular Goditt & Boyer  
17 account?  
18 A. (Nods head in the affirmative).  
19 Q. Do you know how many days a week they had  
20 pick-ups?  
21 A. I didn't do them regular. It could have been  
22 every day because they was a big account. That  
23 was the biggest drugstore around at the time.  
24 Q. Did you also pick up from individual Adams  
25 drugstores?  
0155  
1 A. Yeah, different ones in this area, though,  
2 then I went to Capuano's.  
3 Q. None to J.M. Mills?  
4 A. If there was any in that direction going that  
5 way, I would have probably went to Joe Mills,  
6 yeah.  
7 Q. Do you remember what they had in their dumpsters?  
8 A. Whatever they put in the container.  
9 Q. Okay. But you don't have a specific  
10 recollection --  
11 A. No.  
12 Q. -- of seeing the stuff?  
13 A. (The witness shook his head).  
14 Q. Ever hear of a Galego, G-A-L-E-G-O, Oil?  
15 THE WITNESS: Pawtucket?  
16 MR. MURPHY: I think. They're a fuel  
17 oil distributor.  
18 A. Yeah, I didn't do that stop on a regular  
19 basis. That's not -- I know where it is.  
20 Q. Do you remember when you did pick up from them  
21 what --  
22 A. I don't remember ever picking up really  
23 because that's -- that's -- those stops wasn't --  
24 I don't remember ever picking that one up.  
25 Q. You don't remember two four-yard containers  
0156  
1 there?  
2 A. No. I know the name of the stop. I know what  
3 you're talking about. It's not my regular stop.  
4 Q. Any recollection of what their waste was?  
5 A. Just what's in the oil company.  
6 Q. But you don't have -- as you sit here today,  
7 because I'm interested in your memory --  
8 A. Like I said, I don't remember going there.  
9 Q. Harry Ball, tell me about Harry Ball.  
10 A. All that cotton stuff.  
11 Q. What did they do? What did Harry Ball do?  
12 A. It's spinning, you know, spinning, the wheels  
13 spinning and put cotton in it.  
14 Q. Textiles?  
15 A. Textile, yeah.  
16 Q. And other than the cottony stuff, any --  
17 A. No oil and stuff like that, no. All -- it was  
18 mostly cotton and the lining -- linen and stuff  
19 like that.  
20 Q. Where did their waste go?  
21 A. J.M. Mills, Joe Mills.  
22 Q. How often did you pick up there?

23 A. I'd go there -- I went there most every day.  
24 Like sometime in the morning, if I picked it in  
25 the morning, I went to Capuano's.

0157  
1 Q. Because you were headed down in that direction?  
2 A. Yeah.  
3 Q. And if it was in the p.m., you went to J.M.  
4 Mills?  
5 A. Yeah.  
6 Q. And what percentage of the time did it go to J.M.  
7 Mills?  
8 A. Well, when I did it, I would say half the time  
9 I did it. I didn't do it every day, though.  
10 Q. And what about what size was the box?  
11 A. It was an eight-yarder.  
12 Q. One or two?  
13 A. One.  
14 Q. Do you remember anything else about Harry Ball?  
15 A. No.  
16 Q. Any dyes for coloring?  
17 A. No. I could smell the -- you know, the dyes  
18 and stuff, but I don't remember any liquid being  
19 in the container, only what the smell was on the  
20 cloth material.  
21 Q. What did it smell like?  
22 A. Dye, you know, colorant.  
23 Q. But did it have, like, a solvent smell, you know?  
24 A. Possibility.  
25 Q. They were a regular Goditt & Boyer account?

0158  
1 A. Yes.  
2 Q. So if you weren't picking it up on a daily basis,  
3 somebody else was?  
4 A. Yeah, whoever was doing the Pawtucket route.  
5 Q. Do you remember Henry Oil?  
6 A. Yeah, Henry Oil. That's my buddy.  
7 Q. Where were they located?  
8 A. Go up by Manton Avenue, Manton Avenue.  
9 Q. Where is that?  
10 A. Johnston.  
11 THE WITNESS: What's the Rhode Island  
12 College there?  
13 Q. It was near Rhode Island College?  
14 A. Rhode Island College over there off of 44.  
15 THE WITNESS: What's the name of that  
16 town?  
17 MRS. ELDERKIN: It's North Providence.  
18 A. North Providence. That's when it --  
19 THE WITNESS: Thank you.  
20 Q. Where did you bring their waste?  
21 A. Capuano's most of the time, Silvestri's.  
22 Q. Ever bring it to J.M. Mills?  
23 A. On a special occasion, yeah. Not very often.  
24 Q. What size box?  
25 A. Four-yarder.

0159  
1 Q. What was in it?  
2 A. All the materials of an oil company, rags,  
3 Speedy Dry, buckets, you know, with oil smell on  
4 it and stuff.  
5 Q. So there was definitely some oil --  
6 A. Yeah.  
7 Q. -- in their four-yard box?  
8 A. Yeah. Yeah.  
9 Q. And you did at times bring Henry Oil waste to

10 J.M. Mills?  
11 A. Yeah, once in a while.  
12 Q. On a percentage basis of the total pick-ups, what  
13 percent was J.M. Mills?  
14 A. I'd say 20 percent or less.  
15 Q. What's the least amount? In other words, you're  
16 saying 20 percent or less. Would you say at  
17 least 5 percent?  
18 A. Yeah, about 5 percent, because most of the  
19 time I went to -- that was on Manton Avenue.  
20 That was going -- in the morning when I picked  
21 that up, that went to Cranston or Johnston  
22 Landfill.  
23 Q. Were they a regular stop?  
24 A. Yes, once a week.  
25 Q. For you?  
0160  
1 A. For me.  
2 Q. Okay. '63 to '68?  
3 A. Yeah.  
4 Q. After that, did you ever go back there?  
5 A. No, because I -- yeah, I was still doing that  
6 then, yeah, after that. I'd still do that up til  
7 I left there.  
8 Q. But just as a relief guy or --  
9 A. No, I did that as a regular basis when I left  
10 there.  
11 Q. Until when?  
12 A. When I went to Norwood.  
13 THE WITNESS: When did I go to Norwood?  
14 MRS. ELDERKIN: I can't remember.  
15 THE WITNESS: '75, '78 or '88 (sic)?  
16 MRS. ELDERKIN: Whatever.  
17 (A discussion was had off the record.)  
18 Q. So you went past '68 bringing Henry Oil --  
19 A. Yeah, because I was -- I was still in Cranston  
20 after '68. I was still in that area.  
21 Q. And you continued to bring about 5 percent of the  
22 Henry Oil waste to J.M. Mills?  
23 A. Yeah.  
24 Q. Was there ever a point in time when you brought  
25 more than 5 percent --  
0161  
1 A. No.  
2 Q. -- of the waste to J.M. Mills?  
3 A. Because that went the other way.  
4 Q. Okay. I gotcha. Honeywell, did you ever pick up  
5 from Honeywell?  
6 THE WITNESS: In East Providence?  
7 MR. MURPHY: I think that's right.  
8 A. Yeah, I picked that up.  
9 Q. What route was that on?  
10 A. That was on the East Providence route,  
11 Pawtucket line, but I left that area, too, right  
12 after that. I didn't pick that up too often. I  
13 probably picked that up about three years and I  
14 got out of that area.  
15 Q. Where did you bring their waste?  
16 A. That went to Joe Mills and Cranston some.  
17 Q. Mostly Mills?  
18 A. Yeah.  
19 Q. What percent went to Mills?  
20 A. Actually, it went all there. I only picked it  
21 up for, maybe, three years at the most because I  
22 left that area. As the company got bigger, I

23 went south.  
24 Q. But you say about 100 percent J.M. Mills?  
25 A. Yeah.

0162  
1 Q. And what was in the Honeywell? Was it a  
2 four-yard box?  
3 A. What's that say there? I don't remember. But  
4 a small container.  
5 Q. And what was in it?  
6 A. I don't know what they make for the material  
7 stuff.  
8 Q. You don't remember anything about what was in  
9 their --  
10 A. No.  
11 Q. -- containers?  
12 A. (Shakes head in the negative).  
13 Q. But during the period of time you picked up, it  
14 always went to J.M. Mills?  
15 A. Mostly, yeah.  
16 Q. All right. Did pretty much everything from the  
17 East Providence run -- Pawtucket run go to J.M.  
18 Mills?  
19 A. No, because East Providence went a lot to  
20 Cranston --  
21 Q. Okay.  
22 A. -- because there was a line there. So  
23 Pawtucket, we had a lot of stops in Pawtucket.  
24 Had one truck in Pawtucket went that way and East  
25 Providence went the other way.

0163  
1 Q. What frequency did you pick up Honeywell?  
2 A. When I was doing it, I was doing it full-time.  
3 I don't know, whatever the schedule was.  
4 Q. At least once a week?  
5 A. Yeah, but I -- I left -- I was only -- I  
6 probably picked that up, maybe, three years at  
7 the most.  
8 Q. The earlier '63 through '66, maybe?  
9 A. Yeah.  
10 Q. Do you remember anything about what was in their  
11 containers?  
12 A. (Shakes head in the negative).  
13 Q. Any unusual smells or odors?  
14 A. (Shakes head in the negative).  
15 Q. Any liquid waste?  
16 A. No.  
17 Q. Do you remember Imperial Plating?  
18 A. Imperial Plating in Providence, yeah.  
19 Q. Did you pick up --  
20 A. Over here.  
21 Q. Where did you bring their waste?  
22 A. Capuano.  
23 Q. Any of it go to J.M. Mills?  
24 A. Occasionally.  
25 Q. What did they do there?

0164  
1 A. Plating, plating the jewelry.  
2 Q. Metal plating?  
3 A. Yeah, for the jewelry.  
4 Q. And what was in their container?  
5 A. Like a lot of sawdust with the stuff they used  
6 to soak up whatever chemicals they had, like a  
7 lot of sawdust.  
8 Q. Did you smell chemicals?  
9 A. Yeah, big time.



10 Q. And what size box?  
11 A. Six-yarder.  
12 Q. When you picked up from them, what was the  
13 frequency?  
14 A. Whatever the schedule was. I don't know if it  
15 was every day or once a week or twice a week  
16 then. Could have been twice a week. It's been a  
17 long time ago.  
18 Q. And what percent Capuano versus Mills?  
19 A. Mills -- Joe Mills probably got about less  
20 than 20 percent.  
21 Q. Was Imperial Plating a regular customer of Goditt  
22 & Boyer?  
23 A. Yes.  
24 Q. What about in the later years, did somebody else  
25 keep going to Imperial Plating?

0165

1 A. Well, they moved to Jefferson Boulevard.  
2 Yeah, I still picked it up.  
3 Q. Are they still around today?  
4 A. I couldn't tell you that.  
5 Q. When they moved to Jefferson Boulevard, where did  
6 you bring their waste?  
7 A. Capuano's, Warwick.  
8 Q. And about 20 percent to J.M. Mills?  
9 A. No, not then.  
10 Q. When they moved, they only went to Capuano's?  
11 A. Yeah, because that's where it's located right  
12 there.  
13 Q. So how many years was it -- did some go to J.M.  
14 Mills, what years?  
15 A. In the beginning.  
16 Q. 19 --  
17 A. Until they moved, whatever day they moved. I  
18 don't know when they moved.  
19 Q. So from 1963 until Imperial Plating moved to  
20 Jefferson Boulevard, you brought about 20 percent  
21 of their six-yarders to J.M. Mills?  
22 A. Approximately. When you got those slips, you  
23 ain't got no dates when those companies are.  
24 Some of those companies, when I picked them in  
25 '63, was not on that route sheet in '63.

0166

1 Q. All right.  
2 A. Because I wasn't down here until later, '60 --  
3 Q. I don't know the dates. What I'm trying to do  
4 is -- I've got some notes here that are helping  
5 me.  
6 A. Okay.  
7 Q. But what I want you to try to do, if you can --  
8 if I have anything in my notes that might refresh  
9 your recollection, I'll use it. If I don't,  
10 that's because I don't have anything.  
11 A. Okay.  
12 Q. And that's what I'll do is, look, I'm going to  
13 ask you a question, and if there's anything I can  
14 say that might refresh your recollection --  
15 A. Well, that -- like I said, that one sounded  
16 like it was later in the late '60's.  
17 Q. Okay. Other than that chemical smell, do you  
18 remember seeing metal filings or anything there?  
19 A. Yeah, there was a few metal filings.  
20 Q. Oily?  
21 A. Yes, because they had the Speedy Dry to soak  
22 it up.

23 Q. What about liquid waste there?  
24 A. No, not -- no, it was like a -- when it  
25 rained -- when it rained, it had, like, red stuff  
0167  
1 that used to drip out, you know, from the water,  
2 like a red dye or something.  
3 Q. When it rained?  
4 A. Well, when it rained, it would mix with the  
5 water. You could see it and red would come out.  
6 Q. Did it have a smell?  
7 A. Yeah.  
8 Q. What was the smell?  
9 A. Chemicals, smelled like a chemical, dye.  
10 Q. Anything else you remember about Imperial  
11 Plating?  
12 A. Heavy, the container was heavy.  
13 Q. Impulse Display, do you remember them?  
14 THE WITNESS: Impulse Display? Where  
15 was that? Pawtucket?  
16 MR. MURPHY: Yes.  
17 A. Only did that on a special -- I know the  
18 names. I didn't do that stop on a regular basis.  
19 Q. Do you know what they did there, what business  
20 they were in?  
21 A. No.  
22 Q. What size container?  
23 A. I think it was an eight-yarder.  
24 Q. Do you know what was in that waste?  
25 A. No, I don't know what they did for business.  
0168  
1 Q. And did any of it go to J.M. Mills?  
2 A. Yes.  
3 Q. How much?  
4 A. I think most of it went to J.M. Mills.  
5 Q. So you didn't go there that often, it was an  
6 eight-yard container, you don't remember the  
7 contents and most of it went to J.M. Mills.  
8 Did somebody else pick that up on a regular  
9 basis?  
10 A. The Pawtucket guy, whoever did the Pawtucket  
11 route.  
12 Q. So you basically did relief on that?  
13 A. Yeah.  
14 Q. Key Container?  
15 A. I know where that is, but that's not my stop.  
16 I did that on a -- like I said, on an impulse.  
17 Q. Just infrequently?  
18 A. Yeah.  
19 Q. Very infrequently?  
20 A. No, I just did it when they -- once a week  
21 maybe, not even that.  
22 Q. What did they do at Key Container?  
23 A. Box company, they make boxes.  
24 Q. Cardboard?  
25 A. Cardboard boxes, I think.  
0169  
1 Q. Was there any industrial waste, chemicals, oil?  
2 A. Possibility, but I don't remember.  
3 Q. And where did you bring their waste?  
4 A. Capuano's or Joe Mills. Most of it went to  
5 Joe Mills.  
6 Q. What percentage?  
7 A. 90 percent.  
8 Q. What size was their container?  
9 A. Eight-yarder, if I remember right.

10 Q. But you don't remember what was in it?  
11 A. No. Cardboard boxes. I know they made  
12 cardboard boxes.  
13 Q. But other than the cardboard, like any oily rags  
14 or chemicals or --  
15 A. Could have been, but I don't remember.  
16 Q. All right. Any printing dyes from printing on  
17 the boxes?  
18 A. (Shakes head in the negative).  
19 Q. What years would that have been?  
20 A. Early '60's, '70's.  
21 Q. Are they still around? Do you know?  
22 A. Yeah, I think they're in -- I don't know if  
23 they're still in Pawtucket, but they're still  
24 around. Sonny Luthy was working for them for a  
25 while. They're still around.

0170

1 Q. Okay.  
2 A. I don't know where they're located, though.  
3 Q. Sonny Luthy is driving a truck for them?  
4 A. He was. I don't know if he still is.  
5 Q. M.N. Cartier (ph), do you remember them?  
6 A. Yeah, there was a warehouse over here, Bass  
7 Street in Providence, M.N. Cartier.  
8 Q. What did they do there?  
9 A. They was a warehouse distributor, like  
10 building materials and stuff like that. All kind  
11 of building materials, nails, hammers, anything  
12 in the building material.  
13 Q. How often did you pick up from them?  
14 A. Once a week, two four-yarders.  
15 Q. And where did you bring the waste?  
16 A. Capuano's.  
17 Q. Any to Joe Mills?  
18 A. Very rarity (sic).  
19 Q. What was in their waste containers?  
20 A. It's a warehouse supplies. Anything that's in  
21 the warehouse.  
22 Q. Paint?  
23 A. Paint, anything, anything that's left over.  
24 Q. Paint thinner?  
25 A. Whatever they put in it. Like I said, I -- if

0171

1 it was in there, I couldn't see it, but I imagine  
2 they put some in it because that's the business  
3 they were in.  
4 Q. Do you have any recollection of ever seeing any  
5 liquid or smelling anything when you were at  
6 Cartier?  
7 A. Not offhand, but I -- they probably put some  
8 of that in because they -- it was -- the  
9 container was always full.  
10 Q. Okay. But, you know, I just -- if you don't  
11 remember what was specifically in the container,  
12 that's okay, but I'm just trying to get you to  
13 think if you ever remember seeing or smelling --  
14 A. No.  
15 Q. -- anything.  
16 A. Like I said, if it was in the container, it  
17 probably was sealed. I don't remember ever  
18 seeing it or --  
19 Q. All right.  
20 A. -- smelling it.  
21 Q. And you said once a week two four-yarders for how  
22 many years?

23 THE WITNESS: Me?  
24 MR. MURPHY: Yeah.  
25 A. I did it as long as I was there. That was my  
0172  
1 main stop. I did that until '63, until I left  
2 the area.  
3 Q. '63 to '68?  
4 A. Oh, it was longer than that. '78.  
5 Q. Okay. When you say rarely to J.M. Mills, can you  
6 say a percentage of what --  
7 A. Very little. Unless a truck broke down,  
8 unless I picked it up at night and left it on the  
9 truck or something, 10 percent, not even that.  
10 Q. What about Mandeville Signs?  
11 A. I never did that one. That had a roll-off  
12 body, but I never dumped a trash container over  
13 there.  
14 Q. What about Matrix Microfilm?  
15 THE WITNESS: That's in East Providence?  
16 MR. MURPHY: I'm not sure.  
17 A. If that's in East Providence, I didn't do it.  
18 Q. Newell Battery Company?  
19 THE WITNESS: Where is that located?  
20 MR. MURPHY: It was a battery store with  
21 an eight-yard container, but I don't know where  
22 it was.  
23 A. No, I didn't do that. That was an  
24 eight-yarder.  
25 Q. You don't remember corroded -- picking up  
0173  
1 corroded batteries or battery acid anywhere?  
2 A. The name sounds familiar, but I don't -- if  
3 you could tell me what town it is, I could tell  
4 you.  
5 Q. Do you ever remember picking up from any battery  
6 company?  
7 A. There was a little one over here on Branch  
8 Avenue that had batteries, but that was a small  
9 operation right over here Branch Avenue.  
10 Q. Did you pick up from them?  
11 THE WITNESS: What?  
12 Q. Did you pick up from them?  
13 A. Yeah, two-yarder. No battery stuff in it. It  
14 was mostly all paper.  
15 Q. Okay. You don't remember going to a battery  
16 company where you could smell the battery smell?  
17 A. Outside of gas stations. You know, a lot of  
18 people used to put batteries in the containers  
19 and I could smell it then. There's a lot of  
20 batteries went in the containers from people just  
21 throwing them in.  
22 Q. At the --  
23 A. Anywhere. All my -- apartment houses, you  
24 know, anything.  
25 Q. When you picked up from apartment houses, did you  
0174  
1 just get a general mix of whatever kind of  
2 stuff --  
3 A. Whatever they put in there. Tires. Apartment  
4 houses, they throw anything in, people,  
5 everything.  
6 Q. Newell Lumber, do you remember them? Newell,  
7 N-E-W-E-L-L, Newell Lumber?  
8 THE WITNESS: In Providence?  
9 Q. I'm not sure where they were located.

10 A. There was a lumber company I picked up over  
11 here, I don't know if that was Newell, off of  
12 Broad Street in Providence. I don't -- I don't  
13 know if that was -- the name.  
14 Q. Did they have any paint waste in their  
15 containers?  
16 A. Possibility, but I don't remember.  
17 Q. Okay. Any recollection of what you picked up at  
18 the lumber yard?  
19 A. Lumber material, whatever the scraps and stuff  
20 like that, wood, paper.  
21 Q. And did you bring it to J.M. Mills?  
22 A. No, Capuano's. If it was in Rhode Island, it  
23 went that way.  
24 Q. Okay. Rhode Island College, did you pick up from  
25 them?

0175

1 A. Yeah, I picked them up.  
2 Q. Where did they go?  
3 A. Capuano's.  
4 Q. Any go to J.M. Mills?  
5 A. Yeah.  
6 Q. How much?  
7 A. Oh, I would say about a third of it.  
8 Q. And what did they throw away?  
9 A. Food from the cafeteria, apartment house  
10 rubbish.  
11 Q. Did they have operations, a maintenance shop at  
12 the college, guys that painted the dorms and --  
13 A. They probably did. Yeah, I think they did.  
14 Yeah, they had a building over there for that.  
15 Q. How many containers at Rhode Island College?  
16 A. Oh, it was -- at the time --  
17 Q. A lot?  
18 A. I would say they had about 15 containers in  
19 there three times a week.  
20 Q. And what years did you pick up from them?  
21 A. When we had the contract, when we first got  
22 the contract, I don't know when that was, and up  
23 until we lost the contract, then we got it back.  
24 Waste Management just got it back, but until we  
25 lost the contract or until I left that area, and

0176

1 that was in -- I don't know if we still had it  
2 when I left in '88.  
3 Q. Did you do it for a block of years?  
4 THE WITNESS: What?  
5 Q. A number of years?  
6 A. Yeah, I did it for a few years.  
7 Q. And the 15 containers pretty much every one went  
8 three times a week?  
9 A. To Capuano, yeah.  
10 Q. But you said about a third of those containers  
11 went to J.M. Mills?  
12 A. Yeah, that's because if the load or something  
13 that day -- because that cafeteria was done every  
14 day, got two eight-yarders at the cafeteria.  
15 Q. Do you remember a maintenance shop, like --  
16 A. Yeah.  
17 Q. -- a dedicated area?  
18 A. Yeah, they had a little maintenance area right  
19 in there.  
20 Q. Did they have their own container?  
21 A. Yeah.  
22 Q. Do you remember, did that get picked up three

23 times a week?  
24 A. As far as I can remember, yeah.  
25 Q. What size was the maintenance shop?  
0177  
1 A. I can't tell you that right now.  
2 Q. And do you remember smelling anything in there or  
3 what you saw or --  
4 A. Not offhand.  
5 Q. Any paint smells, thinner smells?  
6 A. Possibility, but like I said, I didn't really  
7 see it.  
8 Q. You don't have any recollection?  
9 A. No, because I just dumped it there. I didn't  
10 really --  
11 Q. What about Rhode Island Textile, ever pick up  
12 from them?  
13 THE WITNESS: Where are they located?  
14 MR. MURPHY: That's a good question.  
15 A. Textile. That might have been the packer.  
16 That's not ringing a bell. The name sounds  
17 familiar, but that's not ringing a bell for me.  
18 Q. By the way, so you don't remember any greasy rags  
19 coming from the Rhode Island College --  
20 A. No.  
21 Q. -- maintenance facility or lacquer cans?  
22 A. (Shakes head in the negative).  
23 Q. Did you ever pick-up automotive waste from any  
24 Sears store?  
25 A. Yeah, up here North Main Street.  
0178  
1 Q. That was the big Sears store?  
2 A. Yeah. Well, they had an automotive away from  
3 the store.  
4 Q. Did they have a separate container?  
5 A. Yeah, and a big eight three times a week.  
6 Q. Three times a week, it was an eight-yarder?  
7 A. Yeah.  
8 Q. Where did you bring their waste?  
9 A. Joe Mills in Cranston.  
10 Q. What percentage was Mills?  
11 A. Half and half.  
12 Q. And what was in that -- the automotive --  
13 A. Automotive tires, back then tires, oil -- I  
14 mean filters, fuel filters, whatever they put in  
15 it, we took it.  
16 Q. So what years?  
17 A. '63 up to till the time I left. I don't know  
18 if I left in '80 out of the area.  
19 Q. But around 1980, maybe?  
20 A. Little longer.  
21 Q. All right. '82?  
22 A. '82/'83.  
23 Q. So 50 percent of the three times a week  
24 eight-yard containers you picked up from the  
25 Sears North Main Street automotive center went to  
0179  
1 J.M. Mills?  
2 A. Yes.  
3 Q. Do you ever remember any paint cans in any of the  
4 other dumpsters at the Main Street Sears  
5 warehouse?  
6 A. They had a compactor over there.  
7 Q. Okay.  
8 A. So whatever went in the compactor, I had  
9 nothing to do with it.

10 Q. You don't know. But you picked up their auto  
11 waste?  
12 A. I picked up the auto waste.  
13 Q. Shaw's Market?  
14 A. East Providence, I never picked that up.  
15 Q. Standish Johnson?  
16 A. Yeah, I picked that up. That had everything  
17 in it, paint.  
18 Q. Where did the waste go?  
19 A. Capuano's mostly.  
20 Q. How much went to J.M. Mills, if any?  
21 A. Very little.  
22 Q. Got a percentage?  
23 A. 10, 10 percent. That only went to -- that  
24 always went to Capuano's.  
25 Q. How often did you pick up and what years?  
0180  
1 A. Standish twice a week, I think. How many  
2 years I picked it up?  
3 Q. Yes.  
4 A. Oh, I'd say about 20 years, 10 to 20 years.  
5 That was a big account.  
6 Q. And you say 10 to 20 years. That's a pretty big  
7 spread.  
8 A. Well, because I started in '63, '73 -- '63,  
9 '73, '83, that's 20 years.  
10 Q. So 20 years. Not 10, 20?  
11 A. 20.  
12 Q. And twice a week --  
13 A. But I don't know if we had the contract that  
14 long.  
15 THE WITNESS: You know what I mean?  
16 Q. All right. But during the period of time you did  
17 have the contract with them, you picked up twice  
18 a week?  
19 A. Yeah.  
20 Q. What size containers?  
21 A. I think they had a six-yarder outside and a  
22 two -- two two-yarders inside the building.  
23 Q. And 10 percent of their waste went to J.M. Mills?  
24 A. Yes.  
25 Q. And when you say it had everything in it --  
0181  
1 A. Well, they had -- they used to do -- paint the  
2 signs on the road, Standish Johnson, and you  
3 could see it in the container, you know, the  
4 paint was on the inside of the container.  
5 Q. And anything other than paint that you can  
6 remember?  
7 A. The thinner, you could smell the thinner and  
8 stuff.  
9 Q. That was one of your regular stops?  
10 A. Yeah.  
11 Q. Crystal Thermal Plastics?  
12 A. Yeah, that's over there in Pawtucket. They  
13 moved to Cumberland later.  
14 Q. Did you pick up from them?  
15 A. Yeah, I picked that up.  
16 Q. What was in their containers? Do you remember?  
17 A. Plastic, little plastic stuff, a lot of paper.  
18 Q. Little plastic beads?  
19 A. Whatever was in the plastic. They were the  
20 first ones to come out in the plastic industry  
21 back then, so anything that was in the plastic  
22 materials, there was small pieces like.

23 Q. What size container?  
24 A. They had three two-yarders there. Joe Mills  
25 mostly that went. They moved -- they moved out  
0182  
1 to Lincoln or Cumberland --  
2 Q. So they were still --  
3 A. -- off of 295.  
4 THE WITNESS: Huh?  
5 Q. Still would have gone to Joe Mills then?  
6 A. Yeah, because they went to the compactor.  
7 Q. Did the plastic waste have a smell to it?  
8 A. No, just, you know, a plastic smell, whatever  
9 that smelled like.  
10 Q. Any other liquids or oils or manufacturing  
11 waste --  
12 A. No.  
13 Q. -- other than the plastic?  
14 A. No.  
15 Q. What years did you pick up from Crystal Thermal?  
16 A. '63 until I left to go to the Cranston area  
17 down there, '68/'69.  
18 Q. Okay. How often?  
19 A. I think that was three days a week. Could  
20 have been every day, but as far as I remember it  
21 was three days a week.  
22 Q. Okay. So you picked up what size container?  
23 A. Three two-yarders.  
24 Q. Three two-yard containers?  
25 A. Oh, they did have a -- I don't know if that  
0183  
1 was the same company. They had a six-yarder,  
2 too, out -- that's the stuff that had the paper,  
3 the heavy stuff. They had a six-yarder, too, in  
4 the back.  
5 Q. Which one had the plastic in it?  
6 A. The big six-yarder.  
7 Q. And the big six-yarder you picked up three days a  
8 week?  
9 A. If I remember right. I don't recall.  
10 Q. About?  
11 A. About three times a week.  
12 Q. From '63 to '68?  
13 A. Yeah.  
14 Q. And most of it went to J.M. Mills?  
15 A. Yeah.  
16 Q. Other than that plastic waste, any other --  
17 A. No.  
18 Q. -- kind of manufacturing waste or chemicals?  
19 A. Not that I know of.  
20 Q. Union Wadding, we mentioned that before, what did  
21 they make?  
22 A. The cotton stuff, you know, the material.  
23 That's all I can describe it. A lot of, you  
24 know, big pieces of cotton.  
25 Q. Any --  
0184  
1 A. Baling stuff like --  
2 Q. -- waste or solvent or anything like that?  
3 A. No, it was more like a mill.  
4 Q. So it was just kind of textile waste?  
5 A. Yeah, textile waste.  
6 Q. Where did you bring their stuff?  
7 A. That went to Joe Mills.  
8 Q. All of it?  
9 A. Most of it, yeah.



10 Q. Okay. And what size container and what  
11 frequency?  
12 A. The big one, I think it was an eight-yarder.  
13 I don't know what the schedule on that pick-up  
14 was. I don't know if it was three times a week  
15 or --  
16 Q. At least once a week?  
17 A. Yeah.  
18 Q. Sometimes twice a week?  
19 A. Yeah. Could have been more.  
20 Q. What years?  
21 A. '63 to '70.  
22 Q. You don't remember Pearson Yacht, right?  
23 A. No, I don't remember that.  
24 Q. Do you remember Nyman Manufacturing?  
25 A. Yeah, they made the foam cups.

0185

1 THE WITNESS: In Warwick or Cranston?  
2 MR. MURPHY: Yeah.  
3 A. Yeah.  
4 Q. Did you pick up from them?  
5 A. Yeah.  
6 Q. Did you bring it to Joe Mills?  
7 A. No, I went to Capuano's.  
8 Q. Any of it go to Joe Mills?  
9 A. Not that I know of.  
10 Q. Okay. Do you remember the size container?  
11 A. It was an eight-yarder.  
12 Q. How often?  
13 A. I don't remember the schedule on it, but it  
14 was a regular pick-up for me.  
15 Q. What years?  
16 A. '63 up till I left there.  
17 Q. '68?  
18 A. Could have went longer because I -- like I  
19 said, I don't -- if they went to a compactor  
20 or not.  
21 Q. Do you remember Kaiser Aluminum?  
22 A. I heard of it, but I don't know where it is.  
23 Q. Did you ever pick up there?  
24 A. No, I don't think so because I think that's  
25 in -- I don't think that's around here.

0186

1 Q. What about American Steel, did you ever pick up  
2 from them?  
3 A. In Cumberland? If I did it was, like, maybe  
4 one or two pick-ups. That's -- no, that wasn't  
5 my stop.  
6 Q. Do you have any idea what was in their  
7 containers?  
8 A. Metals and stuff. I don't know if -- you  
9 know, it was a steel company, so I don't know  
10 what they put in it.  
11 Q. Where did you bring their waste?  
12 A. They went to Joe Mills.  
13 Q. But you only picked up there once or twice in  
14 your whole career?  
15 A. Yeah. And I never -- that was not my stop.  
16 Q. All right. What about the IGA warehouse on  
17 Martin Street?  
18 THE WITNESS: Food store?  
19 MR. MURPHY: Yeah, but it was a  
20 warehouse.  
21 THE WITNESS: Martin Street. Now, where  
22 is that?

23 MR. MURPHY: Right by Peterson Puritan

24 Aerosol.

25 A. Yeah, I picked that up.

0187

1 Q. Was it Roger Williams for a while?

2 A. Yeah, Roger Williams. If you told me that, I  
3 would have --

4 Q. Warehouse, right?

5 A. Yeah, a big warehouse.

6 Q. Did they have an automotive fleet there, too?

7 A. I don't remember that. I couldn't tell you  
8 that. But it was like a warehouse for food.

9 Q. On Martin Street, right?

10 A. Yeah.

11 Q. And how often did you pick up from them?

12 A. Whatever their schedule was. It was pretty  
13 often. It was a big one.

14 Q. And what size containers?

15 A. Big eight-yarder.

16 Q. One?

17 A. As far as I can remember.

18 Q. And where did that go?

19 A. Joe Mills.

20 Q. And do you remember anything about what was in  
21 the Roger Williams warehouse?

22 A. It's a warehouse, a food warehouse, so food  
23 went in there. Whatever was in the warehouse  
24 went in it.

25 Q. Was it pretty much whatever they sold in the

0188

1 stores?

2 A. Yeah.

3 Q. I mean, was there damaged aerosol or anything  
4 like that?

5 A. Yeah, they throw it in there. Yeah, stuff  
6 like that.

7 Q. Do you remember seeing nonfood stuff in there?

8 A. When you dumped it, yeah, just, like I said, I  
9 really didn't really look in the can, but most  
10 all the stores that's what they put in there, you  
11 know.

12 Q. But I'm asking if you have a specific  
13 recollection of anything other than food waste in  
14 the Roger Williams eight-yarder?

15 A. No.

16 Q. But you picked it up on a regular basis and  
17 brought it to Joe Mills?

18 A. Yes.

19 Q. What years?

20 A. '63 till I left that area, whatever year that  
21 was.

22 (A discussion was had off the record.)

23 Q. Just in follow-up, Mr. Elderkin, with Roger  
24 Williams, do you remember anything else about  
25 what was in that?

0189

1 A. No.

2 Q. Did you ever pick up from Owens Corning?

3 A. Owens Corning. Fiberglass, right? Where are  
4 they located? Yeah.

5 Q. Yeah, in the area, I don't remember, but glass  
6 beads or glass balls or --

7 A. I'm trying to think. Yeah, I think I  
8 remember. I think I picked that up.

9 Q. Where did you bring their waste?

10 A. Got to tell me where it is. I don't know if  
11 it was in -- Corning Fiberglass. That probably  
12 went to Joe Mills because --  
13 Q. Do you remember the --  
14 A. I think that was in East Providence.  
15 Q. I think that's right.  
16 A. So if it was in East Providence, it went --  
17 some went to Capuano's. I would say half and  
18 half.  
19 Q. Do you remember what they made there at Owens  
20 Corning?  
21 A. Fiberglass.  
22 Q. Do you ever remember any glass-type beads,  
23 picking up any glass-type beads?  
24 A. A possibility, but I don't remember.  
25 Q. You don't remember the contents?

0190

1 A. No.  
2 Q. What size container did you pick up?  
3 A. It was an eight-yarder.  
4 Q. And how often did you pick up?  
5 A. Whatever was on the schedule, I don't know.  
6 Q. At least once a week?  
7 A. Yeah, more.  
8 Q. And 50 percent of it went to Joe Mills?  
9 A. More than that. I mean, no, not Joe Mills.  
10 Half about.  
11 Q. Half went to Joe Mills?  
12 A. And the other half went to Capuano's.  
13 Q. And it was an eight-yarder that was picked up  
14 more than once a week. And for what years?  
15 A. Oh, I didn't really -- I wasn't the guy that  
16 picked that stop up. I wasn't the one that  
17 picked it up. My cousin picked that up mostly.  
18 See, when you -- you're talking about East  
19 Providence, there was certain years that I was  
20 there and then I left. So, like, I came down  
21 here.  
22 Q. You did pick it up occasionally?  
23 A. Yeah.  
24 Q. You don't remember what was in it?  
25 A. No.

0191

1 Q. Roche, did you ever pick-up from Roche?  
2 A. The food store, no.  
3 Q. What about Larsen Tool?  
4 A. In Attleboro, yeah. That was, like, a rare  
5 occasion.  
6 Q. Where were they located? Do you remember?  
7 A. Yeah, right over there on Lamb Street in  
8 Attleboro.  
9 Q. Did any of that go to J.M. Mills?  
10 A. No, that went to Attleboro.  
11 Q. Okay. That answered my question on that one.  
12 Did you ever pick up from the Rehoboth missile  
13 site?  
14 A. Yes. Yeah.  
15 Q. Did any of that go to J.M. Mills?  
16 A. Possibility on that, yeah. Mostly that,  
17 though, went to Cranston because I wasn't the guy  
18 that -- I only picked that up on a special  
19 occasion and that actually -- that was on the  
20 Cranston one, going towards Cranston. The guy  
21 used to go down there and go right through  
22 Somerset then right down to Cranston.

23 Q. But occasionally if it was on the right route it  
24 would go to J.M. Mills?

25 A. Very rare did they go to Joe Mills.

0192

1 Q. What did they do there?

2 A. The army base was there. They had an army  
3 base there and they had houses, household trash  
4 and stuff like that, maintenance shop.

5 Q. Do you remember any -- so it was an army base?

6 A. Yeah, it was an army base.

7 Q. Do you remember any of the contents of the  
8 containers?

9 A. Mostly household because there was houses up  
10 there, people lived in it, and it had a building.

11 Q. What size container?

12 A. I don't remember.

13 Q. How many?

14 A. Small. Maybe two, three. It's been a while.  
15 Like I said, I wasn't the regular guy on that  
16 route.

17 Q. Okay. But on occasion, when you picked up from  
18 the Rehoboth missile site, it went to --

19 A. Capuano's.

20 Q. Sometimes to J.M. Mills on a rare occasion?

21 A. Very rare.

22 Q. What about Sisakraft?

23 A. That went strictly to Attleboro until on the  
24 end with the packers that might have went to --  
25 when the packers -- I don't know where they took

0193

1 the packers because I didn't do the packers.

2 Q. I don't want you to guess, but when you picked it  
3 up it only went to Attleboro?

4 A. When I picked it up, my loads went to  
5 Attleboro.

6 Q. What about Amphrex, do you remember that company?

7 A. Yeah, Amphrex. Yeah.

8 Q. Did they make electrical components?

9 A. As far as I remember. I don't know what they  
10 made, but I did -- I picked that up.

11 Q. Where were they located?

12 A. Up in Smithfield.

13 Q. Did any of it go to J.M. Mills?

14 THE WITNESS: Huh?

15 Q. J.M. Mills?

16 A. Yeah.

17 Q. How much went to J.M.?

18 A. All of it mostly.

19 Q. So it all went to J.M. Mills. Do you remember  
20 how often you picked up?

21 A. Three times a week, maybe.

22 Q. And what size container or containers?

23 A. Two six-yarders.

24 Q. And do you remember anything about what was  
25 inside of them?

0194

1 A. No.

2 Q. What years?

3 A. From '63 till I left there.

4 Q. So that would be until --

5 A. When I left that area, '70, '70-something.

6 Q. Any other industrial companies you can remember I  
7 haven't mentioned, big manufacturers?

8 A. There was a steel company up there, but I

9 don't remember the name of it near Amphrex, but I

10 don't know.  
11 Q. That wasn't Kaiser Aluminum?  
12 A. No.  
13 Q. You don't remember anything about the steel  
14 company?  
15 A. Just had a four-yard container. That's all I  
16 remember.  
17 Q. Do you know what was in it?  
18 A. Right next to Amphrex.  
19 Q. Did it go to Joe Mills?  
20 A. Yeah.  
21 Q. And do you remember anything about how often you  
22 picked up that four-yard --  
23 A. Once a week.  
24 Q. But you can't remember the name of it? Do you  
25 remember the street it was on?  
0195  
1 A. No. American Steel, it might have been. I  
2 forgot the name of it.  
3 Q. All right. Yeah, there was a steel company  
4 called American Steel.  
5 A. Yeah, but that's not that one. There's  
6 another.  
7 Q. Is this a different one?  
8 A. Yeah.  
9 Q. Did you pick up from any school districts?  
10 THE WITNESS: Schools?  
11 MR. MURPHY: Yes.  
12 A. North Attleboro.  
13 Q. Any that went to Joe Mills? Any school districts  
14 that went to Joe Mills?  
15 A. Not when I picked it up with the North  
16 Attleboro one. North Attleboro had their own  
17 landfill.  
18 Q. Did you ever pick-up from a company called Avnet  
19 (phonetic spelling)?  
20 THE WITNESS: What?  
21 Q. Avnet?  
22 A. Never heard of it.  
23 Q. And what about -- here's my last company -- Arden  
24 Engineering?  
25 A. Yeah, that's in East Providence.  
0196  
1 Q. You do remember them?  
2 A. Yeah.  
3 Q. Where did you bring their waste?  
4 A. Most of theirs -- well, some of it went to Joe  
5 Mills, some went to Cranston. That's where they  
6 drew the line when they switched the routes.  
7 Q. How much went to Joe Mills?  
8 A. About half of it.  
9 Q. And what size container?  
10 A. I think it was a six-yarder.  
11 Q. How often was it picked up?  
12 A. I couldn't tell you that.  
13 Q. More than once a month?  
14 A. Oh, it was a weekly basis.  
15 Q. Okay. And what years?  
16 A. Early '60's to -- till whatever that they left  
17 there. Like I said, I left the area.  
18 Q. 1970?  
19 A. Could have been more because I left the area.  
20 I think the company went out of business.  
21 Q. Do you remember what they did there?  
22 A. No.

23 Q. Do you know what was in the container?  
 24 A. No.  
 25 Q. Do you remember any smells coming out of there?  
 0197 A. I don't remember that.  
 1 MR. MURPHY: I have no further  
 2 questions. Do you have any follow-up?  
 3 MR. DANLEY: No.  
 4 MR. MURPHY: Is that it?  
 5 MR. NEWTON: Yeah.  
 6 MR. MURPHY: Mr. Elderkin, thank you for  
 7 your patience.  
 8 THE WITNESS: I'm not a doctor, though.  
 9 THE REPORTER: Mr. Newton, would you  
 10 like a copy?  
 11 MR. NEWTON: No.  
 12 MR. DANLEY: I don't know what Tom  
 13 orders, but whatever he orders, I'll take that.  
 14 MR. MURPHY: My answer's yes to whatever  
 15 you ask.  
 16 (Deposition adjourned at 3:15 p.m.)  
 17 (Mr. Connors requested a copy of the transcript after  
 18 the deposition had adjourned.)  
 19 \* \* \* \* \*

20  
 21  
 22  
 23  
 24  
 25  
 0198

C E R T I F I C A T E

1  
 2  
 3 I, Devin J. Baccari, a Certified Shorthand  
 4 Reporter and Notary Public within and for the State of  
 5 Rhode Island, do hereby certify that I am expressly  
 6 approved as a person qualified and authorized to take  
 7 depositions pursuant to the Rules of Civil Procedure  
 8 of this Court, especially, but without restriction  
 9 thereto, under Rule 30 of said Rules; that the witness  
 10 was first sworn by me; that the foregoing is a true,  
 11 accurate, and complete transcript of my notes taken in  
 12 the above entitled proceedings.

13  
 14 I further certify that I am not counsel,  
 15 attorney or relative of either party or clerk or  
 16 stenographer of either party, or of the attorney of  
 17 either party, or otherwise interested in the event of  
 18 this suit.

19 I further certify that neither the deponent  
 20 nor any party requested a review of the transcript.

21 IN WITNESS WHEREOF, I hereunto set my hand  
 22 this 3rd day of August, 2009.

23  
 \_\_\_\_\_  
 DEVIN J. BACCARI, CSR, NOTARY PUBLIC  
 My Commission Expires 8/17/10

24 DATE: JULY 28, 2009  
 25 IN RE: UNILEVER BESTFOODS VS. TEKNOR APEX  
 WITNESS NAME: RICHARD ELDERKIN

24  
25

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF RHODE ISLAND

3 UNILEVER BESTFOODS and KIK CUSTOM  
4 PRODUCTS, INC., f/k/a CCL CUSTOM  
5 MANUFACTURING, INC.

6 vs.

C.A. No. 01-496L

7 TEKNOR APEX COMPANY, et al.,  
8 -----

9 KIK CUSTOM PRODUCTS, INC., f/k/a  
10 CCL CUSTOM MANUFACTURING, INC.

11 vs.

C. A. No. 01-511L

12 A.T. CROSS COMPANY, et al.

13  
14  
15 VOLUME II  
16

17 DEPOSITION OF MAURICE LUTHY, a Witness in the  
18 above-entitled case, taken on behalf of the  
19 Plaintiff, Unilever, before Linda L. Guglielmo,  
20 RPR-RMR, a Notary Public in and for the State of  
21 Rhode Island, at the offices of Adler, Pollock &  
22 Sheehan, One Citizens Plaza, Providence, Rhode  
23 Island on June 3, 2009 at 9:00 A.M.  
24

25 Job No: 203243



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1 MAURICE LUTHY  
 2 (PREVIOUSLY SWORN)  
 3 EXAMINATION BY MR. JACKSON (CONT.)  
 4 Q. Let's go ahead and get started. Good morning,  
 5 Mr. Luthy.  
 6 A. Good morning.  
 7 Q. I'm going to ask you some more questions this  
 8 morning. Hopefully, I won't take too much longer,  
 9 and then some of the other attorneys will have an  
 10 opportunity to ask you some questions. I remind  
 11 you you're still under oath.  
 12 A. Okay.  
 13 Q. I want to ask you this morning about a few  
 14 additional customers you may have picked up waste  
 15 from, and I want to start this morning with an  
 16 entity called Carol Cable. Do you recall Carol  
 17 Cable?  
 18 A. Oh, yeah.  
 19 Q. And do you recall picking up waste from one or  
 20 more Carol Cable facilities?  
 21 A. Yes, they had one on Roosevelt Avenue and  
 22 over in, I think it was Lincoln.  
 23 Q. Okay. Let's start with the Lincoln facility. Do  
 24 you recall what kind of facility that was; do you  
 25 have any understanding of what sort of operations

137

1 they conducted at that facility?

2 A. They mostly coated wire and cable.

3 Q. Do you recall how big that facility was,

4 generally?

5 A. I'd say about half a city block, maybe, give

6 or take a little.

7 Q. Do you recall whether there was more than one

8 building?

9 A. I think that was all one building over there,

10 with the warehouse attached.

11 Q. Okay. Do you recall whether there were any

12 particular procedures involved for picking up

13 waste at that facility, do you recall having to

14 check in with anyone?

15 A. Just the supervisor when you go in, tell

16 him -- you would drive in, there's a container

17 sitting there, and you go up a level, and there is

18 another container there. You have to check in to

19 tell him which container you're pulling.

20 (MORTIMER NEWTON ENTERED AT THIS POINT)

21 Q. When you went to pick up waste at this facility,

22 were you generally picking up one of the

23 containers?

24 A. One or both.

25 Q. So, sometimes you would pick up both containers?

138

1 A. Yes.

2 Q. And do you recall who the supervisor was you

3 checked in with?

4 A. No, I can't remember his name.

5 Q. Do you recall, generally, was it the same

6 individual that you checked in with?

7 A. It depended on whether we got there early

8 before the shift changed.

9 Q. Do you recall filling out any paperwork, at that

10 facility?

11 A. Mostly just sign the slip from the landfill.

12 Q. Do you recall when you first picked up waste for

13 that facility?

14 A. I would imagine when I first started with

15 Goditt & Boyer as to when I first picked it up, I

16 can't remember that.

17 Q. But you believe it was when you were driving for

18 Goditt & Boyer?

19 A. Yes.

20 Q. Do you recall how frequently you picked up waste

21 at that facility?

22 A. Well, they assign it to different drivers,

23 you know, sometimes I'd do it two or three times a

24 week, sometimes I wouldn't do it at all, but I'm

25 sure it was pretty sure it was picked up almost

139

1 every day.

2 Q. You referenced two different containers at that

3 facility?

4 A. Yes.

5 Q. Do you recall what size those containers were?

6 A. They were compactor containers, anywhere from

7 42 to 50.

8 Q. When you say you believe that the waste was picked

9 up there almost every day, are you referring to

10 one or both of those containers?

11 A. Both of them.

12 Q. So you believe both of them would have been picked

13 up nearly every day?

14 A. Nearly every day, yes.

15 Q. And do you know, were those scheduled pickups or

16 on call?

17 A. I would -- since it was picked up every day,

18 I would assume that they were everyday pickups.

19 Q. Okay. Do you recall -- let's focus first on the

20 first one you said you got to when you drove in.

21 Do you recall when you picked it up, generally how

22 full that container was?

23 A. Full.

24 Q. Do you recall having an opportunity to observe the

25 waste in that container?

140

1 A. Yes, I do.

2 Q. And what do you recall about the waste in that

3 container?

4 A. One of them usually had like coating from

5 wire and big, big balls of it. Usually the one on

6 the bottom had real heavy uncured rubber in it.

7 Q. Anything else you recall in this first one?

8 THE WITNESS: The top one or the

9 bottom one?

10 MR. JACKSON: Well, you testified

11 earlier --

12 THE WITNESS: The first one you come

13 to?

14 Q. You recall that the bottom one?

15 A. Yes.

16 Q. So we're focusing now on the bottom one. That one

17 I think you said had uncured rubber in it?

18 A. Yes.

19 Q. Did that one have the wire coating?

20 A. Sometimes it did, yes.

21 Q. Okay. What else do you recall seeing in the

22 bottom container?

23 A. Pallets, big gaylords, once in a while it

24 would have some wire that they couldn't strip out

25 of the rubber.

141

1 Q. Anything else you recall in that one?  
 2 A. Probably resin that they couldn't mix up into  
 3 the rubber.  
 4 Q. Anything else in that one?  
 5 A. Not really.  
 6 Q. Okay. The uncured rubber, could you just describe  
 7 for me what that looked like?  
 8 A. Just like, they took a big kettle and dumped  
 9 it in there, dumped it in the hopper or the  
 10 compactor, and it was like a big ball of rubber,  
 11 like you just took a piece of rubber and you  
 12 started squeezing it together.  
 13 Q. Any particular color?  
 14 A. Usually black.  
 15 Q. Generally, how big were these balls of rubber?  
 16 THE WITNESS: When they first  
 17 started in the container or after they were in  
 18 there for a while?  
 19 MR. JACKSON: Okay. When they first  
 20 started, let's say.  
 21 A. Probably about three or four feet in  
 22 diameter.  
 23 Q. Okay. And how about after they had been in there  
 24 for a while?  
 25 A. About four, five feet, six feet, sometimes

142

1 because when it starts getting heat to it, it  
 2 starts swelling out, that's why it was uncured.  
 3 Cured rubber doesn't do that.  
 4 Q. I think you mentioned gaylords, and just so the  
 5 record is the clear, can you explain for me what a  
 6 gaylord is?  
 7 A. A gaylord is about an inch and a half thick  
 8 corrugated box, square, about four by four square.  
 9 Q. The gaylords that you observed in the bottom  
 10 container, did they have anything in them?  
 11 A. Most of the time it was uncured rubber.  
 12 Q. And you mentioned wire, as well?  
 13 A. Copper wire. Wire they use for the bales of  
 14 boxes and stuff.  
 15 Q. And I think you mentioned sometimes you saw resin?  
 16 MR. COBURN: Objection.  
 17 A. Mostly resin from the floor when they start  
 18 to mix the stuff, they would spill it on the  
 19 floor, sweep it up and put it in a container.  
 20 Q. Did that have a particular color?  
 21 A. Usually white or dirty.  
 22 Q. How about the -- what did you call the other  
 23 container?  
 24 A. The upper container.  
 25 Q. Upper container, okay. Let talk about that one

143

1 for a minute. Did you have occasion to observe  
 2 the waste in that container?  
 3 A. It was generally the same as the bottom  
 4 container, except it had more wire in it and  
 5 rubber coatings.  
 6 Q. Anything else you recall seeing in that container?  
 7 A. No. Basically it was the same thing.  
 8 Q. Okay. Do you recall seeing Speedy Dry in either  
 9 of those containers?  
 10 MR. COBURN: Objection.  
 11 A. If there was, you couldn't tell it, anyway,  
 12 with the powder that was in it, the resin.  
 13 Q. Do you recall seeing any bags in either of those  
 14 containers?  
 15 MR. COBURN: Objection.  
 16 A. There was bags of -- empty bags, like  
 17 50-pound bags of cement, you know.  
 18 Q. So, they would be similar to the kind of bags we  
 19 were talking about yesterday?  
 20 A. Yes.  
 21 Q. And do you recall whether these bags had any  
 22 markings on them?  
 23 A. Apex.  
 24 Q. Which container do you recall seeing bags in?  
 25 A. They would be in both.

144

1 Q. How much of a load, typically, would consist of  
 2 the bags?  
 3 A. Probably a third of it.  
 4 Q. Do you recall seeing any other kinds of containers  
 5 in either of the compactors?  
 6 MR. COBURN: Objection.  
 7 A. I'm pretty sure I seen containers up on the  
 8 top level in the back of the building, it was an  
 9 open top, but they usually used to put pallets in  
 10 that one.  
 11 Q. Okay. But in the compactors, do you recall seeing  
 12 any other kinds of cans or drums or anything like  
 13 that.  
 14 MR. COBURN: Objection.  
 15 A. Just fiber drums, like we discussed  
 16 yesterday.  
 17 Q. Do you recall how often you would see those?  
 18 A. They would be in just about every load.  
 19 Q. And would that be in one or both containers?  
 20 A. Both.  
 21 Q. Again, approximately how many of the fiber drums  
 22 would you see in the containers?  
 23 A. It varied every time you would go there,  
 24 sometimes there would be two or three, sometimes  
 25 there would be ten.

145

1 Q. Again, do you recall whether these drums had  
 2 anything in them?  
 3 A. Most of the time they were all empty except  
 4 for the stuff they couldn't get out at the bottom.  
 5 Can I say something?  
 6 MR. JACKSON: Yes, please.  
 7 A. Sometimes the drums, the fiber drums would  
 8 have wet resin in them and they would be like  
 9 totally wet, you know.  
 10 Q. And when you say wet resin, can you describe that  
 11 for me a little bit more what that looked like?  
 12 A. It looked like milk.  
 13 Q. And when you saw the drums with this wet resin, I  
 14 mean, can you -- how full were those drums?  
 15 A. It varied. Sometimes they were half full,  
 16 sometimes they were three-quarters, sometimes they  
 17 were full with lids on them.  
 18 Q. And do you recall how often you saw the drums with  
 19 the wet resin in it?  
 20 A. Probably at least one or two, probably every  
 21 time you'd pick it up.  
 22 Q. Do you recall over what period of time you picked  
 23 up waste at this facility?  
 24 A. I picked up the whole time I was employed for  
 25 Goditt & Boyer, and most all the time I was

146

1 employed for Bruce Buffington.  
 2 (JULIE BARRY ENTERED AT THIS POINT)  
 3 Q. Do you recall when you picked up waste from that  
 4 facility where you disposed of those loads?  
 5 A. J.M. Mills.  
 6 (PLAINTIFF'S EXHIBIT 8  
 7 MARKED FOR IDENTIFICATION)  
 8 Q. Mr. Luthy, you've been handed what's been marked  
 9 as Exhibit 8, let's look at the first page. I  
 10 want to direct your attention to the lower  
 11 left-hand corner, ticket number 53887, do you see  
 12 that?  
 13 A. Yes.  
 14 Q. Is that your signature?  
 15 A. Yes, it is.  
 16 Q. Can you make out what it says above that?  
 17 A. Roll-off, Carol, Lincoln.  
 18 Q. And does that refer to the facility we were  
 19 just --  
 20 A. Carol Cable, Lincoln.  
 21 Q. Does that refer to the facility we were just  
 22 discussing?  
 23 A. Yes.  
 24 Q. Let's look at the next page, let me direct your  
 25 attention to the upper left-hand corner, number

147

1 53740; is that your signature?  
 2 A. Yes, it is.  
 3 Q. Okay. And can you make out what it says above  
 4 that?  
 5 A. Carol, Lincoln.  
 6 Q. Same facility we've been discussing?  
 7 A. Yes.  
 8 Q. Let's look at the next page, upper left-hand  
 9 corner --  
 10 THE WITNESS: Can I say something?  
 11 MR. JACKSON: Yes.  
 12 A. The one right beside that, 741, somebody put  
 13 my signature on there, too.  
 14 Q. You're referring to 53741?  
 15 A. Yes.  
 16 Q. Is that your signature as well?  
 17 A. It's not my signature.  
 18 Q. Oh, okay. Are you saying somebody -- are you  
 19 saying somebody appeared to write in your  
 20 signature on that one?  
 21 A. Yes.  
 22 Q. I think you testified yesterday that sometimes a  
 23 person at the gate would write down your name?  
 24 A. Yes. But I'm saying that is not my  
 25 signature, that's probably the guy at the gate.

148

1 Q. Right. Okay. Let's look at the next page, again,  
 2 upper left-hand corner, 53842; is that your  
 3 signature?  
 4 A. Yes, it is.  
 5 Q. And can you make out what it says above that?  
 6 A. Carol, Lincoln.  
 7 Q. Again, is that the same facility?  
 8 A. Yes.  
 9 Q. Okay. All right, Mr. Luthy, at this point we've  
 10 got a few of these, I'd like to do what we did  
 11 yesterday with the Apex packet, just go off the  
 12 record, and have you look at these. I'm going to  
 13 represent to you, again, I believe I've put these  
 14 generally in chronological order, and I believe on  
 15 each one there is at least one ticket that has  
 16 what I believe to be your signature, but don't  
 17 take my word for it, associated with a dump ticket  
 18 that appears to reference Carol, Lincoln facility.  
 19 I'd like you to look through these and when you're  
 20 done, I'll ask you a few summary questions, so we  
 21 can try to get through this more quickly.  
 22 THE WITNESS: Okay.  
 23 (PAUSE)  
 24 Q. Mr. Luthy, have you had a chance to review Exhibit  
 25 8?

149

1 A. Yes.

2 Q. Would you agree with me that there are a number of

3 dump tickets in here that have your signature?

4 A. There's quite a few.

5 Q. Would you agree with me that on each page there is

6 at least one dump ticket that has your signature

7 that relates -- that says Carol, Lincoln?

8 A. Yes.

9 MR. COBURN: Objection. Can we just

10 clarify whether every page has his signature or

11 his name, because there is an issue that sometimes

12 somebody else writing his name.

13 MR. JACKSON: Okay.

14 THE WITNESS: Except for that one.

15 Q. Did you see any other dump tickets like that?

16 A. No.

17 Q. So all the others contain your signature?

18 A. Yes.

19 Q. So, would each one of those represent an instance

20 in which you dumped one of the containers from the

21 Carol, Lincoln facility at J.M. Mills?

22 A. Yes.

23 Q. Let's look at the first page, what's the date on

24 that one?

25 A. It says 1-20-81.

150

1 Q. And I believe you testified that you disposed --

2 that you picked up waste at that facility

3 throughout the time that you were driving, for

4 example, for Mr. Buffington?

5 A. Yes.

6 Q. So, would there be other dump tickets prior to

7 January of 1981 representing instances in which

8 you disposed of waste from one of those containers

9 at J.M. Mills?

10 A. Probably a lot of them there from Goditt &

11 Boyer.

12 Q. Okay. Let's talk about the -- I think you also

13 mentioned a Roosevelt Avenue facility?

14 A. Yes.

15 Q. Okay. Let's talk a little bit about that, and I'm

16 sorry, where is Roosevelt Avenue?

17 A. Pawtucket, Rhode Island.

18 Q. Did you have an understanding of what sort of

19 operations took place at that facility?

20 A. That was their -- call it their lamp

21 division.

22 Q. When you say lamp division --

23 A. Household lamps, you know, with the bulb in

24 them.

25 Q. What was your understanding of what they were

151

1 manufacturing there?

2 A. Parts for lamps and --

3 Q. Okay. Again, do you recall approximately how big

4 that facility was?

5 A. Probably a third of a city block.

6 Q. Do you recall whether there was more than one

7 building at that location?

8 A. I'm pretty sure there was two levels of the

9 building. It was a big old brick building, and

10 when you drive in, you had to go down a hill to

11 the lower level where the compactor was.

12 Q. So, they had a compactor you recall at that

13 location?

14 A. Yes.

15 Q. And do you recall any particular procedures for

16 picking up waste at that facility?

17 A. You'd have to go in and tell the guy that

18 you're picking up a container and usually you'd

19 have to pack the stuff in so it would stay in when

20 you pulled it out, when you pulled the container

21 away from the machine.

22 Q. Do you recall filling out any paperwork?

23 A. Not there, no.

24 Q. Do you recall when you first picked up waste at

25 that facility?

152

1 A. All the time I was working for Bruce

2 Buffington and Goditt & Boyer.

3 Q. Do you recall how frequently you picked up waste

4 at that facility?

5 A. That one wasn't that often. When I picked it

6 up, it was probably maybe once a week.

7 Q. Did the frequency vary over time?

8 A. Sometimes I wouldn't get it at all, but I

9 would imagine there would be other drivers that

10 was doing it.

11 Q. Did you have an understanding of -- strike that.

12 Was there just the one container there that you

13 recall?

14 A. I'm pretty sure there was.

15 Q. Do you recall -- do you know whether that pickup

16 was scheduled or on call?

17 A. I imagine it was on call.

18 Q. Did you have an occasion to observe the waste in

19 that container?

20 A. Yes.

21 Q. Before I get there, do you recall when you picked

22 up that container, how full was it, generally?

23 A. Usually it was full.

24 Q. What do you recall observing about the waste in

25 that container?

153

1 A. Basically it was the same as Carol Cable in  
 2 Lincoln, it had wire in it and strings of wire  
 3 that didn't have any wire in it, but just a  
 4 coating had been stripped off and a lot of lamp  
 5 parts, little bitty metal parts.  
 6 Q. Anything else you recall in that container?  
 7 A. No. Like I say, it was basically the same  
 8 thing as Carol, Lincoln.  
 9 Q. So did that one have the bags in it as well?  
 10 MR. COBURN: Objection.  
 11 A. Not too many.  
 12 Q. Do you recall seeing rags in that container?  
 13 MR. COBURN: Objection.  
 14 A. Not too many.  
 15 Q. Do you recall seeing any Speedy Dry in that  
 16 container?  
 17 MR. COBURN: Objection.  
 18 A. Sometimes there would be like little boxes of  
 19 Speedy Dry where they swept up the floor and put  
 20 it in a box.  
 21 Q. Do you recall how often you saw that?  
 22 A. No, I can't remember how often.  
 23 Q. How much of the load, typically, consisted of  
 24 these lamp parts?  
 25 A. Maybe an eighth of the load.

154

1 Q. How about the wire, how much wire did you see?  
 2 A. Probably about a third.  
 3 Q. And the coatings?  
 4 A. Pardon?  
 5 Q. And the coatings?  
 6 A. It would be about the same as --  
 7 Q. About the same as?  
 8 A. Same as the wire.  
 9 Q. Do you recall when you picked up waste at that  
 10 facility where you dumped those loads?  
 11 A. Usually J.M. Mills.  
 12 Q. Do you recall taking it to other landfills as  
 13 well?  
 14 A. Not really.  
 15 Q. And going back, I think you mentioned you saw bags  
 16 in that container as well?  
 17 A. Yes, but not too many bags.  
 18 Q. Okay. So about how much of the load would consist  
 19 of the bags, roughly?  
 20 A. I'm trying to figure out the bags and  
 21 measurements, which I'm not good at. Say, maybe  
 22 10 percent.  
 23 (PLAINTIFF'S EXHIBIT 9  
 24 MARKED FOR IDENTIFICATION)  
 25 Q. Mr. Luthy, you've been handed what's been marked

155

1 as Exhibit 9, let's look at the first page. I'm  
 2 going to direct your attention to the upper  
 3 left-hand corner, number 46157; do you see that?  
 4 A. Yes, I do.  
 5 Q. Is that your signature?  
 6 A. Yes, it is.  
 7 Q. And can you make out what it says above that?  
 8 A. Carol, Roosevelt Avenue.  
 9 Q. Does that refer to the facility we were just  
 10 discussing?  
 11 A. Yes, it does.  
 12 Q. Carol, Roosevelt Avenue, is that your handwriting?  
 13 A. Yes, it is.  
 14 Q. So, would this be an instance where you yourself  
 15 wrote in the --  
 16 A. Yes.  
 17 Q. Let's look at the next page. Again, upper  
 18 left-hand corner, number 58993; is that your  
 19 signature?  
 20 A. I'd say yes, it is. I just didn't circle it.  
 21 Q. And can you make out what it says above that?  
 22 A. It says Carol, Roosevelt Avenue.  
 23 Q. Again, same facility?  
 24 A. Yes.  
 25 Q. Next page, lower left-hand corner, 43312; is that

156

1 your signature?  
 2 A. Yes, it is.  
 3 Q. Can you make out what it says above that?  
 4 A. Carol, Roosevelt Avenue.  
 5 Q. Next page, just one on that page, 42351; is that  
 6 your signature?  
 7 A. Yes, it is.  
 8 Q. And again, what does that say above it?  
 9 A. Carol, Roosevelt.  
 10 Q. Next page, upper left-hand corner, 41356; is that  
 11 your signature?  
 12 A. Yes, it is. Carol, Roosevelt Avenue.  
 13 Q. Next page, upper left-hand corner, 46403; is that  
 14 your signature?  
 15 A. Yes, it is.  
 16 Q. Does that say Carol, Roosevelt Avenue?  
 17 A. Yes, it does.  
 18 Q. Next page, again, upper left-hand corner, 45094;  
 19 is that your signature?  
 20 A. Yes, it is.  
 21 Q. Again, is that Carol, Roosevelt Avenue?  
 22 A. Carol, Roosevelt Avenue.  
 23 Q. And last page, upper left-hand corner, 32863; is  
 24 that your signature?  
 25 A. Yes, it is. Carol, Roosevelt Avenue.

- 1 Q. So, do each of these represent an instance in  
2 which you dumped the compactor from Carol  
3 Roosevelt Avenue at J.M. Mills?  
4 A. Yes.  
5 Q. Again, can you make out the -- let's look at the  
6 second page, I think these are out of order a  
7 little bit. Can you make out the date on the  
8 second page?  
9 A. Uh-huh.  
10 Q. What's the date?  
11 A. 3-11-81.  
12 Q. Again, I think you testified that you picked up  
13 waste from this facility?  
14 A. Yes.  
15 Q. So would there be other dump tickets prior to  
16 March of 1981?  
17 A. Yes.  
18 Q. Thank you. Mr. Luthy, do you recall picking up  
19 waste from any other Carol Cable facilities?  
20 A. There was a Carol Cable over in Warren, but I  
21 can't remember where that was one.  
22 Q. Do you recall what kind of container they had  
23 there?  
24 A. Compactor.  
25 Q. Okay. Do you recall when you first picked up

- 1 waste from that facility?  
2 A. No.  
3 Q. Do you recall how frequently you picked it up?  
4 A. No, I can't.  
5 Q. Okay. Do you have any recollection in the nature  
6 of the waste in that container?  
7 A. I don't remember where the facility was  
8 exactly. I can't remember what was in it.  
9 Q. Okay. Well, let's do this quickly.  
10 (PLAINTIFF'S EXHIBIT 10  
11 MARKED FOR IDENTIFICATION)  
12 Q. Mr. Luthy, you've been handed what's been marked  
13 as Exhibit 10. Let's look at the first page, let  
14 me direct your attention to the lower left-hand  
15 corner, number 51798; is that your signature?  
16 A. Yes, it is.  
17 Q. And can you make out what it says above that?  
18 A. Carol, Warren.  
19 Q. Let's look at the next page, upper right-hand  
20 corner, number 51433; is that your signature?  
21 A. Yes, it is.  
22 Q. Can you make out what it says above that?  
23 A. Carol, Warren.  
24 Q. Let's look at the next page, upper left-hand  
25 corner, 50992; is that your signature?

- 1 A. Yes, it is.  
2 Q. Does that say Carol, Warren?  
3 A. It says Carol, Warren.  
4 Q. Let's go to the next page, 51345. Lower left-hand  
5 corner; is that your signature?  
6 A. Yes, it is.  
7 Q. Does that say Carol, Warren?  
8 A. Carol, Warren.  
9 Q. Let's look at the next page, lower left-hand  
10 corner, 50390; is that your signature?  
11 A. Yes, it is.  
12 Q. And does that say Carol, Warren?  
13 A. Carol, Warren.  
14 Q. Next page, upper left-hand corner, 47443; is that  
15 your signature?  
16 A. Yes, it is. It says Carol, Warren.  
17 Q. Next page, lower left-hand corner, 40746; is that  
18 your signature?  
19 A. Yes, it is. Carol, Warren.  
20 Q. Next page, left side 41669; is that your  
21 signature?  
22 A. Yes, it is. Carol, Warren.  
23 Q. Next page, upper left-hand corner, number 35775;  
24 is that your signature?  
25 A. Yes, it is. Carol, Warren.

- 1 Q. Next page, lower right-hand corner, 53731; is that  
2 your signature?  
3 A. Yes, it is. Carol, Warren.  
4 Q. And the last page, upper left-hand corner, number  
5 43199; is that your signature?  
6 A. Yes, it is. Carol, Warren.  
7 Q. So, each of these relates to the Carol, Warren  
8 facility?  
9 A. Yes.  
10 Q. You don't have any recollection right now as to  
11 what was in that container?  
12 A. I can't even remember where it was.  
13 Q. Mr. Luthy, do you recall an entity called Avnet,  
14 A-v-n-e-t?  
15 A. No, I don't.  
16 (PLAINTIFF'S EXHIBIT 11  
17 MARKED FOR IDENTIFICATION)  
18 Q. Mr. Luthy, you've been handed what's been marked  
19 as Exhibit 11. Directing your attention to the  
20 upper left-hand corner, number 36276; is that your  
21 signature?  
22 A. Yes, it is. It says Avnet.  
23 Q. But you don't recall anything about it?  
24 A. No, I have no idea. Evidently, I didn't do  
25 it too many times.

161	<p>1 Q. Mr. Luthy, do you recall an entity called</p> <p>2 Wyman-Gordon?</p> <p>3 A. Yes.</p> <p>4 Q. Do you recall picking up waste from a Wyman-Gordon</p> <p>5 facility?</p> <p>6 A. Yes, I do.</p> <p>7 Q. Okay. And do you recall picking up waste from</p> <p>8 more than one Wyman-Gordon facility?</p> <p>9 A. I only went to one that I know of.</p> <p>10 Q. Do you recall where that was located?</p> <p>11 A. I do, but I can't think of the name of the</p> <p>12 town.</p> <p>13 Q. Do you recall what state it was in?</p> <p>14 A. Mass.</p> <p>15 Q. Did you have an understanding what sort of</p> <p>16 activities took place at that facility?</p> <p>17 A. I used to ask questions on what they did here</p> <p>18 and never got a definite answer. Just answers</p> <p>19 that I got was from they make parts for NASA and</p> <p>20 airplanes and stuff like that.</p> <p>21 Q. Okay. Do you recall generally how big the</p> <p>22 facility was?</p> <p>23 A. Bigger than this building here, but not as</p> <p>24 tall.</p> <p>25 Q. Do you recall whether it was more than one</p>	163	<p>1 up waste there when you drove for Mr. Buffington?</p> <p>2 A. I might have picked up once or twice there,</p> <p>3 I'm not sure.</p> <p>4 Q. Do you recall how frequently you picked up waste</p> <p>5 there?</p> <p>6 A. Not that often.</p> <p>7 Q. Do you know whether other Goditt &amp; Boyer drivers</p> <p>8 picked up waste there?</p> <p>9 A. I would assume, yes.</p> <p>10 Q. When you say not that often, do you recall whether</p> <p>11 it would have been more than, say, once a month?</p> <p>12 A. Yes.</p> <p>13 Q. Do you know whether it would have been more than</p> <p>14 twice a month?</p> <p>15 A. I kind of doubt it.</p> <p>16 Q. Do you recall -- do you know whether that was a</p> <p>17 scheduled stop or an on-call stop?</p> <p>18 A. I'm pretty sure that was an on-call stop.</p> <p>19 Q. Do you recall when you picked up the container how</p> <p>20 full it was, generally?</p> <p>21 A. Full. Usually over full.</p> <p>22 Q. Did you have occasion to observe the waste in that</p> <p>23 container?</p> <p>24 A. Yes.</p> <p>25 Q. What do you recall observing about the waste in</p>
162	<p>1 building?</p> <p>2 A. I've never been to just that one building. I</p> <p>3 don't know if there was more building than one or</p> <p>4 not.</p> <p>5 Q. Okay. Do you recall any particular procedures</p> <p>6 involved in picking up waste at that facility?</p> <p>7 A. When you went in, you had to report to the</p> <p>8 guard, sign in, date it. You were on camera the</p> <p>9 whole time you were there.</p> <p>10 Q. Do you recall what types of containers, container</p> <p>11 or containers they had there?</p> <p>12 A. Usually a 50-yarder.</p> <p>13 Q. Compactor?</p> <p>14 A. Compactor.</p> <p>15 Q. Do you recall where in the facility that was</p> <p>16 located?</p> <p>17 THE WITNESS: You mean the compactor</p> <p>18 was located?</p> <p>19 MR. JACKSON: Yes.</p> <p>20 A. It was located in front of the building, not</p> <p>21 too far from the guard shack.</p> <p>22 Q. Do you recall when you first picked up waste at</p> <p>23 that facility?</p> <p>24 A. I was working for Goditt &amp; Boyer at the time.</p> <p>25 Q. Okay. Do you recall whether you continued to pick</p>	164	<p>1 that container?</p> <p>2 A. It was pallets and boxes, wood, and it was</p> <p>3 like molds from stuff they used to do in there,</p> <p>4 shavings, you know, from the molds when they cut</p> <p>5 them apart and stuff.</p> <p>6 Q. What were the molds made out of?</p> <p>7 A. I have no idea, but I know they were heavy.</p> <p>8 Q. Okay. And you referred to shavings?</p> <p>9 A. I assumed it was from where they would break</p> <p>10 the molds with whatever they used to cut them</p> <p>11 with.</p> <p>12 Q. Okay. Anything else you recall seeing in that</p> <p>13 container?</p> <p>14 A. No, not really.</p> <p>15 Q. Do you recall seeing any metal of any sort in that</p> <p>16 container?</p> <p>17 MS. FOGELL: Objection.</p> <p>18 A. Once in a while, there would be a few pieces</p> <p>19 of steel, angle iron or something like that.</p> <p>20 Q. Do you recall seeing any drums in that container?</p> <p>21 MS. FOGELL: Objection.</p> <p>22 A. No, I don't.</p> <p>23 Q. Do you recall seeing any rags in that container?</p> <p>24 MS. FOGELL: Objection.</p> <p>25 A. No.</p>



- 1 Q. The molds you referred to, did they have a  
2 particular color?  
3 A. Sometimes they were black and sometimes they  
4 were silver.  
5 Q. Can you describe for me generally how big they  
6 were?  
7 A. Probably one foot thick by three feet wide.  
8 Sometimes they were square.  
9 Q. Do you recall when you picked up waste from that  
10 container where you dumped the load?  
11 A. J.M. Mills.  
12 (PLAINTIFF'S EXHIBIT 12  
13 MARKED FOR IDENTIFICATION)  
14 Q. Mr. Luthy, you've been handed what's been marked  
15 as Exhibit 12. Let me direct your attention to  
16 the first page upper left-hand corner, number  
17 44058; is that your signature?  
18 A. Yes, it is.  
19 Q. Okay. Can you make out what it says above that?  
20 A. It says "Wyman," referring to Wyman and  
21 Gordon.  
22 Q. Let's look at the next page, the one on the right  
23 number 40912; is that your signature?  
24 A. Yes, it is. Wyman and Gordon.  
25 Q. That would be refer to the facility you were just

- 1 discussing?  
2 A. Yes.  
3 Q. Both those would represent instances in which you  
4 dumped the compactor from that facility to J.M.  
5 Mills?  
6 A. Yes.  
7 Q. Mr. Luthy, do you recall an entity called A.T.  
8 Cross?  
9 A. Yes.  
10 Q. Okay. Did you have occasion to pick up waste at  
11 an A.T. Cross facility?  
12 A. Yes, I have.  
13 Q. Do you recall where that facility was located?  
14 A. Route 116, Lincoln, Rhode Island.  
15 Q. And did you have an understanding of what sort of  
16 operations took place at that facility?  
17 A. Make pens, writing pens.  
18 Q. Do you recall how big that facility was?  
19 A. Probably a quarter of a city block.  
20 Q. Do you recall whether there was more than one  
21 building?  
22 A. It was a long building, so I don't know if  
23 they had two buildings in it or not.  
24 Q. Do you recall whether there were any particular  
25 procedures involved in picking up waste at that

- 1 facility?  
2 A. When you went in, you had to go in and  
3 compact the inside of the container so you could  
4 pull it out without losing everything and get cars  
5 moved.  
6 Q. Was there anybody you had to check in with at the  
7 facility?  
8 A. Just the receiver.  
9 Q. Any paperwork you had to fill out?  
10 A. Not there, no.  
11 Q. Okay. I think you said you had to compact the  
12 contents of the container. Just describe for me  
13 in a little more detail what you did?  
14 A. I'd pull in, drop my container, I'd take the  
15 truck and hook on to the full container, and I'd  
16 go around inside the facility, grab a couple of  
17 pallets, put one flat on the floor and the other  
18 one on an angle so when you compacted this pallet  
19 into the container, one would go up and it would  
20 come down and lock on the bottom one, and it would  
21 keep the stuff from falling out on the ground.  
22 Q. So, when you picked up that container, generally  
23 how full was it?  
24 A. Full.  
25 Q. Do you recall when you first picked up waste, at

- 1 that facility?  
2 A. I was working for Goditt & Boyer at the time.  
3 Q. Okay. Do you recall whether you continued to pick  
4 up waste there when you drove for Mr. Buffington?  
5 A. Yes.  
6 Q. So your recollection is you first picked up waste  
7 there when you were driving for Goditt & Boyer?  
8 A. Yes.  
9 Q. Do you recall whether it would have been early in  
10 the time period you were driving for Goditt &  
11 Boyer?  
12 MR. BENIK: Objection.  
13 A. No, I can't remember. I know I used to pick  
14 it up quite often, though, for Goditt & Boyer.  
15 Q. How often do you recall picking it up?  
16 A. Probably once a week or once every two weeks,  
17 or something like that. But I would imagine there  
18 would be other drivers in between that would pick  
19 it up.  
20 Q. Did the frequency with which you picked up that  
21 container change over time?  
22 A. No.  
23 Q. Do you recall -- do you know whether that was a  
24 scheduled stop or an on-call stop?  
25 A. It was probably an on-call stop.

169

1 Q. Did you have an opportunity to observe the waste  
 2 in that container?  
 3 A. Yes.  
 4 Q. What do you recall observing about the waste in  
 5 that container?  
 6 A. There were little five-gallon pails of, I  
 7 guess it would be ink, it looked like ink,  
 8 corrugated boxes, wood, pallets, office material,  
 9 empty refills for pens. That's basically it.  
 10 Q. The pails you mentioned of what you said looked  
 11 like ink, can you describe those for me, what the  
 12 pails looked like?  
 13 A. They were just five-gallon metal pails,  
 14 buckets.  
 15 Q. And the material that they contained, you said at  
 16 that looked like ink?  
 17 A. It had the appearance of ink, it was black.  
 18 It could have been blue and looked like black.  
 19 Q. The pails, generally, how much of this substance  
 20 did they have in them?  
 21 A. Just what they couldn't scrape off the  
 22 bucket.  
 23 Q. Do you recall about how much -- do you recall how  
 24 many of these pails would be in a container?  
 25 A. It varied. Sometimes it would be ten,

170

1 sometimes 20.  
 2 Q. Do you recall how often you would see these pails?  
 3 A. Almost every time you'd pick it up.  
 4 Q. Do you recall seeing any rags in that container?  
 5 MR. BENIK: Objection.  
 6 A. No, not really.  
 7 Q. Do you recall seeing any metal shavings in that  
 8 container?  
 9 MR. BENIK: Objection.  
 10 A. No.  
 11 Q. Do you recall seeing any Speedy Dry in that  
 12 container?  
 13 MR. BENIK: Objection.  
 14 A. Just sweepings from the floor.  
 15 Q. Do you recall on those occasions when you picked  
 16 up that compactor where you disposed of the load?  
 17 A. Most of the time it was J.M. Mills.  
 18 Q. Do you recall dumping that container at other  
 19 landfills?  
 20 A. No.  
 21 (PLAINTIFF'S EXHIBIT 13  
 22 MARKED FOR IDENTIFICATION)  
 23 Q. Mr. Luthy, you've been handed what's been marked  
 24 as Exhibit 13, let's look at the first page. Let  
 25 me direct your attention to the lower left-hand

171

1 corner, number 45672; is that your signature?  
 2 A. Yes, it is.  
 3 Q. And can you make out what it says above that?  
 4 A. A.T. Cross.  
 5 Q. Does that refer to the facility we were just  
 6 discussing?  
 7 A. Yes, it does.  
 8 Q. Okay. Let's look at the next page. Let me direct  
 9 your attention to the upper right-hand corner,  
 10 number 33119; is that your signature?  
 11 A. Yes, it is.  
 12 Q. Can you make out what it says above that?  
 13 A. It looks like A.T. Cross.  
 14 Q. Again, would that refer to the same facility we  
 15 were just discussing?  
 16 A. Yes.  
 17 Q. Mr. Luthy, do you recall an entity called  
 18 Hollingsworth and Vose?  
 19 A. No, I don't.  
 20 Q. Do you recall an entity called Leech & Garner?  
 21 A. Yes.  
 22 Q. Do you recall whether you had occasion to pick up  
 23 waste at a Leech & Garner facility?  
 24 A. Yes.  
 25 Q. Do you recall where that facility was located?

172

1 A. I think it was Attleboro.  
 2 Q. Did you have an understanding of what sort of  
 3 operations took place at that facility?  
 4 A. No.  
 5 Q. Do you recall what kind of container they had?  
 6 A. No, I don't.  
 7 Q. Do you recall anything about the nature of the  
 8 waste at that facility?  
 9 A. No.  
 10 Q. Do you recall where you took the waste from that  
 11 facility?  
 12 A. If I did take it from there, it was either to  
 13 Attleboro Landfill or to J.M. Mills.  
 14 (PLAINTIFF'S EXHIBIT 14  
 15 MARKED FOR IDENTIFICATION)  
 16 Q. Mr. Luthy, just to go back to a couple things we  
 17 talked about yesterday. I know you said yesterday  
 18 you didn't recall the type of waste that Custom  
 19 Color -- I just want to run through these and have  
 20 you basically confirm your signature on these  
 21 documents, if I could. Look at the first page, if  
 22 I could direct your attention to the lower  
 23 right-hand corner, number 52388; is that your  
 24 signature?  
 25 A. Yes, it is.

173

1 Q. Okay. Can you make out what it says above that?

2 A. Custom Color roll-off.

3 Q. Let's look at the next page, upper left-hand

4 corner, number 40007; is that your signature?

5 A. Yes, it is. Custom Color.

6 Q. The next page, lower right-hand corner, number

7 45673; is that your signature?

8 A. Yes, it is. Custom Color.

9 Q. Next page, lower left-hand corner, 34915; is that

10 your signature?

11 A. Yes, it is. Custom Color.

12 Q. All right. Next page, lower right-hand corner,

13 number 34200; is that your signature?

14 A. Yes, it is. Custom Color.

15 Q. And the last page, upper left-hand corner, number

16 38500; is that your signature?

17 A. Yes, it is. Custom Color.

18 (PLAINTIFF'S EXHIBIT 15

19 MARKED FOR IDENTIFICATION)

20 Q. Mr. Luthy, you've been handed what's been marked

21 for identification as Exhibit 15, just a few

22 documents here I want to ask you about. Let look

23 at the first page, lower left-hand corner, number

24 53307; is that your signature?

25 A. Yes, it is.

174

1 Q. Okay. Can you make out what it says above that?

2 A. I would think it looks like Apex, to me.

3 Q. Okay. Do you know what that would refer to?

4 A. Either Apex packer or Apex roll-off I could

5 have put on there. It's either the store or Apex,

6 Incorporated.

7 Q. But you're not sure from looking at this

8 specifically what it refers to?

9 A. No.

10 Q. Let's look at the next page, lower right-hand

11 corner, number 34805; is that your signature?

12 A. Yes, it is.

13 Q. Can you make out what it says above that?

14 A. Teknor Apex.

15 Q. Again, do you know what that refers to?

16 A. Teknor Apex Company.

17 Q. Do you know which container that would refer to?

18 A. Is it a roll-off? I would say it's one in

19 Pawtucket, not Mendon Road, York Avenue.

20 Q. So that referred to the compactor we discussed?

21 A. Yes.

22 Q. Let's look at the next page, lower left-hand

23 corner, number 55342; is that your signature?

24 A. Yes, it is.

25 Q. Can you make out what it says above that?

175

1 A. Teknor Apex.

2 Q. Again, do you know what that would refer to?

3 A. Same facility.

4 Q. Okay. So, again, that would be the compactor?

5 A. Yes.

6 Q. Let's skip the next page. Let's look at the last

7 page, upper left-hand corner, 50075; is that your

8 signature?

9 A. Yes, it is.

10 Q. Can you make out what it says above that?

11 A. It's Apex skids.

12 Q. Do you know what that refers to?

13 A. Pallets.

14 Q. Which facility?

15 A. That's probably the one over at Tim's

16 warehouse.

17 MR. JACKSON: Okay. Why don't we

18 break for a few minutes, Mr. Luthy. I think I'm

19 almost done.

20 (BRIEF RECESS)

21 Q. Okay. Let's go back on the record. Mr. Luthy, I

22 just have a few more questions. On Teknor Apex,

23 the compactor we talked about --

24 A. Yes.

25 Q. -- at the Pawtucket facility?

176

1 A. Yes.

2 Q. I believe yesterday you mentioned at one point

3 picking up some material around that compactor?

4 MR. BENIK: Objection.

5 THE WITNESS: Around the compactor?

6 MR. JACKSON: Yes.

7 Q. Do you recall that?

8 A. No.

9 Q. Okay. Do you recall ever having material fall out

10 of that compactor, picking it up?

11 A. Oh, yes.

12 Q. Okay. Can you describe that for me?

13 A. It was mainly dust, resin, that would fall

14 out of the bottom of it, it didn't get compacted

15 in. You had to sweep up around it. You couldn't

16 push it back in because it would get jammed in the

17 front of the compactor itself and the container,

18 and pretty soon, after awhile, if you didn't clean

19 it up, it would be about two foot away from the

20 compactor. So you had to shovel everything up and

21 shove it in the hopper. Next time the ram went in

22 to pack stuff into the container it would go in.

23 It was just more or less tidying up around the

24 machine.

25 Q. I asked you yesterday about Apex dust and you

177

1 testified, I think, that you thought that was  
2 associated with Tim's warehouse?  
3 MR. BENIK: Objection.  
4 A. I thought it was, yes. But when I went home  
5 and started thinking about it, I said I know where  
6 it is, what it was.  
7 Q. So it's -- what do you recall today about Apex  
8 dust?  
9 A. It was a facility across the street from Apex  
10 packer, they made the recaps for truck tires.  
11 Every once in a while you'd have to go there and  
12 take a closed container which would be the  
13 container for the compactor and you'd open the  
14 door and you would back up to a dock and they  
15 would load it with gaylords of resin dust, dirt  
16 and stuff from the floor, sweepings that they  
17 couldn't use. You would have to take it to J.M.  
18 Mills and dump it. It was live-loaded.  
19 Q. Do you recall when you first picked up that live  
20 load?  
21 A. I didn't do it that often, so I can't really  
22 remember. I was working for Goditt & Boyer at the  
23 time, though.  
24 Q. Okay. Do you recall whether it would have been  
25 more than once a month?

178

1 A. I wouldn't do it more than once a month.  
2 Q. Okay. You said it was gaylords?  
3 A. Yes.  
4 Q. Okay. How many gaylords would be in a load?  
5 A. Depending on whether they double-stacked them  
6 or put them in single. Sometimes they can get  
7 them side-by-side and sometimes they would  
8 double-stack them. Probably anywhere from 20 to  
9 30 gaylords in there.  
10 Q. And how full would the gaylords be?  
11 A. Probably half full.  
12 Q. And again, what did the resin look like?  
13 A. Dirty sugar, salt.  
14 Q. I think you also mentioned some sweepings?  
15 A. That was just sweepings from the floor, what  
16 they swept up and put with the shovel and dumped  
17 it in.  
18 Q. Okay. Anything else you recall in the gaylords?  
19 A. Not really, no, mostly just the resin and  
20 powder, which is part of the resin.  
21 Q. Let's go back to Exhibit 4. I think we kind of  
22 skipped over that yesterday. Let's just go  
23 through these quickly then. On the first page,  
24 upper right-hand -- upper left-hand corner, number  
25 51865; is that your signature?

179

1 A. Yes, it is.  
2 Q. Okay. And I think you said --  
3 A. Apex dust.  
4 Q. Does that refer to the live load you were just  
5 describing?  
6 A. Yes.  
7 Q. Okay. Let's look at the next page, lower  
8 right-hand corner, number 54594; is that your  
9 signature?  
10 A. Yes, it is.  
11 Q. Can you make out --  
12 A. Apex dust.  
13 Q. And again, in this instance, the Apex dust, is  
14 that your handwriting on that one?  
15 A. Yes, it is.  
16 Q. Next page, upper left-hand corner, 53559; is that  
17 your signature?  
18 A. Yes, it is. Apex dust.  
19 Q. Next page, upper right-hand corner, 55798; is that  
20 your signature?  
21 A. Yes, it is. Apex dust.  
22 Q. Next page, lower left hand, number 55691; is that  
23 your signature?  
24 A. Yes, it is. Apex dust.  
25 Q. Next page, lower right-hand corner, number 57107;

180

1 is that your signature?  
2 A. Yes, it is. Apex dust.  
3 Q. Next page, upper right-hand corner, 45697; is that  
4 your signature?  
5 A. Yes, it is. Apex dust.  
6 Q. Next page, right-hand side, 42042; is that your  
7 signature?  
8 A. Yes, it is. Apex dust.  
9 Q. Next page, upper right, 42288; is that your  
10 signature?  
11 A. Yes, it is. Apex dust.  
12 Q. Next page, the lower right, 38051; is that your  
13 signature?  
14 A. Yes, it is. Apex dust.  
15 Q. And next page, upper left, 35147; is that your  
16 signature?  
17 A. Yes, it is. Apex dust.  
18 Q. The next page, upper left, 34547; is that your  
19 signature?  
20 A. Yes, it is. Apex dust.  
21 Q. Next page, upper left again, 35556; is that your  
22 signature?  
23 A. Yes, it is. Apex dust.  
24 Q. Next page, upper left, 39744; is that your  
25 signature?

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1 A. Yes, it is. Apex dust.  
2 Q. And last page, lower right, it looks like 35828;  
3 is that your signature?  
4 A. Yes, it is. Apex dust.  
5 Q. Would each one of those represent an instance in  
6 which you dumped the live load you've just  
7 discussed at J.M. Mills?  
8 A. Yes.  
9 Q. One question about the Apex store we discussed  
10 yesterday. Do you recall any sort of  
11 automotive-type waste?  
12 MR. GURAY: Objection.  
13 A. Apex store, negative. None.  
14 Q. Let me just ask a couple of questions about the GE  
15 facility we discussed yesterday -- I mean BVE?  
16 A. Blackstone Valley Electric.  
17 Q. I may have asked you this. When you picked up  
18 that load, do you recall where you dumped it?  
19 A. J.M. Mills.  
20 Q. I believe you testified yesterday that your  
21 recollection was that you started picking up waste  
22 at that location when you working for Goditt &  
23 Boyer?  
24 A. Yes.  
25 Q. Do you recall approximately when during your time

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1 with Goditt & Boyer that would have been?  
2 A. Probably about -- I can't remember when I was  
3 with them. Probably about three or four years  
4 after I started with them.  
5 MR. JACKSON: Thank you, Mr. Luthy.  
6 I have no further questions. I think Mr. Murphy  
7 now is going to ask you some questions.  
8 THE WITNESS: I can't wait for that  
9 stack.  
10 EXAMINATION BY MR. MURPHY  
11 Q. Good morning, Mr. Luthy.  
12 A. Good morning.  
13 Q. I represent a company called KIK Custom Products,  
14 They're a company that was formerly known as  
15 Peterson Puritan, were one of the parties in this  
16 lawsuit, one of the claimants, so I'm going to be  
17 asking you some additional questions. Again, just  
18 to reiterate the ground rules, just try to wait  
19 until I've asked my question in its entirety  
20 before you give your answer.  
21 A. Okay.  
22 Q. Mr. Luthy, were you ever interviewed by anybody  
23 that you understood was from the EPA in connection  
24 with J.M. Mills Landfill?  
25 A. I was interviewed by about three or four

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1 people, but I don't ever remember them saying they  
2 were from the EPA.  
3 Q. What about the State of Rhode Island?  
4 A. I don't remember.  
5 Q. I don't want to ask you about interviews with, you  
6 know, any of your counsel or people associated  
7 with your counsel, I just want to know whether to  
8 your recollection there was ever anybody who  
9 indicated to you that they were from the U.S.  
10 Government, and they were asking you any questions  
11 about this site.  
12 A. If they came right out and said they were  
13 from the U.S. Government, I'd remember it, but I  
14 don't remember anybody saying they were from the  
15 U.S. Government.  
16 Q. Okay. You mentioned yesterday in response to some  
17 questions by Mr. Jackson that -- about the Goditt  
18 & Boyer drivers, the other employees that you  
19 worked with, you recalled the two Castello  
20 brothers, Tom and John?  
21 A. Yes.  
22 Q. Since you've been sitting here answering questions  
23 and going back to that period of time, has your  
24 recollection been refreshed at all as to the names  
25 of any other Goditt & Boyer drivers you worked

184

1 with?  
2 A. Funny you should mention that. Yes, I have.  
3 Q. Can you tell me who else you remember?  
4 A. I remember Ernie DeRocha (phonetic). Never  
5 could pronounce his last name.  
6 Q. Was it Rocha?  
7 A. Probably would be Rocha, yes.  
8 Q. Anyone else?  
9 A. There was a John Sharon.  
10 Q. John Sharon?  
11 A. Yes.  
12 Q. When was that, when do you recall working with  
13 John Sharon?  
14 A. I'd been working for Goditt & Boyer probably  
15 six or seven years, and then John Sharon showed  
16 up, so it was quite awhile before he came on the  
17 scene.  
18 Q. That would have been in the early '70s, then?  
19 A. Yes.  
20 Q. What about when you first started working for  
21 Mr. Brask and Goditt & Boyer, I think you  
22 testified it was somewhere in the vicinity of 1964  
23 or 1965 when you started, correct?  
24 A. Yes.  
25 Q. Do you remember who the other drivers were at that

185

1 point when you first started?

2 A. A couple of guys have died. I know the

3 names, but I can't think of them. I can picture

4 their faces, but I can't remember their names.

5 Q. Any other names you recall at this point?

6 A. No, not really.

7 Q. Okay. Just --

8 A. Are you referring to when I first started

9 or --

10 Q. At any time you worked for Goditt & Boyer. I was

11 asking you specifically at first who you

12 remembered working there when you first started,

13 but if you remember any other Goditt & Boyer

14 drivers, either at any time you worked at Goditt &

15 Boyer or even when you were driving for

16 Buffington.

17 A. Okay. I understand.

18 Q. Any other names that come to mind?

19 A. There was Frannie Barrett.

20 Q. Say that again, Frannie?

21 A. I think his name is Francis Barrett.

22 Q. He was a Goditt & Boyer driver?

23 A. Yes.

24 Q. Do you know if he did front-end loaders or

25 roll-offs?

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1 A. He did both, really.

2 Q. And Mr. --

3 A. From what I can remember, he did both. But

4 most of the time he was on a roll-off.

5 Q. What about Mr. Sharon?

6 A. John Sharon was only roll-off.

7 Q. By the way, is Mr. Sharon still alive, to your

8 knowledge?

9 A. I have no idea. I haven't seen him since

10 1984.

11 Q. What about Mr. Barrett?

12 A. I'm not sure about him, either, but I think

13 he went to work for Brask Enterprises after he had

14 sold out to Waste Management.

15 Q. Any other names you recall?

16 A. No, but I bet you before the day is out, I'll

17 remember.

18 Q. Do you recall the identities -- do you recall

19 whether there were any drivers with the last name

20 of Elderkin that worked for --

21 A. They were front-end loaders.

22 Q. Goditt & Boyer?

23 A. Yeah, two brothers.

24 Q. Do you remember their first names?

25 A. Richy and Pauly.

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1 Q. It's your understanding that they only drove

2 front-end loaders, not roll-offs?

3 A. I've never seen them in a roll-off.

4 Q. Any other names you might recall?

5 A. Not really, not right offhand, but I probably

6 will during this conversation.

7 Q. If anybody else comes to mind, let me know.

8 A. Okay.

9 Q. Now, just to clarify for the record, did you ever

10 operate a front-end loader for Goditt & Boyer?

11 A. Never, no.

12 Q. Other than your subcontracting for Mr. Buffington

13 and your driving for Goditt & Boyer, did you ever

14 work for any other trucking company that brought

15 waste to J.M. Mills?

16 A. R.W. S-e-l-w-i-n.

17 Q. Your recollection is that you did bring waste to

18 J.M. Mills when you worked for R.W. Selwin?

19 A. I'm pretty sure I did, yes.

20 Q. Do you remember the year you started in Selwin?

21 A. It's on that paper there.

22 Q. Do you remember the names of -- I'll come back to

23 that in a minute. Do you remember the names of

24 any other trucking companies that you saw at J.M.

25 Mills when you were at J.M. Mills bringing loads?

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1 A. I've seen John White's truck up there, that

2 was a roll-off truck. L.W. Fontaine, rear loader.

3 I'm not sure if he had roll-offs or not, I don't

4 think so. I've seen Truck-Away in there.

5 Numerous little companies that I can't remember

6 their names. There was a lot of little drivers

7 that used to come in there, little trucks. But

8 they were mostly rear loaders.

9 Q. Did you ever see Three R.R.R.'s Transportation

10 there when you were bringing loads?

11 A. I don't remember seeing them there, but I

12 used to see them all the time at Central Landfill

13 and the pig farm down in -- it turned into a

14 transfer station, and I used to work for Three

15 R.R.R. (sic).

16 Q. When you worked for Three R.R.R.'s, did you ever

17 have any conversations with anybody where they

18 indicated to you this he had brought waste at some

19 point to the J.M. Mills?

20 A. No.

21 Q. Do you remember a company called Macera Brothers?

22 A. Yes, I remember them. I remember Macera, but

23 now you said that Macera name, yes, I remember

24 them coming in there.

25 Q. To J.M. Mills?

1 A. To J.M., yes.  
 2 Q. With respect to all these companies you just  
 3 mentioned, did you see them at the site -- maybe I  
 4 should go individually. The company John White,  
 5 do you remember when you first saw him at J.M.  
 6 Mills, his trucks?  
 7 A. He was a subcontractor for Dave. I think he  
 8 was out of Norwood, but that's the first time I  
 9 saw him in there. I don't remember, probably in  
 10 the '80s.  
 11 Q. When you say John White was a subcontractor for  
 12 Dave, do you remember that like when you worked  
 13 for Bruce Buffington, John White had trucks that  
 14 picked up waste for Goditt & Boyer?  
 15 A. Right.  
 16 Q. You've indicated in your testimony in response to  
 17 questions from Mr. Jackson that many of the  
 18 companies that you picked up for when you drove  
 19 for Mr. Buffington were the same companies that  
 20 you picked up waste from when you were at Goditt &  
 21 Boyer, right?  
 22 A. Correct.  
 23 Q. Do you have any knowledge as to whether John White  
 24 or any of his drivers also picked up loads from  
 25 the same companies that we've been talking about

1 A. Same thing.  
 2 Q. All the time?  
 3 A. Most all the time, yeah.  
 4 Q. Any other trucking companies you have a  
 5 recollection of seeing at the J.M. Mills landfill?  
 6 A. No, not -- just those little guys which you  
 7 don't pay any attention to. You didn't see them  
 8 that often.  
 9 Q. During the period of time that you worked for  
 10 Goditt & Boyer, I'm talking about before you  
 11 switched to working for Mr. Buffington, were you  
 12 ever given keys to the J.M. Mills landfill?  
 13 A. Never.  
 14 Q. Did you have any knowledge as to whether Linda  
 15 Terry or the O'Neil Boulevard facility had a set  
 16 of keys to the J.M. Mills landfill?  
 17 A. I have no idea about that.  
 18 Q. Did you ever come to learn that any other trucking  
 19 companies had keys to the J.M. Mills landfill?  
 20 A. No.  
 21 Q. I want to try to ask some additional questions  
 22 about Albert Dumont. You indicated that you're  
 23 familiar with Albert Dumont?  
 24 A. Yes.  
 25 Q. Your familiarity is based on your making some

1 here today?  
 2 A. They would have different areas. He would  
 3 pick up more or less like up towards Norwood area  
 4 and stuff like that, and bring it back down to  
 5 J.M. Mills. Just like Bruce Buffington, they get  
 6 their pickups from Goditt & Boyer.  
 7 Q. And John White, was he the owner of that company?  
 8 A. Yes.  
 9 Q. And do you know whether Mr. White is still alive?  
 10 A. I have no idea.  
 11 Q. Do you remember how old he was in 1980, any idea?  
 12 A. I imagine he was in his 50s, maybe.  
 13 Q. Have you heard anything at all about Mr. White?  
 14 A. No, not until I come here.  
 15 Q. With respect to L.W. Fontaine, do you remember the  
 16 first time you saw them at the site? Site meaning  
 17 J.M. Mills. When did you first see them at J.M.  
 18 Mills?  
 19 A. It was in late to early '70s and '80s.  
 20 Q. What about Truck-Away?  
 21 A. I used to see them there all the time.  
 22 Q. Meaning from when you first started driving for  
 23 Goditt & Boyer?  
 24 A. Yes.  
 25 Q. What about Macera Brothers?

1 trips to the Attleboro Landfill?  
 2 A. Yes.  
 3 Q. When you say Attleboro Landfill, can you just tell  
 4 me a little bit more about where that particular  
 5 landfill was?  
 6 A. It was located off of Pike Avenue in  
 7 Attleboro. As to the name of the street, I can't  
 8 remember the name of the street, next to a  
 9 railroad track, I remember that.  
 10 Q. Did you have an understanding as to whether  
 11 Mr. Dumont had any ownership interest in the  
 12 Attleboro Landfill?  
 13 A. I assumed that he owned it.  
 14 Q. Did you ever come to learn that Mr. Brask had any  
 15 ownership interest in the Attleboro Landfill?  
 16 MR. NEWTON: Objection.  
 17 A. No. They were friendly, but I don't know if  
 18 he ever had any money situation into the landfill.  
 19 Q. Did you ever come to learn that Mr. Dumont had any  
 20 other landfills very close to but separate from  
 21 the Attleboro Landfill?  
 22 A. Yes. There was another there, but I'm almost  
 23 positive it had nothing to do with him.  
 24 Q. Do you remember the name of that?  
 25 A. No.

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1 Q. Do you remember a landfill called the SHPACK  
 2 landfill, S-H-P-A-C-K?  
 3 A. No.  
 4 Q. I was a little bit confused about your answers in  
 5 connection with the times you saw Mr. Dumont down  
 6 at the J.M. Mills Landfill. Did you ever see  
 7 Albert Dumont working the gate at the J.M. Mills  
 8 Landfill?  
 9 A. No.  
 10 Q. Did you hear from anybody else that Mr. Dumont  
 11 worked the front gate at the J.M. Mills Landfill?  
 12 A. No.  
 13 Q. Do you know whether Mr. Dumont had any business  
 14 relationship with Joe Marzelkowski (phonetic), the  
 15 owner of J.M. Mills?  
 16 A. I have no idea.  
 17 Q. When you -- you said at some point you did see  
 18 Mr. Dumont down at the J.M. Mills Landfill; is  
 19 that correct?  
 20 A. Yes.  
 21 Q. Can you tell me again when that was?  
 22 A. I don't know exactly, but I think I was  
 23 working for Bruce Buffington at the time. I  
 24 didn't see him exactly in the landfill. He was on  
 25 the road in a truck at the entrance to the

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1 landfill.  
 2 Q. Did you have any words with him at that point?  
 3 A. Oh, just joking around with him. It was  
 4 strange to see him in a work uniform, and I just  
 5 asked him what he was doing, he said, "I'm  
 6 working," that was the answer I got.  
 7 Q. Any indication as to whether when he said he was  
 8 working he was actually operating a roll-off truck  
 9 versus working at the landfill?  
 10 A. I assumed he was, he was sitting in one.  
 11 Q. At that time, I'm assuming J.M. Mills was in  
 12 operation, correct?  
 13 A. I can't remember if I had anything to do with  
 14 that then or not. I might be getting my times  
 15 confused from when I was working for Ryder about  
 16 10 or 15 years ago, but I remember seeing him in  
 17 the landfill, and I remember seeing him at the CVS  
 18 warehouse in North Smithfield, and I talked to him  
 19 at both times. I can't remember if when I saw him  
 20 in the landfill if it was when I was with Ryder or  
 21 when I was with Bruce.  
 22 Q. I'm assuming that after the J.M. Mills Landfill  
 23 closed, you weren't heading down that area  
 24 anymore, correct, the dump?  
 25 A. No. I drive truck, I'm all over the place.

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1 Q. I understand, but you didn't go down the access  
 2 road from Mendon Road down to the J.M. Mills dump,  
 3 correct?  
 4 A. No, I just pulled in, it was wide enough  
 5 where you swing in and sit there for a few  
 6 minutes.  
 7 Q. But you don't -- so are you saying you're not sure  
 8 one way or the other whether the time you saw  
 9 Mr. Dumont in a truck at the J.M. Mills Landfill,  
 10 whether it was before or after the landfill  
 11 closed?  
 12 A. That's right.  
 13 Q. Was there a period of time when, to your  
 14 knowledge, Mr. Brask operated the J.M. Mills  
 15 Landfill?  
 16 MR. NEWTON: Objection.  
 17 A. I have no idea. I don't ever remember seeing  
 18 him in there doing anything.  
 19 Q. Do you remember the last load that you brought to  
 20 the J.M. Mills Landfill?  
 21 A. No, I don't.  
 22 Q. Do you have a recollection at some point in time  
 23 the J.M. Mills landfill closed?  
 24 A. I know he closed after I was working for Dick  
 25 Casino, but I know I never went in there after I

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1 got done hauling rubbish --  
 2 Q. You're not sure --  
 3 A. -- for Buffington and R.W. Selwin and Goditt  
 4 & Boyer.  
 5 Q. And you don't have a specific recollection as to  
 6 the date, then?  
 7 A. No.  
 8 Q. Do you have any idea why it was closed?  
 9 A. No, I don't.  
 10 Q. While you were driving for Mr. Buffington in the  
 11 early 1980s, was there a point in time when J.M.  
 12 Mills was one of the last landfills in that area  
 13 that was still open -- again, early '80s?  
 14 A. I thought he was always the only one open in  
 15 that area -- I'll take that back, there was -- I  
 16 can't think of the name of that one either, it was  
 17 up in North Smithfield -- I'll think of the name  
 18 before we get done.  
 19 Q. Davis?  
 20 A. Davis, yes.  
 21 Q. Do you recall a point in time when Davis closed?  
 22 A. No. I don't know when he closed. I know he  
 23 had closed I think it was from -- the town  
 24 ordinance made him close.  
 25 Q. Do you remember whether it closed before J.M.



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1 Mills closed?

2 A. I think it did. I'm not sure, though.

3 Q. Do you have a recollection at some point in time

4 most of the waste you were hauling went to J.M.

5 Mills because it was one of the last landfills

6 that was still operating?

7 A. It was more convenient than anything.

8 Q. But you don't have a recollection that you were

9 going there more often because -- specifically

10 because most of the other landfills had closed?

11 A. I always thought it was because it was the

12 cheapest one around.

13 Q. But you do have a recollection that kind of near

14 the end of your driving days you were going to

15 J.M. Mills more than any other landfill?

16 A. Oh, yeah -- yes. But there again, it was

17 probably because it was the cheapest.

18 Q. I understand. But you were directed to go there

19 by Mr. Buffington during the Buffington years,

20 correct?

21 A. Yes.

22 Q. Am I correct that like when you drove for Goditt &

23 Boyer, when you were making pickups while driving

24 for Mr. Buffington of Goditt & Boyer clients, not

25 only were you told where to pick up, you were told

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1 where to bring those loads?

2 A. Right.

3 Q. And most of the time you drove for Buffington,

4 were you told to bring it to J.M. Mills?

5 A. Most of the time, yes.

6 Q. Now, we're going to try to go through these

7 tickets, if we can?

8 (PLAINTIFF'S EXHIBIT 16

9 MARKED FOR IDENTIFICATION)

10 (OFF THE RECORD)

11 MR. JACKSON: Mr. Luthy, we're going

12 to shift a little bit, by agreement of counsel,

13 we're going to let some of these other attorneys

14 ask you some questions they have, which we

15 understand probably won't take too long. I may

16 ask a few follow-up questions based on their

17 questions, and then once that's done, we'll get

18 back to Mr. Murphy and his questions about Exhibit

19 16. With that, who wants to go first?

20 MR. BENIK: I will.

21 EXAMINATION BY MR. BENIK

22 Q. Good morning, Mr. Luthy. My name is Greg Benik, I

23 represent Teknor Apex Company and A.T. Cross

24 Company. I have a few questions. One of the

25 customers that you identified that you picked up

199

1 from was a company by the name of Peterson

2 Puritan?

3 A. Yes.

4 Q. Where was that plant or facility located?

5 A. In Cumberland, Rhode Island. Oh, I can't

6 think of the name of the street. I go down it all

7 the time. Right off of Route 122.

8 Q. Do you recall how far that facility was from the

9 J.M. Mills Landfill?

10 A. Approximately three miles.

11 Q. When did you first pick up waste at the Peterson

12 Puritan facility?

13 A. When I started on roll-offs for Dave Brask

14 back in the '70s.

15 Q. With Goditt & Boyer?

16 A. Yes.

17 Q. Did you continue to pick up waste at the Peterson

18 Puritan facility during the entire course of your

19 employment with Goditt & Boyer?

20 A. Yes.

21 Q. Did you pick up waste at the Peterson Puritan

22 facility during your employment with Buffington?

23 A. A few times, yes.

24 Q. During your employment with Goditt & Boyer, how

25 frequently would you pick up waste at the Peterson

200

1 Puritan facility?

2 A. Sometimes it was a week, it was like every

3 day, and sometimes it was maybe three, four times

4 a day. Sometimes it was twice a week. But there

5 were other drivers that used to pick up in

6 between.

7 Q. Thank you. Do you recall what size the container

8 was that was picked up at Peterson Puritan

9 facility?

10 A. I think when they started out, they were

11 using a small container, 42-yarder.

12 Q. Was this an open-top container?

13 A. No, it was compactor.

14 Q. Do you know what types of waste was in the

15 compactor?

16 A. Mostly full and empty cans with corrugated

17 boxes mixed in and pallets.

18 Q. Can you describe the cans?

19 A. Aerosol cans. There was a lot of bathroom

20 spray washes and stuff like that in there, like

21 detergents.

22 Q. While you were employed at Goditt & Boyer, where

23 did you take the waste that you picked up from

24 Peterson Puritan?

25 A. Probably 90 percent of the time to J.M.

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1 Mills.

2 Q. Was there -- when you took the roll-off from

3 Peterson Puritan to J.M. Mills, would you describe

4 in general the practice that you followed at the

5 landfill? Am I clear? Is that a good question

6 for you?

7 THE WITNESS: What do you mean

8 describe the procedure?

9 Q. What would you do when you drove up to the

10 landfill with that container from Peterson

11 Puritan?

12 A. Sign in -- not sign in, but get a slip and go

13 up to the landfill. They would ask where it was,

14 and they would have like a special spot for

15 Peterson Puritan to be dumped, and there was a

16 procedure like every other time you go in the

17 landfill with a roll-off truck compactor. The

18 roll-offs are a little different. You would find

19 out where you're going to dump it, they would

20 usually clear out a spot, like dig a hole or

21 something in the landfill, not a deep hole, but a

22 hole big enough to hold that load, and then they

23 would cover it, but you would get out, pull the

24 handle, open the door and wait for the cans to

25 fall out so you didn't get cremated with them, and

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1 then they would look the door and proceed to go

2 around to the cab and raise the hoist and dump the

3 load out and just reverse the procedure.

4 Q. Okay. Where you were dumping, and not only where

5 waste was being dumped by the trucks, was there an

6 operator, landfill operator down at the face of

7 the landfill, if you will?

8 A. There is always an operator out there.

9 Q. Okay. Was that operator on a piece of equipment

10 of sorts?

11 A. Yes.

12 Q. Okay. What was that operator doing on that piece

13 of equipment?

14 A. Normally, he had a blade on the front of it

15 to push the stuff around, and it had steel-spiked

16 wheels, and it articulated, it was like a bucket

17 loader, but it didn't have a bucket on it, it had

18 a blade, and when he was all done, he would spread

19 the stuff out and then run over it and I used to

20 stand back and watch the cans all squirt up in the

21 air from where he spiked the cans, you know. Then

22 they get dirt and throw it over the top of it.

23 Q. Was that the regular practice every time you

24 delivered a load from Peterson Puritan?

25 A. Most of the time, yes.

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1 Q. You mentioned to Mr. Murphy that you talked to a

2 few men, I think you said men, about the J.M.

3 Mills site, do you remember that, just a few

4 minutes ago?

5 A. Yes.

6 Q. Okay. Did you prepare a written report or summary

7 of your discussions for those folks?

8 THE WITNESS: To whom?

9 Q. To the people who you were talking to, or who

10 interviewed you.

11 THE WITNESS: You mean the people

12 that came to my house to interview me?

13 MR. BENIK: Yes.

14 A. They just more or less took notes on a yellow

15 pad, like you have in front of you there. One guy

16 from -- I think he said he was from Pennsylvania

17 said he was going to give me a transcript of what

18 he had written down and what I had responded to,

19 and when he came back with it, he was going to

20 take my wife and myself out for dinner. He never

21 showed up. So I never got the transcript and I

22 lost a dinner.

23 MR. BENIK: I'll tell you, if I come

24 over and talk to you, I'll honor that. I don't

25 think I will, I think we've talked enough today

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1 and yesterday.

2 Q. So, you didn't prepare any notes or anything to

3 give to those guys?

4 A. No, I did not.

5 Q. As you -- did you prepare for this deposition in

6 any way?

7 THE WITNESS: Such as?

8 Q. Did you read anything?

9 A. No.

10 Q. Did you talk to anybody aside from your lawyer?

11 A. No. I don't see the -- the guys I used to

12 work with, the ones that are still around, I know

13 they still work for other companies, but I'm doing

14 something else and they're doing what they're

15 doing, and I don't ever see them. Like, for

16 instance, Castello, I haven't seen him in probably

17 15 years.

18 Q. When I drive in that neighborhood, I see what was

19 there is a gasoline service station, just

20 northeast, I think it's a Lukoil gas station now

21 on, I guess that's Mendon Road?

22 THE WITNESS: In Pawtucket?

23 MR. BENIK: Yes. Right above the

24 landfill, so to speak.

25 THE WITNESS: That's not Pawtucket,

205

1 that's Cumberland.

2 MR. BENIK: I'm sorry, Cumberland.

3 Q. It's a Lukoil gas station now?

4 A. There used to be a Stop & Shop there and

5 remnants of the old Lonsdale Racetrack was still

6 there when I was there.

7 Q. I'm just wondering, do you recall picking up any

8 waste from a gas station right on Mendon Road a

9 mile or so from --

10 A. No, I don't.

11 Q. After the landfill closed, which was about '82 or

12 '83, do you recall if you made any other

13 deliveries while you were working for the various

14 other companies that you worked for in the '80s

15 and '90s period?

16 THE WITNESS: To the landfill after

17 it closed?

18 MR. BENIK: Yes.

19 A. No.

20 Q. You mentioned that Teknor Apex was a customer of

21 Goditt & Boyer?

22 A. Yes.

23 Q. And you testified that you were there and you

24 picked up waste there, right?

25 A. Yes.

206

1 MR. JACKSON: Objection. Which

2 facility are you referring to?

3 MR. BENIK: I haven't mentioned any

4 facility. So your objection is on the record.

5 MR. JACKSON: Okay.

6 Q. You indicated that you saw white powder?

7 A. Yes.

8 Q. Do you know what that powder was?

9 A. I assumed it was resin that they used to use

10 in the plant.

11 Q. That's your assumption. You don't know for a

12 fact, do you?

13 A. I couldn't swear to it, no.

14 Q. What do you mean by resin, by the way, Mr. Luthy?

15 A. It's what they call -- it's the main

16 ingredient for plastic.

17 Q. That's your understanding. You don't know what

18 the resin is made of?

19 A. When I was working for Thompson Chemical, and

20 I was concerned about it because of the powder and

21 dust and stuff, I asked him, I said, is this

22 harmful, and the answer that I got from the

23 foreman at the time was, no, you could probably

24 eat the stuff and it wouldn't bother you.

25 Q. You didn't eat it, did you?

207

1 A. I hope not. I probably sucked enough in my

2 lungs to bag the stuff, though.

3 Q. You don't know what the white stuff was, you

4 assumed it was resin?

5 A. I assumed it was resin.

6 Q. You don't know if any chemicals were in that white

7 powder?

8 A. I'm not a chemist, I don't know.

9 Q. Right. And when you talk -- that would refer to

10 the, quote, Apex dust, that Mr. Jackson talked to

11 you about this morning?

12 A. Yes.

13 Q. Your testimony is that you assume it's resin, but

14 you don't know what it's made of?

15 A. I couldn't swear that it is resin, though.

16 Q. You just saw a white dust that you describe as

17 resin?

18 A. All I know it looks like the stuff I used to

19 make at Thomson Chemical, which is vinyl resin.

20 MR. BENIK: That's fine.

21 A. If you bagged as many bags that I bagged,

22 you'd know what it looks like.

23 Q. You saw a lot of empty bags, right, at Teknor Apex

24 in the various containers you picked up there,

25 correct?

208

1 A. Yes.

2 Q. You don't know what chemicals were in those bags,

3 if they were chemicals, do you?

4 A. All I know is it had a big green name on it

5 that said Apex.

6 Q. Okay. So, the bags that you saw had Apex labeled

7 on them; is that your recollection?

8 A. Yes. There was a lot of bags that didn't

9 have a name at all, just plain manila bags.

10 Q. Okay. You said you also went to A.T. Cross?

11 A. Yes.

12 Q. And you saw, I think you said you saw steel pails,

13 right?

14 A. Yes, some plastic pails.

15 Q. Some plastic pails?

16 A. Some.

17 Q. How big were the pails?

18 A. Five gallons.

19 Q. And the pails, did they have tops?

20 A. Some of them had tops and the ones that

21 didn't have tops, the lids were laying in the

22 container some place.

23 Q. I see. And you don't know the chemical

24 composition of what was in those pails, do you?

25 A. No, I just assumed it was ink or some kind of

209

1 an ink product.

2 MR. BENIK: Thank you. That's all I

3 have.

4 MR. JACKSON: Next?

5 MR. NEWTON: No questions.

6 EXAMINATION BY MR. GURAY

7 Q. My name is Arthur Guray, I want to ask you a few

8 questions about Blackstone Valley Electric. I

9 think you testified you started picking up there a

10 few years after you started with Goditt & Boyer,

11 which would be about 1968, give or take; is that

12 correct?

13 A. It is closer to '70s.

14 Q. Closer to '70s?

15 A. Yes.

16 Q. To your knowledge, before you started picking up

17 at Blackstone Valley Electric, did any other

18 Goditt & Boyer pick up there?

19 A. I have no knowledge of that.

20 Q. One way or the other?

21 A. One way or the other.

22 Q. Do you have any knowledge whether Blackstone

23 Valley was a customer of Goditt & Boyer prior to

24 when you started picking up?

25 A. Prior to when I started, I have no idea.

210

1 Q. You kept on picking up BVE stops all the way

2 through the Buffington years?

3 A. Yes.

4 Q. Until the landfill closed?

5 A. Yes.

6 Q. So that's about 12 or 15 years?

7 A. Probably about that, yes.

8 Q. You testified that you picked up about once every

9 two or three weeks; is that correct?

10 A. Yes. Sometimes more, sometimes less.

11 Q. Is that an accurate average, once every two or

12 three weeks for those 15 years?

13 A. For me it would be. Like I say, I don't know

14 how many guys picked up in between, or if they

15 did.

16 Q. And you had occasion to see what was in the

17 containers when you picked them up at the site?

18 A. Yes.

19 Q. When you took the containers to J.M. Mills, you

20 backed the truck up to the landfill -- when you

21 dump the load at landfill, you could see what was

22 in the containers at that point also?

23 A. Yes.

24 Q. And I think you mentioned something yesterday

25 about after you dumped the load about looking at

211

1 what you dumped to see if there were any goodies;

2 do you remember saying that?

3 A. There would never be any goodies in that one.

4 Q. Is it fair to say that you had -- that for every

5 load that you picked up from Blackstone Valley

6 Electric and dumped at J.M. Mills, you got a

7 really good look what was inside the container?

8 A. I would say so, yes, unless it was raining,

9 then I was in a hurry to get back in the truck.

10 Q. Fair enough. And you testified that you saw

11 inside there at least -- I want to focus you on

12 the one open top container, the one that did not

13 have a welded cover on it.

14 A. Yes.

15 Q. You said that you saw pallets, metal, some

16 corrugated boxes and cross-arms for the poles?

17 A. And insulators.

18 Q. And insulators?

19 A. Yes.

20 Q. Is that about it?

21 A. That's mainly it.

22 Q. Is there anything else that you remember seeing,

23 aside from the things that I listed?

24 A. Oh, just glass, maybe. Bottles and cans and

25 stuff from -- maintenance stuff. Maybe there was

212

1 some air filters from the trucks when they had

2 changed the air filters. I don't remember seeing

3 any oil filters or anything in there. There could

4 have been, but I just didn't look at them.

5 Q. So some pallets, metal, glass, bottles and cans,

6 some air filters, corrugated boxes and cross-arms

7 from poles. Is there anything else that's missing

8 from that list?

9 THE WITNESS: Did you say

10 insulators?

11 Q. Insulators, I keep forgetting that. Anything else

12 you remember?

13 A. Not really, no.

14 Q. And you testified yesterday that you saw the

15 cross-arms for the poles, which were those wooden

16 two-by-fours but you didn't see any --

17 A. Two-by-four or four-by-four, could have been

18 two two-by-fours nailed together or something like

19 that.

20 Q. But they're square or rectangular in shape?

21 A. They were usually square.

22 Q. So you saw those, but you said you didn't see any

23 actual poles, actual telephone poles; is that

24 correct?

25 A. No, I didn't pay attention to them, put it

1 that way. I didn't notice any.  
 2 Q. Did you notice whether the contents of the  
 3 container changed over the 15 years or so that you  
 4 went there?  
 5 A. No, more or less stayed the same.  
 6 Q. Did you take waste from BVE anywhere other than  
 7 J.M. Mills?  
 8 A. No.  
 9 Q. Do you know if any other drivers ever took waste  
 10 from BVE --  
 11 A. I have no idea.  
 12 Q. You mentioned that sometimes you would ask the  
 13 J.M. Mills guards to leave the gate unlocked for  
 14 you so you could come and do a late dump?  
 15 A. Uh-huh.  
 16 Q. Then you said when you showed up the next morning,  
 17 sometimes the stuff that you dumped was still  
 18 right where you left it?  
 19 A. Right.  
 20 Q. Was the gate still unlocked?  
 21 A. No, because if it was unlocked, it wasn't  
 22 because of me, because I locked it when I went  
 23 out.  
 24 Q. Did you lock it when you went out every time?  
 25 A. Yes, I assume I did, yes.

1 Q. Do you remember the gate ever remaining unlocked  
 2 overnight?  
 3 A. Whenever I get there in the morning, if I had  
 4 to wait for them, it was always locked.  
 5 Q. A few minutes ago you testified about sort of a  
 6 special procedure for Peterson Puritan waste, for  
 7 the aerosol cans, that you dumped that load in a  
 8 different manner than you dumped all the other  
 9 loads you've been talking about. Was there any  
 10 other pickups where, when you dumped at J.M.  
 11 Mills, you would follow a different or special  
 12 procedure as with Peterson Puritan?  
 13 A. The only one I can think of would be Apex  
 14 dust.  
 15 Q. Could you describe the procedure for Apex dust?  
 16 A. Got the hell out of the way, because you get  
 17 dust all over you.  
 18 Q. Did they dig a special hole?  
 19 A. No.  
 20 Q. Did they have a special piece of equipment to run  
 21 over it like you described with Peterson Puritan?  
 22 A. No, just the articulating landfill. It's a  
 23 special machine for landfills.  
 24 Q. That machine ran over the whole landfill, not just  
 25 where the cans were?

1 A. Compacted everything.  
 2 Q. Any other customers' trash that you had to follow  
 3 special procedures to dump?  
 4 A. Not that I can remember.  
 5 MR. GURAY: That's all my questions.  
 6 Thank you.  
 7 EXAMINATION BY MR. COBURN  
 8 Q. Mr. Luthy, my name is Scott Coburn, I'm an  
 9 attorney for the company called General Cable.  
 10 I'm going to ask you some questions about your  
 11 testimony.  
 12 THE WITNESS: What company was that?  
 13 Q. The company I represent is General Cable. I'm  
 14 going to ask you some questions about your  
 15 testimony regarding Carol Cable.  
 16 A. Okay.  
 17 Q. Mr. Jackson asked you earlier today if you  
 18 recalled when you first picked up from Carol  
 19 Cable's Lincoln facility. I think you testified  
 20 that you would imagine it was when you first  
 21 started working for Goditt & Boyer?  
 22 A. Uh-huh.  
 23 Q. Do you know when the Lincoln facility was built?  
 24 A. No, I don't.  
 25 Q. If I told you it was built in or around 1975,

1 would that sound familiar?  
 2 A. It would be in the time area, yes. I think  
 3 it was later than that it was built. I'm not  
 4 necessarily saying that particular company I'm  
 5 referring to the industrial area there, whether  
 6 it's Carol Cable, I couldn't swear when it was  
 7 built.  
 8 Q. Was the Carol Cable facility in Lincoln part of a  
 9 larger industrial park?  
 10 A. Oh, yes.  
 11 Q. If I understand you correctly, you don't recall  
 12 when that industrial park was built?  
 13 A. No, I do not.  
 14 Q. So would it be fair to say that you wouldn't have  
 15 picked up any loads from Carol Cable's Lincoln  
 16 facility until after that industrial park was  
 17 built?  
 18 A. Right.  
 19 Q. I think you also testified that sometimes you  
 20 picked up two or three loads a week, sometimes not  
 21 at all?  
 22 A. Yes.  
 23 Q. Were there times where you went longer periods,  
 24 say, more than a month without picking up loads  
 25 from the Lincoln facility?

217

1 A. Very seldom.

2 Q. Would there have been periods longer than, say,

3 two weeks?

4 A. Like I say, again, very seldom.

5 Q. But certainly, longer than a week?

6 A. Oh, yeah.

7 Q. I think you also testified that you were pretty

8 sure that it was -- that loads were picked up from

9 Carol Cable every day or that you would assume

10 they were picked up every day; is that correct?

11 A. I assumed they were picked up every day.

12 Q. So, does that mean you have no personal knowledge

13 other than those that you picked up --

14 A. Right.

15 Q. And how often -- and how often loads were picked

16 up by other people if at all?

17 A. That's right.

18 Q. With respect to the lower compactor at the Lincoln

19 facility, I think you testified that there was

20 coatings, wire coatings?

21 A. Yes.

22 Q. Uncured rubber, pallets, gaylords, resin and then

23 fiber drums; is that correct?

24 A. Yes.

25 Q. The resin that you recall seeing from the Lincoln

218

1 facility, can you describe what that resin was

2 like?

3 A. Sugar. Vinyl resin that I've described in

4 all the other Apex stores and stuff like that.

5 Q. Would your testimony with regard to your

6 description of the resin as you've termed it at

7 the Lincoln facility, would that be the same as

8 your testimony with respect to the Teknor Apex

9 facilities?

10 A. Yes.

11 Q. Would it also be true that you don't know what the

12 resin at the Lincoln facilities was composed of?

13 A. I used to see Apex bags in there with the

14 Apex name. I assume they come from Apex

15 themselves.

16 Q. You don't know what was in those bags?

17 A. I have no idea.

18 Q. So would I be correct that you also don't know

19 what was actually in the resin?

20 A. The only thing I knew what was in it, in some

21 of the bags was when they were black, and I knew

22 that was lampblack, because I used to be covered

23 with it.

24 Q. Do you know what the composition of lampblack is?

25 A. I have no idea.

219

1 Q. Is that a trade name?

2 A. I would assume it is, but it's a form of

3 resin, but it's very -- it was very -- like

4 makeup powder or baby powder is what it looked

5 like. When you got ahold of that, it went every

6 place.

7 Q. Did you have any experience working with lampblack

8 when you work at Thompson Chemical?

9 A. Yes.

10 Q. The substance that you described as being in the

11 fiber drums that you picked up from the Lincoln

12 facility, I think you described it as something

13 that looked like milk?

14 A. Yes.

15 Q. Do you know what the composition of that substance

16 was?

17 A. I had no idea what it was, but I just assumed

18 it was the material they used to use to make the

19 coatings for the wires.

20 Q. Did anybody from Carol Cable ever tell you that it

21 was the material that was used to make the

22 coatings?

23 A. No.

24 Q. So you were just guessing based on what you were

25 looking at as to what it was used for?

220

1 A. Right.

2 Q. Do you recall when the first time you picked up a

3 load that had these fiber drums in them?

4 THE WITNESS: The first time I

5 picked them up?

6 MR. COBURN: Yes.

7 A. Just about every time.

8 Q. Did the quantities -- I think you testified that

9 sometimes there would be two or three, sometimes

10 maybe ten, did the quantities ever change over the

11 course of time?

12 A. No. It was about the same all the time.

13 Q. I apologize. I may I have asked you this, the

14 bags that you recall seeing in the loads from the

15 Lincoln facility, do you know what was in those

16 bags?

17 A. I assumed that it was resin.

18 Q. I'd like to ask you a couple of questions about

19 the Roosevelt facility. Can you tell me a little

20 bit about the lamp parts that you talked about?

21 Can you describe them in a little more detail?

22 A. Well, when you make a lamp, you got several

23 parts that you make a lamp with. There is little

24 bitty parts and a stem that goes up for the lamp

25 and the part that holds the bulb, the switch to

221

1 click it off and on and the connection for the  
 2 wires. That stuff was all in there, either bent  
 3 or -- when they had it anodized, it wouldn't come  
 4 out the color they wanted, and it was spotty, they  
 5 would throw it away.  
 6 Q. Was it your understanding that that facility made  
 7 lamps?  
 8 A. No. I always just thought they made parts.  
 9 It was like two floors, the top floor was the lamp  
 10 division and the bottom floor was the wire  
 11 division. They used to mix all the rubbish and  
 12 throw it in one container, one compactor.  
 13 Q. Mr. Jackson asked you to estimate roughly what  
 14 percent of loads would have the lamp parts and  
 15 other type materials; do you recall that  
 16 testimony?  
 17 A. I remember mentioning it, yes.  
 18 Q. Would I be correct when you said one third of a  
 19 load would be the wire coatings, that was just a  
 20 guess, correct?  
 21 A. That was just guessing. I can't -- it  
 22 varied, you know.  
 23 Q. You never, when you dumped a load, you never  
 24 sorted it out after it was dumped to say this much  
 25 is here, this much is there?

222

1 A. No.  
 2 Q. I think you testified there were not too many bags  
 3 in the loads from the Roosevelt Avenue facility?  
 4 A. Right.  
 5 Q. Do you have any idea what was in those bags?  
 6 A. There again, I assumed that the bags had  
 7 materials that they used to -- they coated wire  
 8 there, too. So I assumed it was for that.  
 9 Q. But you don't know for sure, correct?  
 10 A. No.  
 11 Q. You also testified that sometimes there would be  
 12 little boxes with sweepings in them; do you recall  
 13 that testimony?  
 14 A. Yes.  
 15 Q. Do you recall -- do you have any understanding  
 16 what was in those boxes of sweepings?  
 17 A. Speedy Dry from the floor. The machines that  
 18 had oil in them.  
 19 Q. Did you actually touch the boxes or the contents  
 20 of those boxes?  
 21 A. I tried not to.  
 22 Q. How exactly do you know it was oil?  
 23 A. You could smell it.  
 24 Q. Describe for me the smell.  
 25 A. Oh, boy. How do you describe an oil smell?

223

1 It smells like oil.  
 2 Q. If you could, describe for me the boxes that the  
 3 Speedy Dry would come in?  
 4 A. They were corrugated boxes, usually little,  
 5 probably one foot square boxes.  
 6 Q. Did they have lids?  
 7 A. Just fold-over covers.  
 8 Q. Do you recall the first time you saw a box with  
 9 some sort of Speedy Dry material at the Roosevelt  
 10 Avenue facility?  
 11 A. If it wasn't broken up, you would probably  
 12 see it almost every time.  
 13 Q. You say if it wasn't broken up, what do you mean?  
 14 A. When a compactor goes in, it's going to crush  
 15 something, it crushes them and breaks it open.  
 16 Q. When exactly, during the process of picking up  
 17 loads from Carol Cable, when would you see those  
 18 boxes?  
 19 A. I don't understand the question.  
 20 Q. The compactors were closed, correct?  
 21 A. Right.  
 22 Q. And there is only a little hole in the back?  
 23 A. It's a good-sized hole.  
 24 Q. About four by four, correct?  
 25 A. Correct.

224

1 Q. Did you see -- would you see these materials prior  
 2 to the time you left the Carol Cable facility in  
 3 the compactor?  
 4 A. No.  
 5 Q. So it was after you dumped?  
 6 A. After I dumped it.  
 7 Q. There is other waste when you dumped at J.M. Mills  
 8 Landfill, there was other waste there, correct?  
 9 A. Oh, yes. The landfill has got to be --  
 10 Q. So it's certainly possible that the -- was it  
 11 possible that the boxes could have already been on  
 12 the ground?  
 13 A. It's possible, but when I see them, I see  
 14 them where I dump them.  
 15 Q. Did you ever take any loads from either of the  
 16 Carol Cable facilities to the Central Landfill?  
 17 A. I don't remember whether I ever did or not.  
 18 Q. Is it possible that you did?  
 19 A. Possibly did, but very doubtful.  
 20 Q. How about the Attleboro Landfill?  
 21 A. I don't ever remember taking one there.  
 22 Q. Any other landfills?  
 23 A. Possibly Davis's.  
 24 Q. Where was Davis's landfill?  
 25 A. North Smithfield.

225

1 Q. Which Carol Cable facility would you have dumped  
 2 loads at Davis's?  
 3 A. I have no idea.  
 4 Q. Did you ever witness any employees at the J.M.  
 5 Mills Landfill conducting any sort of salvaging  
 6 activities?  
 7 A. Yes.  
 8 Q. Can you describe for me what you saw?  
 9 THE WITNESS: From what load?  
 10 MR. COBURN: From Carol Cable loads.  
 11 A. Oh, never from them.  
 12 Q. What sort of salvaging activities did take place,  
 13 just generally?  
 14 A. Generally, they try to save the metal, and,  
 15 department stores, you'd take in there, they would  
 16 see if there was any clothing or any things that's  
 17 been returned and stuff like that. They try to  
 18 salvage that. If it was a Stop & Shop load from  
 19 the warehouse, they would try to save all the soda  
 20 bottles that were full. They used to have  
 21 trailers full of soda from up there and cat food,  
 22 kitty litter, dog food, cans of vegetables and all  
 23 kinds of stuff, just general grocery store stuff  
 24 would be in that load. They would always try to  
 25 salvage that, whatever they could out of it.

226

1 Q. Mr. Luthy, if I can ask you to dig out what was  
 2 marked Exhibit Number 8. If I could ask you to  
 3 turn, if I counted correctly, 13 pages in. I'm  
 4 looking at a slip that's numbered 58269 on the top  
 5 right-hand corner.  
 6 A. Yup.  
 7 Q. That's your signature on that page?  
 8 A. Yes, it is.  
 9 Q. And above that it says Carol, Lincoln?  
 10 A. Yes.  
 11 Q. Do you see the writing below and to the right of  
 12 where your signature is?  
 13 A. Yes.  
 14 Q. Do you have any idea what that means?  
 15 A. I have no idea.  
 16 Q. Is that your writing?  
 17 A. Nope.  
 18 Q. About, say, six pages back from there, there is a  
 19 dump ticket with a number 58970, bottom left-hand  
 20 corner.  
 21 THE WITNESS: What is the number?  
 22 MR. COBURN: 58970.  
 23 A. Yes.  
 24 Q. That's your signature on that ticket?  
 25 A. Yes, it is.

227

1 Q. Above that it says Carol, Lincoln?  
 2 A. Yes.  
 3 Q. And below Carol, Lincoln, it says -- it appears to  
 4 be "Rub," is that your handwriting?  
 5 A. No.  
 6 Q. Do you have any understanding what that refers to?  
 7 A. I have no idea.  
 8 MR. COBURN: Thank you, sir. I have  
 9 no further questions.  
 10 MS. FOGELL: I have two questions.  
 11 EXAMINATION BY MS. FOGELL  
 12 Q. Mr. Luthy, my name is Tina Fogell, I represent  
 13 Wyman-Gordon. When you testified regarding the  
 14 Wyman-Gordon facility, I believe you indicated it  
 15 was in Massachusetts, but that you couldn't recall  
 16 the town. If I were to tell you it was in  
 17 Grafton, Massachusetts, would that spur your  
 18 recollection?  
 19 A. You're right, yup.  
 20 Q. Were there any other landfills other than the J.M.  
 21 Mills Landfill that you would have brought the  
 22 Wyman-Gordon waste material to?  
 23 A. Not that I can remember.  
 24 Q. Do you remember ever going to a landfill in  
 25 Worcester to bring that waste?

228

1 THE WITNESS: Worcester landfill?  
 2 MS. FOGELL: Worcester, yes.  
 3 A. No, I don't think I even remember where it  
 4 is.  
 5 Q. Did you know that a landfill existed in Worcester?  
 6 A. At the time every town had a landfill, so  
 7 they probably did have one.  
 8 Q. But you don't have any recollection of bringing  
 9 Wyman-Gordon waste to that landfill?  
 10 A. No.  
 11 MS. FOGELL: I have nothing further.  
 12 FURTHER EXAMINATION BY MR. JACKSON  
 13 Q. Just one follow-up question, Mr. Luthy. You  
 14 talked with Mr. Coburn about boxes with the Speedy  
 15 Dry from the Roosevelt facility?  
 16 A. Yes.  
 17 Q. Do you recall how many of those boxes you had seen  
 18 unload?  
 19 A. Anywhere from one to three.  
 20 MR. JACKSON: I have nothing further.  
 21 EXAMINATION BY MR. MURPHY (CONT.)  
 22 Q. I have just a couple of follow-up questions on the  
 23 questions that were asked before, Mr. Luthy. You  
 24 were questioned a little bit about Peterson  
 25 Puritan?



229

1 A. Yes.

2 Q. You said about 90 percent of the loads went to

3 J.M. Mills?

4 A. Yes.

5 Q. Where did the other 10 percent go?

6 A. Probably took the other 10 percent to Davis

7 landfill.

8 Q. And there were some questions about goodies and

9 scavenging. Did you ever find any usable

10 materials in any of the Peterson Puritan loads?

11 A. Oh, yes, all the time.

12 Q. Tell me what you found.

13 A. Bathtub cleaner, wall cleaner. Once in a

14 while they would do a Windex load, a lot of

15 Windex.

16 Q. Stuff that you would actually put in the cab?

17 A. Use at home. Never sell it, I would just use

18 it at home for my own personal use.

19 Q. Gotcha. Do you have a recollection of the J.M.

20 Mills personnel also scavenging the Peterson

21 Puritan loads?

22 A. Yes.

23 Q. Was a pretty fairly regular occurrence?

24 A. Yes, it was.

25 Q. Okay. Let's try to get to these tickets. We've

230

1 marked as Exhibit 16 a number of tickets. By the

2 way, for everybody here, there are some inserts

3 that say 1 of 13, 2 of 13, whatever you can take

4 those out they were just from E-mailing, not

5 really part of the exhibit. The first company

6 that I've listed is Avnet. You've already

7 testified you're not familiar with that company?

8 A. I'm not.

9 Q. I believe we marked the first ticket anyway, but I

10 want to ask you, if you look at the second page of

11 that exhibit, in the upper right-hand corner there

12 is a ticket 36207; do you see that?

13 A. Yes.

14 Q. Is that your signature on that ticket?

15 A. Yes, it is.

16 Q. Is that also Avnet?

17 A. It appears to be.

18 Q. In looking at that, does that refresh your

19 recollection at all as to --

20 A. No.

21 Q. -- where Avnet was or what you pick up there?

22 A. No.

23 Q. And where it says truck or plate number it says

24 Number 3; do you see that --

25 A. Yes.

231

1 Q. -- on that same ticket 36207. Was that referring

2 to your truck number from Buffington?

3 A. Yes.

4 Q. Do you have a recollection of driving truck number

5 3?

6 A. Oh, yeah.

7 Q. Do you recall picking up waste from

8 Owens-Illinois?

9 A. I know the name. I know I've picked it up,

10 but I can't remember where it is.

11 Q. Any recollection as to what was -- what type of

12 facility it was, what they manufactured?

13 A. No.

14 Q. Any recollection as to what the contents of their

15 containers were, the waste?

16 A. No. But I'll probably remember later on.

17 Q. Do you know whether Owens-Illinois had any

18 relationship to Owens-Corning, or was it a

19 different entity?

20 A. I think it was different. I know we used to

21 pick up at Owens-Corning.

22 Q. I'm going to get to Owens-Corning in a minute but

23 your recollection is Owens-Illinois was a

24 different facility?

25 A. Yes.

232

1 Q. You don't have any idea where that was at this

2 juncture?

3 A. I don't.

4 Q. Let's just look at the ticket then. In the upper

5 right-hand corner there is a ticket 55952; do you

6 see that?

7 A. Yes.

8 Q. Is that your signature on that ticket?

9 A. It appears to be my signature, yes.

10 Q. Does it say Owens-Illinois?

11 A. Yes.

12 Q. So would it be fair to state that this ticket

13 reflects the fact that you brought a container

14 from Owens-Illinois and dumped it at J.M. Mills?

15 A. Yes.

16 Q. Did you bring more than one load over the period

17 of time that you drove, did you bring more than

18 one container from Owens-Illinois to J.M. Mills?

19 A. I don't remember.

20 Q. Any recollection of frequency?

21 A. No.

22 Q. I'm going to ask you about a company called

23 Arkwright. Do you remember a company called

24 Arkwright?

25 A. I remember the name, yes.

233

1 Q. Do you remember anything more than the name; do  
 2 you remember where it was located?  
 3 A. No.  
 4 Q. Do you remember what it was that they did?  
 5 A. No.  
 6 Q. Do you remember the size of the containers you  
 7 picked up, the type?  
 8 A. No.  
 9 Q. Do you remember anything about Arkwright, other  
 10 than remember that you picked up loads from there?  
 11 A. I picked up quite a few loads there, I can  
 12 remember that, but I don't -- I can't remember  
 13 where it is or what it was.  
 14 Q. Do you have any recollection as to the frequency  
 15 with which you picked up at Arkwright?  
 16 A. No.  
 17 Q. Let's look at the tickets. There is two tickets  
 18 here, the first one in the upper right-hand  
 19 corner, ticket number 45760. Is that your  
 20 signature on that ticket?  
 21 THE WITNESS: What was the number?  
 22 MR. MURPHY: 45760. Upper right-hand  
 23 corner.  
 24 A. I don't have 457.  
 25 MR. MURPHY: You don't have a -- how

234

1 many tickets do you have with Arkwright?  
 2 MR. CONNORS: You're in a different  
 3 package.  
 4 (OFF THE RECORD)  
 5 Q. Go to the next page. Upper right-hand corner, do  
 6 you see a ticket 45760?  
 7 A. Yes.  
 8 Q. Is that your signature?  
 9 A. Yes, it is.  
 10 Q. Is that your handwriting where it says Arkwright?  
 11 A. No, it is not.  
 12 Q. But does it indicate Arkwright?  
 13 A. It says Arkwright right on the sheet.  
 14 Q. And let's go to the next ticket, lower right-hand  
 15 corner, number 58234; is that your signature  
 16 there?  
 17 A. It appears to be, yes.  
 18 Q. Is that also --  
 19 A. It says Arkwright.  
 20 Q. So are you able to state that the two tickets  
 21 we've just looked at reflect two loads that you  
 22 brought from Arkwright and dumped at J.M. Mills  
 23 Landfill?  
 24 A. Yes.  
 25 Q. Is it fair to say there were many other dump

235

1 tickets that would reflect other loads that you  
 2 brought from Arkwright and dumped at J.M. Mills?  
 3 A. I would assume so, yes.  
 4 Q. You're sure you brought more than two loads from  
 5 Arkwright?  
 6 A. I imagine I did. I worked there for a while.  
 7 Q. But having looked at these tickets, does it  
 8 refresh your recollection at all as to what --  
 9 A. No.  
 10 Q. -- what might have been in those containers?  
 11 A. No.  
 12 Q. Do you remember picking up, if you flip to the  
 13 next section, we should have Sears. Let me ask  
 14 you a few questions first. Was there one Sears  
 15 location or one that more that you pick up from?  
 16 A. Started out more than one, but it only wound  
 17 up being just one.  
 18 Q. Well, when it started out, how many Sears  
 19 facilities?  
 20 A. Two.  
 21 Q. Tell me the locations.  
 22 A. Actually, there was more than that. There  
 23 was one up in Dedham, too.  
 24 Q. Dedham, Mass.?  
 25 A. Yeah.

236

1 Q. So there was a Dedham, Mass., Sears, was that a  
 2 retail store?  
 3 A. Yes.  
 4 Q. What other locations?  
 5 A. Retail store that's closed on North Main  
 6 Street in Providence, and the warehouse is closed  
 7 down in I think it's Cranston.  
 8 Q. Let me start with the warehouse in Cranston. Was  
 9 there a period of time when you picked up loads  
 10 from the Sears warehouse in Cranston?  
 11 A. I picked up -- probably count them on one  
 12 hand the times I picked up there.  
 13 Q. Did you bring those loads to J.M. Mills?  
 14 A. If I remember correctly, I think I brought  
 15 some to J.M. Mills and some to United Paper Stock.  
 16 Q. What was the -- do you recall the contents of the  
 17 containers from the Cranston Sears warehouse?  
 18 A. Mostly corrugated and broken tools and stuff  
 19 like that. Plastic.  
 20 Q. Do you have any recollection of any discarded  
 21 paint in the warehouse?  
 22 A. I've never seen any of that, that I can  
 23 remember.  
 24 Q. From the warehouse?  
 25 A. From the warehouse, or any of the other

1 stores.

2 Q. You don't recall seeing paint in any of the Sears?

3 A. I've never seen any.

4 Q. Did you pick up from Sears during the period of

5 time you drove for Goditt & Boyer?

6 A. Yes.

7 Q. What about Buffington?

8 A. Yes.

9 Q. Let's look at the tickets, if we could, for a

10 minute. There is a number of tickets here from

11 Sears, I'm going to ask you to do the following.

12 I am going to -- let me ask you a couple of

13 general questions first. Some of these tickets

14 say Sears, N. Main. Would be that the North Main

15 Street, Providence location?

16 A. Yes.

17 Q. Others just say Sears without indicating a

18 location. Do you know why some said Sears and

19 some said Sears, North Main?

20 A. Just lazy, wouldn't put it on the slip.

21 Q. Would you be able to state which of the Sears

22 these came from?

23 A. No. I couldn't tell you which one exactly.

24 Q. Let's do this --

25 A. But I will say probably 90 percent of them in

1 Q. Next page, upper left, 55032?

2 A. Yes.

3 Q. Next page, bottom left, 53407?

4 A. Yes.

5 Q. Next page, upper left, 54408?

6 A. Yes.

7 Q. Next page, upper left, 45464?

8 A. Yes.

9 Q. Next page, lower left, 46011?

10 A. Yes.

11 Q. Next page, lower right, 46705?

12 A. Yes.

13 Q. Next page, to the left, 58471?

14 A. Yes.

15 Q. Next page, lower left, 35347?

16 A. Yes.

17 Q. Next page, upper right, 40786?

18 A. Yes.

19 Q. Next page, upper right, 46164?

20 A. Yes.

21 Q. Next page, upper left, 40711?

22 A. Yes.

23 Q. Those are all the Sears tickets. Now, for each of

24 these tickets, do they reflect the fact that you

25 brought a container from a Sears location and

1 here come from North Main Street.

2 Q. What came from the North Main Street facility? Do

3 you recall what -- let me ask you, what size

4 container did they have at the Providence, North

5 Main Street location?

6 A. 42, 48, 50, depending what you had empty.

7 Q. Compactor?

8 A. Compactor.

9 Q. And did you have occasion to see what was in that

10 container?

11 A. Sure. Mostly corrugated, and like I said,

12 same corrugated, paper, boxes and plastic, broken

13 tools, clothing, returned clothing.

14 Q. Do you remember seeing any liquid waste of any

15 type?

16 A. Not that I can remember, no.

17 Q. Any chemical waste of any type?

18 A. No.

19 Q. Let's just go through the tickets then. What I'm

20 going to do, let's flip through these, I'm going

21 to read the ticket number, and if you see both

22 your signature and the fact that it's got Sears

23 denoted on it, just say yes, okay. First one,

24 bottom left, 38444?

25 A. Yes.

1 dumped it at the J.M. Mills Landfill?

2 A. It was either at Mills landfill, or it went

3 to United Paper Stock.

4 Q. Depending on the nature of the load?

5 A. Depended on -- actually, the truth is, it

6 depended on the price of the corrugated at the

7 time.

8 Q. Okay. Was there more than one container at the

9 Sears location on North Main Street; did they have

10 one for corrugated and another one for general

11 trash?

12 A. I can't remember. I think there was only one

13 compactor.

14 Q. The other Sears locations also had compactors?

15 A. I think the Sears warehouse in Cranston had

16 two compactors.

17 Q. Okay. And was there any difference between what

18 was in one of the compactors at the Cranston

19 warehouse versus the other?

20 A. No. They just needed two to fill it up.

21 They had so much waste.

22 Q. But correct me if I'm wrong, you only brought that

23 to J.M. Mills a handful of times?

24 A. Right.

25 Q. But the Providence, North Main Street 50-yard

241

1 container, do you remember when you first picked  
 2 up at that Sears location?  
 3 A. I was working for Goditt & Boyer probably  
 4 when I first started with Goditt & Boyer.  
 5 Q. Late '60s?  
 6 A. Yes.  
 7 Q. Do you recall the frequency with which you picked  
 8 up at Sears?  
 9 A. At least once a week, depending on whether  
 10 they had a big sale or something, they had a lot  
 11 of stock to redo, so they do it more often.  
 12 Q. Was that a fairly regular frequency with which you  
 13 picked up there?  
 14 A. I think this was an on-call.  
 15 Q. Is it your understanding that in addition to  
 16 yourself, other Goditt & Boyer drivers also picked  
 17 up from the Sears, North Main Street location?  
 18 A. Correct.  
 19 Q. What about when you started working for  
 20 Buffington, was there a change in the frequency?  
 21 A. No, the same.  
 22 Q. You still went about once a week?  
 23 A. With Buffington, I used to go there less.  
 24 Q. You used to go there less?  
 25 A. Yes.

242

1 Q. Any idea why that is?  
 2 A. I have no idea.  
 3 Q. When you say you would have gone less when you  
 4 were driving for Buffington, can you state the  
 5 frequency at that time?  
 6 A. Probably once every two or three weeks.  
 7 Maybe more. I don't know. I can't remember.  
 8 Q. Okay. Let's go to -- the next entity is Crystal  
 9 Thermal; do you see that?  
 10 A. Yes.  
 11 Q. My cover page says Crystal Thermal, do you recall  
 12 the name of the company being Crystal Thermal  
 13 Plastics?  
 14 A. Yes.  
 15 Q. And did you pick up waste from that facility and  
 16 bring it to J.M. Mills?  
 17 A. Yes.  
 18 Q. Where was the facility located?  
 19 A. In Cumberland, on I think it was Diamond Hill  
 20 Road.  
 21 Q. Do you know if they're still in business?  
 22 A. I go by it all the time, but I don't know if  
 23 they're still in business or not. I don't think  
 24 so.  
 25 Q. Do you know what they did at that Diamond Hill

243

1 facility?  
 2 A. Blow mold.  
 3 Q. When you say blow mold, what do you mean by that?  
 4 A. They shoot hot plastic into a mold, and air  
 5 pressure would blow the plastic into the mold and  
 6 take the shape of it, and it would cool off and  
 7 they would trim it and the compactor was mostly  
 8 all trimmings, plastic trimmings. Could have been  
 9 any kind of mold, you know, cups, hospital boxes,  
 10 you know, plastic boxes for hospitals and stuff  
 11 like that.  
 12 Q. Do you remember when you first picked up from  
 13 them?  
 14 A. When I first started with Dave.  
 15 Q. Early 1960s?  
 16 A. '60s, yes.  
 17 Q. What about when you drove for Buffington, did you  
 18 pick up?  
 19 A. Yes.  
 20 Q. Was that a will call or regularly scheduled stop?  
 21 A. That was a call stop.  
 22 Q. Do you recall the frequency with which you picked  
 23 up from Crystal Thermal when you first started  
 24 picking up there in the late '60s?  
 25 A. Once or twice a week, maybe.

244

1 Q. When you say once or twice a week, are you talking  
 2 about you personally?  
 3 A. Yes.  
 4 Q. Did you have knowledge that in addition to  
 5 yourself, other Goditt & Boyer drivers were also  
 6 picking up there?  
 7 A. I have no knowledge of that.  
 8 Q. Did you bring -- do you recall the size of the  
 9 container?  
 10 A. Anywhere from 42 to 50.  
 11 Q. Was it a compactor?  
 12 A. Compactor.  
 13 Q. And did you bring all their waste to J.M. Mills?  
 14 A. Yes.  
 15 Q. Did any of it go to any other landfill?  
 16 A. Not that to my knowledge.  
 17 Q. Can you tell me -- when you dumped these loads at  
 18 the J.M. Mills Landfill, were you in a position to  
 19 observe the types of waste that were in the  
 20 containers?  
 21 A. Couldn't miss it.  
 22 Q. Do you want to tell me again everything that you  
 23 remember seeing in that container?  
 24 A. Probably 99 percent of it was plastic  
 25 trimmings from the molds. There were probably a

245

1 few pallets in it, boxes, corrugated boxes. A  
2 little plastic shavings from the molds and stuff.  
3 Other than that, just normal stuff in it.  
4 Q. When you say normal stuff --  
5 A. Normal for them.  
6 Q. When you say normal for them, any materials that  
7 would be consistent with maintaining the machines  
8 in that facility?  
9 A. At times, there probably had a handful of  
10 oily rags or something like that, or even  
11 sometimes clean rags.  
12 Q. Any Speedy Dry?  
13 A. If it was, it was mixed in with the little  
14 filings for the plastic.  
15 Q. Any liquid waste?  
16 A. No. Never saw liquid.  
17 Q. Any other waste of any type that you recall from  
18 that facility?  
19 A. No.  
20 Q. Let's go to the tickets, if we could, for Crystal  
21 Thermal. Again, I'm going to ask you to do the  
22 same, I'm going to read -- actually, there is only  
23 three, let's go through them quickly. The first  
24 ticket, upper left, 39606; is that your signature  
25 on that page?

246

1 A. Yes.  
2 Q. Does that reflect that you picked up a load from  
3 Crystal Thermal Plastics and dumped it at J.M.  
4 Mills?  
5 A. Yes.  
6 Q. Next page, upper right-hand corner 48414. Is that  
7 your signature?  
8 A. Yes, it is.  
9 Q. Now, is that a Crystal Thermal Plastics, do you  
10 know, are you able to determine whether this was  
11 a --  
12 A. It looks like Crystal to me.  
13 Q. Would this reflect another load you brought from  
14 J.M. Mills, you brought from Crystal and dumped at  
15 J.M. Mills?  
16 A. Yes.  
17 Q. The last page, upper left-hand corner, 53971; is  
18 that your signature?  
19 A. Yes, it is.  
20 Q. Again, does that reflect another load that you  
21 brought from Crystal Thermal Plastics and dumped  
22 at J.M. Mills?  
23 A. Yes.  
24 Q. Would you have -- would there be quite a number of  
25 other J.M. Mills dump tickets that reflect other

247

1 loads you brought from Crystal Thermal Plastics  
2 and dumped at J.M. Mills?  
3 A. Oh, yeah, there would be, yes.  
4 (OFF THE RECORD)  
5 (LUNCH RECESS 12:30 PM TO 1:19 P.M.)  
6 (GREGORY BENIK, MARTHA HOLT, ARTHUR GURAY NOT PRESENT)  
7 EXAMINATION BY MR. MURPHY (CONT.)  
8 Q. Good afternoon, Mr. Luthy. Mr. Luthy, just so you  
9 know, I want to give you a heads-up how I'm going  
10 to do some of the questioning here, because we've  
11 had testimony from a number of other drivers as to  
12 the content of some of the containers, depending  
13 on how much testimony we already have, I may be  
14 asking you only about kind of frequency, and to  
15 verify tickets, and there are some other companies  
16 I'm going to ask you a few more questions, so  
17 we'll play it by ear. Do you remember hauling  
18 waste from Cumberland Engineering?  
19 A. Yes.  
20 Q. Where were they located?  
21 A. Route 123, South Attleboro.  
22 Q. And do you know if they're still in business?  
23 A. I see -- I don't know if they are or not.  
24 Q. Do you know if they were acquired by another  
25 company?

248

1 A. Don't know.  
2 Q. Did they have one facility, or more than one?  
3 A. I think they only had one.  
4 Q. What do you remember about what they did at that  
5 facility, do you have a recollection what  
6 Cumberland Engineering did?  
7 A. I don't really remember offhand, but like I  
8 say, I'll probably remember later.  
9 Q. If you don't remember, do you remember the  
10 contents of what was in those containers?  
11 A. No.  
12 Q. Why don't we just do this, given you don't recall  
13 what was in the containers, do you have any  
14 recollection by the way as to frequency?  
15 A. No.  
16 Q. Okay. Let's go through the tickets. If you're at  
17 Cumberland Engineering, I'm going to ask you to do  
18 the same thing, because there's a number of them  
19 there. I'm going to read the ticket number and I  
20 want you to say yes if your signature is on that  
21 ticket and it denotes it was a load from  
22 Cumberland Engineering; okay?  
23 A. Yes.  
24 Q. First one, upper left, 39448?  
25 A. Yes.

249

1 Q. Next one, upper right, 39437?  
 2 A. Yes.  
 3 Q. Next one, upper left, 46575?  
 4 THE WITNESS: 46575?  
 5 Q. Yes, upper left. Do you have that?  
 6 A. Yup. That's mine.  
 7 Q. Next one, bottom right, 46584?  
 8 A. Yes.  
 9 Q. Next page, upper left, 46179?  
 10 A. Yes.  
 11 Q. Next page, upper right, 46180?  
 12 A. Yes.  
 13 Q. Next page, lower right, 33012?  
 14 A. Yes.  
 15 Q. Next page, lower right, 38880?  
 16 A. Yes.  
 17 Q. Next page, upper left, 38879?  
 18 A. Yes.  
 19 Q. Next page, lower right, 38938?  
 20 A. Yes.  
 21 Q. Next page, upper left, 38937?  
 22 A. Yes.  
 23 Q. For each of those tickets that you just said yes  
 24 to, they reflect that you brought a load from  
 25 Cumberland Engineering and dumped it at J.M.

250

1 Mills?  
 2 A. Yes.  
 3 Q. These tickets are from the early 1980s. Did you  
 4 pick up from Cumberland Engineering in the 1970s  
 5 as well?  
 6 A. Probably, yes. I can't say definitely yes.  
 7 Q. Would there be more -- to your knowledge, would  
 8 there be more tickets than we've seen here  
 9 reflecting loads you brought from Cumberland  
 10 Engineering and dumped at J.M. Mills?  
 11 A. Yes.  
 12 Q. Any recollection as to the size of the container  
 13 at that facility? I don't want you to guess, only  
 14 if you remember?  
 15 A. No, I don't remember definitely.  
 16 Q. But you're sure you picked up from there, based on  
 17 these tickets?  
 18 A. Oh, yeah.  
 19 Q. Do you remember a company called Globe  
 20 Engineering?  
 21 A. Globe Industries.  
 22 Q. I'm sorry, Globe Industries?  
 23 A. Yes.  
 24 Q. Where were they located?  
 25 A. You know, I'll tell you, after awhile all

251

1 these things, they start going -- everything looks  
 2 the same and sounds the same.  
 3 MR. MURPHY: I understand.  
 4 Q. Again, this is not a memory test and I don't want  
 5 you to guess, I only want you to tell me what you  
 6 remember and what you know, and if you don't  
 7 remember, that's fine, too. Just keep in mind,  
 8 it's not an endurance test or memory test.  
 9 MR. CONNORS: I don't know is an  
 10 acceptable answer.  
 11 A. I'm just trying to remember where it was.  
 12 Q. Do you remember picking up from Globe Industries?  
 13 A. I remember picking up Globe Industries, yes.  
 14 Q. Do you have a recollection as to what was in the  
 15 containers?  
 16 A. No, I don't.  
 17 Q. Or what they did?  
 18 A. No.  
 19 Q. Do you recall the size of the container?  
 20 A. No.  
 21 Q. Do you recall frequency?  
 22 A. If this is all the same thing, I'd say quite  
 23 a bit.  
 24 Q. Let's do the same thing for the Globe tickets,  
 25 given that you don't have any recollection as to

252

1 specifics -- actually, I don't believe there are  
 2 that many, I think there are only two tickets  
 3 here. Let's look at them. The first one is upper  
 4 right, ticket number 34007; is that your  
 5 signature?  
 6 A. Yes, it is.  
 7 Q. Does that indicate it was a load from Globe  
 8 Industries?  
 9 A. Yes, it does.  
 10 Q. The next page, upper right, ticket number 38942,  
 11 is that also --  
 12 A. Yes.  
 13 Q. --your signature reflecting that you brought a  
 14 load from Globe Industries and dumped it at J.M.  
 15 Mills?  
 16 A. Yes.  
 17 Q. To your recollection, although you can't remember  
 18 where the facility was located, did you bring more  
 19 than two loads from Globe Industries to J.M.  
 20 Mills?  
 21 A. I did quite a few loads from Globe to J.M.  
 22 Mills, but I can't remember the place.  
 23 Q. That's all right. So, there would be more tickets  
 24 than we see here?  
 25 A. There would be, yes.

253

1 Q. Reflecting more loads you brought from Globe  
 2 Industries to J.M. Mills?  
 3 A. Yes.  
 4 MR. MURPHY: Off the record.  
 5 (OFF THE RECORD)  
 6 Q. We're going to skip the Zayre tickets. Now I'm  
 7 going to go to Ann & Hope. This is one of those  
 8 companies where we've got quite a bit of testimony  
 9 already as to what was in the contents of the  
 10 containers, so I just want to ask you, do you  
 11 generally remember picking up waste from Ann &  
 12 Hope stores and bringing them to J.M. Mills?  
 13 A. Yes.  
 14 Q. Was there one or more than one Ann & Hope store  
 15 that you brought waste from?  
 16 A. I think there was two of them.  
 17 Q. All right. And we'll look at the tickets. Do you  
 18 have a recollection as to the frequency with which  
 19 you brought waste from Ann & Hope?  
 20 A. Well, I know I've probably done it at least  
 21 once a week.  
 22 Q. Starting when?  
 23 A. Early '60s.  
 24 Q. And are they still in business today, Ann & Hope?  
 25 A. Some stores are.

254

1 Q. The company is still around?  
 2 A. Yes.  
 3 Q. Let's just go through the tickets then. By the  
 4 way, do you recall the size of the container?  
 5 A. Let's see, they had two at Ann & Hope in  
 6 Cumberland on one side and one on the other side  
 7 of the building, so they had three at that  
 8 facility in Cumberland.  
 9 Q. Do you remember the sizes?  
 10 A. Anywhere from 42 to 50.  
 11 Q. So they had three compactors?  
 12 A. Yes.  
 13 Q. And the second location, do you remember where  
 14 that was?  
 15 A. I think that was in Warwick.  
 16 Q. How many containers did they have in the Warwick  
 17 location?  
 18 A. Two.  
 19 Q. Both compactors?  
 20 A. Yes.  
 21 Q. And the frequency, when you say once a week,  
 22 starting in the '60s?  
 23 A. Yes.  
 24 Q. Once a week at each location?  
 25 A. Some weeks it would be at Ann & Hope

255

1 Cumberland, and some weeks it would be at Ann &  
 2 Hope in Warwick.  
 3 Q. All right. Let's go through the tickets. Again,  
 4 I'm going to ask you to denote -- by the way, if  
 5 the ticket says A & H Cumb, would that mean Ann &  
 6 Hope, Cumberland?  
 7 A. Yes.  
 8 Q. It appears, by the way, the tickets we're going to  
 9 go through are almost all Ann & Hope, Cumberland  
 10 tickets. I'm going to ask you to indicate yes if  
 11 the ticket has your signature on it and denotes an  
 12 Ann & Hope pickup, okay.  
 13 A. Yes.  
 14 Q. First page, upper right-hand corner, 36292?  
 15 A. Yes.  
 16 Q. Next page, upper right-hand corner, 56244?  
 17 (MARTHA HOLT ENTERED AT THIS POINT)  
 18 A. Yes.  
 19 Q. Next page, lower left-hand corner, 58022?  
 20 A. Yes.  
 21 Q. Next page, upper right-hand corner, 41024?  
 22 A. Yes.  
 23 Q. Next page, lower left-hand corner, 39839?  
 24 A. Yes.  
 25 Q. Next page, lower left-hand corner, 52717?

256

1 A. Yes.  
 2 Q. Next page, upper right-hand corner, 41176?  
 3 A. Yes.  
 4 Q. Next page, lower left-hand corner, 35631?  
 5 A. Yes.  
 6 Q. Next page, lower left-hand corner, 59419?  
 7 A. Yes.  
 8 Q. Next page, lower right-hand corner, 58994?  
 9 A. Yes.  
 10 Q. Next page, upper left-hand corner, 39519?  
 11 A. Yes.  
 12 Q. Next page, upper right-hand corner, 59701?  
 13 A. Yes.  
 14 Q. By the way, let's stay at that ticket for a  
 15 second. There is a circle with an R next to it,  
 16 do you see that on ticket number 59701?  
 17 A. Yes, I see it.  
 18 Q. Any idea what that notation meant?  
 19 A. I think they indicated it might be just like  
 20 a roll-off.  
 21 Q. Okay. Next page, lower right, 38816?  
 22 A. Yes.  
 23 Q. Next page, lower left, 39557?  
 24 A. Yes.  
 25 Q. Next page, lower right, 44719?

257

1 A. Yes.

2 Q. Next page, lower right, 55716?

3 A. Yes.

4 Q. Next page, right side ticket, 36960?

5 A. Yes.

6 Q. Next ticket, lower right, 37316?

7 A. Yes.

8 Q. Next page, lower left, 44539?

9 A. Yes.

10 Q. Next ticket, lower left, 42569?

11 A. Yes.

12 Q. Next page, lower left, 45164?

13 A. Yes.

14 Q. Next page, upper right, 34548?

15 A. Yes.

16 Q. So for each of the tickets that you just said yes

17 to, they reflect the fact that you picked up a

18 load from Ann & Hope in Cumberland and dumped it

19 at J.M. Mills Landfill, correct?

20 A. Yes.

21 Q. Would there be many more J.M. Mills dump tickets

22 reflecting the loads that you brought there in the

23 '60s and '70s?

24 A. Yes.

25 Q. All right. The next set of tickets I have is for

258

1 a company, that at least on the tickets, is

2 denoted as Pitman, P-i-t-m-a-n. Do you have any

3 recollection of who they were?

4 A. No, I do not.

5 Q. Any idea of what sort of waste might have come

6 from Pitman?

7 A. No.

8 Q. Do you recall, was there a street called Pitman

9 Street you might have picked up from, do you know?

10 A. Could have been. I don't remember.

11 Q. You don't have any recollection. Okay. Let's do

12 this, the two tickets that follow that, 50130, and

13 the one after that, 35261, they both have your

14 signature on them?

15 A. Yes.

16 Q. They indicate you picked up from what seems to be

17 denoted as Pitman and brought them to the J.M.

18 Mills Landfill?

19 A. Brockton.

20 Q. They both reflect you picked up something denoted

21 as Pitman?

22 A. Yes.

23 Q. And you brought it to J.M. Mills?

24 A. Yes.

25 Q. You have no idea what that was or what was in the

259

1 containers?

2 A. I have no idea.

3 Q. All right. The next entity we have, Rhode Island

4 Textile, do you recall picking up from them?

5 A. Sure do.

6 Q. Do I have the name of the company correct?

7 A. Yes.

8 Q. Where were they located?

9 A. They were located in Cumberland, Rhode

10 Island.

11 Q. Do you remember where in Cumberland?

12 A. Right off Diamond Hill Road, Cumberland

13 Industrial Park.

14 Q. Do you know if they're still in business?

15 A. No.

16 Q. No, meaning you don't know?

17 A. They're not in business.

18 Q. They're not in business?

19 A. Rhode Island Textile. I'm getting it

20 confused with another company.

21 Q. Meaning, you're not sure if they're out of

22 business or not?

23 A. Rhode Island Textile is in Pawtucket, Rhode

24 Island, it's right off of John Bennett Highway.

25 Q. Did they have one facility or more than one

260

1 facility, to your recollection?

2 A. To my recollection, I only picked up at one.

3 Q. What did they do at that facility?

4 A. Made shoestrings.

5 Q. When did you first pick up at Rhode Island

6 Textile?

7 A. In the late '60s.

8 Q. Did you pick up on a regular basis from them from

9 the late '60s through the entire time you drove at

10 Goditt & Boyer?

11 A. It was more or less an on call. When I got

12 it, it was like once a week.

13 Q. What about when you switched to driving for

14 Mr. Buffington, did you continue to pick up from

15 Rhode Island Textile?

16 A. Yes.

17 Q. And your recollection, it was a will call?

18 A. To my recollection, yes.

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

20 frequency with which you picked up there was

21 usually once a week?

22 A. It varied. Sometimes it was once a week,

23 sometimes it was every two weeks. Like I say, all

24 different drivers did it.

25 Q. So you weren't the only driver that picked up



261

1 there?

2 A. No. Oh, no.

3 Q. Where did you bring the waste from Rhode Island

4 Textile?

5 A. J.M. Mills.

6 Q. Did you bring it to any other landfill other than

7 J.M. Mills?

8 A. Not that I can remember.

9 Q. Do you remember the size container or containers

10 at Rhode Island Textile?

11 A. Anywhere from 42 to 50.

12 Q. So it was a compactor?

13 A. Yes.

14 Q. One or more than one?

15 A. One.

16 Q. Do you remember where it was located?

17 A. Right in the middle of their parking lot

18 against the building with the two-story chute.

19 Q. What do you mean by two-story chute?

20 A. Second story up they had a chute that went

21 down to the hopper, to the compactor. They had

22 one on the first floor and one on the second

23 floor.

24 Q. Chutes?

25 A. Yes.

262

1 Q. Both going into the same --

2 A. The one on the first floor wouldn't be a

3 chute, you open the door and throw it in.

4 Q. Both going into the one container?

5 A. One container.

6 Q. Were the containers always full when you picked

7 them up?

8 A. Oh, yes.

9 Q. What do you recall about the fullness of the

10 containers at Rhode Island Textile?

11 A. If you couldn't compact it in, it could go

12 into the building to compact, like I said before

13 with the two pallets to ram it in to hold it

14 there. It would just be like an explosion in a

15 hayloft, you pull it out and it would explode

16 every place, shoestrings and boxes, plastic,

17 everything, all over the place.

18 Q. When you emptied these loads at J.M. Mills, were

19 you in a position to see what the contents of the

20 containers were?

21 A. Yes.

22 Q. What do you remember being in there?

23 A. Tons and tons and tons of shoestrings or

24 material that they made shoestrings from or into,

25 plastic, corrugated, that's basically it.

263

1 Q. Anything associated with machine maintenance?

2 A. Not that I could see. If there was, you

3 couldn't tell anywhere.

4 Q. Any Speedy Dry?

5 A. Not that I could see.

6 Q. Any unusual odor of any type?

7 A. No.

8 Q. Do you remember any liquid wastes?

9 A. Never seen any.

10 Q. Okay. Let's go through the tickets for Rhode

11 Island Textile. I'm going to do the same thing,

12 I'll just read the ticket number, answer yes if it

13 has both your signature and also if the ticket

14 indicates Rhode Island Textile. The first ticket,

15 lower right, 39404?

16 A. Yes.

17 Q. Next ticket, lower left, 56291?

18 A. Yes.

19 Q. Next ticket, upper right, 58293?

20 A. Yes.

21 Q. Next ticket, lower right, 53332?

22 A. Yes.

23 Q. Next ticket, upper right -- next page, I mean,

24 59429?

25 A. Yes.

264

1 Q. Next page, upper right, 52150?

2 A. Yes.

3 Q. Next page, lower right, 36726?

4 A. Yes.

5 Q. For each of those tickets that you just said yes

6 to, they reflect a load you brought from Rhode

7 Island Textile and dumped at J.M. Mills?

8 A. Right.

9 Q. Each of those would have been a 42 to 50 yard

10 compactor?

11 A. Anywhere from 42 to 50, yes.

12 Q. Would there be many more J.M. Mills tickets from

13 the 1970s and possibly earlier that reflect many

14 more loads that you brought from Rhode Island

15 Textile and dumped at J.M. Mills?

16 A. Yes.

17 Q. Do you remember a company called Imperial Knife?

18 A. Yes, I do.

19 Q. Where were they located?

20 A. Providence, Rhode Island.

21 Q. And do you know if they're still in business?

22 A. I have no idea.

23 Q. Did they have one facility or more than one

24 facility?

25 A. I think they only had one.

265

1 Q. What did they do there, do you know?  
 2 A. Made knives.  
 3 Q. What kind of knives, do you remember?  
 4 A. Just about any kind of knife, folding knives,  
 5 hunting knives, knives for household.  
 6 Q. What size, how big was the facility, do you  
 7 remember?  
 8 A. It wasn't a very big building.  
 9 Q. When for the first time did you pick up from  
 10 Imperial Knife?  
 11 A. I'd say early '70s.  
 12 Q. From that point through your Buffington years, did  
 13 you continue to pick up from Imperial Knife?  
 14 A. Occasionally, yes.  
 15 Q. And do you recall if that was a will call or a  
 16 regular scheduled stop?  
 17 A. It was a will call.  
 18 Q. Do you recall the frequency with which you picked  
 19 up from that facility?  
 20 A. Probably every three weeks or sometimes even  
 21 go a month or so without picking it up.  
 22 Q. Were you the only driver that picked up from  
 23 Imperial Knife?  
 24 A. No, I wasn't. Other drivers used to pick up.  
 25 Q. You went about once every three weeks, to your

266

1 recollection?  
 2 A. Approximately, yes.  
 3 Q. Do you remember where the -- did you bring all  
 4 their waste to J.M. Mills?  
 5 A. I'm pretty sure I did, yes.  
 6 Q. Do you have any recollection of bringing any  
 7 Imperial Knife waste to any landfills other than  
 8 J.M. Mills?  
 9 A. Not that I can remember.  
 10 Q. Do you remember the size of the container or  
 11 containers at Imperial Knife?  
 12 A. Same, 42 to 50.  
 13 Q. So it was a compactor?  
 14 A. Yes.  
 15 Q. Do you remember if there was one or more than one?  
 16 A. I think there was only one.  
 17 Q. Where was that container located at the facility?  
 18 A. Now you're asking me to stretch.  
 19 MR. MURPHY: If you don't remember  
 20 the location, that's okay.  
 21 A. I don't exactly remember the location it was  
 22 in.  
 23 Q. All right. Was the container always full when you  
 24 picked it up?  
 25 A. Yes.

267

1 Q. And when you dumped it, the container at the J.M.  
 2 Mills Landfill, were you in a position to observe  
 3 the contents of the waste that came out of those  
 4 containers?  
 5 A. I was in a position, yes.  
 6 Q. What did you see?  
 7 A. Mostly corrugated.  
 8 Q. Cardboard?  
 9 A. Yes.  
 10 Q. What else?  
 11 A. Pallets, and every once in a while, there  
 12 would be some rough stages of knives that they  
 13 made.  
 14 Q. Did you ever smell any oils associated with  
 15 cutting?  
 16 A. No.  
 17 Q. Metal shavings?  
 18 A. No.  
 19 Q. Any liquid waste of any type?  
 20 A. No, none that I could see.  
 21 Q. Let's go to the tickets for Imperial Knife. Same  
 22 thing, I'm going to ask you to say yes if the  
 23 ticket says Imperial Knife and also contains your  
 24 signature. First one, upper right, 57677?  
 25 A. Yes.

268

1 Q. Next ticket, upper right, 56477?  
 2 THE WITNESS: 477?  
 3 MR. MURPHY: Yes. Upper right,  
 4 56477.  
 5 A. Yes.  
 6 Q. Next page, lower left, 41146?  
 7 A. Yes.  
 8 Q. Next page, lower left, 53331?  
 9 A. Yes.  
 10 Q. Next page, lower right, 50016?  
 11 A. Yes.  
 12 Q. Next page, upper right, 35623?  
 13 A. Yes.  
 14 Q. Next page, upper right, 46285?  
 15 A. Yes.  
 16 Q. Next page, upper left, 52752?  
 17 A. Yes.  
 18 Q. Next page, upper right, 55311?  
 19 A. Yes.  
 20 Q. Next page, lower left, 33160?  
 21 A. Yes.  
 22 Q. Next page, lower right, 36807?  
 23 A. Yes.  
 24 Q. The last one, lower left, 38510?  
 25 A. Yes.

269

1 Q. For each of those tickets you said yes to, does it  
 2 reflect you brought a compactor from Imperial  
 3 Knife and dumped it at J.M. Mills?  
 4 A. Yes.  
 5 Q. Is it fair to say there would be quite a number of  
 6 other J.M. Mills tickets reflecting other loads  
 7 you brought from Imperial Knife and dumped at J.M.  
 8 Mills?  
 9 A. Yes.  
 10 Q. Do you remember picking up from Kaiser -- Kaiser  
 11 Aluminum is bankrupt, skip them. Do you remember  
 12 a company called Eastern Wire?  
 13 A. Eastern Wire, yes, I remember the company.  
 14 Q. Do you remember where they were located?  
 15 A. No.  
 16 Q. Do you remember what they did, what Eastern Wire  
 17 did?  
 18 A. I don't remember exactly what they did, but  
 19 from the sound of it, it looks like they worked on  
 20 wire.  
 21 Q. Do you remember the contents of their container?  
 22 A. No.  
 23 Q. Do you remember the frequency with which you  
 24 picked up their containers? I don't want you to  
 25 guess, only if you remember.

270

1 A. I don't remember.  
 2 Q. Do you remember the size of the containers?  
 3 A. It was a compactor, I know that.  
 4 Q. What's that recollection based on?  
 5 A. Because usually the wire companies like that,  
 6 they always have a big container.  
 7 Q. So, it's based on what you generally saw at wire  
 8 companies, but do you have a specific recollection  
 9 of --  
 10 THE WITNESS: Specifically?  
 11 Q. -- yes, of this company?  
 12 A. No.  
 13 Q. Let's do this, you don't remember the contents,  
 14 either?  
 15 A. No.  
 16 Q. Let's just go through the tickets, then, and same  
 17 thing, just say yes if the ticket has your  
 18 signature on it and also denotes a load brought  
 19 from Eastern Wire that was dumped at J.M. Mills,  
 20 okay?  
 21 A. Okay.  
 22 Q. First one, upper right, 46351. First ticket,  
 23 upper right-hand corner, 46351.  
 24 A. Yes.  
 25 Q. Next page, upper right, 45714?

271

1 A. Yes.  
 2 Q. Next page, lower left, 33231?  
 3 A. Yes.  
 4 Q. Okay. So for each of those tickets it reflects  
 5 you dumped a load from Eastern Wire to J.M. Mills?  
 6 A. Yes.  
 7 Q. Do you have a recollection of bringing more than  
 8 three containers of waste from Eastern Wire to  
 9 J.M. Mills?  
 10 A. I don't have a recollection -- I don't  
 11 remember it, no.  
 12 Q. Let's go to the next company. Do you remember a  
 13 company called Ferland, F-e-r-l-a-n-d?  
 14 A. No.  
 15 Q. No recollection at all?  
 16 A. No.  
 17 Q. Any recollection of what Ferland was or what they  
 18 did?  
 19 A. No.  
 20 Q. Any recollection of the size of the container?  
 21 A. No, I don't.  
 22 Q. Any recollection as to the contents of the  
 23 container?  
 24 A. No.  
 25 Q. Let's do this, I'm going to do the same thing, I'm

272

1 going to ask you as I flip through the tickets to  
 2 tell me if it denotes a load from Ferland and also  
 3 whether it has your signature on it, okay?  
 4 A. Yes.  
 5 Q. First one, upper left-hand corner, 41558?  
 6 A. Yes.  
 7 Q. Next one, upper left-hand corner, 57242?  
 8 A. Yes.  
 9 Q. Next ticket, lower right-hand corner, 46561?  
 10 A. Yes.  
 11 Q. Next ticket, lower right-hand corner, 50029?  
 12 A. I'm not sure about that one, but I'd say yes.  
 13 Q. Next ticket -- you're not sure about that one.  
 14 Let's go to the next page, upper right, 42162?  
 15 A. I must have had a hangover that day. 62,  
 16 yes.  
 17 Q. By the way, take a look at that, can you make out  
 18 the second word on that, it says Ferland, P-a-w-t?  
 19 A. Pawtucket.  
 20 Q. Another one of the tickets seem to say Broadway,  
 21 do you have a recollection of a Ferland on  
 22 Broadway in Pawtucket; it's not ringing a bell?  
 23 A. No, it doesn't.  
 24 Q. But 42162, that's a yes?  
 25 A. Yes.

273	<p>1 Q. Next page, upper right, 42268?</p> <p>2 A. Yes.</p> <p>3 Q. Next page, left-hand side, 47075?</p> <p>4 A. Yes...</p> <p>5 Q. Now, by the way, it looks like there is a CF on ticket 47075 after Ferland, do you see that?</p> <p>6 A. That must be Central Falls.</p> <p>7 Q. Next page, upper right, 55533?</p> <p>8 A. Yes.</p> <p>9 Q. Next page, lower right, 55479?</p> <p>10 A. Yes.</p> <p>11 Q. Next page, lower left, 55490?</p> <p>12 A. Yes.</p> <p>13 Q. Next page is actually another ticket on the next page, lower right, 55479.</p> <p>14 A. Yes.</p> <p>15 Q. Next page, lower right, 45197?</p> <p>16 A. Yes.</p> <p>17 Q. Next page, upper left, 46645?</p> <p>18 A. Yes.</p> <p>19 Q. Next page, lower right, 46643?</p> <p>20 A. Yes.</p> <p>21 Q. Next page, upper left, 46645?</p> <p>22 A. Yes.</p> <p>23 Q. Next page, upper left, 55598?</p>	275	<p>1 Q. There is a duplicate page but the ticket I want you to look at on the next page is bottom left, 47392?</p> <p>2 A. Yes.</p> <p>3 Q. Next page, upper left, 46046?</p> <p>4 A. Yes.</p> <p>5 Q. Next page, upper right, 46045?</p> <p>6 A. Yes.</p> <p>7 Q. Next page, lower left, 46511?</p> <p>8 THE WITNESS: Did you say 46511?</p> <p>9 MR. MURPHY: Yes.</p> <p>10 A. Yes.</p> <p>11 Q. Next page, upper left, 46540?</p> <p>12 A. Yes.</p> <p>13 Q. Next page, lower right, 46076?</p> <p>14 A. Yes.</p> <p>15 Q. Next page, lower right, 46957?</p> <p>16 A. Yes.</p> <p>17 Q. Next page, upper left, 47408?</p> <p>18 A. Yes.</p> <p>19 Q. Last page, lower right, 48956?</p> <p>20 A. Yes.</p> <p>21 Q. Each of those tickets you said yes to reflect a load you brought from an entity known as Ferland at various locations and dumped it at the J.M.</p>
274	<p>1 A. Yes.</p> <p>2 Q. Next page, upper right, 47047?</p> <p>3 A. Yes.</p> <p>4 Q. Next page, upper left, 47044?</p> <p>5 A. Yes.</p> <p>6 Q. Next page, upper left, 47103?</p> <p>7 A. Yes.</p> <p>8 Q. Next page, upper left, 44623?</p> <p>9 A. Yes.</p> <p>10 Q. Next page, upper right, 44612?</p> <p>11 A. Yes.</p> <p>12 Q. Next page, lower left, 44607?</p> <p>13 A. Yes.</p> <p>14 Q. Next page, upper left, 46120?</p> <p>15 A. Yes.</p> <p>16 Q. Next page, upper right, 46134?</p> <p>17 A. Yes.</p> <p>18 Q. Next page, bottom, 46110?</p> <p>19 A. Yes.</p> <p>20 Q. Next page, upper left, 46120 is a duplicate. There's three duplicates, but there is a Ferland on each page. 46120 is also a yes?</p> <p>21 A. Yes.</p> <p>22 Q. Next page, upper left, 47390?</p> <p>23 A. Yes.</p>	276	<p>1 Mills Landfill?</p> <p>2 A. Yes.</p> <p>3 Q. Does it refresh your recollection at all having looked at the tickets?</p> <p>4 A. No.</p> <p>5 Q. Do you remember a company called Rhode Island Imports?</p> <p>6 A. Rhode Island Imports, no.</p> <p>7 Q. Any recollection as to the type of waste they generated or what might have been in their containers? I don't want you to guess, only if you know or remember.</p> <p>8 A. If it's the one I'm thinking of, it's where they used to bring in cars in, I think it was Cranston or Warwick. It was in Warwick.</p> <p>9 Q. Do you have a recollection of an entity called Rhode Island Imports in Warwick?</p> <p>10 A. I'm pretty sure what it was. I can't swear to it, no, but it just rings a bell.</p> <p>11 Q. How often did you pick up at that Warwick facility?</p> <p>12 A. Not very often.</p> <p>13 Q. What was your understanding -- what did Rhode Island Imports do?</p> <p>14 A. They used to bring cars in off the ships, put</p>

- 1 them in a lot there, then they would detail them  
2 in a garage.
- 3 Q. Do you remember where in Warwick they were?  
4 A. I remember where they were, but I can't  
5 remember the street name.
- 6 Q. But you can picture it in your mind?  
7 A. Yes.
- 8 Q. Do you remember the first time you picked up at  
9 Rhode Island Imports?  
10 A. I don't remember the first time, no.
- 11 Q. Do you remember the frequency with which you  
12 picked up there?  
13 A. That was an on call. I wasn't the only  
14 driver that picked up.
- 15 Q. Okay. Was it once a week, once a month, twice a  
16 month, any recollection as to how often you picked  
17 up?  
18 A. Probably once a month for me.
- 19 Q. And did their waste go to J.M. Mills?  
20 A. I can't remember.
- 21 Q. So we'll look at the tickets, the J.M. Mills  
22 tickets for that company. Do you recall the size  
23 of the container or containers there?  
24 A. That was a compactor.  
25 Q. Did you have -- was it one or more than one?

- 1 A. One.
- 2 Q. Do you have a recollection as to -- did you have  
3 an occasion when you did dump the waste from Rhode  
4 Island Imports to see what the contents of those  
5 containers were?  
6 A. Yes.
- 7 Q. What do you remember being in those containers?  
8 A. I remember big pieces of corrugated boxes, a  
9 few pieces of wood, masking tape, it had the smell  
10 of paint and lacquer thinner, but it was mostly  
11 sprayed on to the paper they used.
- 12 Q. Tell me a little bit more about that. When you  
13 say you said you remember the smell of paint and  
14 lacquer thinner, you specifically remember that  
15 smell?  
16 A. Oh, yeah.
- 17 Q. There is no doubt in your mind it was either paint  
18 or some sort of lacquer thinner?  
19 A. Yes. No doubt.
- 20 Q. Did you ever see any rags associated with the  
21 paint or cleanup?  
22 A. Paint rags, yes.
- 23 Q. Did you smell that paint and lacquer thinner smell  
24 in every load you picked up?  
25 A. Yes.

- 1 Q. Do you remember ever seeing any empty kind of  
2 containers that would have been used for the paint  
3 or lacquer thinner?  
4 A. Probably a couple of times, the five-gallon  
5 pails that had lacquer thinner in them empty paint  
6 cans.
- 7 Q. Was there any other sort of automotive waste, oil  
8 of any type?  
9 A. Never saw any oil, no.
- 10 Q. Any other waste you remember in those containers?  
11 A. No.
- 12 Q. Let's go to the tickets, under Rhode Island  
13 Imports, same question, just answer yes if the  
14 ticket contains your signature and also says Rhode  
15 Island Imports on it. First one in the upper  
16 right-hand corner, 59016?  
17 A. Yes.
- 18 Q. Next page, to the left, 39834?  
19 A. Yes.
- 20 Q. Next page, bottom left, 54846?  
21 A. Yes.
- 22 Q. Next page, upper right, 51520?  
23 A. Yes.
- 24 Q. Last page, upper right, 35049?  
25 A. Yes.

- 1 Q. For each of those tickets reflects that you  
2 brought a compactor from Rhode Island Imports and  
3 dumped it at J.M. Mills?  
4 A. Yes.
- 5 Q. Does it refresh your recollection that at least  
6 some of the Rhode Island Import waste did go to  
7 J.M. Mills?  
8 A. Yes.
- 9 Q. Do you have a recollection as to whether there  
10 would have been more loads you brought to J.M.  
11 Mills than the tickets that are listed here?  
12 A. I would say so, yes.
- 13 Q. Okay. Do you remember a company called Truex?  
14 A. Yes.
- 15 Q. Did you pick up waste from Truex and bring it to  
16 J.M. Mills?  
17 A. Yes.
- 18 Q. Where were they located?  
19 A. York Avenue in Pawtucket.
- 20 Q. Did they have one facility or more than one  
21 facility?  
22 A. George had one.
- 23 Q. What kind of facility was it, what did they do  
24 there?  
25 A. They made garden hose, these pads, rubber

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1 pads for the floor so you don't walk on cement,  
 2 you don't get tired feet or ankles, and they made  
 3 material for butcher shops for the cutting boards.  
 4 Q. Wooden cutting boards or synthetic, do you  
 5 remember?  
 6 A. They were the synthetic ones, they're kind of  
 7 white, this looked like a sheet of paper.  
 8 Q. When did you first pick up from Truex?  
 9 A. Early '60s or '70s.  
 10 Q. And from the point when you first started picking  
 11 up from Truex, did you continue to pick up from  
 12 them?  
 13 A. Yes.  
 14 Q. Throughout your Goditt & Boyer years?  
 15 A. Yes.  
 16 Q. Likewise, when you were driving for Buffington,  
 17 did you continue to pick up from Truex?  
 18 A. Yes.  
 19 Q. Was it a regular stop or will call?  
 20 A. It's a will call.  
 21 Q. Do you recall the frequency with which you picked  
 22 up from that facility starting in the late '60s or  
 23 early '70s when you first picked up there?  
 24 A. Probably once a week to once every three  
 25 weeks.

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1 Q. That would be you personally?  
 2 A. Me personally.  
 3 Q. Is it your understanding that there were other  
 4 drivers from Goditt & Boyer also picking up from  
 5 Truex?  
 6 A. Correct.  
 7 Q. And where did you bring the waste from Truex?  
 8 A. J.M. Mills.  
 9 Q. Did you bring any other Truex waste to any other  
 10 landfill?  
 11 A. Not to my knowledge.  
 12 Q. And what type container or containers were at  
 13 Truex?  
 14 A. They had one open top container and another  
 15 smaller container, front-end loader container.  
 16 Q. The open top, was that a 30-yard container?  
 17 A. Yes.  
 18 Q. When you picked up the container, did you only use  
 19 a 30 yard?  
 20 A. That's all they had.  
 21 Q. You didn't do any of the front-end stuff?  
 22 A. No.  
 23 Q. Was the 30-yard container always full when you  
 24 picked it up?  
 25 A. Yes.

283

1 Q. And when you dumped the container at J.M. Mills,  
 2 did you have an opportunity to observe what the  
 3 contents were of those containers?  
 4 A. Yes, I did.  
 5 Q. Tell me what you saw.  
 6 A. Mostly like the material I just described to  
 7 you with pallets and rubber, which would be the  
 8 mats and pieces of cutting boards.  
 9 Q. Pieces of the synthetic --  
 10 A. Synthetic cutting boards. Basically that was  
 11 about it.  
 12 Q. Do you remember seeing any raw materials of any  
 13 type there?  
 14 A. No.  
 15 Q. Any resins?  
 16 A. Well, there was rubber hose and stuff in that  
 17 load, too.  
 18 Q. When you say rubber hose, describe what you mean.  
 19 A. Garden hose.  
 20 Q. How much of the load was garden hose?  
 21 A. Depending on how much they threw out. It  
 22 varied. Sometimes it was probably a third of it,  
 23 sometimes it was probably half of it.  
 24 Q. Do you recall seeing any waste associated with  
 25 machine upkeep and maintenance?

284

1 A. Not that I could see.  
 2 Q. Any liquid waste of any type?  
 3 A. No.  
 4 Q. When you said that there was rubber from the  
 5 rubber mats, describe for me what that looked  
 6 like?  
 7 A. It looked like a doormat, only it was  
 8 probably three foot by three foot square.  
 9 Q. What color was it?  
 10 A. Most of the time they were black or brown.  
 11 Q. Was there any odor associated with these  
 12 containers?  
 13 A. Just a rubber smell.  
 14 Q. Any floor sweepings of any type that you ever saw?  
 15 A. Not that I could see.  
 16 Q. Was there any other waste that you recall from  
 17 Truex?  
 18 A. No.  
 19 Q. Let look at the tickets. Same question, I'm going  
 20 to ask you to look at the ticket and tell me  
 21 whether it's your signature and also that it lists  
 22 Truex the ticket. First ticket, upper right,  
 23 39916?  
 24 A. Yes.  
 25 Q. Next ticket, upper right, 41210?

285

1 A. Yes.

2 Q. Next ticket, lower right, 55235?

3 A. Yes.

4 Q. Next ticket, I believe that's a duplicate, let's

5 skip that. Next ticket, upper left, 50086?

6 A. Yes.

7 Q. Next ticket, upper right, 36168?

8 A. Yes.

9 Q. Next ticket, upper left, 42112?

10 A. Yes.

11 Q. Next ticket, lower right, 46021?

12 A. Yes.

13 Q. Next ticket, lower left, 56537?

14 A. Yes.

15 Q. Next ticket, upper left, 55514?

16 A. Yes.

17 Q. Next ticket, upper left, 33184?

18 A. Yes.

19 Q. Next page, upper right, 47223?

20 A. Yes.

21 Q. Next page, lower left, 40434?

22 A. Yes.

23 Q. Next page, upper left, 50608?

24 A. Yes.

25 Q. For each of the tickets you said yes for you

286

1 brought a load, 30-yard open top from Truex and

2 dumped at J.M. Mills?

3 A. Yes.

4 Q. It would be fair to state there would be many

5 other dump tickets issued for the many other years

6 that you brought loads from Truex and dumped them

7 at J.M. Mills?

8 A. Right.

9 Q. Do you remember a company called Mandeville Sign?

10 A. Yes.

11 Q. We've had quite a bit of testimony what was in the

12 containers. What was the frequency with which you

13 picked up at Mandeville Sign?

14 A. Once a week to once every three weeks that I

15 picked up.

16 Q. Do you remember the size of the container?

17 A. 30-yard open top.

18 Q. What did you bring the containers?

19 A. Usually to J.M. Mills.

20 Q. Do you have any recollection of bringing

21 Mandeville Sign waste to any other landfill other

22 than J.M. Mills?

23 A. Not a landfill, no.

24 Q. Did you bring it anywhere?

25 A. I've tried one or two loads to Berger &

287

1 Company, it's a scrap yard.

2 Q. But most of it went to J.M. Mills?

3 A. Yes.

4 Q. Let's go to the tickets. Same question, just if

5 it's a Mandeville Sign load and it has your

6 signature on it, just say yes. Bottom right,

7 54453?

8 A. Yes.

9 Q. Next page, bottom right, 36295?

10 A. Yes.

11 Q. Next page, upper right, 43075?

12 A. Yes.

13 Q. So those three tickets reflect loads you brought

14 from Mandeville Sign and dumped at J.M. Mills?

15 A. Yes.

16 Q. Would it be fair to state there would be many

17 other dump tickets reflecting other Mandeville

18 Sign loads that you dumped at J.M. Mills?

19 A. Correct.

20 Q. The next category, Stop & Shop and we've had quite

21 a bit of testimony as to the contents of those

22 containers. I'm going to ask you if you remember

23 bringing loads from Stop & Shop facilities to J.M.

24 Mills.

25 A. Yes.

288

1 Q. Did you bring loads from retail stores warehouses,

2 or both?

3 A. Both.

4 Q. Where is the warehouse located?

5 A. Readville -- it was located in Readville but

6 it isn't now.

7 Q. Readville, Rhode Island?

8 A. Mass.

9 Q. When did you first pick up at the warehouse?

10 A. Late '60s.

11 Q. And how long -- for how long a period did you pick

12 up from the Readville warehouse, until when?

13 A. Generally the whole time I was working for

14 Goditt & Boyer.

15 Q. In addition to the Readville warehouse, did you

16 pick up from retail stores?

17 A. Yes.

18 Q. Do you remember which stores?

19 A. Most all of them.

20 Q. What was the frequency with which you picked up at

21 the Readville warehouse?

22 THE WITNESS: That I personally

23 picked up?

24 MR. MURPHY: Yes.

25 A. Probably once or twice a month.

289

1 Q. Is it your understanding that in addition to  
 2 yourself, there are other Goditt & Boyer drivers  
 3 also picking up during the same time period,  
 4 correct?  
 5 A. Correct.

6 Q. What about with respect to the various retail  
 7 stores, are you able to characterize the frequency  
 8 with which you picked up from each store?  
 9 A. From each store, no, I couldn't. From each  
 10 store, no, I can't.

11 Q. How about this, when did you first pick up from  
 12 any Stop & Shop retail store?  
 13 A. When I first started working for Dave, back  
 14 in the '60s.

15 Q. And during that Goditt & Boyer period of  
 16 employment, how often were you picking up -- what  
 17 was the frequency with which you picked up at any  
 18 retail store?  
 19 A. I did at least a couple stores a week.

20 Q. Did the containers, essentially contain a  
 21 cross-section of everything that was in the store  
 22 that had been damaged?  
 23 A. Yes.

24 Q. Let's just go to tickets then. I'm going to ask  
 25 you the same question -- let's go to the first

290

1 ticket because I want to ask you, bottom  
 2 right-hand corner, ticket number 37578, do you see  
 3 that ticket?  
 4 A. Yes.

5 Q. It's got your signature on it, correct?  
 6 A. Yes.

7 Q. S & S means Stop & Shop?  
 8 A. Stop & Shop.

9 Q. And Readville after that, that would indicate this  
 10 was a warehouse load?  
 11 A. Yes.

12 Q. Is that right?  
 13 A. Yes.

14 Q. By the way, did the Stop & Shop Readville  
 15 location, the warehouse service any of their own  
 16 vehicles, did they have an automotive shop?  
 17 A. I have no idea.

18 Q. So if I see S & S Readville on the ticket, it  
 19 would denote a load brought from the Stop & Shop  
 20 warehouse and dumped at J.M. Mills, correct?  
 21 A. It could be Stop & Shop warehouse, or it  
 22 could be Stop & Shop store.

23 Q. Okay. There is three tickets here, the first one  
 24 you've already confirmed has your signature which  
 25 is 37578. Next ticket, bottom ticket, 45059 also

291

1 has your signature?  
 2 A. Yes.

3 Q. And then the last ticket, upper left, 33074, is  
 4 that also your signature?  
 5 A. Yes.

6 Q. Each of those indicates you brought a load to dump  
 7 at J.M Mills?  
 8 A. Yes.

9 Q. Would it be fair to say there are many other loads  
 10 over the years --  
 11 A. Many loads.

12 Q. -- from Stop & Shop and dumped it at J.M. Mills?  
 13 A. Yes, many loads.

14 Q. Could you estimate how many loads; more than 100?  
 15 THE WITNESS: That went to J.M.  
 16 Mills?  
 17 MR. MURPHY: Yes.

18 A. I'd say 75 to 100. A lot of the stops went  
 19 to United Paper Stock.

20 Q. If it was all paper?  
 21 A. No. After awhile, from using the compactors,  
 22 they switched over to a two-section compactor, one  
 23 section had garbage in it, like from the meat  
 24 department and produce department, stuff like  
 25 that, and the other section had corrugated in it.

292

1 Q. Whenever possible, they would try to recycle the  
 2 paper?  
 3 A. They recycled all the corrugated. Then they  
 4 would wait and dump all the garbage into another  
 5 container at United Paper Stock and take that to  
 6 the landfill.

7 Q. We've heard some testimony about that before where  
 8 there would be a Stop & Shop run to United and  
 9 then from United, Stop & Shop waste would go to  
 10 J.M. Mills?  
 11 A. Right. It's like a door that divided the two  
 12 sections, and you had to pull the pin in one place  
 13 and dump the corrugated out and then go to the  
 14 other, J.M. Mills and dump the garbage out.

15 Q. So there were times when you also made the run if  
 16 United to J.M. Mills, but what you were dumping  
 17 was Stop & Shop waste?  
 18 A. Right. Correct.

19 Q. Fair enough. Do you have a recollection of a  
 20 company known as United?  
 21 A. Yes.

22 Q. What was United?  
 23 A. If it's the United I'm thinking of, it's  
 24 United Paper Stock.

25 Q. Now, is that the company that you just referred to



293

1 where Stop & Shop cardboard went to?

2 A. Yes.

3 Q. Were there loads that went from United Paper Stock

4 to J.M. Mills?

5 A. Like I say, it was those Stop & Shop loads.

6 Q. What about other than Stop & Shop loads, was there

7 other waste that they sorted from their cardboard

8 loads that they set aside and put in a container

9 for you to --

10 A. Not that I've ever done.

11 Q. Well, let's look at these tickets, let's look at

12 the first ticket here for United. Upper

13 right-hand corner, ticket number 39288. By the

14 way, does that have your signature on it?

15 MR. CONNORS: Objection.

16 A. No.

17 Q. It doesn't, okay. Let's go to the next one, upper

18 right-hand corner, 55135, has that got your

19 signature on it?

20 A. Yes.

21 Q. It says United, correct?

22 A. Yes.

23 Q. It appears to say OT after that?

24 A. Roll off, open top.

25 Q. Roll off, open top, okay. What would this have

294

1 been, what kind of waste would this have been if

2 it said United, it was a roll-off open top?

3 A. It was either plastic that they had picked

4 out of the loads, the corrugated when they

5 separated to bale it, or it was a mixture of

6 plastic and stuff from Stop & Shop that had been

7 in an open-top container to be dumped in Mills

8 landfill.

9 Q. Let's go through the tickets, then, the rest of

10 these tickets. The same question I'm going to ask

11 you whether your signature appears on the tickets

12 and whether it also indicates it was a load

13 brought from United Paper Stock, okay. Next page,

14 lower left-hand corner, 41049?

15 A. Yes.

16 Q. Next page -- actually, that appears to be upper

17 left, 42062?

18 A. Yes.

19 Q. Next page, lower right, 55774?

20 A. Yes.

21 Q. Next page, lower left, 52097?

22 A. Yes.

23 Q. Next page, lower right, 52925?

24 A. Yes.

25 Q. Next page, lower left, 50948?

295

1 A. Yes.

2 Q. Next page, upper right, 44510?

3 A. Yes.

4 Q. Next page, lower left, 46766?

5 A. Yes.

6 Q. Next page, upper left, 32635?

7 A. Yes.

8 Q. Next page, lower right, 45542?

9 A. Yes.

10 Q. Next page, upper left, 40149?

11 A. Yes.

12 Q. Next page, upper right, 40077?

13 A. Yes.

14 Q. Next page, upper left, 40246?

15 A. Yes.

16 Q. Next page, lower right, 40751?

17 A. Yes.

18 Q. Next page, 36474?

19 A. Yes.

20 Q. Next page, upper left, 46329?

21 A. Yes.

22 Q. Next page, upper right, 50697?

23 A. Yes.

24 Q. Next page, upper right, 50600?

25 A. Yes.

296

1 Q. Those are all loads of open top roll-offs that you

2 brought from United and dumped at J.M. Mills,

3 correct?

4 A. If it said open top on them, yes.

5 Q. If it didn't say open top, what would it be?

6 A. It would have been the compactor with the

7 rubbish in it.

8 Q. That you described before, the Stop & Shop waste?

9 A. Yes.

10 Q. Do you remember a company called Sam Fink, or a

11 customer named Sam Fink, F-i-n-k?

12 A. I know the name, but I can't remember where

13 it was.

14 Q. Do you remember anything about the type of waste

15 they generated?

16 A. No.

17 Q. Size of the container?

18 A. No.

19 Q. Frequency?

20 A. No.

21 Q. Let's just go to the tickets then. Again, just

22 say if it's a Sam Fink ticket with your signature

23 on it. First page, lower right, 59976?

24 A. Yes.

25 Q. Next page, lower right, 39212?

297	<p>1 A. Yes.</p> <p>2 Q. Next page, lower right, 58718?</p> <p>3 A. Yes.</p> <p>4 Q. Next page, bottom, 55004?</p> <p>5 A. Yes.</p> <p>6 Q. Next page, upper right, 42235?</p> <p>7 A. Yes.</p> <p>8 Q. Next page, lower right, 55807?</p> <p>9 A. Yes.</p> <p>10 Q. Next page, upper left, 54465?</p> <p>11 A. Yes.</p> <p>12 Q. Next page, lower left, 53299?</p> <p>13 A. Yes.</p> <p>14 Q. Next page, lower left, 39354?</p> <p>15 A. Yes.</p> <p>16 Q. Next page, lower right, 55525?</p> <p>17 A. Yes.</p> <p>18 Q. Next page, upper left, 37388?</p> <p>19 A. Yes.</p> <p>20 Q. Next page, upper right, 45374?</p> <p>21 A. Yes.</p> <p>22 Q. Next page, upper left, 36458?</p> <p>23 A. Yes.</p> <p>24 Q. Next page, lower left, 56633?</p> <p>25 A. Yes.</p>	299	<p>1 through all the post office tickets until we get</p> <p>2 to Carlton Manufacturing. Do you remember picking</p> <p>3 up for a company called Carlton Manufacturing?</p> <p>4 A. I remember the company, yes.</p> <p>5 Q. Do you have any recollection of what the nature of</p> <p>6 their waste was?</p> <p>7 A. No.</p> <p>8 Q. Do you remember where it was?</p> <p>9 A. No. I remember picking up quite a bit of</p> <p>10 times there, but I don't remember where it was.</p> <p>11 Q. Do you have any recollection of anything that was</p> <p>12 in the container?</p> <p>13 A. No.</p> <p>14 Q. Do you remember what they did?</p> <p>15 A. No.</p> <p>16 Q. Size of the container, any recollection?</p> <p>17 A. No.</p> <p>18 Q. Any recollection of the frequency?</p> <p>19 A. Quite often.</p> <p>20 Q. Okay. Let's do then -- if you can't remember what</p> <p>21 was in them, let's just go through the tickets to</p> <p>22 confirm tickets that you brought from Carlton.</p> <p>23 Same process, just say yes if it's a Carlton</p> <p>24 ticket with your signature, okay?</p> <p>25 A. Okay.</p>
298	<p>1 Q. So each of those reflects you brought a load from</p> <p>2 an entity or customer known as Sam Fink and dumped</p> <p>3 it at J.M. Mills?</p> <p>4 A. Yes.</p> <p>5 Q. Having looked at the ticket, does it refresh your</p> <p>6 recollection as to what the nature of that waste</p> <p>7 was?</p> <p>8 A. No.</p> <p>9 Q. Did you pick up from United States Post Office</p> <p>10 waste?</p> <p>11 A. Yes.</p> <p>12 Q. Was it the main post office in Providence?</p> <p>13 A. Yes.</p> <p>14 Q. Any other post office?</p> <p>15 A. No.</p> <p>16 (MARTHA HOLT LEFT AT THIS POINT)</p> <p>17 Q. What was in their waste?</p> <p>18 A. News flyers, rubber bands, paper, more or</p> <p>19 less like office paper.</p> <p>20 Q. Any hazardous waste, do you recall?</p> <p>21 A. No.</p> <p>22 Q. None whatsoever?</p> <p>23 A. No.</p> <p>24 Q. Let's skip the post office tickets, then. There</p> <p>25 is a good number of those. We're going to flip</p>	300	<p>1 Q. First page, bottom right, 39845?</p> <p>2 A. Yes.</p> <p>3 Q. Next page, bottom right, 46410?</p> <p>4 A. Yes.</p> <p>5 Q. Next page, upper left, 52684 -- upper right, 52684</p> <p>6 that's also Carlton Manufacturing?</p> <p>7 A. Yes.</p> <p>8 Q. Those three tickets reflect that you brought loads</p> <p>9 from Carlton Manufacturing and dumped them at J.M.</p> <p>10 Mills, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And indicated you have a recollection of bringing</p> <p>13 fairly frequent trips from Carlton Manufacturing</p> <p>14 to J.M. Mills?</p> <p>15 A. Right.</p> <p>16 Q. Any recollection as to the frequency?</p> <p>17 A. No.</p> <p>18 Q. Anything that stands out in your mind about the</p> <p>19 waste from Carlton Manufacturing?</p> <p>20 A. No.</p> <p>21 Q. There is a company Ferraro Foods (phonetic), do</p> <p>22 you remember them?</p> <p>23 A. Yes.</p> <p>24 Q. Where were they located?</p> <p>25 A. Central Falls.</p>

1 Q. What kind of facility was Ferraro?  
 2 A. Grocery store.  
 3 Q. Large, small?  
 4 A. Small.  
 5 Q. When you say small, how small?  
 6 A. Almost like a mom-and-pop store.  
 7 Q. Do you remember the contents of their containers,  
 8 what was in their containers?  
 9 A. Same as Stop & Shop. It would be corrugated  
 10 and meat boxes and stuff like that. Grocery store  
 11 stuff.  
 12 Q. Do you recall the frequency with which you picked  
 13 up from them?  
 14 A. It was an on-call stop. I didn't get it all  
 15 the time.  
 16 Q. Did they throw away kind of a little bit of  
 17 everything that they typically stocked if it was  
 18 damaged?  
 19 A. Yes.  
 20 Q. Occasionally, there would be aerosol cans in there  
 21 from damaged goods?  
 22 A. If I saw any aerosol cans, they were usually  
 23 empty.  
 24 Q. But cleaning products, bug sprays, stuff like  
 25 that, if the stock was damaged, did you ever see

1 A. Yes.  
 2 Q. They were?  
 3 A. Yes.  
 4 Q. And what was the frequency with which you picked  
 5 up from them?  
 6 A. Probably once a month.  
 7 Q. Where did their waste go?  
 8 A. The landfill.  
 9 Q. J.M. Mills?  
 10 A. Yes.  
 11 Q. Did it all go to J.M. Mills?  
 12 A. Yes.  
 13 Q. And did any of their waste go anywhere else?  
 14 A. No.  
 15 Q. What size container did they have there?  
 16 A. Compactor.  
 17 Q. One or more than one?  
 18 A. One.  
 19 Q. Did you have occasion to see what was in those  
 20 containers when you dumped them at J.M. Mills?  
 21 A. Yes.  
 22 Q. What was in there?  
 23 A. Corrugated, metal straps, plastic straps,  
 24 empty buckets with ink, different colors.  
 25 Q. Was there any sort of glue adhesive used to keep

1 it in the Ferraro Foods' containers?  
 2 A. Not that I can remember.  
 3 Q. Let's skip them. It sounds like a very small  
 4 company. I know you testified that you currently  
 5 still do some work for Key Container, correct?  
 6 A. I still work for Key Container. I hope.  
 7 Q. At one point in time you picked up waste from Key  
 8 Container when you worked for Buffington, right?  
 9 A. Yes.  
 10 Q. What does Key Container do?  
 11 A. Make corrugated boxes.  
 12 Q. And where is that facility located?  
 13 A. Campbell Street, Pawtucket, Rhode Island.  
 14 Q. And was Key Container on Campbell Street in  
 15 Pawtucket in the early '80s when you were picking  
 16 up their waste?  
 17 A. Yes.  
 18 Q. You say they make corrugated boxes, you mean  
 19 corrugated cardboard boxes?  
 20 A. Yes.  
 21 Q. Anything other than that?  
 22 A. No.  
 23 Q. When did you first pick up from Key Container?  
 24 A. I guess it would be in the early '70s.  
 25 Q. Were they a will call or a --

1 the boxes together that you recall at any time?  
 2 A. No, they use starch.  
 3 Q. To adhere the boxes?  
 4 A. Yes, or they use two-sided tape.  
 5 Q. Tell me a little bit more about the empty buckets  
 6 with different color ink.  
 7 A. Five-gallons pails they use to put customers  
 8 names on the boxes.  
 9 Q. Different colors, pretty much all different  
 10 colors?  
 11 A. Yes, all different colors.  
 12 Q. Was the ink in those buckets dry or still wet?  
 13 A. Mostly all dry, unless the rain got to it.  
 14 Q. Was there a smell associated with the ink?  
 15 A. No.  
 16 Q. Did you ever see anything -- any waste in the  
 17 containers that related to maintenance of the  
 18 equipment inside the facility?  
 19 A. Maybe a handful of rags or something.  
 20 Q. Oily rags?  
 21 A. Yes.  
 22 Q. Any sort of floor sweepings, anything else?  
 23 A. No.  
 24 Q. Any other odors that you recall --  
 25 A. No.

305

1 Q. -- affiliated with Key Container?  
 2 A. No.  
 3 Q. Let's go to the tickets, then. Same thing, I'm  
 4 going to ask you to just say yes if it's a Key  
 5 Container ticket with your signature on it. First  
 6 ticket, upper left, 59975?  
 7 A. Yes.  
 8 Q. The next page, this may be not the right -- does  
 9 that say King's Foxboro, or is that Key?  
 10 A. It looks like King's to me.  
 11 Q. Do you remember a King's Foxboro?  
 12 A. It was a department store.  
 13 Q. In Foxboro?  
 14 A. Yes.  
 15 Q. Do you know what was in the waste at King's?  
 16 A. Just department store stuff, boxes and  
 17 plastic and stuff like that.  
 18 Q. But you don't have any recollection of what was in  
 19 there?  
 20 A. No.  
 21 Q. Let's go to the next page, same questions, is it a  
 22 Key Container ticket with your signature. Bottom  
 23 right, 54463?  
 24 A. Yes.  
 25 Q. Next page upper left, 33006?

306

1 A. Yes.  
 2 Q. Next page, upper left, 39643?  
 3 A. Yes.  
 4 Q. Next page, bottom left, 33152?  
 5 A. Yes.  
 6 Q. Next page, upper right, 47367?  
 7 A. Yes.  
 8 Q. Next page, upper left, 45525?  
 9 A. Yes.  
 10 Q. Last page to the right, 50829?  
 11 A. Yes.  
 12 Q. Each of those tickets reflect a load that you  
 13 brought from Key Container compactator and dumped it  
 14 at J.M. Mills?  
 15 A. Correct.  
 16 Q. Fair to state there would be quite a number of  
 17 other loads that you brought from Key Container to  
 18 J.M. Mills?  
 19 A. Yes.  
 20 Q. There is a number of tickets that just say Food  
 21 Mart, do you have any idea -- in Pawtucket, any  
 22 idea what that was?  
 23 A. It was a grocery store.  
 24 Q. Was it a large store, small store?  
 25 A. Small store.

307

1 MR. MURPHY: Let's skip that section  
 2 and go to Roger Williams. Let's take a short  
 3 break.  
 4 (RECESS)  
 5 Q. Mr. Luthy, Roger Williams, do you recall picking  
 6 up from there?  
 7 A. I know we picked up there a ton of times, but  
 8 I can't remember what it is.  
 9 Q. You don't remember the contents?  
 10 A. No.  
 11 Q. Frequency?  
 12 A. Quite often.  
 13 Q. All right. Well, if you don't remember the  
 14 contents, we've got testimony from some other  
 15 people, so let's just go to the tickets. By the  
 16 way, was there one location or more than one  
 17 location?  
 18 A. I don't remember.  
 19 Q. Do you remember a warehouse on Martin Street, the  
 20 old IGA warehouse that might have converted to a  
 21 Roger Williams?  
 22 A. Yes, same street that Puritan Aerosol is on.  
 23 Q. Was that for a period of time a Roger Williams  
 24 facility?  
 25 A. Yes.

308

1 Q. Do you know if these tickets refer to that  
 2 location?  
 3 A. I think they only had that one location.  
 4 Q. Am I correct, Roger Williams is a food store?  
 5 A. Yes. It's a warehouse.  
 6 Q. The facility on Martin Street that you picked up  
 7 from was a warehouse, correct?  
 8 A. Yes.  
 9 Q. Did they have any vehicular maintenance at that  
 10 warehouse, to your recollection, do you remember  
 11 if they had a motor shop?  
 12 A. I don't know if they had one there. I know  
 13 they had a lot of trucks, but I don't know if they  
 14 did their own maintenance or not.  
 15 Q. Do you remember what was in those containers, you  
 16 remember the location, but do you remember the  
 17 contents of the containers?  
 18 A. Same as Stop & Shop, grocery store products.  
 19 Q. Anything that a typical cross-section of what was  
 20 in the stores?  
 21 A. Mostly corrugated boxes and cans and bottles  
 22 and soda and all kind of stuff like that.  
 23 Q. Damaged merchandise?  
 24 A. Yes.  
 25 Q. Let's go to the tickets then. Again, if we see

309

1 Roger Williams, it's your recollection it would  
 2 have been the warehouse on Martin Street; is that  
 3 right?  
 4 A. Yes.  
 5 Q. So, same questions, indicate yes if your signature  
 6 is on the ticket and it's a Roger Williams load,  
 7 okay. First page, upper left, 59256?  
 8 A. Yes.  
 9 Q. Next page, bottom, 38433?  
 10 A. Yes.  
 11 Q. Next page, bottom right, 55904?  
 12 A. Yes.  
 13 Q. Next page, bottom right, 58567?  
 14 A. Yes.  
 15 Q. Next page, upper left, 35060?  
 16 A. Yes.  
 17 Q. Next page, lower right, 38693?  
 18 A. Yes.  
 19 Q. Next page, upper right, 39762?  
 20 A. Yes. Yes.  
 21 Q. Next page, upper left, 45453?  
 22 A. Yes.  
 23 Q. Next page, lower left, 4199?  
 24 A. Yes.  
 25 Q. Next page, upper right, 36409?

310

1 A. Yes.  
 2 Q. Next page, lower right, 52995?  
 3 A. Yes.  
 4 Q. And that ticket, in fact, indicates warehouse on  
 5 it, correct?  
 6 A. Yes.  
 7 Q. That's it. Each of those would have been a load  
 8 you brought from Roger Williams warehouse on  
 9 Martin Street and dumped it at J.M. Mills  
 10 Landfill?  
 11 A. Yes.  
 12 Q. Do you recall the size of that container?  
 13 A. Compactor.  
 14 Q. The next -- just so you know, the category here,  
 15 the tickets denoted as Star but there is partway  
 16 through what appears to be a company called either  
 17 Standard or Standish. Before I ask about Star, do  
 18 you have any recollection of a company called  
 19 Standish?  
 20 A. Miles Standish.  
 21 Q. What is that?  
 22 A. Miles Standish, I know the name, but I can't  
 23 remember what was in it.  
 24 Q. Any recollection what it was, was it a business, a  
 25 manufacturer, store, any recollect?

311

1 A. No, I have none.  
 2 Q. What about Star, was Star a supermarket?  
 3 A. Supermarket.  
 4 Q. What do you recall about picking up from Star  
 5 Market; was it -- did you pick up at one location  
 6 or more than one location?  
 7 A. I think they had a few locations.  
 8 Q. So some of the tickets say Star, it looks like  
 9 Barton, is there a Barton, B-a-r-t-o-n, Boston  
 10 Street, maybe. In fact, I'm looking through the  
 11 tickets, it looks like they're all Star Market  
 12 from the same location but can you make out?  
 13 A. Star, Barton Street.  
 14 Q. Barton, B-a-r-t-o-n?  
 15 A. Yes.  
 16 Q. And what town was that in?  
 17 A. I think Barton Street is in Central Falls.  
 18 Q. What was at Central Falls, Barton Street Star  
 19 Market, was it a retail grocery store?  
 20 A. Yes.  
 21 Q. What size was it, was it a standard supermarket  
 22 size?  
 23 A. No, it wasn't like a big Stop & Shop markets  
 24 now. I'd say probably the size of two houses with  
 25 a big parking lot.

312

1 Q. What size container did they have?  
 2 A. Compactor.  
 3 Q. Do you recall, was it a will call?  
 4 A. Yes.  
 5 Q. Do you recall how often you picked up from Star on  
 6 Barton Street, Central Falls?  
 7 A. Probably twice a month that I picked up.  
 8 Q. When did you first pick up from Star Market on  
 9 Barton Street?  
 10 A. Early '70s.  
 11 Q. Do you remember the last time you picked up from  
 12 there?  
 13 A. I think I was still working for Bruce  
 14 Buffington at that time.  
 15 Q. So we've got tickets here from the early '80s,  
 16 fair to state you were still picking up from there  
 17 in the early '80s?  
 18 A. Yes, but I'm not sure, I think Star went out  
 19 of business.  
 20 Q. Is that right? All right. Do you recall what was  
 21 in the containers?  
 22 A. Grocery store stuff, boxes, plastic.  
 23 Q. Let's go through the tickets. Do you recall any  
 24 kind of hard goods from damaged inventory, like  
 25 spray cans, detergents, anything like that in the

313

1 Dumpsters?

2 A. Maybe a couple or so in a load.

3 Q. Let's go through these Star tickets, then. Just

4 indicate yes if it's a Star Market, Barton Street

5 ticket with your signature. First page, upper

6 left, 59960?

7 A. Yes.

8 Q. Next page, upper left, 52710?

9 A. Yes.

10 Q. Next page, lower left, 54276?

11 A. Yes.

12 Q. Next page, lower left, 58982?

13 A. Yes.

14 Q. Next page, upper right, 38878?

15 A. Yes.

16 Q. Next page, upper left, 38729?

17 A. Yes.

18 Q. Next page, bottom, 55668?

19 A. Yes.

20 Q. Next page, bottom left, 34090?

21 A. Yes.

22 Q. Now the, next page upper left, appears to say

23 Star, I can't make that out, Elmwood?

24 A. Elmwood Avenue.

25 Q. So was that a different Star Market?

314

1 A. Yes.

2 Q. Where is Elmwood Avenue?

3 A. Olneyville.

4 Q. In?

5 A. Providence, Rhode Island.

6 Q. But that ticket 32764 is a yes for Star?

7 A. Yes.

8 Q. Next page, bottom left, 46964.

9 A. Yes.

10 Q. Next page, upper right, 34811, was that a Star

11 Market in Johnston?

12 A. Yes.

13 Q. So that's the last of the Star Market tickets. So

14 each of those reflects a compactor that you

15 brought from Star Market and dumped at J.M. Mills?

16 A. Yes.

17 Q. There would have been quite a few other loads

18 brought over the ten-year period or so that you

19 hauled from Star Market to J.M. Mills, correct?

20 A. Correct.

21 Q. Now the next ticket, ticket number 45713, is that

22 a load from Miles Standish, are you able to tell?

23 I'm looking at the ticket?

24 THE WITNESS: What was the number?

25 MR. MURPHY: 45713.

315

1 A. Standish Johnson. That's my signature. I

2 can't remember where it is.

3 Q. But is that Miles Standish, do you know?

4 A. No, it's a different company.

5 Q. Do you have any recollection as to what that was?

6 A. No.

7 Q. But that is your signature, and you brought a load

8 to J.M. Mills?

9 A. Yes.

10 Q. Next page, same entity, Standish Johnson 47395,

11 that's your signature?

12 A. Yes.

13 Q. You brought another load from that company to J.M.

14 Mills, correct?

15 A. Yes.

16 Q. Next page just says Standish, ticket number 39275?

17 A. Yes.

18 Q. Any recollection as to what that is?

19 A. Standish Johnson.

20 Q. Next page, also Standish Johnson, 55470?

21 A. Yes.

22 Q. Next page after that, 45631, again, that's your

23 signature on the Standish ticket?

24 A. Yes.

25 Q. Are these all Standish Johnson, to your knowledge?

316

1 A. I'm pretty sure it is.

2 Q. Next ticket, 5004?

3 A. Yes.

4 Q. Next page, upper right, 56634?

5 A. Yes.

6 Q. Next page, are you able to make out what that is?

7 A. It looks like market.

8 Q. Do you know what type market. If you're not able

9 to make it out, that's fine, I'm trying to figure

10 out what the ticket is.

11 A. I can't definitely make it out.

12 Q. Skip that, go to the next one. Upper left, 44264,

13 that's another Standish Johnson ticket with your

14 signature?

15 A. Yes.

16 Q. Next page, lower left, same question, 43581?

17 A. Yes.

18 Q. And so you don't remember what contents were in

19 the containers from Standish Johnson?

20 A. No.

21 Q. But each of those ticket reflects you brought a

22 load from that customer and dumped it at J.M.

23 Mills, correct?

24 A. Yes. Correct.

25 Q. Any recollection of the frequency with which you

- 1 picked up there?  
 2 A. Evidently, quite often.  
 3 Q. Do you remember when you first picked up there?  
 4 A. No.  
 5 Q. You don't remember any of the particulars?  
 6 A. No.  
 7 Q. Okay. I'm trying to figure out the next category.  
 8 As best we could make is N-i-f-e, maybe you can  
 9 tell me if you have any recollection, look at the  
 10 first ticket, 38951. That's your signature,  
 11 correct?  
 12 A. Yes, it is.  
 13 Q. Do you have any recollection of a company that was  
 14 N-i-f or N-i-f-e, or anything like that?  
 15 A. No, that's knife, but I can't recollect the  
 16 company. It was a roll-off, so it was an open  
 17 top.  
 18 Q. Was it short for any sort of company? Is that  
 19 your handwriting, by the way?  
 20 A. Yes, it is.  
 21 Q. Okay. There are a number of tickets here that all  
 22 have that same notation. Do you have any idea  
 23 what that customer was or what that pick up was?  
 24 A. Unless they were referring to Imperial Knife.  
 25 Q. It seems you wrote -- that's just a guess on your

- 1 part?  
 2 A. That's just a guess.  
 3 Q. Do you have any idea what these tickets refer to?  
 4 A. No.  
 5 Q. Let's move on to the next category. Adams Drug.  
 6 You picked up from Adams Drug?  
 7 A. Yes, I did.  
 8 Q. It's right after the N-i-f-e. There is quite a  
 9 few. By the way, there's also some tickets after  
 10 the Adams Drug tickets that say E.A. Adams. Was  
 11 that different from Adams Drugs, do you know?  
 12 A. Yes, I'm pretty sure it was, yes.  
 13 Q. Different entity?  
 14 A. Yes.  
 15 Q. Let's talk about Adams Drug. Do you recall  
 16 picking up from them?  
 17 A. Yes, I do.  
 18 Q. Was that a chain of retail drug stores?  
 19 A. It was, but Adams Drug in Pawtucket was the  
 20 warehouse.  
 21 Q. So, did you pick up just from the warehouse?  
 22 A. Yes. The stores had all little front-end  
 23 containers.  
 24 Q. Where was the warehouse located in Pawtucket?  
 25 A. I go by it every time I go to Key, but I

- 1 can't remember the name of the street. It's not  
 2 located there anymore.  
 3 Q. But you remember the warehouse?  
 4 A. Yes.  
 5 Q. What size container did they have?  
 6 A. Compactor.  
 7 Q. Do you remember when you first picked up at the  
 8 Adams Drug warehouse?  
 9 A. Late '60s, early '70s.  
 10 Q. And if we have tickets in the mid-'80s from  
 11 Buffington, you were still picking up in the early  
 12 '80s, correct?  
 13 A. Yes.  
 14 Q. Okay. So, fair to state that you picked up from  
 15 Adams Drugs warehouse from the late '60s into the  
 16 early '80, minimum?  
 17 A. Yes.  
 18 Q. And was it a will call?  
 19 A. Yes.  
 20 Q. Was it one compactor or more than one?  
 21 A. One.  
 22 Q. Where did you bring the loads from Adams Drug  
 23 warehouse?  
 24 A. J.M. Mills.  
 25 Q. Did they all go to J.M. Mills?

- 1 A. Yes.  
 2 Q. Did you have occasion when you were dumping the  
 3 loads at J.M. Mills to observe the contents of  
 4 Adams Drugs' waste?  
 5 A. Yes.  
 6 Q. Tell me what it was that you observed in the waste  
 7 stream?  
 8 A. Small cardboard boxes, a few pallets, tons  
 9 and tons of aspirin, laxatives, all kinds of  
 10 pills, which I have no idea what they were, some  
 11 kitty litter, stuff they sell in the stores.  
 12 Q. Was it a reasonable cross-section of the types of  
 13 inventory you would find in a drug store?  
 14 A. Yes.  
 15 Q. Any aerosol cans, to your recollection?  
 16 A. A few.  
 17 Q. Any cleaning products of any type?  
 18 A. A few bottles of damaged Windex bottles and  
 19 cans.  
 20 Q. Did they have a vehicular pool or a maintenance  
 21 shop?  
 22 A. No.  
 23 Q. Do you remember anything else about the various  
 24 pills and that they discarded?  
 25 THE WITNESS: As to what?

321

1 Q. Was there any liquid waste other than what was in  
 2 the cans?  
 3 A. Cough syrup. There was liquid, that's about  
 4 all there was that was liquefied was cough syrup.  
 5 Q. Other than what you saw in the damaged aerosol  
 6 liquid, cleaning things?  
 7 A. Correct.  
 8 Q. The various medications were they in the -- in  
 9 every Dumpster you picked up there?  
 10 A. Oh, yes.  
 11 Q. What about the aerosols, damaged cans, was there  
 12 some in every load?  
 13 A. Some in every load, yes.  
 14 Q. Adams Drug was a fairly regular stop for you?  
 15 A. Yes.  
 16 Q. Let's go through the tickets. I'm going to ask  
 17 you again to indicate yes if it's your signature  
 18 with an Adams Drug notation on the ticket. Upper  
 19 right, 40504?  
 20 A. Yes.  
 21 Q. Next page, upper left, 36372?  
 22 A. Yes.  
 23 Q. Next page, upper right, 59031?  
 24 A. Yes.  
 25 Q. Next page, lower right, 39026?

322

1 A. Yes.  
 2 Q. Next page, upper right, 38081?  
 3 A. Yes.  
 4 Q. Next page, upper left, 41050?  
 5 A. Yes.  
 6 Q. Next page, lower right, 50119?  
 7 A. Yes.  
 8 Q. Next page, lower right, 52593?  
 9 A. I'm not sure about that one.  
 10 Q. Okay. You're not sure if it's your signature,  
 11 correct?  
 12 A. But I would say yes, it is, because the S  
 13 looks the same as mine.  
 14 Q. Next page, lower left, 42199?  
 15 A. Yes.  
 16 Q. Next page, upper left, 39953?  
 17 A. Yes.  
 18 Q. Next page I believe is a duplicate, skip that one.  
 19 Next page after that, bottom right, 47355?  
 20 A. Yes.  
 21 Q. Next page, bottom left, 56828?  
 22 A. Yes.  
 23 Q. Next page, bottom left, 59406?  
 24 A. Yes.  
 25 Q. Next page, upper left, 58978?

323

1 A. Yes.  
 2 Q. Next page, upper left, 45633?  
 3 A. Yes.  
 4 Q. Next page, upper left, 46022?  
 5 A. Yes.  
 6 Q. Next page, bottom right, 34554?  
 7 A. Yes.  
 8 Q. Next page, upper left, 46108?  
 9 A. Yes.  
 10 Q. Next page, lower left, 59703?  
 11 A. Yes.  
 12 Q. Next page, upper left, 33999?  
 13 A. I'd say yes.  
 14 Q. Next page, bottom left, 59531?  
 15 A. Yes.  
 16 Q. Next page, upper left, 38434?  
 17 A. Yes.  
 18 Q. Next page, upper left, 46946?  
 19 A. Yes.  
 20 Q. Next page, upper right, 55354?  
 21 A. Yes.  
 22 Q. Next page, upper right, 44929?  
 23 A. Yes.  
 24 Q. Next page, upper left, 55706?  
 25 A. Yes.

324

1 Q. Next page, 45479?  
 2 A. Yes.  
 3 Q. Next page, upper right, 55673?  
 4 A. Yes.  
 5 Q. Next page, lower left, 37325?  
 6 A. Yes.  
 7 Q. Next page, lower right, 57025?  
 8 A. Yes.  
 9 Q. Next page, upper right, 46632?  
 10 A. Yes.  
 11 Q. Next page, bottom right, 34091?  
 12 A. Yes.  
 13 Q. Next page, upper left, 39909?  
 14 A. Yes.  
 15 Q. Next page, upper right, 45347?  
 16 A. Yes.  
 17 Q. Next page, upper left, 34119?  
 18 A. Yes.  
 19 Q. Next page, lower right, 47299?  
 20 A. Yes.  
 21 Q. Next page, lower left, 44328?  
 22 A. Yes.  
 23 Q. Next page, lower left, 46404?  
 24 A. Yes.  
 25 Q. Next page, lower right, 46371?



325

1 A. Yes.

2 Q. Next page, upper right, 45073?

3 A. Yes.

4 Q. Next page, lower right, 43582?

5 A. Yes.

6 Q. Next page, lower right, 53752?

7 A. Yes.

8 Q. Next page, upper right, 54195?

9 A. Yes.

10 Q. Next page, upper right, 36405?

11 A. Yes.

12 Q. Next page, upper right, 48440?

13 A. Yes.

14 Q. And last page, lower left, 54581?

15 A. Yes.

16 Q. There is quite a lot of volume there?

17 A. Pardon?

18 Q. It seems there is a few tickets there?

19 A. Oh, yes.

20 Q. Do you recall in the early '80s picking up at the

21 Adams warehouse -- Adams Drug warehouse quite

22 frequently?

23 A. Yes.

24 Q. Does it refresh your recollection as to what the

25 frequency was at that time?

326

1 A. Once a week, sometimes twice a week.

2 Q. By the way, every one of those tickets reflects a

3 load you dumped from the Adams Drug warehouse at

4 J.M. Mills, correct?

5 A. Yes.

6 Q. Fair to state for the time periods prior to the

7 early '80s, there would be many other loads that

8 you made from the Adams Drug warehouse and dumped

9 at J.M. Mills?

10 A. Correct.

11 Q. Did they have at the Adams Drug warehouse an

12 operations maintenance shop for taking care of the

13 retail drug stores, to your recollection?

14 A. I think they had at one end of the building

15 where they used to park their truck. I think they

16 had a small garage there.

17 Q. When you say small garage, do you know whether

18 they did any automotive maintenance or any other

19 sort of maintenance work there?

20 A. I would imagine so. They had two bays. They

21 used to put the trucks in and work on them.

22 Q. Do you recall seeing any automotive waste in any

23 of the Dumpsters?

24 A. No.

25 Q. Did you ever smell any automotive waste?

327

1 A. No.

2 Q. Did you see any oily rags?

3 A. No.

4 Q. Any paint waste from maintenance guys repainting

5 stores and bringing empty paint cans back?

6 A. None that I've seen.

7 Q. Let's go to the next section, do you recall a

8 company called E.A. Adams?

9 A. Yes. I remember the name, but I don't

10 remember much about it.

11 Q. Any recollection as to what E.A. Adams was?

12 A. No.

13 Q. Where they were?

14 A. No.

15 Q. What was in their containers?

16 A. No.

17 Q. Size of the container or frequency at which you

18 picked up?

19 A. No.

20 Q. Let's just go through the tickets then. First

21 one, lower left, again, the answer is yes if it's

22 E.A. Adams load with your signature. First page,

23 bottom right, 39644?

24 A. Yes.

25 Q. Next page, upper right, 39743?

328

1 A. Yes.

2 Q. Next page, lower right, 39652?

3 A. Yes.

4 Q. Next page, upper left, 36845?

5 A. Yes.

6 Q. Next page, upper right, 35776?

7 A. Yes.

8 Q. So, those are all loads you brought from E.A.

9 Adams and dumped at J.M. Mills?

10 A. Correct.

11 Q. Doesn't refresh your recollection as to what was

12 in them?

13 A. No.

14 Q. Any recollection as to when you first started

15 picking up from that company?

16 A. No. After awhile things just start running

17 together.

18 Q. I understand that. I'm trying to do these

19 separately so that we can kind of maximize your

20 recollection. Do you have a company called ACS?

21 A. Yeah, I do, but I know the name, but I can't

22 remember where it is. I think it's in Woonsocket.

23 Q. Do you remember what they made or did or what it

24 was?

25 A. I think it was fabrics, they used to color

329

1 and print fabrics.

2 Q. Do you remember -- is that a pretty solid

3 recollection that it was a fabric facility?

4 A. It's pretty solid, but I couldn't swear to

5 it, no.

6 Q. Do you remember the contents of the containers

7 that you brought to J.M. Mills?

8 A. I think it was rags.

9 Q. When you say rags?

10 A. Remnants from the trimmings of the rolls of

11 cloth.

12 Q. Do you remember any hazardous waste of any type in

13 the ACS container?

14 A. No. That one I don't remember anything like

15 that.

16 Q. Well, when you say you don't remember, is it that

17 you can't recall one way or the other, or that you

18 remember what was in there and there was nothing

19 that was hazardous?

20 A. I remember there was material in it and I've

21 never seen any paint or anything like that in it.

22 Q. Any oil waste?

23 A. Not oil, no.

24 Q. Nothing that had any chemical waste in it?

25 A. No.

330

1 Q. Let's go to the next section which is Roofing

2 Systems. Do you remember a company called Roofing

3 Systems?

4 A. No.

5 Q. No recollection at all?

6 A. No.

7 Q. Any recollection as to what was in their

8 containers?

9 A. No.

10 Q. Let's do the two tickets, then. First page,

11 bottom right, ticket number 52100; is that your

12 signature?

13 A. Yes, it is.

14 Q. The next page, 42543, also your signature?

15 A. Yes.

16 Q. So is it -- are you able to testify that on at

17 least two occasions you brought containers from

18 Roofing Systems and dumped it at J.M. Mills?

19 A. Right.

20 Q. But you don't have any recollection of what was in

21 that container?

22 A. No.

23 Q. The next category is Microfibers. We've had a lot

24 of testimony as to what was in the containers

25 there, let's just go through the tickets on

331

1 Microfibers. Again, I just want you to say yes if

2 the ticket has your signature from Microfibers.

3 Bottom left, 39202?

4 A. Yes.

5 Q. Next page, bottom right, 39942?

6 A. Yes.

7 Q. Next page, upper left, 39862?

8 A. Yes.

9 Q. Next page, upper left, 56716?

10 A. Upper right.

11 Q. Upper right, 56716, is that right?

12 A. Yes.

13 Q. Next page, upper left, 58145?

14 A. Yes.

15 Q. Next page, to the left, 56160?

16 A. Yes.

17 Q. Next page, upper right, 50224?

18 A. Yes.

19 Q. Next page, lower left, 53160?

20 A. Yes.

21 Q. Next page, upper right, 37514?

22 A. Yes.

23 Q. Next page, lower right, 41163?

24 A. Yes.

25 Q. Next page, bottom right, 38794?

332

1 A. Yes.

2 Q. Next page, upper left, 58960?

3 A. Yes.

4 Q. Next page, bottom right, 47172?

5 A. Yes.

6 Q. Next page, upper right, 59771?

7 A. Yes.

8 Q. Next page, upper left, 33032?

9 A. Yes.

10 Q. Next page, upper right, 35531?

11 A. Yes.

12 Q. Next page, upper left, 52135?

13 A. Yes.

14 Q. Next page, bottom right, 51883?

15 A. Yes.

16 Q. Next page, bottom right, 38618?

17 A. Yes.

18 Q. Next page, bottom left, 55402?

19 A. Yes.

20 Q. Next page, bottom right, 36907?

21 A. Yes.

22 Q. Next page, bottom right, 46841?

23 A. Yes.

24 Q. Next page, bottom right, 42565?

25 A. Yes.

333

1 Q. Next page, upper left, 45605?  
 2 A. Yes.  
 3 Q. Next page, upper right, 40672?  
 4 A. Yes.  
 5 Q. Last page, upper left, 46069?  
 6 A. Yes.  
 7 Q. So, each of those represents a load you brought  
 8 from Microfibers and dumped at J.M. Mills?  
 9 A. Yes.  
 10 Q. Do you remember the size of the container at that  
 11 facility?  
 12 A. A Compactor.  
 13 Q. Fair to state that you brought many more  
 14 containers from Microfibers to J.M. Mills?  
 15 A. Correct.  
 16 Q. Do you remember when you first picked up from  
 17 Microfibers?  
 18 A. Early -- late '60s to mid-'80s.  
 19 Q. So, for a 15, almost 20-year period you picked up?  
 20 A. Yes. Correct.  
 21 Q. What was the frequency of that?  
 22 THE WITNESS: When I picked up  
 23 personally?  
 24 MR. MURPHY: Yes.  
 25 A. Once a week to three times a week.

334

1 Q. Do you remember a company called City Fence?  
 2 A. Yes.  
 3 Q. What kind of waste did they generate?  
 4 A. Fencing, you know, metal fencing, wood  
 5 fencing, just fencing, household, like you put  
 6 around your house, stockade fencing, stuff like  
 7 that.  
 8 Q. Do you remember the contents of any of the  
 9 containers you picked up from them?  
 10 A. Mostly all wood.  
 11 Q. Any paint waste from finishing?  
 12 A. No, not that I could see.  
 13 Q. Any metal grindings or oily grindings from cutting  
 14 steel?  
 15 A. No.  
 16 Q. So you don't remember any hazardous waste --  
 17 A. I don't remember that, no.  
 18 Q. -- in their waste stream. Do you remember picking  
 19 up for a company called Amperex?  
 20 A. Yes, I, do but I don't remember where it's  
 21 located.  
 22 Q. Any recollection of what was in their containers?  
 23 A. No.  
 24 Q. We've had some testimony already what was in the  
 25 containers, so let's just look at, I think there

335

1 is a few tickets here, let's just confirm that you  
 2 brought some loads to J.M. Mills. Upper  
 3 right-hand corner, ticket number 39225; is that  
 4 your signature on the Amperex ticket?  
 5 A. Yes, it is.  
 6 Q. Next page, same question, upper right, 36243?  
 7 A. Yes.  
 8 Q. Next page, bottom right, 36067?  
 9 A. Yes.  
 10 Q. Next page, upper right, 33031?  
 11 A. Yes.  
 12 Q. Next page, bottom right, 38728?  
 13 A. I'd say yes.  
 14 Q. So each of those represents a load that you  
 15 brought from Amperex and dumped at J.M. Mills  
 16 Landfill?  
 17 A. Correct.  
 18 Q. Do you remember when you first started picking up  
 19 at Amperex?  
 20 A. No, I don't remember that when I first  
 21 started picking up.  
 22 Q. You don't have any recollection as to the contents  
 23 of the containers?  
 24 A. No.  
 25 Q. Do you remember picking up from a company called

336

1 Vinyl Packaging?  
 2 A. I remember picking up from Vinyl Packaging,  
 3 yes.  
 4 Q. Do you remember anything about -- do you remember  
 5 where they were?  
 6 A. Right about now I'm getting a blank on  
 7 everything.  
 8 MR. MURPHY: Do you want to take a  
 9 short break? Would it help to take a couple more  
 10 minutes. We're getting close to the end, but I  
 11 need you to kind of focus.  
 12 MR. CONNORS: Let's take a break.  
 13 (MS. BARRY LEFT AT THIS POINT)  
 14 Q. Do you remember anything about Vinyl Packaging,  
 15 where they were?  
 16 A. I know I've done it 100 times, but I just  
 17 can't remember anything about it.  
 18 Q. You don't remember the contents of the containers?  
 19 A. No.  
 20 Q. Let's do this, let's just go through the tickets  
 21 to confirm you picked up from them. Upper  
 22 right-hand corner, the first page, 33153, same  
 23 question?  
 24 A. Yes.  
 25 Q. Next page, bottom right, 33452?

337

1 A. Yes.

2 Q. So for those two tickets, it reflected you did  
3 bring loads from Vinyl Packaging and you dumped  
4 them at J.M. Mills?

5 A. Correct.

6 Q. Are you sure that you brought more loads than that  
7 to J.M. Mills?

8 A. Yes, I am.

9 Q. In looking at the tickets, does it refresh your  
10 recollection as to the frequency with which you  
11 picked up, size of the container or contents?

12 A. No, it doesn't.

13 Q. Do you remember a company called Newell Lumber,  
14 N-e-w-e-l-l?

15 A. Newell Lumber, I remember the company, yes.

16 Q. Did you pick up waste from them?

17 (PAUSE)

18 Q. Let's put it this way, I've got some tickets that  
19 reflect you picked up some waste from Newell  
20 Lumber and brought it to J.M. Mills. My question  
21 is do you have any recollection as to the contents  
22 of the waste in those containers?

23 A. I can't definitely say, but I remember  
24 picking up at Newell Lumber, 30 yarder that had  
25 nothing but lumber in it, you know, scrap lumber.

338

1 Q. Other than the lumber, do you remember any other  
2 containers, what was in it, the contents of the  
3 containers?

4 A. Pallets. Maybe a little corrugated boxes.

5 Q. Let's just go through the tickets for Newell,  
6 there is, I believe, four of them. It's going to  
7 be the same question, just say yes if it's a  
8 Newell Lumber ticket with your signature. First  
9 page, bottom right, 36137?

10 A. Yes.

11 Q. Next page, upper left, 33013?

12 A. Yes.

13 Q. Next page, I can't make out, you know what, skip  
14 that page. Let's go to the last one, upper left,  
15 34812?

16 A. Yes.

17 Q. So, you definitely believe it was a 30-yard open  
18 top container there?

19 A. I'm almost positive it was a 30-yard open  
20 top.

21 Q. Those tickets reflect you did bring those to J.M.  
22 Mills and dump them from Newell Lumber?

23 A. Correct.

24 Q. Is it your belief you would have brought more than  
25 those three to J.M. Mills over the years?

339

1 A. Yes.

2 Q. Do you remember a company called Gals, G-a-l-s?

3 A. No, I do not.

4 Q. Any recollection as to who they were or what they  
5 did?

6 A. None whatsoever.

7 Q. Let's skip that one. Let's go to Union Wadding,  
8 do you remember picking up from Union Wadding?

9 A. Yes.

10 Q. We've got quite a bit of testimony on the contents  
11 of their containers, I just want to verify the  
12 tickets. Did you pick up from them on a regular  
13 basis?

14 A. Yes, I did.

15 Q. Do you have any general recollection as to what  
16 the company did?

17 A. They took cotton and turned it into sheets of  
18 cotton for bedding and stuff like that.

19 Q. Let's just go through the tickets if we can.  
20 Again, the answer is yes if it's Union Wadding  
21 ticket with your signature. First page, bottom  
22 right, 39250?

23 A. Yes.

24 Q. Next page, upper right, 57985?

25 A. Yes.

340

1 Q. Next page, upper right, 39071?

2 A. Yes.

3 Q. Next page, 56237?

4 A. Yes.

5 Q. Next page, bottom left, 56484?

6 A. Yes.

7 Q. Next page, upper left, 41291?

8 A. Yes.

9 Q. Next page, upper left, 50183?

10 A. Yes.

11 Q. Next page, lower left, 45937?

12 A. Yes.

13 Q. Next page, lower right, 42298?

14 A. Mine is all messed up. It is my signature.

15 Q. Okay. Next page, on the right, 56960?

16 A. Yes.

17 Q. Next page, bottom right, 43040?

18 A. Yes.

19 Q. Next page, upper right, 35531?

20 A. Yes.

21 Q. Next page, upper left, 33905?

22 A. Yes.

23 Q. Next page, bottom right, 45933?

24 A. Yes.

25 Q. Next page, bottom right, 36258?

341	<p>1 A. Yes.</p> <p>2 Q. Next page, upper right, 46474?</p> <p>3 A. Yes.</p> <p>4 Q. Next page, bottom left, 57090?</p> <p>5 A. Yes.</p> <p>6 Q. Next page, bottom right, 38512?</p> <p>7 A. Yes.</p> <p>8 Q. Next page, bottom left, 55645?</p> <p>9 A. Yes.</p> <p>10 Q. Next page, upper right, 37460?</p> <p>11 A. Yes.</p> <p>12 Q. Next page, upper left, 47478?</p> <p>13 A. Yes.</p> <p>14 Q. Next page, lower left, 45369?</p> <p>15 A. Yes.</p> <p>16 Q. Next page, bottom left, 32905?</p> <p>17 A. Yes.</p> <p>18 Q. Next page, upper right, 54663?</p> <p>19 A. Yes.</p> <p>20 Q. Next page, upper right, 50815?</p> <p>21 A. Yes.</p> <p>22 Q. Next page, lower right 43588?</p> <p>23 A. Yes.</p> <p>24 Q. Let's skip the next page. Each one of those</p> <p>25 reflects a load you brought from Union Wadding and</p>	343	<p>1 another one, the one over on North Main Street in</p> <p>2 Providence. Can't think of the name of that</p> <p>3 hospital.</p> <p>4 Q. Do you remember the size of the container at</p> <p>5 Pawtucket Memorial?</p> <p>6 A. Compactor.</p> <p>7 Q. I'm just going to ask you to verify the tickets.</p> <p>8 First page on the right, 59309, your signature?</p> <p>9 A. Yes.</p> <p>10 Q. Is that Pawtucket Memorial Hospital? The</p> <p>11 Providence hospital wasn't Memorial Hospital, was</p> <p>12 it?</p> <p>13 A. No. Pawtucket Hospital is Pawtucket Memorial</p> <p>14 Hospital.</p> <p>15 Q. What's the one in Providence?</p> <p>16 THE WITNESS: Which one in</p> <p>17 Providence?</p> <p>18 MR. MURPHY: The one you picked up</p> <p>19 from.</p> <p>20 A. In Providence? It's right on Main Street in</p> <p>21 Providence. I can't think of the name of it.</p> <p>22 Q. Let's go through the tickets, the question being</p> <p>23 is it Pawtucket Memorial Hospital and your</p> <p>24 signature. First page, 59309.</p> <p>25 A. Yes.</p>
342	<p>1 dumped at J.M. Mills?</p> <p>2 A. Correct.</p> <p>3 Q. And would it be fair to state that -- do you</p> <p>4 remember when you first picked up from them?</p> <p>5 A. '70s to '80s.</p> <p>6 Q. It was at least a ten-year period?</p> <p>7 A. Yes.</p> <p>8 Q. What was the frequency, to your recollection?</p> <p>9 A. One to two, three times a week.</p> <p>10 Q. You picked up from Pawtucket Memorial Hospital?</p> <p>11 A. Yes.</p> <p>12 Q. We've had quite a bit of testimony what was in</p> <p>13 those containers, so I don't think we need to go</p> <p>14 into the contents of the containers, but let me</p> <p>15 ask you this, there appears to be some tickets,</p> <p>16 instead of saying Pawtucket Hospital or Memorial</p> <p>17 Hospital, seem to say just PA Hospital. Did you</p> <p>18 pick up from one hospital or more than one</p> <p>19 hospital?</p> <p>20 A. Picked up from a couple of hospitals.</p> <p>21 Q. You picked up from the Veterans' Hospital,</p> <p>22 correct?</p> <p>23 A. Yes.</p> <p>24 Q. Other than the Veterans' Hospital?</p> <p>25 A. Just Pawtucket Hospital -- oh, no there was</p>	344	<p>1 Q. Next page, 43531?</p> <p>2 A. Yes.</p> <p>3 Q. Next page, upper left, 36319?</p> <p>4 A. Yes.</p> <p>5 Q. Next page, lower left, 36237?</p> <p>6 A. Yes.</p> <p>7 Q. Next page, upper right, 36436?</p> <p>8 A. Upper right --</p> <p>9 Q. Upper left?</p> <p>10 A. Yes.</p> <p>11 Q. Next page, upper left -- wait, that's a duplicate</p> <p>12 date. Next page, upper right, 58517?</p> <p>13 A. Yes.</p> <p>14 Q. Next page, bottom left, 58552?</p> <p>15 A. Yes.</p> <p>16 Q. Next page, upper left, 58020?</p> <p>17 A. Yes.</p> <p>18 Q. Next page, bottom left, 53908?</p> <p>19 A. Yes.</p> <p>20 Q. Next page, upper left, 42468?</p> <p>21 A. Yes.</p> <p>22 Q. Next page, upper left, 45331?</p> <p>23 A. Yes.</p> <p>24 Q. Next page, bottom right, 46412?</p> <p>25 A. Yes.</p>

345

1 Q. Next page -- by the way, all the tickets so far,  
 2 those are compactors you picked up at Pawtucket  
 3 Memorial Hospital and dumped at J.M. Mills?  
 4 A. Correct.  
 5 Q. When did you first pick up from Pawtucket Memorial  
 6 Hospital?  
 7 A. '70s to '80s.  
 8 Q. At least a ten-year period?  
 9 A. Yes.  
 10 Q. Do you know what the frequency was?  
 11 A. Well, I picked up once or twice a month,  
 12 maybe more. I really can't remember. That's one  
 13 you don't want to remember.  
 14 Q. Why is that?  
 15 A. Stinks. Messy.  
 16 Q. A lot of biological waste?  
 17 A. A lot of food dumped in it and juices and  
 18 stuff like that from where the patients didn't eat  
 19 it, they just throw it out. Really bad smell.  
 20 Q. The next ticket, are you able to make out, it's  
 21 lower left, 36013. There is a number of tickets  
 22 that follow this ticket that all seem to have the  
 23 same marking and it looks to me like it's --  
 24 A. PA Hospital Pawtucket hospital.  
 25 Q. Is that also Pawtucket Memorial?

346

1 A. Yes.  
 2 Q. So then just to go on with the questioning, and  
 3 the question is, if it's still Pawtucket Memorial  
 4 Hospital. 36013, bottom left?  
 5 A. Yes.  
 6 Q. Next page, 42099?  
 7 A. Yes.  
 8 Q. Next page, bottom right, 56823?  
 9 A. Yes.  
 10 Q. Next page, upper right, 41828?  
 11 A. Yes.  
 12 Q. Next page, lower left -- lower right, 39594?  
 13 A. Yes.  
 14 Q. Next page upper right, 58954?  
 15 A. Yes.  
 16 Q. Next page, lower left, 35554?  
 17 A. Yes.  
 18 Q. Next page, lower right, 45223?  
 19 A. Yes.  
 20 Q. Next page, upper left, 59702?  
 21 A. Yes.  
 22 Q. Next page, lower right, 36018?  
 23 A. Yes.  
 24 Q. Next page, lower right, 59517?  
 25 A. Yes.

347

1 Q. Next page, lower left, 39404?  
 2 A. Yes.  
 3 Q. We can skip the next page. The page after that,  
 4 bottom right, 47308?  
 5 A. Yes.  
 6 Q. Next page to the left, 39453?  
 7 A. Yes.  
 8 Q. Next page, bottom left, 39759?  
 9 A. Yes.  
 10 Q. Next page, lower left, 40659?  
 11 A. Yes.  
 12 Q. Next page, upper left, 53785?  
 13 A. Yes.  
 14 Q. Next page, lower right, 41713?  
 15 A. Yes.  
 16 Q. Next page, lower right, 46532?  
 17 A. Yes.  
 18 Q. Last page, upper right, 46753?  
 19 A. Yes.  
 20 Q. All of those were loads you brought from Pawtucket  
 21 Memorial Hospital and dumped at J.M. Mills?  
 22 A. Yes.  
 23 Q. We've had quite a lot of testimony about the  
 24 contents of the IGA containers. My question to  
 25 you is did you pick up from the IGA warehouse or

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1 just from the stores?  
 2 A. Mostly from the stores.  
 3 Q. Okay. Let's just go through the tickets then. Do  
 4 you remember if all the stores had compactors?  
 5 A. All of them did.  
 6 Q. Just go through the tickets and I know they denote  
 7 various IGA stores, I just want you to indicate a  
 8 yes if it's an IGA store with your signature.  
 9 First page, upper right, 59941?  
 10 A. Yes.  
 11 Q. Next page, bottom left, 37644?  
 12 A. Yes.  
 13 Q. Next page, bottom left, 41221?  
 14 A. Yes.  
 15 Q. Next page, bottom right, 50193?  
 16 A. Yes.  
 17 Q. Next page, upper left, 50140?  
 18 A. Yes.  
 19 Q. Next page, bottom right, 35060?  
 20 A. Yes.  
 21 Q. Next page, upper left, 51408?  
 22 A. Yes.  
 23 Q. Next page, lower left, 39843?  
 24 A. Yes.  
 25 Q. Next page, upper left, 57046?

349

1 A. Yes.

2 Q. Next page, upper right, 55597?

3 A. Yes.

4 Q. Next page, upper right, 43827?

5 A. Yes.

6 Q. Next page, upper right, 44276?

7 A. Yes.

8 Q. Next page, lower right, 43626?

9 A. Yes.

10 Q. Next page, lower right, 54818?

11 A. Yes.

12 Q. All of those reflect loads you brought a compactor  
13 from an IGA store and dumped it at J.M. Mills?

14 A. Correct.

15 Q. When did you first pick up from IGA?

16 A. Late '60s, to '80s.

17 Q. So it was a 15-year period, minimum, that you  
18 picked up?

19 A. Yes.

20 Q. And the frequency of the IGA that you picked up?

21 A. It was no one particular store. I used to  
22 pick up most all of them.

23 Q. But on --

24 A. At least once a week you'd have an IGA.

25 Q. And did it all go to J.M. Mills?

350

1 A. Yes.

2 Q. The next set of tickets, we did our best to try to  
3 figure out what this company was. If you look at  
4 the first ticket after the cover page, or you can  
5 look at a couple of them after that, are you able  
6 to make out who or what this company -- any idea  
7 what it is. The tickets all have your signature  
8 on them. We tried to spell it as best we could.  
9 Wiengroff, W-i-e-n-g-r-o-f-f?

10 A. W-e-i-n-g-r-o-f-f.

11 Q. Spell it. Is it W-e-i-n-g-r-o-f-f? Do you know  
12 what company this is?

13 A. I know the name, because I have picked it up.  
14 I remember the name, but I don't remember where it  
15 was and what was in it, but I know they spelled it  
16 different than what it sounds like.

17 Q. All right. And your best recollection of how they  
18 spell it was what?

19 A. G-r-o-f-f.

20 Q. That's g-r-o-f-f, and the first part what's that?

21 A. W-e-i-n.

22 Q. Was it two words or one?

23 A. Two words.

24 Q. Capital W-e-i-n, and then capital G-r-o-f-f?

25 A. Yes.

351

1 Q. But you don't remember where they were?

2 A. No.

3 Q. Or what was in the containers?

4 A. But I know the name. It's one of those funny  
5 names that sticks in your head.

6 Q. No recollection of what they did?

7 A. No.

8 Q. Let's just confirm the tickets, then. First page,  
9 bottom right, again, the answer is yes if you  
10 picked up if it's a ticket for Weingroff with your  
11 signature on it. First page, bottom right, 37002?

12 A. Yes.

13 Q. Next page, upper left, 56036?

14 A. Yes.

15 Q. Next page, bottom right, 59918?

16 A. Yes.

17 Q. Next page, upper right, 59869?

18 A. Yes.

19 Q. Next page, lower right, 59247?

20 A. Yes.

21 Q. Next page, bottom right, 59893?

22 A. Yes.

23 Q. Next page, bottom left, 59972?

24 A. Yes.

25 Q. Next page, bottom right, 57822?

352

1 A. Yes.

2 Q. Next page, 59218?

3 A. Yes.

4 Q. And so for each of those tickets, it shows that  
5 you did dump a load from Weingroff at J.M. Mills?

6 A. Yes.

7 Q. Did you bring all of their waste to J.M. Mills?

8 A. As far as I know, yes.

9 Q. Do you remember when you first picked up at that  
10 entity?

11 A. I don't remember when I first picked up, no.

12 Q. So you don't have much more recollection than  
13 knowing that you picked up there?

14 A. I just know I picked up there.

15 Q. Did you pick up from the Coca-Cola plant?

16 A. Yes.

17 Q. Where was that located?

18 A. Providence, Rhode Island.

19 Q. Okay. We've already got testimony as to the  
20 contents. Let's just kind of verify the tickets.  
21 First one is bottom right, 34971, is that a  
22 Coca-Cola load with your signature?

23 A. Yes.

24 Q. Next page, upper left, 45513?

25 A. Yes.

353

1 Q. Next page, upper right, 46267?  
 2 A. Yup.  
 3 Q. Next page, bottom right, 41950?  
 4 A. Yes.  
 5 Q. So, you recall the size of those containers?  
 6 A. Compactor.  
 7 Q. Each of those tickets reflect you dumped a  
 8 compactor of Coca-Cola products to J.M. Mills?  
 9 A. Yes.  
 10 Q. Did you bring all the Coca-Cola product from J.M.  
 11 Mills?  
 12 A. Yes.  
 13 Q. When did you first pick up from that facility?  
 14 A. '60s to '80s.  
 15 Q. So, over a 15-year period?  
 16 A. Yes.  
 17 Q. And the frequency of which you picked up?  
 18 A. Once every two weeks or once every three  
 19 weeks, something like that.  
 20 Q. Did that Coca-Cola facility have -- was it a  
 21 distribution hub for a lot of Coca-Cola trucks in  
 22 it?  
 23 A. Oh, yes.  
 24 Q. Did they maintain the trucks on site there?  
 25 A. I think Ryder maintained their trucks. I'm

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1 not sure. They only had small trucks and they  
 2 used to lease them from Ryder.  
 3 Q. Do you recall machine or plant maintenance waste  
 4 in those containers?  
 5 A. No.  
 6 Q. Let's go to -- do you remember a company called  
 7 Hart, H-a-r-t, Engineering?  
 8 A. I remember the name.  
 9 Q. Do you remember anything about the contents?  
 10 A. No.  
 11 Q. Let's just go through the tickets then. First  
 12 one, upper left, 58708; is that a Hart Engineering  
 13 ticket with your signature?  
 14 A. Yes.  
 15 Q. Next page, lower right, 41571?  
 16 A. Yes.  
 17 Q. Next page, bottom left, 38422?  
 18 A. Yes.  
 19 Q. So you brought those three loads from Hart  
 20 Engineering and dumped them in J.M. Mills?  
 21 A. Yes.  
 22 Q. Any recollection of what was in those containers?  
 23 A. No, I don't.  
 24 Q. Any recollection as to when you first picked up  
 25 there?

355

1 A. No.  
 2 Q. Did you bring loads from Display Novelties and  
 3 dump them in J.M. Mills?  
 4 A. Yes.  
 5 Q. We've had a lot of testimony about the contents of  
 6 their containers. Let me ask you, do you remember  
 7 when you first picked up there?  
 8 A. I'll say it was in mid-'70s, I started  
 9 picking up there.  
 10 Q. Through the early '80s?  
 11 A. Yes.  
 12 Q. The frequency with which you picked up there?  
 13 A. I don't remember.  
 14 Q. Do you remember the size of the container?  
 15 A. No, I don't remember that, either.  
 16 Q. Do you know what they made there?  
 17 A. No.  
 18 Q. Let's just confirm the tickets then. First page,  
 19 bottom left, answer yes, if it's a Display Novelty  
 20 load with your signature. 59640?  
 21 A. Yes.  
 22 Q. Next page, bottom right, 51110?  
 23 A. Yes.  
 24 Q. Next page, upper left, 40761?  
 25 A. Yes.

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1 Q. Those are three loads you brought from Display  
 2 Novelties and dumped at J.M. Mills?  
 3 A. Correct.  
 4 Q. Fair to state there were many more loads you  
 5 brought from the Display Novelties and dumped at  
 6 J.M. Mills?  
 7 A. Correct.  
 8 Q. Do you remember a company called Woolco?  
 9 A. I remember the name.  
 10 Q. Any recollection of where it was?  
 11 A. No.  
 12 Q. What they did?  
 13 A. Not that I can remember.  
 14 Q. Any recollection of the contents of the waste  
 15 containers?  
 16 A. No.  
 17 Q. Size of the containers?  
 18 A. No.  
 19 Q. How about frequency?  
 20 A. That either, no.  
 21 Q. Let's just confirm the tickets then. First page,  
 22 bottom right, 52376?  
 23 A. Yes.  
 24 Q. Next page, upper right, 47354?  
 25 A. Yes.



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1 Q. Next page, upper right, 44352?  
 2 A. Yes.  
 3 Q. Next page, upper left, 46624?  
 4 A. Yes.  
 5 Q. Next page, bottom right, 33916?  
 6 A. Yes.  
 7 Q. Next page, bottom right, 46158?  
 8 A. Yes.  
 9 Q. Next page, bottom right, 45839?  
 10 A. Yes.  
 11 Q. Next page, upper right, 56412?  
 12 A. Yes.  
 13 Q. By the way, that appears to say Woolco, Lincoln,  
 14 does that refresh your recollection at all as to  
 15 what this place was?  
 16 A. No.  
 17 Q. Next page, upper right, 58766?  
 18 A. Yes.  
 19 Q. Next page, bottom left, 39033?  
 20 A. Yes.  
 21 Q. Okay. So each of those tickets reflects a load  
 22 you brought from an entity known as Woolco and you  
 23 dumped it at J.M. Mills?  
 24 A. Correct.  
 25 Q. Do you remember when you first started picking up

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1 there?  
 2 A. No, I don't.  
 3 Q. Let me ask you a question, there is a number of  
 4 tickets that have your signature on them that  
 5 appear to have a street address without listing  
 6 any company. I'll just state, for example, the  
 7 first ticket I'm referring to says Mendon Road,  
 8 there is another ticket that says 88 Martin  
 9 Street, but there's no company listed. Do you  
 10 have a recollection of any procedure that you  
 11 followed with respect to loads that were only  
 12 associated with an address versus a company?  
 13 A. There's one on Martin Street, I think it's  
 14 called Arkwright, it's right between Puritan and  
 15 Roger Williams.  
 16 Q. I think I asked you about Arkwright earlier?  
 17 A. See, that's what I said, it would come to me  
 18 later.  
 19 Q. So you remember Arkwright as being on Martin  
 20 Street?  
 21 A. Yes.  
 22 Q. Any recollection as to what Arkwright manufactured  
 23 what they did?  
 24 A. They used to rewind wire onto wooden reels,  
 25 but if they manufactured it there, I don't know,

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1 but I know they used to have big machines that had  
 2 rolls of wire on it, and they used to roll it to  
 3 another machine and that machine would roll it  
 4 onto big reels of wood made out of wood and they  
 5 just roll it up on that and ship it out. It was  
 6 mostly copper wire and aluminum wire.  
 7 Q. Do you remember the contents of the containers,  
 8 what their waste was?  
 9 A. Mostly wood, broken reels.  
 10 Q. Any machine maintenance-type waste, oily rags,  
 11 oils?  
 12 A. Maybe a handful.  
 13 Q. Lubricants for lubricating the machines?  
 14 A. Never saw any of that.  
 15 Q. But otherwise, if there's a -- for example, there  
 16 is another ticket that says -- some of these -- it  
 17 just says, I think, 17 Roosevelt Avenue. If there  
 18 is a street address without a company associated  
 19 with it, does that refresh your recollection  
 20 about -- let me ask you this -- there has been  
 21 some testimony from other drivers that  
 22 occasionally there would be an open-top container  
 23 that somebody would order, I don't know if they  
 24 were demolishing a house or something, they would  
 25 bring it to a street address and left there. When

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1 it was fall, they would say come and get it, it's  
 2 full?  
 3 A. Yes.  
 4 Q. Did you occasionally pick up Dumpsters like that  
 5 that weren't regular customers?  
 6 A. Occasionally, yes.  
 7 Q. Would you just put a street address as to where it  
 8 came from?  
 9 A. Yes.  
 10 Q. So is it your correct collection that if we have  
 11 another one that says 1155 High Street, does that  
 12 refresh your recollection as to --  
 13 A. No, I wouldn't know what it was, I would  
 14 assume it would be a house address.  
 15 Q. Mason Street, same thing?  
 16 A. Same thing.  
 17 Q. Now, I'm going to ask you to turn -- the last  
 18 section of tickets, just so you know, there's two  
 19 things I need to do, there are couple of companies  
 20 I want to ask you about where we have no tickets,  
 21 and I have a section here of what we've called  
 22 miscellaneous tickets, it's the last section. I  
 23 just want to see the miscellaneous section -- I  
 24 think -- go past the addresses, I'd like to go  
 25 through them but just to see whether you have a

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1 recollection as to who any of the companies are.  
 2 Do you have the miscellaneous section in front of  
 3 you?  
 4 A. Yes.  
 5 Q. Let's go through these tickets. The first one  
 6 would be bottom right, 36418. Can you make out  
 7 where that's from?  
 8 A. Looks like Shaw's Market.  
 9 Q. What was Shaw's Market?  
 10 A. It's a grocery store.  
 11 Q. Big store, small store?  
 12 A. Small store.  
 13 Q. Did you pick up from there very often?  
 14 A. Not too often.  
 15 Q. Let's go on to the next one. Can you make out  
 16 bottom right, 59868. What that was?  
 17 A. Looks like Berger Brothers to me.  
 18 Q. What was Berger Brothers?  
 19 A. That would be Berger Metal Recycling on Front  
 20 Street, Pawtucket.  
 21 Q. How often did you pick up interest them?  
 22 A. Not that often.  
 23 Q. What was in their container?  
 24 A. Mostly plastic, because they separated the  
 25 corrugated and you got all the junk out of it so

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1 they just had corrugated boxes that they could  
 2 bale and all the plastic went in to open top  
 3 container.  
 4 Q. And miscellaneous trash also that was mixed in  
 5 with the cardboard boxes?  
 6 A. Not usually. Usually plastic and wet  
 7 cardboard that they couldn't use in the bales.  
 8 Q. Let's go to the next ticket. Upper right-hand  
 9 corner, it says Polytop?  
 10 A. Polytop. I have no idea what that is.  
 11 Q. Go to the next page, bottom right, Cherry & Webb.  
 12 Do you remember anything about a company called  
 13 Cherry & Webb?  
 14 A. I know the name, but I can't -- I don't know  
 15 anything about it.  
 16 Q. So this ticket confirms that you brought at least  
 17 one load from Cherry & Webb and dumped it at J.M.  
 18 Mills, correct?  
 19 A. Correct.  
 20 Q. Ticket 56100?  
 21 A. Correct.  
 22 Q. But it doesn't refresh your recollection as to who  
 23 they were or what their waste was?  
 24 A. No.  
 25 Q. Can you make out the next page, 53833?

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1 A. Cranston something.  
 2 Q. Any idea who that was?  
 3 A. No.  
 4 Q. Go to the next page, upper left, Franklin  
 5 Graphics?  
 6 A. I know the name, but I can't remember what's  
 7 in it.  
 8 Q. So you don't remember --  
 9 A. I've done it quite a few times.  
 10 Q. You don't remember what was in their containers?  
 11 A. No.  
 12 Q. So the ticket 34729 reflects a load you brought  
 13 from Franklin Graphics and dumped it at J.M.  
 14 Mills?  
 15 A. Correct.  
 16 Q. But you don't have any recollection of the  
 17 contents?  
 18 A. No, I don't.  
 19 Q. It's your recollection that you brought waste from  
 20 Franklin Graphics to J.M. Mills regularly?  
 21 A. Pretty regular, yes.  
 22 Q. Do you remember when you first picked up at  
 23 Franklin Graphics?  
 24 A. No, I don't.  
 25 Q. Let's go to the next page. There is a couple of

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1 tickets here that said Ro-Jack's, R-o-j-a-c-k-s?  
 2 Do you remember a R-o-j-a-c-k-s?  
 3 A. Yes.  
 4 Q. What was Ro-Jack's?  
 5 A. Grocery store.  
 6 Q. Big, small?  
 7 A. It's big now. It used to be small.  
 8 Q. Do you remember what was in their Dumpsters?  
 9 A. Grocery stores throw-away stuff.  
 10 Q. Let's go through the four tickets. Just say yes  
 11 if the Ro-Jack ticket has your signature. 47092?  
 12 A. Yes.  
 13 Q. Next page, bottom right, 45451?  
 14 A. Yes.  
 15 Q. Next page, bottom right, 59457?  
 16 A. Yes.  
 17 Q. Last one, bottom right, 46051?  
 18 A. Yes.  
 19 Q. When did you first pick up at Ro-Jack's, do you  
 20 remember?  
 21 A. I'd say late '70s, early '80s.  
 22 Q. What was the frequency?  
 23 A. Well, I picked up, probably once every two or  
 24 three weeks.  
 25 Q. Go to the next ticket. It appears to say Webbing

- 1 Industries, it looks like there's two that say  
2 Webbing Industries. Does it refresh your  
3 recollection as to what that was?  
4 A. I have no idea.  
5 Q. Let's skip those two tickets. The next ticket  
6 says Shawmut?  
7 A. Yes.  
8 Q. Do you recall what Shawmut was?  
9 A. Yes.  
10 Q. What is that?  
11 A. It was in Stoughton.  
12 Q. What was it?  
13 A. It was another cloth company.  
14 Q. Did you pick up from them on a regular basis?  
15 A. Pretty much so, yes.  
16 Q. Do you remember the contents of the containers?  
17 A. Trimmings from the cloth, maybe once in a  
18 while see a pail of dyes they used to color the  
19 cloth.  
20 Q. This ticket, 36358, reflects a load you brought  
21 from Shawmut and dumped at J.M. Mills?  
22 A. Correct.  
23 Q. Were there quite a few other loads you would have  
24 brought from Shawmut?  
25 A. Yes.

- 1 Q. Do you remember when you first picked up from  
2 them?  
3 A. That was in the '70s and '80s.  
4 Q. Do you remember the frequency with which you  
5 picked up from them?  
6 A. No. They're not in business anymore, anyway.  
7 Q. Let's go on to the next one. Can you make out  
8 ticket Number 43254?  
9 A. Yes. Engineered Yarns.  
10 Q. What was that?  
11 A. String, yarn they use to weave material.  
12 Q. What do you remember about the contents of their  
13 Dumpsters, containers?  
14 A. It had cloth and yarn and the little  
15 Christmas tree-shaped bobbins that the yarn used  
16 to be on, pallets, corrugated boxes.  
17 Q. Any liquid waste, chemical waste?  
18 A. Not that I remember.  
19 Q. Oily waste?  
20 A. No.  
21 Q. Move on to the next one. Is that another Shaw's  
22 market ticket 36182?  
23 A. Yes, it is.  
24 Q. Next page, upper left, 35066, it just says  
25 Merchants. Do you have any idea what that is?

- 1 A. No idea.  
2 Q. Next page, bottom ticket, 35102. Can you make out  
3 what that is?  
4 A. It looks like Amtrol, West Warwick.  
5 Q. What was Amtrol?  
6 A. It's a company that makes heating systems for  
7 houses, like hot water systems.  
8 Q. They actually manufacture the --  
9 A. Yes.  
10 Q. Like furnaces, boilers?  
11 A. Not furnaces, no. It's like a hot water  
12 regeneration unit.  
13 Q. Like an on-demand system?  
14 A. Yes. Like stores the hot water almost like a  
15 hot water tank, but it's a different operation.  
16 Q. Do you remember what was in their containers?  
17 A. That was a compactor, and it was mostly metal  
18 from the units they used to make, corrugated and  
19 wood, pallets and stuff.  
20 Q. Do you remember any kind of oily waste?  
21 A. Never seen any.  
22 Q. Paint waste?  
23 A. No.  
24 Q. Move on to the next ticket. Can you make out what  
25 the ticket 38698 is?

- 1 A. I have no idea what that is.  
2 Q. Next ticket, 47254, is that another Amtrol?  
3 A. It's an Amtrol, West Warwick.  
4 Q. Next page, upper right, 41628?  
5 A. Benny's in Esmond.  
6 Q. What's that, is that a department store?  
7 A. Yes.  
8 Q. What kind of department store was it?  
9 A. It's like a hardware store.  
10 Q. They sell any oils or petroleum-type products  
11 lubricants?  
12 A. They sold all that stuff in there.  
13 Q. What do you remember in the Dumpster at Benny's?  
14 A. I remember empty oil cans, boxes, wood,  
15 merchandise that had been brought back that was  
16 damaged.  
17 Q. Was it a chain store?  
18 A. Yes.  
19 Q. Are they still in business?  
20 A. Yeah.  
21 Q. So, tell me a little bit more about Benny's. When  
22 did you first start picking up at Benny's?  
23 A. '70s to '80s, I guess.  
24 Q. Would it have been after you started working for  
25 Buffington?

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1 A. Yes.

2 Q. What was the frequency with which you picked up at

3 Benny's?

4 THE WITNESS: Which department

5 store?

6 MR. MURPHY: Any of them.

7 A. They went all the way down to Wareham. Maybe

8 one every two weeks.

9 Q. What size containers did they use?

10 A. Compactor.

11 Q. Where did you bring their waste?

12 A. Some stores went to J.M. Mills and some

13 stores went to United Paper Stock. As to which

14 stores went where I don't know. I can't remember.

15 Q. Other than the empty oil cans that you saw in the

16 Benny's Dumpsters, what else -- any other sort of

17 hazardous waste; do you remember paint, any

18 discarded paint?

19 A. Never saw any paint, but there's aerosol

20 cans. Most of them would be empty or half empty.

21 Q. Any sort of paint thinners?

22 A. No.

23 Q. Lubricants?

24 A. Not that I can remember.

25 Q. Did you see empty oil cans in most of the loads

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1 that you brought from Benny's?

2 A. Yes.

3 Q. What about the aerosol cans?

4 A. I've seen aerosol cans in them.

5 Q. So this ticket, 41628, reflects and the ticket

6 after that, 37049, they're both signed by you,

7 correct?

8 A. Yes.

9 Q. And they reflect two loads, two compactors you

10 brought from Benny's, various stores of Benny's

11 and dumped at J.M. Mills, correct?

12 A. Correct.

13 Q. Fair to state you brought quite a number of other

14 Dumpsters to J.M. Mills from Benny's?

15 A. Yes. But they were separated, like

16 corrugated. United Paper Stock at one time has

17 tried almost every one of the Benny's. They

18 decide which ones they want that's clean, they

19 don't want to do too much work, and the corrugated

20 would go to -- Benny's corrugated would go to

21 United Paper Stock and the ones they didn't want

22 would go to J.M. Mills.

23 Q. And then the other stuff, oil cans and aerosol

24 cans, that would go to J.M. Mills after the

25 corrugated was taken out at United?

371

1 A. Right.

2 Q. Or for other Benny's, it would go directly to

3 United?

4 A. Right.

5 Q. Let's go to the next ticket, can you make out,

6 ticket number 45295, can you make out who that is?

7 A. I think it says Arland open top. I can't

8 remember what it is.

9 Q. Let's skip the next three tickets, then, and go to

10 ticket number 52592. Can you make out what that

11 is?

12 A. It looks like Harodite.

13 Q. Do you know what that is?

14 A. It's another cloth company.

15 Q. Do you recall any hazardous waste in that

16 container?

17 A. Just the dyes for the material and trimmings

18 from the material.

19 Q. How often did you pick up from them?

20 A. Probably twice a month.

21 Q. Where were they located?

22 A. I think it's Deighton.

23 Q. What size was that container?

24 A. Compactor.

25 Q. And was there dyes in every load?

372

1 A. Just about every load, yes.

2 Q. When did you first pick up and last pick up from

3 them?

4 A. I'd say '60s to '80s.

5 Q. So for a fairly long period of time?

6 A. Yes.

7 Q. And ticket number 52592 reflects a load you

8 brought from Harodite and dumped at J.M. Mills,

9 correct?

10 A. Correct.

11 Q. There were quite a few other loads you brought to

12 J.M. Mills as well, correct?

13 A. Yes.

14 Q. Did you bring their waste to any landfill other

15 than J.M. Mills?

16 A. Taunton Landfill.

17 Q. For what period of time did you bring it to

18 Taunton?

19 A. Mid-'70s, I'd say.

20 Q. At some point did the Taunton Landfill close?

21 A. I'm pretty sure they are closed now. I have

22 no idea when they closed.

23 Q. Did most of their waste go to J.M. Mills or

24 Taunton?

25 A. Most of Harodite went to Taunton.

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1 Q. Next two tickets appear to say International,  
 2 41238, the ticket after that, which is 42249, do  
 3 you see those?  
 4 A. 42249.  
 5 Q. Do you recall a company called International?  
 6 A. I can't make that one out.  
 7 Q. Do you remember hauling anything for a company  
 8 called International?  
 9 A. No.  
 10 Q. International Paper?  
 11 A. I can't definitely say yes.  
 12 Q. Let's go to the next ticket after those two, it's  
 13 in the bottom left, 55830. Can you make out who  
 14 that might have been?  
 15 A. Looks like A & H something.  
 16 Q. Is that possibly Ann & Hope?  
 17 A. I would think so.  
 18 Q. Next ticket, 55223. Do you know who that was?  
 19 A. No, I don't.  
 20 Q. Let's go to the next page, bottom left, 41230, can  
 21 you make that out?  
 22 A. No.  
 23 Q. The answer is no?  
 24 A. No.  
 25 Q. Next page bottom right, 58341, can you figure out

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1 who that is?  
 2 A. Looks like Whitman in Johnston. I can't  
 3 remember who that is.  
 4 Q. Go to the next page, bottom right, another one of  
 5 these looks like Village Park. Does that refresh  
 6 your recollection?  
 7 A. No.  
 8 Q. Let's go to the next page, bottom left, 39883, can  
 9 you make out who that is?  
 10 A. Looks like Mandeville Sign.  
 11 Q. Okay. Next page, bottom left, 39377, is that  
 12 American steel, by the way?  
 13 A. Yes.  
 14 Q. What do you remember about American Steel? Did  
 15 you pick up from them?  
 16 A. Yes.  
 17 Q. Where were they located?  
 18 A. 123 in South Attleboro.  
 19 Q. And what is it that American Steel did?  
 20 A. They cut steel to size that companies wanted,  
 21 whether it be beams or angle iron or flat stock or  
 22 whatever they used to cut it to size.  
 23 Q. They had a welding company equipment on site?  
 24 A. Yes.  
 25 Q. And cutting machines?

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1 A. They had cutting machines and grinding  
 2 machines.  
 3 Q. Do you recall when you first picked up from  
 4 American Steel?  
 5 A. I think that was in the early '70s.  
 6 Q. These tickets are dated in the early '80s, for at  
 7 least a ten-year period?  
 8 A. Yes.  
 9 Q. Do you remember the frequency with which you  
 10 picked up there?  
 11 A. It was an on call. So probably once every  
 12 three, four weeks.  
 13 Q. And where did you bring their waste?  
 14 A. Landfill.  
 15 Q. J.M. Mills?  
 16 A. Yes.  
 17 Q. Did all American Steel's waste go to J.M. Mills?  
 18 A. Yes.  
 19 Q. Do you recall the size of the container?  
 20 A. 30 yarder open top.  
 21 Q. Did you have occasion to observe the contents of  
 22 that container?  
 23 A. Yes.  
 24 Q. What was their waste?  
 25 A. Broken pallets. They had some machines that

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1 had frames on them, they were making new frames,  
 2 the old frames would be thrown out in the scrap.  
 3 So that would be steel, grindings.  
 4 Q. Do you recall ever seeing oil in the grindings?  
 5 A. It had the smell of oil, you really couldn't  
 6 see it.  
 7 Q. Did you smell oil in every load you picked up from  
 8 them?  
 9 A. Yes.  
 10 Q. Did you see any oily rags associated with  
 11 equipment?  
 12 A. A few.  
 13 Q. What about lubricants?  
 14 A. Never saw any.  
 15 Q. Do you remember anything else about the contents  
 16 of their containers?  
 17 A. It had corrugated in it.  
 18 Q. Anything else?  
 19 A. No.  
 20 Q. So the ticket that we have, 39377, that reflects a  
 21 load you brought from American Steel and dumped it  
 22 at J.M. Mills, correct?  
 23 A. Correct.  
 24 Q. Next page, Four Seasons, any idea who that was?  
 25 A. No.

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<p>1 Q. Next page, can you make out bottom left, 39935?</p> <p>2 A. No, I can't make it out.</p> <p>3 Q. Next page, can you make out who that is?</p> <p>4 A. It looks like HD something. No, I can't.</p> <p>5 Q. Let's go to the next page. Is the next one 39081</p> <p>6 Pearson Boat?</p> <p>7 A. Pearson Yacht.</p> <p>8 Q. Is that what this ticket is?</p> <p>9 A. Yes.</p> <p>10 Q. What do you remember, did you pick up from Pearson</p> <p>11 Yacht?</p> <p>12 A. Yes.</p> <p>13 Q. Do you remember any particular odors associated</p> <p>14 with their waste?</p> <p>15 A. Oh, yeah.</p> <p>16 Q. What was the odor?</p> <p>17 A. It was the odor of the resin they used to</p> <p>18 harden Fiberglass.</p> <p>19 Q. Did they also paint -- was there any paint</p> <p>20 finishing or wood finishing of components of the</p> <p>21 boats with lacquer and varnish?</p> <p>22 A. They did mostly fiberglass. The only wood in</p> <p>23 there was the pallets and stuff.</p> <p>24 Q. Mostly fiberglass?</p> <p>25 A. Mostly fiberglass and molds from where they</p>	<p>1 time you serviced them?</p> <p>2 A. As far as I can remember, but other drivers</p> <p>3 probably picked up in between.</p> <p>4 Q. Did they also have motorized yachts? Do you</p> <p>5 remember any seeing any components of boat motors</p> <p>6 in there?</p> <p>7 A. No, I don't remember seeing any.</p> <p>8 Q. Any oily waste?</p> <p>9 A. They got motors in there, but they're already</p> <p>10 completed ready to drop into the hulls of the</p> <p>11 boats.</p> <p>12 Q. Okay. Let's go to the next ticket, 37599. Can</p> <p>13 you make out who that is?</p> <p>14 A. Let's see, that looks like Ann &amp; Hope,</p> <p>15 Cumberland to me -- that's 89, sorry.</p> <p>16 Q. 37599?</p> <p>17 A. Roche Brothers, Westwood.</p> <p>18 Q. Who are they?</p> <p>19 A. Grocery store.</p> <p>20 Q. Another food store?</p> <p>21 A. Yes.</p> <p>22 Q. How often did you pick up from them?</p> <p>23 A. Me, I probably picked up maybe two, three</p> <p>24 times a month.</p> <p>25 Q. How big was Roche Brothers?</p>
378	380
<p>1 took a whole boat hull, put the fiberglass in it</p> <p>2 and harden it, then they cut the mold up in pieces</p> <p>3 and throw it in the container.</p> <p>4 Q. How often did you pick up from Pearson Yacht?</p> <p>5 A. Probably twice a month.</p> <p>6 Q. And the ticket 39081 reflects a load you picked up</p> <p>7 at Pearson Yacht and dumped at J.M. Mills?</p> <p>8 THE WITNESS: 39081?</p> <p>9 MR. MURPHY: Yes.</p> <p>10 A. Yes, it does.</p> <p>11 Q. Go to the next page, bottom left, 39140, is that</p> <p>12 another -- it's kind of hard to make out, but it</p> <p>13 looks like Pearson Yacht?</p> <p>14 A. Yes.</p> <p>15 Q. Those two tickets reflect where you dumped Pearson</p> <p>16 Yacht loads at J.M. Mills?</p> <p>17 A. Correct.</p> <p>18 Q. Do you remember when you first started picking up</p> <p>19 at Pearson Yacht?</p> <p>20 A. Mid-'70s, early '80s.</p> <p>21 Q. What was the size of that container?</p> <p>22 A. 30-yard open top.</p> <p>23 Q. You said your frequency was, what, twice a month?</p> <p>24 A. Twice a month.</p> <p>25 Q. On a fairly regular basis during the period of</p>	<p>1 A. Compactor. It was, I'd say, the average size</p> <p>2 grocery store.</p> <p>3 Q. Are they still in business?</p> <p>4 A. Yes.</p> <p>5 Q. We've already had some testimony as to what was in</p> <p>6 their containers, ticket number 37599 reflects a</p> <p>7 load you picked up from Roche Brothers. Where</p> <p>8 does it say Westbrook?</p> <p>9 A. Westwood.</p> <p>10 Q. And dumped it at J.M. Mills?</p> <p>11 A. Yes.</p> <p>12 Q. Did you bring all of their waste to J.M. Mills?</p> <p>13 A. Most times, yes.</p> <p>14 Q. What size container did they have?</p> <p>15 A. Compactor.</p> <p>16 Q. What was the frequency with which you picked up at</p> <p>17 Roche Brothers -- I'm sorry, you said that two, to</p> <p>18 three times a month?</p> <p>19 A. Yes.</p> <p>20 Q. Starting when?</p> <p>21 A. '70s to '80s.</p> <p>22 Q. Can you characterize it in number of years you</p> <p>23 picked up from them; 10 years?</p> <p>24 A. I'd say 10, 12 years.</p> <p>25 Q. Let's go to -- the last three tickets appear to be</p>

- 1 a company called Cameri Plaster?  
 2 A. Yes.  
 3 Q. Do you have any recollection who they were?  
 4 A. I remember picking it up, it was an open top,  
 5 but I can't remember what was in it.  
 6 Q. Do you remember what they did, do you remember  
 7 what Cameri Plaster did?  
 8 A. Plastered walls in-houses.  
 9 Q. Was there any hazardous waste in there?  
 10 A. Just plasterboard, slats. You know, the old  
 11 style houses used to have slats under the plaster,  
 12 stuff like that which would be wood with nails.  
 13 Q. No oily waste or chemical waste?  
 14 A. No.  
 15 Q. That's it for the tickets. I have three more  
 16 companies I want to ask you about. Did you pick  
 17 up any waste from any Chrysler facilities?  
 18 A. Yes.  
 19 Q. Was it one or more than one Chrysler facility?  
 20 A. I can only remember one.  
 21 Q. Where was it located?  
 22 A. Natick.  
 23 Q. Natick, Mass.?  
 24 A. Yes.  
 25 Q. Do you remember what Chrysler facility it was?

- 1 A. They stocked all of the Chrysler dealers with  
 2 parts.  
 3 Q. When for the first time did you pick up at the  
 4 Chrysler, Natick facility?  
 5 A. Late '60s.  
 6 Q. We've got --  
 7 A. Mid-'70s because they moved from there to I  
 8 think Mansfield.  
 9 Q. Did you continue to pick up at Mansfield after  
 10 Natick?  
 11 A. No.  
 12 Q. How many years did you pick up at the Chrysler  
 13 facility in Natick?  
 14 A. Probably 10, 12 years.  
 15 Q. Was it a will call or regularly scheduled?  
 16 A. Will call.  
 17 Q. What was the frequency with which you picked up at  
 18 the Chrysler, Natick facility again, this would be  
 19 you personally?  
 20 A. Once, maybe twice a month.  
 21 Q. Where did you bring their waste?  
 22 A. Sometimes I'd take it to United Paper  
 23 Stock -- in fact, most of the time I'd take it to  
 24 Paper Stock and occasionally I'd go to J.M. Mills  
 25 when it got to be too many parts in it.

- 1 Q. When you say too many parts, what do you mean by  
 2 too many parts?  
 3 A. Car parts, generators, batteries, lights,  
 4 fenders, hoods, doors.  
 5 Q. You recall car batteries being in the containers  
 6 in the Dumpsters?  
 7 A. Not that often. Every once in a while  
 8 somebody would make a mistake and throw a battery  
 9 in, instead of putting it in a pile to recycle it.  
 10 Q. Particularly in the earlier years?  
 11 A. Yes.  
 12 Q. Was there less -- do you recall less attention to  
 13 recycling batteries in the 1960s?  
 14 A. They didn't have too much respect for it,  
 15 I'll put it that way.  
 16 Q. Your recollection you saw more batteries of  
 17 batteries in Chrysler Dumpsters in the '60s?  
 18 A. In the earlier years, yes.  
 19 Q. Do you recall the size of the container you picked  
 20 up?  
 21 A. Compactor.  
 22 Q. 42-to 50-yard compactor?  
 23 A. Yes. Correct.  
 24 Q. And can you kind of tell me everything you  
 25 remember seeing in their containers?

- 1 A. I thought I just did.  
 2 Q. You saw batteries?  
 3 A. Batteries. Every once in a while there would  
 4 be like a touch-up paint can, a little small, four  
 5 ounce can.  
 6 Q. Touch-up paint they sell at dealers to touch up  
 7 cars, standard colors?  
 8 A. Yes, correct. Empty oil cans, corrugated  
 9 boxes, hoods, fenders, doors, generators,  
 10 starters, lights. Most anything that goes on a  
 11 car was in there.  
 12 Q. Second to the last company is Nyman Manufacturing;  
 13 do you remember them.  
 14 A. Yes.  
 15 Q. Where were they located?  
 16 A. Pawtucket, Rhode Island.  
 17 Q. And what is it that Nyman did?  
 18 A. Cups, plastic cups, not plastic but paper  
 19 cups, coated with wax or Styrofoam.  
 20 Q. When did you first pick up at Nyman Manufacturing?  
 21 A. '60s to '70s.  
 22 Q. For how long a period of time did you pick up from  
 23 them?  
 24 A. About 10, 12 years.  
 25 Q. Was it a will call?

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1 A. Yes.

2 Q. And what was the frequency with which you picked  
3 up at Nyman?

4 A. Sometimes I'd pick it up twice a week.

5 Q. Where did you bring their waste?

6 A. Mills, J.M. Mills.

7 Q. Did all of the Nyman Manufacturing waste that you  
8 picked up go to J.M. Mills?

9 A. Yes.

10 Q. And what was the size container or containers  
11 there?

12 A. Compactor.

13 Q. So 42-to-50-yard compactor?

14 A. Correct.

15 Q. Did the size of that compactor change over time,  
16 do you recall?

17 A. No, it stayed the same. Whatever you had  
18 empty that day, you put in. They most of the time  
19 requested a bigger container.

20 Q. Were you in a position to observe the waste in the  
21 container?

22 A. Yes.

23 Q. What did you see?

24 A. Tons and tons of cups and the wax they use to  
25 coat the cups with.

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1 Q. Was it like a paraffin wax, standard wax, do you  
2 know what the wax was made out of?

3 A. I don't know what it's made out of. I know  
4 when you stepped on it, on the ground you go  
5 flying because it was slippery.

6 Q. Was there any smell or odors associated with the  
7 Nyman Manufacturing?

8 A. Just a waxy smell.

9 Q. What else do you recall seeing in their waste  
10 stream?

11 A. Boxes, like unused or damaged rolls of  
12 plastic when they made the plastic cups.

13 Q. Did they also make Styrofoam cups?

14 A. I don't know if they made them or not, but I  
15 seen quite a few Styrofoam cups there.

16 Q. Did you ever see any liquid waste in their  
17 Dumpsters?

18 A. No, never.

19 Q. Any materials associated with machine maintenance?

20 A. No.

21 Q. The last company that I want to ask you about is  
22 Gorham Manufacturing, do you remember them?

23 A. Yes.

24 Q. Where were they located?

25 A. I can't remember where they were located. I

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1 used to do it all the time, but I can't remember.

2 Q. Do you have any recollection as to what was in  
3 their waste?

4 A. It was mostly boxes and pallets.

5 Q. Do you remember what they made?

6 A. I'm trying to think, but I can't remember.

7 Q. Do you have a specific recollection of what was in  
8 their containers; I don't want you to guess. If  
9 you know, I want you to tell me what you know and  
10 remember. If you don't remember, that's okay,  
11 too. It's been a long day, I'm going to ask you  
12 to focus for this last one.

13 A. I don't remember specifically what was in it,  
14 but I do remember that there was boxes and  
15 corrugated and pallets. It's funny because I used  
16 to do that one all the time, too. I honestly  
17 can't remember.

18 Q. Okay. Do you have any recollection as to the  
19 frequency with which you picked up there?

20 A. Once or twice a week.

21 Q. And the size of the containers?

22 A. Compactor.

23 Q. And the period of time or number of years you  
24 picked up?

25 A. I'd say late '70s, early '80s.

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1 Q. So for how many years did you pick up from Gorham  
2 Manufacturing?

3 A. Probably about ten years.

4 Q. Did all of their waste go to J.M. Mills?

5 A. To my recollection, yes.

6 Q. Anything else you remember about their waste  
7 stream?

8 A. No.

9 MR. MURPHY: I have no further  
10 questions.

11 MR. JACKSON: Thank you, Mr. Luthy.  
12 We appreciate your time and patience over the past  
13 couple of days.

14 (DEPOSITION CLOSED AT 4:19 P.M.)

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C-E-R-T-I-F-I-C-A-T-E

1 I, LINDA L. GUGLIELMO, a Notary Public in and for  
 2 the State of Rhode Island, duly commissioned and  
 3 qualified to administer oaths, do hereby certify  
 4 that the foregoing deposition of MAURICE LUTHY,  
 5 VOL. II, a Witness in the above-entitled cause, was  
 6 taken before me on behalf of the Plaintiffs at the  
 7 offices of Adler, Pollock & Sheehan, One Citizens  
 8 Plaza, Providence, Rhode Island, on June 3, 2009,  
 9 at 9:00 A.M., that previous to examination of said  
 10 witness, who was of lawful age, he was previously  
 11 sworn and duly cautioned and sworn to testify the  
 12 truth, the whole truth, and nothing but the truth,  
 13 and that he thereupon testified as in the foregoing  
 14 manner as set out in the aforesaid transcript.

15 I further certify that the foregoing deposition was  
 16 taken down by me in machine shorthand and was later  
 17 transcribed by computer and that the foregoing  
 18 deposition is a true and accurate record of the  
 19 testimony of said witness.

20 Pursuant to Rule 5 (d) and 30 (f) of the Federal  
 21 Rules of Civil Procedure, original transcripts  
 22 shall not be filed in court; therefore, the  
 23 original is delivered and retained by Plaintiffs  
 24 attorney.

25 Signature of the witness has been waived by all  
 parties.

IN WITNESS WHEREOF, I have hereunto set my hand  
 this 10th day of June 2009.

\_\_\_\_\_  
 LINDA L. GUGLIELMO, NOTARY PUBLIC/RPR-RMR  
 (MY COMMISSION EXPIRES AUGUST 13, 2009)

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0001

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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4

UNI LEVER BESTFOODS and KIK CUSTOM  
PRODUCTS, INC., f/k/a CCL CUSTOM  
MANUFACTURING, INC.,

5

6

vs. C. A. No. 01-496-L

7

TEKNOR APEX COMPANY, et al.,

8

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KIK CUSTOM PRODUCTS, INC., f/k/a  
CCL CUSTOM MANUFACTURING, INC.

9

10

vs. C. A. No. 01-511-L

11

A.T. CROSS COMPANY, et al.

12

13

DEPOSITION OF PHILIP LOUIS LAPRE,  
a witness in the above-entitled cause, taken on  
behalf of the Plaintiffs, before Devin J. Baccari,  
CSR, at the Law Office of Adler, Pollock &  
Sheehan, P.C., One Citizens Plaza, 8th Floor,  
Providence, Rhode Island, on December 18, 2008  
scheduled at 10:00 a.m.

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Job No. 184571

0002

1

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(Deposition commenced at 10:08 a.m.)

PHILIP LOUIS LAPRE,

Being duly sworn, deposes and testifies as follows:  
EXAMINATION BY MR. JACKSON

Q. Good morning, Mr. Lapre.  
A. Good morning.

Q. My name is Tom Jackson. I'm with the law firm Baker Botts. We represent Unilever Bestfoods in some litigation that's currently pending in Federal Court here in Providence.

How are you this morning?  
A. Fantastic.

Q. Good. Have you ever been deposed before?  
A. No.

MR. JACKSON: Okay. Actually, before we get to that, why don't we just go around and have everybody make their appearances for the record.

MR. MURPHY: Jonathan Murphy, Lester, Schwab, Katz & Dwyer for plaintiff KIK Custom Products, Inc.

MR. NEWBERRY: Brian Newberry.

MR. NEWTON: Mortimer Newton for defendant, David Brask.

MR. PETROS: Jerry Petros for General Cable.

0006

MR. BENIK: Greg Benik for Teknor Apex Company, A.T. Cross Company, Raytheon and Benjamin Moore.

MS. HOLT: Martha Holt on behalf of Leech & Garner Technology, Inc.

MR. MUSCATO: Jim Muscato for defendant.

MR. SOMMER: Dean Sommer for defendant.

MS. BARRY: Julie Barry for defendant.

MR. GURAY: Arthur Guray for National Grid -- I'm sorry -- Blackstone Valley.

10

11 MR. SALLY: Frank Sally, Blackstone  
12 Valley Electric.  
13 MR. CONNORS: Curtis Connors, Giarrusso,  
14 Norton, Cooley & McGlone on behalf of Waste  
15 Management and Mr. Lapre in his capacity as a  
16 current employee of Waste Management.  
17 MR. JACKSON: And on the phone?  
18 MR. GILLESPIE: Tristin Gillespie,  
19 Sequa.  
20 MR. JACKSON: Okay. Thank you.  
21 MR. PETROS: Can I just ask, is Waste  
22 Management a party in this case?  
23 MR. CONNORS: They are not. They were.  
24 MR. PETROS: And you're here why?  
25 MR. CONNORS: Mr. Lapre is a current

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1 employee of Waste Management, and obviously all  
2 the testimony relates to Waste Management.  
3 MR. PETROS: Are you representing him at  
4 this deposition?  
5 MR. CONNORS: Yes.  
6 MR. PETROS: Thanks.  
7 Q. (By Mr. Jackson) Okay. I'm sorry, Mr. Lapre.  
8 Have you been deposed before?  
9 A. No, sir.  
10 Q. Okay. Let me tell you a little bit about what's  
11 going to go on today. As counsel for one of the  
12 plaintiffs, I'm going to ask you a series of  
13 questions that are going to relate to the subject  
14 matter of the lawsuit which relates, generally,  
15 to the J.M. Mills Landfill. And when I ask you  
16 questions -- when I ask you a question, I'm going  
17 to ask you to listen to my question and wait  
18 until I'm finished and then give me your  
19 response.  
20 And I understand that some of the events  
21 we're going to be talking about occurred some  
22 years ago, so I'm going to be looking for your  
23 best recollection of the events that occurred at  
24 that time.

25  
0008

1 question make a verbal response. Sometimes  
2 you'll be inclined to shake your head or nod, and  
3 it gets difficult for the court reporter to take  
4 that down. And I'll also ask you to let me  
5 finish my question so we're not talking over each  
6 other. Again, it gets a little bit difficult for  
7 the court reporter to get everything down when  
8 people are talking at once.  
9 If at any time you don't understand one of my  
10 questions, want me to try to rephrase it, just  
11 let me know, I'll try to do that, because I do  
12 want you to try to understand my questions.  
13 At various times during the course of the  
14 deposition, various attorneys may interpose  
15 objections of various kinds. You may, for  
16 example, hear one of the attorneys say, "object  
17 to the form of the question." Unless I decide to  
18 rephrase my question in response to an objection,  
19 I'm going to ask you to go ahead and respond to  
20 my question even if somebody's objected to it,  
21 unless your attorney Mr. Connors directs you not  
22 to answer.  
23 A. (Nods head in the affirmative).



24 Q. Okay. This is not an endurance contest. I  
25 understand your day started very early this  
0009 morning, so if at any time you need a break, just  
1 let me know. We'll be happy to take a break  
2 whenever you want. Okay. Any questions so far?  
3 A. I just want to let everybody know my hearing  
4 is off a hair from driving trucks for 28 years.  
5 So if anybody talks very low, I won't understand  
6 them.  
7 Q. Okay. Well, again, if you don't hear somebody --  
8 A. Yeah, I just didn't want to do it ten times.  
9 Q. That's fine. Just -- again, just speak up.  
10 We're here to try to communicate with you, so  
11 very good.  
12 Okay. Can you state your full name.  
13 MR. CONNORS: Excuse me. Any  
14 stipulations?  
15 MR. SALLY: All objections except as to  
16 the form of the question including motions to  
17 strike reserved until the time of trial?  
18 MR. JACKSON: Yeah, that's fine.  
19 MR. SALLY: And an objection by one  
20 defendant will be an objection on behalf of all  
21 the defendants, is that agreeable?  
22 MR. JACKSON: Yeah, that's fine. No  
23 problem.  
24 (Off the record.)  
25

0010  
1 Q. Again, so your full name?  
2 A. Philip Louis Lapre.  
3 Q. And how would how old are you, Mr. Lapre?  
4 A. 46.  
5 Q. And where do you live currently? Where do you  
6 reside?  
7 A. Fall River, Massachusetts.  
8 Q. I'm sorry?  
9 A. Fall River, Massachusetts.  
10 Q. Okay. What's the address?  
11 A. 534 Osborn, O-S-B-O-R-N, Street, 02724.  
12 Q. And what is your current employment, Mr. Lapre?  
13 A. Waste Management, Cranston, Rhode Island, 1610  
14 Pontiac Avenue.  
15 Q. And what do you do for Waste Management?  
16 A. Drive a truck.  
17 Q. Okay. And how long have you been working for  
18 Waste Management as a truck driver?  
19 A. They bought us in 1988 from Waste Systems.  
20 They bought us 1988. We became Waste Management.  
21 Q. Okay. Now, when you say drive a truck, can you  
22 explain a little bit what you mean by that?  
23 A. I'm the swing driver. I do about 14 routes.  
24 I cover all vacations. I know about every route  
25 in Rhode Island. I'll drive trainer, train  
0011 drivers, and I drive everything they have.  
1 Whatever -- whatever the job is at task for that  
2 day I take care of it. If a guy's out sick,  
3 vacations, extra help in different departments, I  
4 drive all the trucks.  
5 Q. Okay.  
6 A. Swing driver is, you know, some companies  
7 would call it.  
8 Q. Okay. And at the risk of stating the obvious,  
9 these are trash trucks?  
10

11 A. Right. Right.  
12 Q. Garbage trucks?  
13 A. Waste Management trucks.  
14 Q. All right. Very good. And, I mean, can you  
15 describe generally some of the different kinds of  
16 trucks that you --  
17 A. Well, I don't know, front loaders, rear  
18 loaders, roll-off, recycle trucks. That  
19 basically covers it.  
20 MR. CONNORS: Do you want a particular  
21 time frame for -- or are you just talking about  
22 current?  
23 MR. JACKSON: Just current. That's  
24 fine.  
25 Q. And so you said Waste Management acquired the  
0012 company you were working for in 1988?  
1 A. Waste Systems. We became Waste Systems in  
2 1987. We were Goditt & Boyer. 1987, we merged  
3 with Leo Fontaine in Attleboro, Massachusetts.  
4 We became Waste Systems. 1988, I believe it was  
5 May, we became Waste Management.  
6 Q. Okay. And so around 1987/'88, you were working  
7 for Waste Systems?  
8 A. '87 was Waste Systems. '88, we became Waste  
9 Management, yes.  
10 Q. And what were you doing for Waste Systems?  
11 A. Roll off at the time, and I started driving a  
12 front loader about 1988. '87/'88, I started  
13 driving a front loader, trash.  
14 Q. And you said before that was Goditt & Boyer?  
15 A. Yes. I started October of '85 for Goditt &  
16 Boyer.  
17 Q. So that would have been 1985 to 1987, roughly,  
18 you were working for Goditt & Boyer?  
19 A. Yes. Yes.  
20 Q. And what were you doing for Goditt & Boyer?  
21 A. Roll-off truck.  
22 Q. And what about before that?  
23 A. Before that, Bruce Buffington was a  
24 subcontractor to Goditt & Boyer.  
25  
0013 Q. And how long did you work for Mr. Buffington?  
1 A. About four-and-a-half years total ed up.  
2 Q. So starting approximately when?  
3 A. Like December of 1980, it was around there I  
4 started for Bruce Buffington.  
5 Q. Okay.  
6 A. He was a subcontractor to Goditt & Boyer, but  
7 we did all Goditt & Boyer's work. He didn't have  
8 any of his own customers. He just owned the  
9 truck.  
10 Q. When you say "he," you're referring to  
11 Mr. Buffington?  
12 A. Bruce Buffington, yes.  
13 Q. Okay. And how about before that?  
14 A. High school.  
15 Q. Okay. So your first job out of high school would  
16 have been working for Mr. Buffington?  
17 A. No, I worked for Jarabek Disposal,  
18 J-A-R-A-B-E-K Disposal, in Fall River,  
19 Massachusetts, Brayton Avenue, 308 Brayton Avenue  
20 if that helps you, which is now BFI.  
21 Q. Okay. And what were you doing for that company?  
22 A. At the time, rear load, picking trash,  
23

24 delivering containers. I was a teenager. I  
25 started there when I was 17 during the summer  
0014 months.  
1 Q. I see.  
2 A. And then when I graduated, I was already into  
3 the business.  
4 Q. Okay. So let me ask it this way: When did you  
5 graduate from high school?  
6 A. 1980.  
7 Q. Okay. So once you graduated from high school,  
8 did you go to work full-time?  
9 A. Yes, for Jarabek Di Sposal.  
10 Q. Jarabek. Okay.  
11 A. I left him and went to Bruce Buffington.  
12 Q. And you say that was in around December --  
13 A. I believe --  
14 Q. -- 1980?  
15 A. -- the end of December.  
16 Q. So you had been working for Jarabek full-time for  
17 only a few months?  
18 A. Part-time in high school and then, yes, I had  
19 completed the year there.  
20 Q. Okay. Let's focus on the time when you were  
21 working for Mr. Buffington.  
22 A. Yes.  
23 Q. Were you an employee of Mr. Buffington?  
24 A. Yes.  
25  
0015  
1 Q. And, I'm sorry, tell me again what you were doing  
2 for Mr. Buffington.  
3 A. Driving a roll-off truck.  
4 Q. Okay. And can you just describe for me so the  
5 record's clear what a roll-off truck is?  
6 A. You've all seen them. They're behind the  
7 malls, the long roll-offs, 28 feet long,  
8 compactors for industrial, you know, department  
9 stores, and we have open top containers 20  
10 yarders, 30 yarders, anybody cleaning up or  
11 pallets or whatever they have. Depending on the  
12 service the customer needed would depend on the  
13 container they would receive.  
14 Q. So is it the case that the truck you would have  
15 been driving would have been picking up these  
16 containers?  
17 A. Right. You can only fit one on a truck and  
18 you have to take it to a landfill or an  
19 incinerator or recycling facility.  
20 Q. Okay. Now, when you were driving the roll-off  
21 truck, were you working alone or did you have --  
22 A. Yes.  
23 Q. -- other people?  
24 A. Yes, all alone, one-man operation.  
25 Q. And. When you started working for  
0016 Mr. Buffington --  
1 MR. JACKSON: Off the record.  
2 (Off the record.)  
3 MR. JACKSON: Okay. Back on.  
4 Q. When you started working for Mr. Buffington, did  
5 you have a particular route that you were  
6 assigned to?  
7 A. Every day changed. Every night I had to call  
8 Bruce Buffington's house and he gave me the list  
9 of stops to do. Every day Goditt & Boyer called  
10

11 his house and gave him the work. We had three  
12 trucks on the road at the time, so it was myself  
13 and two other drivers, and every night we'd call  
14 his house and that's how we started our day with  
15 X amount of stops. And, you know, most of the  
16 time you did basically the same stops. You know,  
17 some stops were six days a week, some were three  
18 days a week, once a week, and it just depended  
19 on -- and you'd try to route it, you know, save  
20 time, make money with the truck, go down with a  
21 load of trash, come back with a load of cardboard  
22 up to Pawtucket. There's two paper stops in  
23 Pawtucket. So all day long, you know, you try to  
24 make a route that's going to make money and make  
25 sense.

0017

1 Q. So when you called Mr. Buffington, he would tell  
2 you the stops?

3 A. Yes.

4 Q. And is it the case that -- well, strike that.

5 For a given day, how would you decide in what  
6 order to make the stops?

7 A. Depending on -- like some stops, like I said,  
8 were six days a week, so you'd basically try to  
9 do it every 24 hours because if you went later in  
10 a day you ended up with more trash in the box  
11 than what you wanted. And when you pulled it  
12 out, you had ten times the mess, ten times the  
13 aggravation, so you kind of -- you know, you kind  
14 of planned your day.

15 And, you know, some places have gates. Some  
16 places have town ordinances where a cop would  
17 show up and make you shut your truck off, so you  
18 basically tried to make a route. At the time, I  
19 was self-employed. Mr. Buffington owned the  
20 truck. And the way it was set up, we got paid by  
21 the box, by the container, so you went out to do  
22 a day's work, you set up. Like if you owned the  
23 company, you want to get going, you want to  
24 make -- you know, use common sense on doing this  
25 work. You're not going to drive all over the

0018

1 state making nothing. You know, I got paid by  
2 the box, dump the box and that was -- you know,  
3 at the end of the month, I got paid. I got paid  
4 once a month, so, you know, you tried to utilize  
5 and make your best route of the day.

6 Q. So are you saying that you decided the order of  
7 the stops?

8 A. To a degree. Some of them were get this a.m.  
9 You know, a customer might have been waiting  
10 since midnight. Get this at 4:00 in the morning,  
11 please. You know, that's about the time I'd  
12 start. And a lot of times if you had to stop --  
13 if you had to travel further in Rhode Island, it  
14 was better off -- you know, you wanted to get  
15 that long box out of the way, you know, driving  
16 an hour to a stop or -- you know, versus  
17 20 minutes, you know, so you wanted to utilize  
18 the best of your day because some places didn't  
19 open until 8 o'clock, 6 o'clock, you know. Not  
20 going to go sit at a gate for three hours, you  
21 know.

22 Q. And you said at the time there were two other  
23 drivers?

24 A. Yes, Bruce owned three trucks at the time.  
25 Q. Do you recall the names of those other drivers?  
0019  
1 A. Sonny Luthy and there was Peter, I think  
2 it's -- I'm not sure of his last name. I haven't  
3 seen him in 20 years. There was another guy, Tom  
4 something, who retired or left the company when I  
5 got hired. I don't know his last name is. It  
6 was 28 years ago.  
7 Q. And during this period when you were working for  
8 Mr. Buffington, were there other drivers who were  
9 also doing work for Mr. Buffington?  
10 A. Part-time some guy in Warwick, I don't even --  
11 there was a Hank -- there was a Hank Wilkens. I  
12 don't even know if he's alive anymore. He moved  
13 to the Carolinas. We had one other guy part-time  
14 worked for Cardi Construction or something  
15 like -- I can't remember his name. Mostly it was  
16 just the three of us 99 percent of the time  
17 working. We all had our own trucks.  
18 Q. So you had a particular truck that you drove?  
19 A. Yes.  
20 Q. Okay. But, again, the trucks were owned by  
21 Mr. Buffington?  
22 A. Yes.  
23 Q. And did you drive the same truck throughout the  
24 time you worked for Mr. Buffington?  
25 A. He had four trucks. One was a spare.  
0020  
1 Q. Okay.  
2 A. Most of the time it was the same truck.  
3 Q. Okay. Did you tend to service the same  
4 customers, make the same stops?  
5 A. Yes, more or less, you know, yes.  
6 Q. So you had regular stops that you were assigned  
7 to?  
8 A. There was a few that were regulars.  
9 Q. And let me try to focus, in particular, on the  
10 first couple years that you were working for  
11 Mr. Buffington, say, from December of 1980  
12 through 1982. Okay. So we're going to try to  
13 focus on that period. Do you recall the  
14 customers from whom you picked up on a regular  
15 basis?  
16 A. Yeah, pretty well.  
17 Q. Okay. Can you identify some of them for me?  
18 A. Oh, starting, like, up in Portsmouth, we had  
19 Pearson Yacht and there was a cable company.  
20 MR. SALLY: I'm sorry. I missed that.  
21 A. It was Pearson Yacht in Portsmouth, Rhode  
22 Island, and there was a Kaiser Aluminum in  
23 Portsmouth, Rhode Island. And then coming  
24 through Fall River, we had the Food Marts, we had  
25 Value Lands, Auto Zones, ADAPs, I'm sorry,  
0021  
1 A-D-A-P. Coming into Rhode Island, we had Sears  
2 & Roebuck & Company, Apex packer, Tim's  
3 Warehouse, which was Apex packer, Apex store.  
4 Down through Cumberland, we had Peterson Puritan,  
5 we had Morrisburg Steel, IGA warehouse on Martin  
6 Street. We had Health Tex Company Corporation.  
7 MR. SOMMER: I'm sorry. Was that Health  
8 Tex?  
9 A. Health Tex, most of my kids' clothing. Carol  
10 Cable & Company. They had, like, four divisions,

11 Lincoln, Pawtucket, Warren, Rhode Island. And  
12 then going -- going south, we had Stewart's in  
13 Johnston, we had more Value Lands, more Food  
14 Marts, Star Markets. We had Brown & Sharp down  
15 in Rhode Island, Westerly. We had Value Land. I  
16 think we had some IGAs, one in Richmond, Rhode  
17 Island. We used to go to Kenyon, Rhode Island.  
18 That one will come back. Peacedale, Rhode  
19 Island, there was a cloth company. I forget the  
20 name right now. I don't know how long you want  
21 me to go on.

22 Q. That's fine. I think you said you generally  
23 started about 4:00 a.m.

24 A. Roughly, yes.

25 Q. Okay. And how long was your typical day?

0022

1 A. 12 hours.

2 Q. And how did you decide where to take the waste  
3 that you picked up?

4 A. Usually they told us where to take them. Back  
5 then it was Silvestri Landfill, which is now  
6 Rhode Island Solid Waste Corporation.

7 Q. When you say "they told us" --

8 A. Dispatch. Either Goditt & Boyer told Bruce  
9 Buffington -- some dumps were closer, which was,  
10 you know, nice to dump there. A lot of dumps  
11 were further, so -- however the company  
12 dispatched the service. You know, we had no idea  
13 what was going on behind the scenes, you know,  
14 billing and everything.

15 Q. Let me make sure I understand. When you refer to  
16 dispatch --

17 A. Whoever was dispatching --

18 MR. CONNORS: Let him finish the  
19 question.

20 THE WITNESS: Oh, I'm sorry.

21 MR. JACKSON: That's okay.

22 Q. When you refer to dispatch, are you referring to  
23 Mr. Buffington?

24 A. At night, Mr. Buffington would give me my  
25 work. And he'd say Central, Roger's Market,

0023

1 Cumberland, say, Stop & Shop, Middletown.  
2 Sometimes we dumped in Newport, Rhode Island, at  
3 the transfer station. We had stops in Fall River  
4 up to Mattapoisette, wherever they told you to  
5 take the load. It wasn't our decision. It was  
6 the company's.

7 Q. Okay. But when you talked to Mr. Buffington at  
8 night and he told you what stops to make, would  
9 he tell you at the same time where to take the  
10 waste --

11 A. Yes.

12 Q. -- for that stop?

13 A. Most of the time, yes.

14 Q. Okay.

15 A. It was just common -- you know, half of it was  
16 common sense, but they told you where to go.

17 Q. Okay. So, again, I just want to make sure I'm  
18 clear. When you had your conversation with  
19 Mr. Buffington in the evening, he would tell you  
20 where to pick up and where to --

21 A. Right.

22 Q. -- dispose of the waste?

23 A. And I can't say that happened every day

24 because a lot of stops were in the same town, a  
25 lot of these dumps have closed over the last

0024

1 28 years. Like North Kingstown, Peacedale,  
2 Kenyon, Rhode Island, they have landfills, so you  
3 automatically took it there. So I can't say  
4 honestly every day I was told to bring to that  
5 stop because it was automatic that a lot of  
6 towns, North Kingstown, South Kingstown, they all  
7 had landfills that were open and they've been  
8 closed for 10 or 15 years now. It was just  
9 automatic. Mostly every town in the United  
10 States has a dump, a dump in its own town.

11 Q. So when you say it was automatic, if a particular  
12 town had a dump -- strike that.

13 Can you try to explain to me what you mean by  
14 "automatic"?

15 A. I live in Fall River. I'm going to pick up  
16 Joe's Market in Fall River. I'm not going to  
17 haul it to Rhode Island, I'm going to dump in BFI  
18 Fall River now. Just an every day -- just, you  
19 know, if you're in the industry, it's common  
20 sense. You knew to take it there without  
21 somebody telling you on a daily basis take this  
22 there.

23 Some stops were, like -- you know, some  
24 landfills were closer depending on where it went.  
25 You know, sometimes we went to the Cumberland

0025

1 Landfill, sometimes Central Landfill, sometimes  
2 you were like, doggone it, I wanted to go to that  
3 dump because it was closer, but I've got to go to  
4 that dump, you know. It was just whatever -- we  
5 were told where to dump it. Just take it and  
6 dump it.

7 Q. And when you say the Cumberland Landfill, what  
8 are you referring to?

9 A. J.M. Mills.

10 Q. So you are, I take it, familiar with the J.M.  
11 Mills Landfill?

12 A. Yes.

13 Q. Okay. And you referred to it as the Cumberland?

14 A. Yeah, we used to call it the Cumberland dump.

15 Q. Cumberland dump. Okay. And can you tell me  
16 generally what you recall about that particular  
17 dump?

18 A. It was built on a river.

19 Q. Okay. Do you recall approximately how big it  
20 was?

21 A. I don't -- when I came in and started hauling  
22 in Rhode Island, it was in the '80's. I don't  
23 even know when this landfill started, so I  
24 don't -- my time there was, you know, three or  
25 four years. So I don't know, you know, how big

0026

1 it was and, you know.

2 Q. Okay. Fair enough. Did you take waste to the  
3 Cumberland dump?

4 A. Yes.

5 Q. Okay. About how often did you do that?

6 A. It depended on the route and where I was told  
7 to dump the truck.

8 Q. Okay. Let me go back one second. How many days  
9 a week did you normally work?

10 A. Six days.

11 Q. Okay. And, again, try and focus on this period  
12 from December of 1980 through, say, 1982. Do you  
13 recall, for example, whether you would have taken  
14 waste to the Cumberland dump on a daily basis?  
15 A. I -- I couldn't say I was in there every day.  
16 Q. Were you there roughly every week?  
17 A. I would say yes. I mean, I would say yes.  
18 Q. And can you describe for me, generally, the  
19 operations there?  
20 A. I used to pull off the road. There was a  
21 small guard shack, almost fit two people in it if  
22 you were lucky, and they give you a booklet and,  
23 you know, the size of the can and the customer,  
24 and you sign your name and I believe they gave us  
25 a slip -- been 20, 28 years ago -- and then I

0027

1 went and dumped it.  
2 Q. And how did you know where to dump in the --  
3 A. Well, you only work in a small area, so once  
4 you got up the hill and the machines were there  
5 and, you know, it was exposed trash. That's, you  
6 know --  
7 Q. Okay. So you went and dumped it in the area  
8 where they were operating?  
9 A. Right. Right. You just don't dump anywhere.  
10 Q. And you referred to a small shack. There was --  
11 A. It was like one of these photo shacks you  
12 actually see in the middle of a mall parking lot  
13 that you drop off your photos.  
14 Q. And I take it there was somebody there?  
15 A. Yes. I couldn't even tell you the names  
16 anymore, but, yeah, there was two gentlemen.  
17 They used to break up the week.  
18 Q. So the two -- would both of them be there at the  
19 same time?  
20 A. No.  
21 Q. Only one?  
22 A. They were both like part-timers, you know,  
23 two, three days a week.  
24 Q. And they were the ones who gave you the  
25 paperwork --

0028

1 A. Yes.  
2 Q. -- to fill out?  
3 A. Just a slip, you know.  
4 Q. Okay.  
5 A. As you were coming in, they started the  
6 company name. You know, they had, you know, the  
7 company name, 30-yarder, sign your name, put down  
8 the stop for the records for our company and  
9 that's it, tell a few jokes.  
10 Q. So you signed your name and you left that with  
11 them?  
12 A. Yes.  
13 Q. Okay. Now, when you were working for  
14 Mr. Buffington, did you have any sort of  
15 paperwork that you filled out for him?  
16 A. All I kept was a pad at the time at night when  
17 he called. It was just like a little notebook  
18 that, you know, you wrote down your stops of the  
19 day. And when the book was full, after I got  
20 paid basically throw the book away. It was just  
21 the name of the stop, where you were going.  
22 Q. Okay. So it was just a pad that you were keeping  
23 for your own purposes?



24 A. Right.  
25 Q. Okay. So there was no papers that you filled out  
0029 for Mr. Buffington and gave to him?

1 A. No. No.  
2  
3 Q. Going back for a moment to the operations at the  
4 landfill. Were they -- understanding that the  
5 areas where you were dumping, the waste, moved  
6 around, were the operations generally the same  
7 throughout the time that you were taking waste to  
8 the Cumberland dump?

9 MR. SOMMER: Objection to form.  
10 A. Every day they just keep moving over and they  
11 start a new pile. You know, eventually the dump  
12 just keeps growing, you know. It's like building  
13 a building.

14 Q. But throughout that time, the shack was there --  
15 A. Yes.

16 Q. -- with one of the gentlemen?  
17 A. Yes.

18 Q. Okay. Filling out the same type of paperwork?  
19 A. Same pad.

20 Q. Okay. Do you recall, approximately, when you  
21 first started taking waste to the Cumberland  
22 dump?

23 A. I trained for three weeks with this guy Tom,  
24 and then once I -- I went on my own after that.  
25 And once I learned the area, as I stated, I lived

0030  
1 in Fall River, Massachusetts, which I still do,  
2 and I didn't know -- I didn't really know  
3 anything in Rhode Island, so every -- almost  
4 every stop I had to learn or get directions off  
5 somebody. So it took a while, but I mean, the  
6 Cumberland dump I had to learn all this whole  
7 area, you know, but the -- you know, I started  
8 going there probably -- you know, I was just  
9 another driver -- within probably a week or two.  
10 The gentleman that I trained with lived in West  
11 Warwick, so he did a lot of South County work, so  
12 once -- once -- sometimes you went down south for  
13 half the day and you ended back up this area.

14 Q. And do you recall if the Cumberland dump --  
15 strike that.

16 Do you recall any periods when the Cumberland  
17 dump would have been closed for an extended  
18 period?

19 A. Not to my knowledge. It used to flood. When  
20 the Blackstone River would have two or three  
21 days, it would flood and we'd actually have to  
22 drive up on the railroad tracks, which is still  
23 there, to enter the landfill because where that  
24 shack was was under water.

25 Q. And do you recall about how often that occurred?

0031  
1 A. Any big storm, any big storm in this area.

2 Q. Do you recall, did there come a time when you  
3 were working for Mr. Buffington when the  
4 Cumberland dump shut down?

5 A. I'm guessing '84, '85. I couldn't even give  
6 you the date.

7 Q. When you were working for -- during this period  
8 when you were working for Mr. Buffington, did you  
9 have any direct contact with anybody from Goditt  
10 & Boyer?

11 A. Every day.  
12 Q. Okay.  
13 A. It was all their work.  
14 Q. Okay. And who did you have contact with?  
15 A. Linda Terry. She was the dispatcher.  
16 Q. Okay. And what would be the nature of your  
17 interactions with Ms. Terry?  
18 A. When I ran out of work whatever Mr. Buffington  
19 gave me, sometimes two, three, four stops, when I  
20 ran out of work I'd call the 800 number. We had  
21 no phones back then, no cell phones, no radios  
22 for a subcontractor, and I would just call up,  
23 "Hi, Linda, it's Phil. I'm in Pawtucket. I'm in  
24 Fall River," where I was, need work. And she'd  
25 look at the list of the day and tell me where to

0032

1 go, give me a stop, next stop, sometimes I'd take  
2 two or three stops off her. If it was 10 o'clock  
3 in the morning, I was looking for another four or  
4 five hours worth of work, and you tried to make a  
5 route out of that at the same time.  
6 Q. And when she gave you additional stops to make,  
7 was there any discussion about where to dispose  
8 of that waste?  
9 A. They told you where to dispose of it. Back  
10 then, like I said, it was Silvestri Landfill and  
11 where there was tons of landfills.  
12 Q. Do you recall having contact with anyone else  
13 from Goditt & Boyer aside from Ms. Terry?  
14 A. Oh, it was just over the phone. It was -- I  
15 didn't even know where the place existed because  
16 we parked in Seekonk. There was other ladies in  
17 the office if Linda didn't answer the phone that  
18 would answer the phone.  
19 Q. Okay. Do you recall any of their names?  
20 A. Pauline Viera and Cindy -- Cindy Proulx. I'm  
21 not sure of the last name.  
22 Q. And do you know what they did?  
23 A. Secretarial work. Sometimes Russell Brask  
24 would be dispatching if Linda was on vacation or  
25 out sick.

0033

1 MR. SALLY: What was that name?  
2 THE WITNESS: Brask, B-R-A-S-K, Russell.  
3 He's deceased now.  
4 Q. And do you know what he did for Goditt & Boyer?  
5 A. Like a maintenance manager, dispatcher,  
6 whatever. All around guy.  
7 Q. Are you familiar with a gentleman named David  
8 Brask?  
9 A. We're not -- I worked for him because Russell  
10 hired me. In 1985, I went directly to Goditt &  
11 Boyer. Russell hired me. David, I talked to him  
12 once, he doesn't know who I am.  
13 Q. And do you know what David Brask's role was with  
14 the company?  
15 A. He owned the company.  
16 Q. And was Russell Brask related to David Brask?  
17 A. His brother.  
18 Q. As a general matter, what circumstances would  
19 lead you to dispose of waste at the Cumberland  
20 dump as opposed to any other dump?  
21 A. Depended how the route went. Sometimes I  
22 picked up stuff in Cumberland, Rhode Island, and  
23 take it to Central or Silvestri's. And I

24 don't -- you know, they just told us where to  
25 take it and that's where we went.

0034

1 Circumstances -- I mean, the Cumberland  
2 dump -- Peterson Puritan, they blew up two  
3 machines at the Cumberland dump. They caught  
4 fire. The Cumberland dump threw them out, then  
5 we ended up at Central Landfill, burned two  
6 machines there, so some loads were not permitted  
7 anymore in that landfill because they almost  
8 killed people.

9 Q. Okay. Generally can you describe for me, again,  
10 during this same time period what kinds of trash  
11 receptacles you were picking up with your truck?

12 THE WITNESS: As far as the customers'  
13 trash?

14 MR. JACKSON: Yeah, picking up the  
15 customers' trash.

16 THE WITNESS: What was in the customers'  
17 trash or --

18 MR. JACKSON: Well, let's focus first on  
19 just the containers themselves.

20 THE WITNESS: Right.

21 Q. Types of containers. I think you mentioned that  
22 there were --

23 A. We had 50-yarders, we had 30-yarders and we  
24 had 20-yarders. That's all we had. Just the  
25 common every day in that business.

0035

1 Q. Okay. And I think you mentioned before some of  
2 these were open top --

3 A. Yes.

4 Q. -- containers?

5 A. A 20-yarder or a 30-yarder was an open top  
6 container. Had to put a canvas on it.

7 Q. Can you explain that a little bit more.

8 A. Well, when you get to the site, the basic open  
9 top is there is no top to the container. So they  
10 load it with these little bucket loaders from  
11 some forklift, little dump buckets depending on  
12 the company, pallets, stuff that wouldn't fit in  
13 a compactor, which a compactor would only take,  
14 you know, the width of this table, you know,  
15 industrial businesses to put trash in. You're  
16 not going to throw in a roll that's nine feet  
17 long of cloth into something, so we had open top  
18 containers for the customer.

19 Q. So you said that you put --

20 A. We had to cover it with a canvas.

21 Q. Okay. At what point would you cover it with the  
22 canvas?

23 A. As soon as you get to the site, back up to the  
24 container, you put the hoist up with the cable  
25 on, you have to cover everything by law or you'll

0036

1 get a ticket.

2 Q. Okay. So the 20-yarders and 30-yarders were open  
3 top --

4 A. Yes.

5 Q. -- containers?

6 What about the 50-yarders?

7 A. They were all closed except for United Paper  
8 Stock in Pawtucket. They had a 50-yarder full of  
9 bales, just be trash bales. But basically every  
10 other -- every 50-yarder was a compactor.

11 Q. And when you say "a compactor," can you just  
12 describe a little bit what you mean.  
13 A. It's like a small baling machine, but you just  
14 put the trash in, hit a button. It's a ramp, you  
15 know, three-and-a-half feet wide. Some ramps are  
16 bigger, longer. Some machines could pack more  
17 pressure depending on what the customers' needs  
18 was, what they sold to the customer.  
19 Some machines, you know, were three yards,  
20 four yards depending on the hopper or depending  
21 on the service of the customer how big the  
22 machine was. There was a couple different size  
23 machines and I couldn't tell you the different  
24 kinds. They're all the same. All the 50-yard  
25 boxes, they were -- 99 percent of them were

0037

1 hooked up. We took that box, swapped out and  
2 then we just go to the next customer. You  
3 just -- instead of going back to that customer,  
4 you just kept going all day.  
5 Q. And about how many stops would you do in a given  
6 day, roughly?  
7 A. Eight to ten on a good day, on a good day,  
8 maybe seven. In the '80's, business was booming.  
9 Q. And what would determine the number of stops you  
10 did in a particular day?  
11 A. How much work they gave out. Some nights you  
12 ended up with the truck loaded, it was 5 o'clock  
13 at night and I switched out a store, there was no  
14 place to dump it. All the places were closed.  
15 Head home.  
16 Q. And then what would you do the next morning?  
17 A. Take that box, the full box, to the landfill.  
18 Q. Can you describe for me, again, generally during  
19 this period the kinds of waste you picked up from  
20 customers?  
21 A. Corrugated, depending on the manufacturer.  
22 Rubber, pellets, depended on what industry you  
23 went to. Pallets, cloth, chemical bags, you  
24 know, bags that had been emptied like the size of  
25 a flour bag, powders, sticky whatever coming out

0038

1 of a container, Peterson Puritan all the cans,  
2 you know, metal shavings, you name it, animal  
3 dung wherever you went, cardboard recycling,  
4 telephone poles.  
5 Q. Now, all the customers that you picked up from,  
6 were they all commercial customers? Were they  
7 all businesses?  
8 A. Yes. Once in a while, you might do a house,  
9 somebody remodeling, drop a 30-yarder in a yard,  
10 plaster, vinyl siding or, you know, shingles,  
11 whatever, gutter house, roof.  
12 Q. So that would be construction debris?  
13 A. Yes.  
14 Q. Okay. So I take it, then, that there were no  
15 municipal stops that you serviced?  
16 THE WITNESS: Towns?  
17 MR. JACKSON: Towns.  
18 A. No, I don't believe so.  
19 Q. And was there a general area geographically that  
20 you tended to work in over this time period?  
21 A. Basically, from Mattapoisette up 195 to --  
22 might say to Foster, Rhode Island, as far as east  
23 to west. And south, Westerly, Rhode Island, and

24 north when I worked for Buffington. I would say  
25 basically just Rhode Island, and New Bedford,

0039

1 Fall River, Fairhaven, Taunton, Raynham, Newport,  
2 Middletown, Portsmouth. That's about the area.  
3 Sometimes Buffington, Worcester. Once in a  
4 while, I'd go up to Worcester.

5 Q. Okay. Did you ever go to anyplace in  
6 Connecticut?

7 A. No.

8 Q. Okay. So basically Rhode Island and  
9 Massachusetts?

10 A. 99 percent of the time, I was in Rhode Island.

11 Q. Okay. Sounds like you also occasionally went to  
12 Massachusetts?

13 A. Yes. Yes.

14 Q. And you described for me some of the types of  
15 waste that you picked up. I mean, how,  
16 generally, did you know what it was you were  
17 picking up?

18 A. Well, some stops you did them every day. I  
19 used to do Teknor Apex packer in Pawtucket, Rhode  
20 Island, six days a week. So six days a week, I  
21 saw the same trash.

22 Q. So when you say "saw the same trash," you could  
23 actually what --

24 A. I had to pick it up on the ground, whatever  
25 fell out of this compactor, we had to put a

0040

1 canvas on, bungee cords, sometimes sweep the  
2 compactor pad, sometimes the pellets all came out  
3 of the container like marbles on a parking lot,  
4 got to clean it up. So you -- you had stops you  
5 didn't like and you had stops that were nice.

6 Q. But you could actually visually see the waste?

7 A. Yes.

8 Q. What about with the compactors?

9 A. That was when you generally handled it by  
10 hand. You had to canvas every load, unhook two  
11 turnbuckles which hold a unit together, pull it  
12 away three or four feet, get out. Sometimes you  
13 got out of the cab and you ran to the back of the  
14 truck hoping not for it to fall on the ground.  
15 You'd put bungee cords, canvasses, whatever it  
16 took to make it safe to go down the road. When  
17 you cleaned the mess by hand, sometimes you threw  
18 it back in the machine, threw it back in the  
19 empty box, swept it up or hooked the turnbuckles  
20 up, went to the dump.

21 Q. Were there -- you talked a little bit before  
22 about paperwork. Were there customers who had  
23 their own paperwork they asked you to fill out?

24 A. Some customers wanted a signed slip only for  
25 billing. And then going back to Peterson

0041

1 Puritan, after those four machines burnt, they  
2 had -- they had to change their system and we had  
3 to get a paper to go to Central Landfill and they  
4 used to -- they used to crush all the -- all the  
5 containers had to be crushed so there was --  
6 wasn't any chance of explosion. So that was a  
7 slip for that stop. Mostly everything else was  
8 just pick up and go.

9 Q. In those situations where customers did have you  
10 fill out something, what did you do with that

11 paperwork?  
12 A. I'd turn it in to Bruce Buffington at the end  
13 of the -- end of the month. Could have been  
14 weekly. Every Saturday, we did the maintenance.  
15 Might have been weekly, all the slips, because  
16 that's how he had to get paid was to keep track  
17 of everything.  
18 Q. And I think you said earlier that you kept your  
19 own pads?  
20 A. Yes.  
21 Q. Do you still have any of those pads?  
22 A. No. Once they were full and I got paid for  
23 the month, in the barrel.  
24 Q. Just going back to the Cumberland dump for a  
25 moment, do you recall any sort of gate you had to

0042

1 drive through to get in there?  
2 A. They had -- they had something, a chain or  
3 some gate. It was like a prehistoric place, you  
4 know. There was something there if they were  
5 closed. There was some kind of aluminum gate. I  
6 forgot the hours, if they opened at 7:00. I  
7 forget the general hours that they opened.  
8 Q. Do you know how many days a week they were open?  
9 A. I believe six days.  
10 Q. And I think you used the term "prehistoric." Can  
11 you explain that a little bit?  
12 A. Like today's standards, it's -- you know,  
13 between today with all the lined landfills and  
14 everything, it's -- it's built on a river, you  
15 know. I guess it was a racetrack some time ago.  
16 There was a lot of junk on the property.  
17 Q. Can you describe that for me, generally?  
18 A. The gentleman that owned it, I don't know him  
19 personally, but he was Polish. And I guess he  
20 probably came from nothing and there was money to  
21 be made and, you know, an old fire truck or  
22 aluminum ladders or they'd scrap, you know, piles  
23 of scrap and junk it. And the Health Tex  
24 companies that used to be in Rhode Island with  
25 those big sheets of cloth, they'd take it out of

0043

1 the trash and they'd sell it for rags. This guy  
2 was, you know, whatever. If there was trash, one  
3 man's junk is another man's treasure. That's  
4 what this gentleman did. He'd dive right out of  
5 his Lincoln Continental and if there was three  
6 cans of green beans out of Stop & Shop, they were  
7 in the trunk of his car. Even had two Polish  
8 woman and another Polish man living in a shed.  
9 They used to pull the stuff out of the  
10 containers. It was prehistoric. I don't know  
11 how they survived.  
12 Q. So did you see these -- when you were there, did  
13 you actually see these people?  
14 A. Oh, yes. Yes. It would be, like, four  
15 degrees out and this poor guy would be yanking  
16 rags out of a load that you just dumped. Your  
17 heart bled for him.  
18 Q. When you say "he," you're referring to the  
19 gentleman who you understand owned the landfill?  
20 A. He did some, but one of his workers and the  
21 two ladies that worked for the company.  
22 Q. So were they there all the time when you were  
23 there?

24 A. Whenever I went there. I mean, I don't know  
25 how many years they were there. You felt bad for

0044

1 them when you saw them.

2 Q. But whenever you went there, you saw it?

3 A. Whatever time -- whatever employment, they  
4 were there, yes.

5 Q. And was there a particular area of the landfill  
6 where they were --

7 A. Whatever the dump face (sic) you were working  
8 that day. You know, if you dumped a load of rags  
9 and sometimes they'd scoop it up and go put it in  
10 a pile and they'd be taking the rags out.

11 Whatever the operation was. Our concern was dump  
12 it, close the door, go to the next stop.

13 Q. But you saw them actually in the area where you  
14 were dumping the trash pulling things out?

15 A. Right. Right. It wasn't a large area. You  
16 know, there wasn't hundreds of trucks at the same  
17 time. You know, two or three trucks, that was  
18 it. He worked a small working face.

19 Q. And can you describe for me, again, the kinds of  
20 materials you saw them pulling out?

21 A. Oh, they -- like I said, for rags the Health  
22 Tex Corporation used to be big sheets of cloth  
23 from children's clothing. Whether a dye went  
24 bad, I don't know, but they'd make rags. He'd  
25 sell boxes of rags. They call it a Gaylord,

0045

1 which is a box about three by three, maybe three  
2 feet high. They'd load them up and he'd probably  
3 sell it to some company in Pawtucket or  
4 something, you know.

5 Q. Any other kinds of materials you recall him  
6 pulling out?

7 A. Stop & Shop used to have a compactor plus the  
8 front of it they used to load by hand. The  
9 stores would keep records of their disposed  
10 garbage or dented cans back in the day, and I've  
11 seen them sift through that like it was gold  
12 because that in front of it we'd have to empty  
13 out by hand and they'd just -- you know, they'd  
14 take -- it was food.

15 Q. Anything else you recall them pulling out?

16 A. Not -- the rest of it was just trash, you  
17 know.

18 MR. JACKSON: Let's go off the record  
19 for a second.

20 (Off the record discussion.)

21 MR. JACKSON: Let's go back on the  
22 record.

23 Q. Okay. Mr. Lapre, I'm going to focus on a few  
24 specific customers that you had.

25 MR. BENIK: Tom, would you mind if we

0046

1 took a quick break?

2 MR. JACKSON: No, that's fine.

3 MR. BENIK: You can stay in place. I  
4 just have to --

5 MR. JACKSON: Five minutes? Ten  
6 minutes?

7 MR. BENIK: Two minutes.

8 MR. JACKSON: Five minutes.

9 MR. BENIK: Five.

10 (A recess was taken.)

11 MR. JACKSON: Let's go back on the  
12 record.  
13 Q. Okay. Mr. Lapre, I want to focus on a few  
14 specific customers that you had and I want to  
15 start with an entity that I think you referred to  
16 as Apex.  
17 A. As Apex packer, Teknor Apex.  
18 Q. And can you tell me what you recall about Teknor  
19 Apex?  
20 A. It was six days a week at the time. Besides  
21 garden hoses, I'm not sure of the product that  
22 they put out. In the container was empty bags of  
23 chemicals, pellets, chunks of hard plastic,  
24 pallets, dust, white dust, gray dust. It was a  
25 nasty stop.

0047

1 Q. And can you tell me where this stop was?  
2 A. It's in Pawtucket off of Mendon Road. I don't  
3 know if it's -- I don't know if their address is  
4 Robertson Avenue. I think their home address  
5 might be Robertson Avenue or Mendon Road,  
6 Pawtucket, Rhode Island.  
7 Q. Okay. And can you describe for me, generally,  
8 the size of the facility?  
9 A. It's still in business today. It's a good --  
10 I don't know how you -- five football fields. I  
11 don't know how you -- it's on a couple of city  
12 blocks, that manufacturer.  
13 Q. I think you mentioned garden hoses?  
14 A. That's what I seen coming out of there at the  
15 time. I don't know what else of a product that  
16 they make. I think there's some rubber matting,  
17 maybe like restaurants, but I -- been a long time  
18 since I went to that customer.  
19 Q. And you picked up there six days a week?  
20 A. Yes, for a while.  
21 Q. And do you recall about how long, over what  
22 period you picked up six days a week?  
23 A. Depending on -- you know, sometimes another  
24 guy went there for two or three or four days,  
25 sometimes I had it six days, depending. You

0048

1 know, some days it wasn't exact same route, you  
2 know. Sometimes you got stuck with a stop like  
3 that for a while, and sometimes my work was down  
4 south. All depending. You know, it changed.  
5 One day, I was up in New England over here. One  
6 day, I was Rhode Island all day, sometimes  
7 northern Rhode Island all day. Depended where  
8 the route led. Most of the time as a  
9 subcontractor, myself and two other gentlemen,  
10 did that account for Bruce Buffington.  
11 Q. So your understanding was that that was one of  
12 Mr. Buffington's accounts?  
13 A. Well, it was all Goditt & Boyer's accounts.  
14 Q. Goditt & Boyer's accounts?  
15 A. Mr. Buffington had no accounts at all.  
16 Q. Okay. Is it the case, then, that there were  
17 times when you recall going there on a daily  
18 basis?  
19 A. Yes.  
20 Q. And do you recall what kind of containers they  
21 had at that stop?  
22 A. It's a compactor, 50-yard compactor. It was  
23 three service we did. One service was what we



24 used to call a live load where you open the back  
25 door and you backed up to a loading dock and it  
0049  
1 was a -- we used to call it Apex dust, and it was  
2 probably about 12 boxes of this ground compound,  
3 brown, yellow, all different colors of whatever.  
4 It was just all -- when you dumped it, it was  
5 just all dust, whatever that product from their  
6 manufacturing was.  
7 Q. So you say there were 12 boxes?  
8 A. Roughly 12. They load them with a tow motor,  
9 two high, and they would just load a Gaylord box  
10 I was describing earlier, a cardboard box that  
11 was, like, three feet wide, three feet high,  
12 three feet square, and it was loaded with this  
13 dust compound. I don't know the exact term what  
14 the product was. It was an easy stop. We opened  
15 the back door, load up at the loading dock, they  
16 took a forklift, they loaded it, closed the door,  
17 went to the dump. It was a nice easy -- easy  
18 job.  
19 Q. So I just want to make sure I understand. When  
20 you picked up at this Apex dust, were you picking  
21 up 12 boxes --  
22 A. I was --  
23 Q. -- at a time?  
24 A. Yes, just guessing trying to -- they'd load  
25 the container. It was two high on pallets.  
0050  
1 These were on -- the size of a pallet.  
2 Q. Okay.  
3 A. And a box you'd sit on the pallet and they'd  
4 be two high and they'd fill the whole container  
5 up.  
6 Q. And when you say -- again, you're talking about  
7 these Gaylord boxes?  
8 A. Yeah, Gaylord box that could fit two wide in  
9 the roll-off, two wide, two high. I'm guessing  
10 12 off the top of my head. Fill the truck, close  
11 the back door, go to the dump.  
12 Q. So they'd put these on the roll-off?  
13 A. Yes.  
14 Q. And then you'd take it away?  
15 A. Right.  
16 Q. Okay. Now, the Gaylord boxes, were they --  
17 A. They're cardboard.  
18 Q. Okay.  
19 A. On a pallet. Because, otherwise, they would  
20 just explode.  
21 Q. Were they open top?  
22 A. Yes.  
23 Q. And was there anything besides dust?  
24 A. No, that was the name of it, Apex dust.  
25 Q. Okay. And for -- on a given occasion when you  
0051  
1 were picking up, was the dust in the various  
2 boxes, did it all look the same?  
3 A. Different colors.  
4 MR. BENIK: Objecti on.  
5 A. Different colors.  
6 Q. So you might get different colors of dust?  
7 A. Right.  
8 MR. BENIK: Objecti on.  
9 Q. And these boxes, were they generally full?  
10 A. Oh, yes.

11 Q. Do you recall anything else about what the dust  
12 looked like?  
13 A. Just different colors and open the door and  
14 run.  
15 Q. Okay. How fine or grainy was it?  
16 A. I would say like sawdust off a floor from a  
17 table saw.  
18 Q. Do you recall any particular odor associated with  
19 it?  
20 A. I -- I -- I don't think it smelled.  
21 Manufacturing company, there's odors there.  
22 Q. Okay. So you were picking the dust up from a  
23 loading dock?  
24 A. Yes.  
25 Q. Okay. Were there other containers at Teknor  
0052  
1 Apex?  
2 A. Across the street, 30-yarder.  
3 Q. Okay.  
4 A. Most of that was pallets, I believe. Might  
5 have been some trash in there also.  
6 Q. When you say "trash" --  
7 A. I don't know. Just general trash, coffee  
8 cups. I don't know what they made at that end  
9 of -- whether it was just shipping. I don't know  
10 what they did in that part of the building.  
11 Q. Okay. So we've got the 50-yarder for the dust.  
12 I'm sorry. Go ahead. Go ahead.  
13 A. 50-yarder compactor.  
14 Q. Okay.  
15 A. The dust was on-call.  
16 Q. I see.  
17 A. Live load, they called it.  
18 Q. Okay.  
19 A. And then a 30-yarder around the corner.  
20 Q. Okay.  
21 A. Pallets, trash, whatever was in there.  
22 Q. Okay. Focus for a second on the 30-yarder. How  
23 often did you pick that one up? Do you recall?  
24 A. I'd lie to you if I had a schedule.  
25 Q. Okay.  
0053  
1 A. It was on-call. They called it -- we called  
2 it on-call service. Some customers were  
3 scheduled on a daily basis. Some scheduled three  
4 days a week. Some were scheduled every Friday  
5 depending on the customer.  
6 Q. That 30-yarder was --  
7 A. I think it was on-call.  
8 Q. Do you recall anything else -- again, focusing on  
9 the 30-yarder, do you recall anything else being  
10 in that one besides I think you mentioned pallets  
11 and trash?  
12 A. I -- not off the top of my head.  
13 Q. Okay. What about the 50-yard compactor, do you  
14 recall the types of waste in that?  
15 A. Yeah. I think I was saying earlier, hard  
16 plastic, powders, pellets, pallets, dust, like a  
17 gray dust, coffee cups.  
18 Q. The plastic, can you describe that for me? What  
19 did that look like?  
20 A. It was like a hard -- a mold off of something.  
21 I don't know what they were making. Something  
22 that looks like it went wrong or an end -- I  
23 don't know, garden hoses. I don't know what

24 the -- if it was a -- you know, it didn't get  
25 mixed right. Some of these things weighed a  
0054  
1 couple hundred pounds. It wasn't pleasant when  
2 they fell out of the container.  
3 Q. Were the chunks all about the same size or did  
4 they --  
5 A. Different --  
6 Q. Different sizes?  
7 A. -- sizes.  
8 Q. Color?  
9 A. Black, gray.  
10 Q. And you mentioned some gray dust?  
11 A. Oh, yeah, some powder or some compound.  
12 Q. Was that dust loose or was it in some sort of  
13 container?  
14 A. No, just in the compactor. I don't know what  
15 they -- whatever they dumped in there. I swept  
16 it up almost in the -- the times I -- it was a  
17 dirty stop the times -- the service that you  
18 cleaned the ground, swept it, used a shovel.  
19 Q. And I think you also mentioned some powder?  
20 A. Yeah. I mean, it looks like powder. I don't  
21 know. Whatever was -- this powder -- you know,  
22 looks like powder. I don't know how to explain  
23 it.  
24 Q. Color?  
25 A. You know, like I said, the gray to white.

0055  
1 Q. Okay. So the dust and the powder, are you  
2 talking about the same thing?  
3 A. No. No.  
4 Q. Two different things?  
5 A. Yes, Apex dust was the live load.  
6 Q. I'm sorry. In the -- talking about in the --  
7 A. In the packer.  
8 Q. Right. You said in the packer, I think you  
9 mentioned both dust and powder. Are you talking  
10 about the same thing there or --  
11 A. Yes.  
12 Q. -- two different things?  
13 A. Yes.  
14 Q. Same thing. Okay.  
15 A. Dried up compound, yes.  
16 Q. And can you describe for me how fine that powder  
17 was?  
18 A. Almost like a baby powder.  
19 Q. Okay. And focusing, again, now on the 50-yard  
20 container, you said there were also pallets?  
21 A. Sometimes.  
22 Q. Anything else you recall being in that 50-yard  
23 container?  
24 A. Not offhand.  
25 Q. Do you recall ever seeing any kind of drums?

0056  
1 MR. BENIK: Objection.  
2 Q. You can answer.  
3 MR. CONNORS: You can go ahead and  
4 answer.  
5 A. There might have been some -- maybe some black  
6 ones. Been a long time.  
7 Q. Do you know what was in the drums?  
8 A. I have no idea.  
9 Q. Do you recall seeing any sort of cloth material?  
10 MR. BENIK: Objection.

11 THE WITNESS: Cloth?  
12 MR. CONNORS: That's okay. You can go  
13 ahead and answer.  
14 MR. NEWTON: What was the question? I  
15 didn't hear it, please.  
16 Q. Any sort of cloth material?  
17 MR. BENIK: Objection.  
18 A. Maybe a rag.  
19 MR. CONNORS: If anybody objects, you  
20 can answer unless I instruct you not to.  
21 Q. Do you recall how often you saw rags?  
22 MR. BENIK: Objection.  
23 A. No, I don't.  
24 Q. Again, focusing on the same 50-yard container, do  
25 you recall roughly -- well, strike that.  
0057  
1 This container, how often did you pick that  
2 one up? Do you recall?  
3 A. It depended on how the work went.  
4 Sometimes -- like I said, it was three of us  
5 drivers. It just depended on some days --  
6 Monday, Wednesday, Friday for a while I'd end up  
7 in Peacedale, Rhode Island, Kenyon, Rhode Island,  
8 Westerly, back up north. There was three of us,  
9 basically, subbed out to that stop. Sometimes  
10 you got it four or five times. Nobody liked the  
11 stop, so if you didn't get it, you were happy.  
12 Q. On those days that you didn't pick up at Teknor  
13 Apex, do you know whether one of the other  
14 drivers --  
15 A. Not unless there's records.  
16 Q. Again, focusing on the 50-yard container, when  
17 you picked it up, do you recall about -- well,  
18 when you picked it up, was it generally full?  
19 A. Oh, yes.  
20 Q. And do you recall about how much of the load or  
21 could you tell how much of the load would have  
22 consisted of this -- the plastic you described?  
23 A. Sometimes if you got lucky they pushed the  
24 plastic in after you changed the compactor. If  
25 you got lucky it was in the front of the load, so  
0058  
1 when you dumped out you saw it, no big deal,  
2 thank you. It was in the front of the load so  
3 when the machine was empty, so a lot of times you  
4 pulled it out and you just cleaned the general  
5 mess, canvassed it up, cleaned the ground, put  
6 the empty in place, locked it up, go to the dump.  
7 So it wasn't every day that the chunks of plastic  
8 came out.  
9 Q. And can you tell me how often you saw the powders  
10 in the 50-yard container?  
11 A. I would say almost every load was that -- that  
12 residue.  
13 Q. And can you describe for me, if you know, how  
14 much powder would have been in a typical load?  
15 A. I -- empty bags that scraped in the container,  
16 I don't -- you know, I can't say. It wasn't tons  
17 of it.  
18 Q. Now, when you talked earlier about having to  
19 clean up the ground --  
20 A. Uh-huh.  
21 Q. -- is that something you had to do every time you  
22 picked it up?  
23 MR. BENIK: Objection.

24 A. 99 percent of the time.  
25 Q. Okay. And can you describe for me what it was  
0059 you were cleaning up off the ground?  
1 A. The dust, little pellets, pallets, the  
2 plastic, anything that falls out of this  
3 compactor, just general trash.  
4 Q. Okay. You mentioned pellets. I don't think we  
5 talked about that.  
6 A. I don't know what part of the manufacturing it  
7 came from. They were like little miniature  
8 marbles, maybe you might call them.  
9 Q. Do you recall or could you tell what they were  
10 made out of?  
11 A. I'm guessing some kind of plastic.  
12 Q. Again, how big were they?  
13 A. Smaller than a pencil in diameter. Smaller  
14 than an eraser on a pencil. I don't know how  
15 you'd --  
16 Q. Okay. Color?  
17 A. Black, white, orange.  
18 Q. For a given load, were all the pellets the same  
19 color?  
20 A. I couldn't say.  
21 Q. Do you recall if they had any odor associated  
22 with them?  
23 A. It was the dust you were more worried about.  
24 You know, if the wind blew, it would kick it up,  
25

0060  
1 and keep your mouth closed.  
2 Q. And do you recall where the facility that the  
3 50-yard container was located?  
4 A. I don't know the exact side street. It's  
5 still there today. I don't know the name of the  
6 street.  
7 Q. Was it kept close to the 30-yarder?  
8 A. The 30-yarder's on -- off of Mendon Road.  
9 That was on another block.  
10 Q. Okay. When you picked up these containers at  
11 Teknor Apex, do you recall where you disposed of  
12 that waste?  
13 A. J.M. Mills, Central Landfill.  
14 Q. Do you recall about how often you would dispose  
15 of it at J.M. Mills as opposed to Central?  
16 A. I -- I'd be lying if I gave you a number.  
17 Q. And what would lead you -- on a given occasion,  
18 what would lead to you take it to J.M. Mills?  
19 A. Wherever they dispatched us to dump it.  
20 Q. Okay. So you were -- is it true, then, that you  
21 were told -- on a given occasion, you were told  
22 whether to take it to J.M. Mills or to Central?  
23 A. Right.  
24 (Plaintiff's Exhibit Number 1 was so  
25 marked.)

0061  
1 MR. JACKSON: Off the record.  
2 (Off the record discussion.)  
3 MR. JACKSON: Back on the record.  
4 Q. Okay. Mr. Lapre, I'm handing you what's been  
5 marked for identification as Plaintiff's  
6 Exhibit 1 and ask you to take a moment and just  
7 flip through that and then we'll go through it in  
8 a little more detail.  
9 (Witness complied.)  
10 MR. BENIK: Just for the record, is

11 Exhibit 1 a multi page document here which starts  
12 TA00288 is the first page and TA00618 is the last  
13 page?

14 MR. JACKSON: Correct.

15 MR. BENIK: Is that correct?

16 MR. JACKSON: That is correct.

17 MR. SALLY: Are these among the  
18 documents that were produced?

19 MR. JACKSON: Yes.

20 MR. CONNORS: When you're ready, just  
21 let him know.

22 THE WITNESS: I'm all set.

23 Q. Okay. Okay. Mr. Lapre, can you describe for me,  
24 generally, what this set of documents is?

25 A. This would be the dump slip from the old J.M.

0062

1 Mills Landfill. Like I said earlier, they'd  
2 start the slip -- if you'll notice the writing at  
3 the top doesn't match, like, my signature because  
4 I write like a chicken.

5 MR. CONNORS: Wait for his questions.

6 THE WITNESS: I'm sorry.

7 MR. JACKSON: That's fine.

8 Q. Let's focus on the first page which has Bates --  
9 well, it actually has several Bates numbers on  
10 it, but for our purposes has Bates number TA0028.

11 A. Uh-huh.

12 Q. And I would focus your attention -- just for the  
13 record, there are four different -- you would  
14 agree with me that there are four different dump  
15 slips reproduced on this page?

16 A. Yes.

17 Q. Okay. And directing your attention to the one in  
18 the lower right-hand corner, do you see your  
19 signature --

20 A. Yes.

21 Q. -- on that?

22 Okay. And can you describe for me,  
23 generally, what that particular dump ticket is?

24 A. Apex dust.

25 Q. Okay. And the handwriting at the top under date,

0063

1 name, address, truck or plate number, is that  
2 your handwriting?

3 A. No.

4 Q. Okay. Do you know whose handwriting that is?

5 A. One of the gentlemen in that shack.

6 Q. Okay. And so can you describe for me, generally,  
7 the process that would be used with a dump ticket  
8 like this?

9 A. As you approach the scale house, the gentleman  
10 mostly -- not too many rubbishmen (sic), "Here  
11 comes Phil, Goditt & Boyer, address, this is  
12 Buffington," it's got my truck plate, roll-off,  
13 Apex -- I call them Apex dust or I wrote it  
14 myself.

15 Q. Where it says "Apex dust" there, does that look  
16 like your handwriting?

17 A. I would say it is because it's pushed down  
18 heavier. Sometimes he'd ask you, he'd say,  
19 "what's the stop?" And they were so fast at it.  
20 I think I'd sign my name. It looks like my  
21 handwriting. I write terrible.

22 Q. Okay. So they would fill it out and then they  
23 would have you sign it?

24 A. Yes.  
25 Q. Okay. And was that before you entered the  
0064 landfill?  
1 A. Yes.  
2 Q. And dumped your load?  
3 A. Yes.  
4 Q. Okay. And what would happen with the dump ticket  
5 at that point?  
6 A. I believe he gave me a copy so I could give it  
7 to my employer so at the end of the month we  
8 could get paid for the hauling.  
9 Q. Okay. And do you know whether they kept a copy?  
10 A. I would assume they did. Yeah, it was like a  
11 restaurant pad, the green ones. I don't --  
12 Q. So in terms of the copies that you kept --  
13 A. Yes.  
14 Q. I'm sorry. Can you tell me again what happened  
15 to those?  
16 A. I gave them to my -- to Bruce Buffington at  
17 the end of the week, because the end of the month  
18 he had to tally up all the stops to get paid.  
19 Q. Okay. And just to digress a moment, I think you  
20 mentioned a scale?  
21 A. There was no -- I'm sorry. There was no  
22 scale. It was just a booth.  
23 Q. Okay. And the truck or plate number, that looks  
24 like B3984?  
25  
0065  
1 A. Looks like it, yes.  
2 Q. Do you recall whether that was, in fact, some  
3 sort of identification number for the truck that  
4 you drove?  
5 A. No, that was the plate number. We only had  
6 four trucks, one, two, three, four.  
7 Q. Okay. I note on this dump ticket that it doesn't  
8 indicate the size of the container.  
9 A. Apex dust was the 50-yarder live load. For  
10 our industry, it was -- you saw the name, you  
11 knew what it was.  
12 Q. Okay. Let's look at the second page which has  
13 Bates number TA00306, and in this case I'll  
14 direct your attention to the dump ticket in the  
15 upper left-hand corner. Do you recognize that  
16 handwriting?  
17 A. Yes.  
18 Q. Okay. Is that your signature?  
19 A. Yes.  
20 Q. And what else is reflected on this dump ticket?  
21 A. Looks like I wrote "Apex packer."  
22 Q. And what would that refer to?  
23 A. Apex packer, the 50-yarder. As I said, I went  
24 five, six days a week. Several people hauled it.  
25 Q. Okay. Let's look at the next page.  
0066  
1 (Witness complied.)  
2 Q. TA00316. Direct your attention to the dump  
3 ticket in the upper right-hand corner. Do you  
4 recognize that handwriting?  
5 A. Yeah, that's mine.  
6 Q. Is that your signature?  
7 A. Yes, "Apex packer."  
8 Q. So, again, that would be the 50-yard container?  
9 A. Yes.  
10 Q. Okay. Next page, TA00323. Direct your attention

11 to the lower left-hand corner in this case.  
12 A. "Apex packer."  
13 Q. Okay. Is that your signature?  
14 A. Yes.  
15 MR. CONNORS: Tom, do you mind just  
16 going back to the first one and just confirming  
17 with him what size that was, which container that  
18 was?  
19 MR. BENIK: Objection. I -- unusual  
20 procedure.  
21 MR. PETROS: It's an improper procedure.  
22 MR. JACKSON: Okay. Let's keep going.  
23 Q. Let's go to the next page, TA00331. Directing  
24 your attention to the upper left-hand dump  
25 ticket. Do you recognize that handwriting?  
0067  
1 A. Yes, "Apex packer."  
2 Q. Is that your signature?  
3 A. Yes.  
4 Q. And next page, TA00343. Direct your attention to  
5 the lower left-hand --  
6 A. "Apex packer."  
7 Q. Okay. Is that your signature?  
8 A. Yes.  
9 Q. Next page, TA00344. Again, lower left-hand  
10 corner, is that your signature?  
11 A. Yes, "Apex packer."  
12 Q. Next page, this one actually is Bates Number  
13 GC01058. Direct your attention to the upper  
14 left-hand corner. Is that your signature?  
15 A. Yes.  
16 Q. Okay.  
17 A. "Apex packer."  
18 Q. Next page, TA00360, lower left-hand dump ticket,  
19 is that your signature?  
20 A. Yes, "Apex packer."  
21 Q. I notice on this one that there's a -- appears to  
22 be a notation on there between your signature and  
23 the words "Apex packer." Can you make out what  
24 that says?  
25 A. 27 looks like an F. I don't know. That's not  
0068  
1 my handwriting.  
2 Q. Okay. Do you know what that refers to?  
3 A. No idea.  
4 Q. Okay. All right. Let's go to the next page,  
5 TA00379. This document actually has only one on  
6 it. Is that your signature?  
7 A. Yes, "Apex packer."  
8 Q. Next page, TA00429, directing your attention to  
9 the dump ticket the lower half of the page, and  
10 is that your signature?  
11 A. Yes, Apex packer.  
12 Q. Okay. Next page, and this one has a GC01164  
13 Bates number on it lower left-hand corner. Is  
14 that your signature?  
15 A. Yes, "Apex dust."  
16 Q. Okay. Next page, GC01224, lower right-hand dump  
17 ticket. Is that your signature?  
18 A. Yes, "Apex dust."  
19 Q. Next page, TA00534, upper left-hand corner. Is  
20 that your signature?  
21 A. Yes, "Apex packer."  
22 Q. Next page, TA00538, dump tickets lower part of  
23 the page. Is that your signature?



24 A. Yes, "Apex dust."  
25 Q. Next page, TA00541, lower right-hand corner, is  
0069 that your signature?  
1 A. Yes, "Apex dust."  
2 Q. Next page, TA00546, upper right-hand corner, is  
3 that your signature?  
4 A. Yes, "Apex dust."  
5 Q. Next page, TA00552, lower right-hand corner, is  
6 that your signature?  
7 A. Yes, "Apex dust."  
8 Q. Next page, TA00561, upper left-hand corner, is  
9 that your signature?  
10 A. Yes, "Apex dust."  
11 Q. And the next page, TA00579, lower right-hand  
12 corner, is that your signature?  
13 A. Yes, "Apex dust."  
14 Q. Next page upper right-hand corner -- I'm sorry --  
15 TA00580, upper right-hand corner, is that your  
16 signature?  
17 A. Yes, "Apex packer."  
18 Q. Next page, TA00582, lower right-hand corner, is  
19 that your signature?  
20 A. Yes, "Apex packer."  
21 Q. And the next page, TA00596, lower right-hand  
22 corner, is that your signature?  
23 A. Yes, "Apex packer."  
24 Q. Next page, TA00598, upper right-hand corner, is  
25 that your signature?  
0070 A. Yes, "Apex packer."  
1 Q. And the last one in this series, TA00618, lower  
2 right-hand corner, is that your signature?  
3 A. Yes, "Apex dust."  
4 Q. Mr. Lapre, would each of the dump tickets we just  
5 looked at represent a separate load of waste that  
6 you took from a Teknor Apex facility --  
7 A. Yes.  
8 -- to the Cumberland dump?  
9 MR. BENIK: Objecti on.  
10 A. Yes.  
11 Q. Excuse me. Mr. Lapre, I think earlier you  
12 mentioned when we were talking about the various  
13 customers you picked up from, I think you  
14 mentioned a warehouse?  
15 THE WITNESS: Tim's warehouse?  
16 MR. JACKSON: Yes.  
17 A. There was a Teknor Apex account nicknamed  
18 Tim's warehouse.  
19 Q. And do you know why it was called Tim's  
20 warehouse?  
21 A. Because Tim used to call the company, "pick up  
22 my dumpster."  
23 Q. Okay. So was it your understanding that Tim was  
24 somebody who worked for Teknor Apex?  
25 A. Yes.  
0071 MR. BENIK: Objecti on.  
1 A. It was like a nickname, that's all.  
2 Q. Okay. And do you recall where this warehouse was  
3 located?  
4 A. Just next door, next block to Teknor Apex on  
5 Mendon Road.  
6 Q. So it was close to the facility we were talking  
7 about earlier?  
8  
9  
10

11 A. Yes.  
12 Q. Okay. And can you describe for me, generally,  
13 what the warehouse looked like.  
14 A. It looks like a manufacturing plant. They  
15 have -- they had several trucks that were tanker  
16 trucks for the powdered chemicals, I guess. The  
17 tanker trucks parked in that yard. They had some  
18 silos.  
19 Q. And was there an actual building there that  
20 served as a warehouse?  
21 A. Yes. I don't know what they did inside.  
22 Q. Do you recall ever going inside the building?  
23 A. Maybe to get a slip sign, use the bathroom. I  
24 don't know what they did in there.  
25 Q. Okay. And did you pick up waste from that  
0072 location?  
1 A. A 30-yard open top.  
2 Q. And do you recall the type of waste that was in  
3 that container?  
4 A. Generally a lot of pallets, maybe sometimes a  
5 rear Gaylord, maybe something that broke when  
6 they were moving it with a forklift, just general  
7 trash.  
8 Q. Now, you referred to a Gaylord?  
9 A. A cardboard box, like three by three --  
10 Q. Right.  
11 A. -- whatever the measurements are on an pallet.  
12 Sometimes there might be one of them and there  
13 was trash in it.  
14 Q. Okay. Anything else you recall being in that  
15 particular container?  
16 A. They wanted -- they wanted a square container.  
17 As we went on in the future, we got round  
18 containers and Tim's warehouse had to have a  
19 square so they could pack pallets side-by-side.  
20 Sometimes it was just full of pallets.  
21 Q. Aside from the Gaylords, do you recall any other  
22 kind of containers that would have been --  
23 A. Not offhand.  
24 Q. Do you recall about how often you picked up that  
0073 particular 30-yard --  
1 A. It was on-call. You'd have to find dump slips  
2 for the records.  
3 Q. Generally, do you recall whether that was  
4 something you would have picked up on a monthly  
5 basis?  
6 A. It was probably done a couple of times a  
7 month, maybe more. I -- another driver could  
8 have did it. I can't honestly answer.  
9 (Plaintiff's Exhibit Number 2 was so  
10 marked.)  
11 Q. Okay. Mr. Lapre, I've handed you what's been  
12 marked as Exhibit 2 for identification. This one  
13 has a Bates number GC01223. I'll direct your  
14 attention to the dump ticket in the upper  
15 left-hand corner. Do you recognize that  
16 handwriting?  
17 A. That's mine, "Tim's warehouse, 30-yarder."  
18 Q. And is that your signature?  
19 A. Yes.  
20 Q. And is that the facility we were just talking  
21 about?  
22 A. Yes.  
23

24 Q. And do you recall where you would have taken the  
25 waste from Tim's warehouse?

0074

1 A. That slip, I went to Cumberland Landfill that  
2 day.

3 Q. And when you picked up that 30-yarder, do you  
4 recall, was that generally full?

5 MR. BENIK: Objection.

6 A. When they called -- when they called, they  
7 were full.

8 Q. Do you recall any other Teknor Apex facilities  
9 that you picked up waste from?

10 A. Seekonk, Massachusetts.

11 Q. Okay. Can you tell me about that one, what you  
12 recall about it?

13 A. It was in Hebronville, the section of town.  
14 50-yard roll-off compactor and there was bags --  
15 a lot of bags of -- empty bags of chemicals, very  
16 dusty black powder. I can't remember all the  
17 colors. Several different -- the whole container  
18 was a lot of black powder and whatever colors.

19 Q. Again, the powder, can you describe for me the  
20 consistency?

21 A. Like baby powder, residue of an empty bag,  
22 paper bag. Like a big flour bag, you know, big  
23 bags of whatever chemicals they used.

24 Q. Now, were these bags, -- were they paper bags?

25 A. Yes, sir.

0075

1 Q. And how do you know they had chemicals in them?

2 A. It was a chemical plant. I don't -- I don't  
3 know what they -- they weren't making cake there.

4 Q. Okay.

5 A. When you left, you were dirty. It was a --  
6 not a happy stop.

7 Q. The black powder that you refer to, was that  
8 loose or was that in some sort of container?

9 A. Airborne. You know, when you cleaned up the  
10 mess or the bags fell down, there was a residue  
11 from the bags and boxes, Gaylords, whatever. If  
12 you left clean, you were lucky.

13 Q. Did you observe the black powder, in some cases,  
14 coming out of one of these types of bags?

15 MR. BENIK: Objection.

16 A. I would say the bags were mostly empty, but  
17 there might have been, you know -- it didn't get  
18 in a container. You know, that's how it got in a  
19 container from them throwing all this product  
20 into the packer. Everything's getting squashed  
21 and the air's getting forced out of bags and --

22 Q. Can you describe for me a little bit more what  
23 the bags looked like?

24 A. Brown bags, like flour bags. I don't remember  
25 every -- every bag.

0076

1 Q. About how big were they generally? Do you  
2 recall?

3 A. Like flour from a bakery, two-and-a-half,  
4 three feet.

5 Q. Okay. Do you recall other types of waste that  
6 would be contained in this 50-yarder?

7 MR. CONNORS: Objection.

8 A. Maybe some rags, some broken boxes. No  
9 recycling back then. I can't honestly remember  
10 everything that was in that container.

11 Q. Do you recall whether all the waste in the  
12 50-yarder were solid?  
13 MR. BENIK: Objection.  
14 A. Yes, solid.  
15 Q. And do you recall any drums?  
16 A. I don't believe so.  
17 Q. Do you recall about how much of a particular load  
18 would consist of the powders you talked about?  
19 A. It was just like a residue in the bottom of  
20 the container, lined. All the bags had residue  
21 all over them. You know, there were shovel fulls  
22 as it built up.  
23 Q. And, again, was this a container where you had to  
24 clean up around it?  
25 A. Yes.

0077

1 Q. And, again, can you describe for me the kind  
2 of --  
3 A. It was a 50-yard --  
4 Q. -- stuff you were cleaning up?  
5 A. Powder, bags, cardboard, maybe some rags, a  
6 lot of bags. It was a dirty stop.  
7 Q. And what would you do with that material that you  
8 cleaned up?  
9 A. Well, once you put a canvas on the back of the  
10 50-yarder, put bungee cords to be safe to travel  
11 down the road, then you went and put the full one  
12 in the parking lot, picked up your empty  
13 container, brought it back, put it on the ground,  
14 cleaned the mess so you could hook it back up to  
15 the machine.  
16 Q. And do you recall about how often you picked up  
17 this particular container?  
18 A. Whenever they gave it to me. There was many  
19 drivers at the time.  
20 Q. And when you did pick it up, do you recall where  
21 you took that waste?  
22 A. Have to have a dump slip. Either -- either  
23 Mills, sometimes Attleboro Landfill. It was a  
24 Massachusetts stop, so I went to Massachusetts.  
25 I mean, it was a Mass stop, so it must have

0078

1 went -- it either went to Cumberland or -- it  
2 wasn't outlawed then, or Attleboro, Mass.  
3 THE REPORTER: Did you say, "it wasn't  
4 outlawed then"?  
5 THE WITNESS: Right. Out-of-state  
6 rubbish.  
7 MR. SOMMER: What was that word again?  
8 MR. JACKSON: Outlawed.  
9 THE WITNESS: Yeah.  
10 Q. Can you explain what you mean by that?  
11 A. As the years have gone on, in Rhode Island --  
12 it's a federal offense to bring Mass trash into  
13 Rhode Island. And Cumberland was a Rhode Island  
14 landfill, a private landfill. It wasn't run by  
15 the state, so it was legal to bring a Mass load  
16 there.  
17 MR. JACKSON: All right. It's 12:30  
18 now. Why don't we take a break for lunch. Does  
19 that suit everybody?  
20 MR. PETROS: Let's go off the record.  
21 MR. JACKSON: Off the record.  
22 (Off the record.)  
23 (A noon recess was taken.)

24 Q. Let's go back on the record. Mr. Lapre, before  
25 we took a lunch break, we were talking about the

0079

1 Teknor Apex and various facilities. I want to  
2 continue to talk about some specific customers  
3 that you had.

4 Do you recall an entity called Custom Color?

5 A. Yes.

6 Q. Okay. And what do you recall about Custom Color?

7 A. Off of Diamond Hill Road. Just a  
8 manufacturer. I'm not sure what they did inside  
9 their facility. Another trash of chemicals,  
10 bags, boxes. Been a long time. I can't remember  
11 everything that was in it.

12 Q. Okay. And when you said "Diamond Hill Road," is  
13 that -- what town is it in?

14 A. It's up in Cumberland, Rhode Island.

15 Q. And do you recall anything about what the  
16 facility looked like, how big it was?

17 A. No. Just cement brick building. I can't --  
18 it's a good size building, manufacturing  
19 building.

20 Q. And do you recall picking up waste from there?

21 A. Yes.

22 Q. And, again, we're continuing to talk about the  
23 same time frame, early '80's when you were  
24 working for Mr. Buffington?

25 A. Yes.

0080

1 Q. Do you recall what kind of waste container they  
2 had there?

3 A. 50-yard roll-off.

4 Q. And do you recall about how often you went there  
5 to pick that up?

6 A. I -- I don't know. There was so many drivers,  
7 we all -- there was probably 30 drivers out there  
8 that worked directly for the company or a  
9 subcontractor. There was other subcontractors.  
10 So sometimes you didn't go back to a stop for  
11 three months and then sometimes you worked that  
12 area for two weeks. It all depended on, you  
13 know, if there was other drivers that did the  
14 stop. The company gave their own drivers the  
15 same work we were doing, a lot of the work. You  
16 can see my name on a lot of -- several slips.

17 Q. And when you say "the company," who are you  
18 referring to?

19 A. Goditt & Boyer.

20 Q. Okay. And do you recall who some of the other  
21 subcontractors were?

22 A. It was Dave Perry up in Norton. There was  
23 John Costello that bought his own truck. There  
24 was one guy up towards Norwood. I don't know if  
25 he had a roll-off truck, though. He did some

0081

1 work for Goditt & Boyer, John F. White or  
2 something.

3 Q. Any others you remember?

4 A. When I went to work for the company, there was  
5 a few more that came up. But it was after -- it  
6 was after '85, after the dump had closed. I  
7 can't recall anybody else.

8 Q. Okay. Dave Perry, do you know where he is now?

9 A. The last time I saw him it was in Attleboro  
10 somewhere.

11 Q. Do you recall when that was?  
12 A. A couple of years ago.  
13 Q. How about John Costello?  
14 A. He left the company 20 years ago and went to  
15 California.  
16 Q. Okay. Coming back to Custom Color, do you recall  
17 going there on more than one occasion?  
18 A. Yes. I just can't tell you how many times  
19 I've been there. If you have slips, you know.  
20 Q. Do you recall whether you would have gone there  
21 on more than, say, ten occasions?  
22 MR. BENIK: Objection.  
23 A. Yes.  
24 Q. And the 50-yard container at Custom Color, do you  
25 recall how full it would have been when you  
0082  
1 picked it up?  
2 A. I would say it was 100 percent.  
3 Q. Okay. I think in terms of the type of waste I  
4 think you referred to bags?  
5 A. Yes. It was another manufacturer of -- I'm  
6 not sure what they actually made. In those bags,  
7 there was some residue. I --  
8 Q. Can you describe the bags?  
9 A. I would say like the flour bags, you know,  
10 that size, empty bags, chemicals.  
11 Q. And what color were they, the bags?  
12 THE WITNESS: Outside the bag?  
13 MR. JACKSON: Yeah, the bag itself.  
14 A. Like a brown paper bag.  
15 Q. Okay. And the -- so some of these bags had  
16 residues?  
17 MR. BENIK: Objection.  
18 A. Yes.  
19 Q. And can you describe the residues?  
20 A. It's been a long time. I'm thinking like  
21 yellow color, some red. It's been a long time  
22 since I've been there.  
23 Q. And can you describe the consistency of the  
24 residues?  
25 A. Like a powder, like a baby powder. A lot of  
0083  
1 cardboard bags.  
2 Q. Do you recall any other kinds of waste in this  
3 container?  
4 A. Not offhand. Not offhand.  
5 Q. Do you recall whether there were any drums in the  
6 waste?  
7 MR. BENIK: Objection.  
8 A. I don't remember.  
9 Q. Do you recall whether there were any rags?  
10 MR. BENIK: Objection.  
11 A. I'm not sure.  
12 Q. Do you recall -- when you did pick up waste  
13 there, do you recall where you took it?  
14 A. I would say -- without the slips in front of  
15 me, I would say Central Landfill. I think that  
16 was a new customer in the '80's when I actually  
17 started working up there. I think that was a  
18 newer customer, maybe 1982 or something,  
19 guessing.  
20 Q. Okay.  
21 A. Could have been some brought to Cumberland.  
22 Without a slip I can't honestly say, but I think  
23 a lot of it I brought down to the State landfill.

24 Q. Now, do you recall when you picked up waste  
25 there, were there any particular procedures you  
0084 followed picking up waste there?  
1 A. No, just go swap it out.  
2 Q. And let's go back a moment to the Teknor Apex  
3 facilities because I forgot to ask you that  
4 question. At the facilities that we first talked  
5 about in Pawtucket, I think it was --  
6 A. Yes.  
7 Q. -- were there any particular procedures you  
8 followed picking up the waste there?  
9 A. No, nothing. Just go and take the containers.  
10 Q. Okay. How about the Seekonk facility, any  
11 particular procedures there?  
12 A. No.  
13 (Plaintiff's Exhibit Number 3 was so  
14 marked.)  
15 Q. Okay. Mr. Lapre, you've been handed what's been  
16 marked for identification as Plaintiff's Exhibit  
17 3 and I'll ask you to look for the first page of  
18 that. Here we'll refer to the Waste Management  
19 Bates number WM0001370, first page. I direct  
20 your attention to the dump ticket in the lower  
21 left-hand corner. Do you recognize that  
22 handwriting?  
23 A. That's mine.  
24 Q. Okay. So that's your signature?  
25  
0085 A. Yes, sir.  
1 Q. Okay. And what customer does that refer to?  
2 A. That's Custom Color.  
3 Q. Okay. Let's look at the second page. This one  
4 has Bates WM0000578. Again, direct your  
5 attention to the lower left-hand corner. Do you  
6 recognize that handwriting?  
7 A. It's mine.  
8 Q. Okay.  
9 A. "Custom Color."  
10 Q. Okay. Looking at the next page, this one has  
11 Bates GC01065. Referring to the upper right-hand  
12 corner, do you recognize that handwriting?  
13 A. Yes, that's mine. "Custom Color."  
14 Q. Okay. The next page, WM0002603, there's only one  
15 dump ticket on this page. Do you recognize that  
16 handwriting?  
17 A. This is mine. "Custom Color."  
18 Q. Next page, WM0001322, lower left-hand corner,  
19 dump ticket, do you recognize that handwriting?  
20 A. That's mine. "Custom Color."  
21 Q. And the last page in this set, WM0000117, lower  
22 right-hand corner. Do you recognize that  
23 handwriting?  
24 A. That's mine. "Custom Color."  
25  
0086 Q. Anything else you recall about that Custom Color  
1 and its waste?  
2 A. Residue on the ground. Just another stop.  
3 Q. Okay. When you say "residue on the ground," what  
4 are you --  
5 A. From the runoff of the powder, there was a  
6 little -- I don't know what they made there, but  
7 a little discoloration on the ground, runoff from  
8 the rain.  
9 Q. Looking at these documents now, does this refresh  
10

11 your recollection at all as to where you took the  
12 waste from Custom Color?

13 A. According to the slips, I took quite a few  
14 loads to J.M. Mills.

15 Q. Okay. I think when we were talking earlier, you  
16 also made reference to Carol Cable?

17 A. Yes.

18 Q. Can you tell me what you recall about Carol  
19 Cable?

20 A. They had a location in Warren, Rhode Island.  
21 They had one in Lincoln, Rhode Island; Roosevelt  
22 Avenue in Pawtucket.

23 Q. Okay.

24 A. I think that's it on the plants.

25 Q. Do you recall picking up waste at one or more of

0087

1 those facilities?

2 A. I've serviced all of those facilities.

3 Q. Okay. Let's talk a little bit about the Warren  
4 first. Can you tell me, generally, what you  
5 recall about that facility?

6 A. At one time it was Monday, Wednesday and  
7 Friday. They used to make jumper cables,  
8 mirrors, there was pellets from some kind of  
9 coating for the wires, like for jumper cable  
10 wires. So there was pellets in the load, jumper  
11 cables that weren't either built correct or  
12 became trash, pallets, plastic, cardboard. At  
13 one point in time, I serviced them three days a  
14 week, Monday, Wednesday, Friday on schedule.

15 Q. And do you recall for about how long a period you  
16 did that?

17 A. When I worked for Bruce, it was one of my  
18 first stops in the morning. How many times I  
19 went there, I -- 100, 90.

20 Q. Okay. And at the Warren facility, do you recall  
21 what kind of waste containers they had?

22 A. They had a 50-yarder. I'm not sure if they  
23 had a 30-yarder.

24 Q. Do you recall whether there was more than one?

25 A. No, just one, one 50-yard compactor. I think

0088

1 they had a 30-yarder that was on-call.

2 Q. So the 50-yarder, that one was not on-call?

3 A. No, that was on schedule.

4 Q. And the 50-yarder, when you picked it up, do you  
5 recall, generally, how full it was?

6 MR. BENIK: Objection.

7 A. Depending on how busy the plant was, sometimes  
8 some of these places were on schedule but they  
9 could have went a little bit longer for the  
10 rubbish pick up but it was already set on  
11 schedule. So sometimes you had a light -- you  
12 know, if it was a holiday, you had a light load.  
13 Some manufacturers will forget to call and  
14 cancel.

15 Q. Were there times when it was more full than  
16 others?

17 A. Yes, every stop has that problem.

18 Q. You know, on average can you give me a sense for  
19 how full it would have been?

20 MR. PETROS: Objection.

21 THE WITNESS: Tonnage wise? Like  
22 weight wise?

23 MR. JACKSON: Well, let's say in terms



24 of capacity.  
25 A. Depends on the product --

0089

1 MR. PETROS: Objection.

2 A. What you're picking up. Sometimes some  
3 products don't pack as well as other products.  
4 It's like a sponge for packing. Plastics and  
5 stuff, it's like jumping on a mattress, it  
6 doesn't go nowhere.

7 Q. In terms of what was in the container, you  
8 mentioned pellets. And can you describe for  
9 me --

10 A. Well, they made the jumper cables there and  
11 the plastic coating that covers the copper cable,  
12 and then the handles on jumper cables, whatever  
13 machines made that, that was a byproduct of  
14 plastic pellets.

15 MR. PETROS: Objection. Move to strike.

16 Q. About how big were they?

17 A. Smaller than an eraser tip. If you walked on  
18 them, you'd fall down like you just walked on a  
19 pile of marbles.

20 Q. Okay.

21 A. You always had to clean up.

22 Q. What color were they?

23 A. I -- orange, black, maybe red.

24 Q. Any particular odor associated with them that you  
25 recall?

0090

1 A. Not there, no.

2 Q. Okay. How frequently would you see these pellets  
3 in the loads you picked up?

4 A. I -- maybe two out of three times. You had to  
5 really canvas it well because the cars behind,  
6 you'd be just pelting them. And I'd go there at  
7 4:00 in the morning and come down the highway  
8 while people were still in bed.

9 Q. And I think you mentioned -- among the other  
10 things you would see in the container, I think  
11 you mentioned the actual cables?

12 A. Yes.

13 Q. And how frequently would you see those?

14 A. That's where they manufactured out of there,  
15 so it was -- you know, they were junk. You knew  
16 not to take them home.

17 Q. Okay.

18 A. Whether they, you know, had a test and failed,  
19 I don't know.

20 Q. And I think you mentioned pellets --

21 A. Yes.

22 Q. -- as well. Anything else you recall?

23 A. Just plastics like -- I'm sorry. Plastics,  
24 they sealed these components to sell them at the  
25 stores, the plastic -- you look at a product, the

0091

1 plastic cover, cardboard packages.

2 Q. Anything else you recall?

3 A. No.

4 Q. Do you recall seeing any rags?

5 MR. PETROS: Objection.

6 A. There was probably some. It was a mill, you  
7 know, industrial mill making that product. I'm  
8 sure their rags were in there.

9 MR. PETROS: Move to strike.

10 Q. Do you recall seeing any drums?

11 MR. PETROS: Objection.  
12 A. I don't believe so.  
13 MR. PETROS: Objection withdrawn.  
14 MR. JACKSON: Off the record.  
15 (Off the record discussion.)  
16 Q. Okay. Back on. Again, any sort of particular  
17 procedures involved in picking up the waste at  
18 that site?  
19 A. Wait till security got up so I could get in.  
20 Q. Okay.  
21 A. There was nothing, nothing special.  
22 Q. And do you recall where you took the waste?  
23 A. If I had a dump slip, then that's where I  
24 went. I went to Cumberland a lot of -- a lot of  
25 those loads ended up in Greenville, Rhode Island,  
0092  
1 at Billy Davis's dump, which is a closed dump.  
2 Q. I'm sorry. Where was that?  
3 A. Greenville, Rhode Island. I used to do -- I  
4 used to have to do a stop in Greenville that was  
5 a scheduled stop, so I'd do that one, haul that  
6 up to Greenville, haul the other scheduled stop  
7 to that dump, bring that one to that dump.  
8 Q. And do you recall who you were picking up from in  
9 Greenville?  
10 A. Oh, Mine Safety.  
11 MR. CONNORS: Objection. Objection.  
12 MR. PETROS: I'm sorry. I couldn't hear  
13 that.  
14 MR. CONNORS: I just objected.  
15 MR. SOMMER: What was the answer?  
16 MR. PETROS: You don't have -- you don't  
17 have the right to object to this deposition.  
18 This is an attorney-client issue. You're not a  
19 party to this case. You're mistaken.  
20 MR. CONNORS: My client's not a party  
21 any longer.  
22 MR. PETROS: So unless you're protecting  
23 the attorney-client issue --  
24 MR. CONNORS: My client is Goditt &  
25 Boyer, so in that sense I am representing his  
0093  
1 interest.  
2 MR. PETROS: I don't think you have any  
3 right to object at this deposition unless there's  
4 attorney-client information being asked for.  
5 MR. CONNORS: That's fine.  
6 MR. SOMMER: Well, whether you objected  
7 or not, he didn't direct him not to answer.  
8 Could you just repeat the question so he can  
9 answer.  
10 (The question and answer were read.)  
11 MR. CONNORS: And what was the answer?  
12 THE REPORTER: "Oh, Mine Safety."  
13 Q. Do you recall whether you took waste from the  
14 Warren facility to the Cumberland dump?  
15 A. I would say I did.  
16 Q. Okay. Let's talk a little bit about the Lincoln  
17 facility and for Carol Cable?  
18 A. Yes.  
19 Q. What do you recall about that facility?  
20 A. They have two compactor 50-yard containers,  
21 chunks of rubber -- plastic, I should say, hard  
22 plastic, pellets, small pellets the size of an  
23 eraser, cardboard trash, plastics, bags, residue,

24 powder, pellets -- I mean, pallets. And at the  
25 Lincoln facility, we also did a live load of

0094

- 1 Gaylords of chunks of plastics.  
2 Q. Do you know what type of operation they had  
3 there?  
4 A. They're all connected with the Carol Cables.  
5 What the product was when it went out the front  
6 door, I don't know.  
7 Q. Again, any particular procedures for picking up  
8 waste at that location?  
9 A. Just a signed slip from a guy named Duke was  
10 the boss there. You had to have a signed slip.  
11 And he had an assistant named Matt.  
12 Q. Named?  
13 A. Matt.  
14 Q. Matt?  
15 A. Matthew. Matt.  
16 Q. Okay. When you say "a signed slip," can you  
17 describe?  
18 A. Like this dump slip but a customer signed slip  
19 that we were there, for their records.  
20 Nothing -- no hazardous waste, nothing like that.  
21 Just for their records. They paid attention to  
22 what was going on.  
23 Q. Okay. So this was a slip that he had you sign?  
24 A. I had him sign for the company.  
25 Q. Okay.

0095

- 1 A. I made it, turned it in.  
2 Q. Okay. What happened to it after --  
3 A. I keep my copy turned it into Bruce Buffington  
4 and that all went back to Goditt & Boyer.  
5 Q. Okay. Okay. So just to be clear, you said he  
6 had two 50-yard containers?  
7 A. Yes.  
8 Q. Okay. And there was also this what you described  
9 as a live load --  
10 A. Yes.  
11 Q. -- of Gaylords?  
12 Can you tell me a little bit more about the  
13 live load.  
14 A. Just like the Apex dust load, open the back  
15 door, back it up, they loaded it with tow motors,  
16 Gaylords of this product of residue, rubber,  
17 hardened molds that looked like they went bad.  
18 Q. In terms of what went into these Gaylords, the  
19 rubber, I mean, what form did that take?  
20 A. I don't know what they made in there,  
21 whatever -- bad batches, I don't know what it was  
22 supposed to be. It was just chunks, like --  
23 Q. Okay. Chunks?  
24 A. Looks disformed if you looked at it.  
25 Q. And can you describe for me the size of the

0096

- 1 chunks?  
2 A. Some were that big, some were that big.  
3 MR. PETROS: Can you indicate for the  
4 record --  
5 MR. JACKSON: Yeah, she can't really  
6 take down hand gestures.  
7 A. A foot by a foot, two feet by two feet, swirly  
8 like snakes.  
9 Q. Okay. I'm sorry. What else did you say was in  
10 there besides the rubber and the Gaylords?

11 A. And the Gaylords? I would say mostly just  
12 that product.  
13 Q. Okay. And how often do you recall picking up  
14 waste at the Lincoln facility?  
15 A. They were another busy facility. Depending if  
16 I got the stop to do those. So many drivers -- I  
17 wasn't a steady. Sometimes you got these stops  
18 for two months straight. Sometimes other people  
19 went there for a month straight.  
20 Q. Okay. When you did go there, do you recall which  
21 of these loads were you picking up?  
22 A. There was two machines, a lower and an upper.  
23 The lower machine went more often than the upper.  
24 Q. Okay. Now, the machine, you're referring to,  
25 the --

0097

1 A. Compactor unit.  
2 Q. They were 50-yard containers?  
3 A. Yes.  
4 Q. Okay.  
5 A. The lower one always went.  
6 Q. And do you recall how often you were involved  
7 with these live loads of Gaylords?  
8 MR. PETROS: Objection.  
9 A. I -- not without a slip, you know. It wasn't  
10 often.  
11 Q. Do you recall doing that more than once?  
12 A. Oh, yes, I just -- I don't know how many  
13 times, 15, 20.  
14 MR. PETROS: Objection. Move to strike.  
15 Q. So in terms of what was in the containers, you  
16 mentioned chunks of hard plastic?  
17 A. Yes.  
18 Q. Okay. And can you describe for me, generally,  
19 what those looked like?  
20 A. Different colors, black, brown, maybe orange,  
21 maybe some yellow.  
22 Q. Again, can you describe the size of the chunks?  
23 A. 10 by 10, 18 by 18, 3 inches tall, 14 inches  
24 wide. It was like it oozed out of the machine  
25 and hardened.

0098

1 Q. And the pellets, what color were they?  
2 A. I'd say the same color, the yellow, brown,  
3 red, black.  
4 Q. And you also mentioned some plastics, some other  
5 plastics?  
6 A. I was saying that Carol Cable in Warren, the  
7 plastics.  
8 Q. And you also mentioned some bags with powder  
9 residue?  
10 A. Yes, the upper machine and the lower machine.  
11 Q. And would those be the same kind of bags we  
12 talked about before?  
13 A. More or less, yes. Just different chemicals.  
14 Q. Anything else you recall in those two 50-yard  
15 containers?  
16 A. Not offhand.  
17 Q. Okay. And do you recall any drums?  
18 A. Not offhand.  
19 Q. Do you recall any rags?  
20 A. I would say there was rags.  
21 Q. And how frequently would you see the bags with  
22 the powder residues?  
23 A. The upper machine on quite a few, like a

24 different department. The bottom machine, I -- I  
25 can't recall on how much was in there.

0099

- 1 Q. And do you recall where you took the waste from  
2 the Lincoln facility?  
3 A. I know I went to Central Landfill, maybe some  
4 to J.M. Mills. If I had a dump slip, that's  
5 where I went.  
6 Q. Do you recall how close that facility was to the  
7 Cumberland dump?  
8 A. Seven miles maybe, pushing it.  
9 Q. Okay. I think the other cable facility you  
10 mentioned was in Pawtucket?  
11 A. Yes, Roosevelt Avenue.  
12 Q. What can you tell me about that facility?  
13 A. These last four containers that we talked  
14 about, they've all been, like, the same  
15 manufacturing product. I -- it's been a long  
16 time since I was there. You know, I -- another  
17 dirty load of pellets. These Carol Cables all  
18 made these wires. I don't know what -- you know,  
19 what division made what product and what their  
20 ending product came out to be. So there was a  
21 lot of -- they were dirty stops.  
22 MR. PETROS: Objection.  
23 Q. Do you recall what kind of waste containers they  
24 had at this Pawtucket facility?  
25 A. That was a 50-yard compactor.

0100

- 1 Q. And do you recall how often that was picked up?  
2 MR. PETROS: Objection.  
3 A. All depends on when they -- you know, they  
4 told you to go. I've probably been there 15, 20  
5 times, could be more.  
6 Q. Any particular procedures for picking up waste at  
7 that location?  
8 A. No.  
9 Q. Do you recall having any particular contact with  
10 any of the individuals at that facility?  
11 A. No. Lincoln was the stipler (sic) for the  
12 slips. The other ones were no problem.  
13 Q. On those occasions when you picked up the 50-yard  
14 compactor at the Pawtucket facility, do you  
15 recall, generally, how full it was?  
16 MR. PETROS: Objection.  
17 A. It was usually when these places called, it  
18 was a mess when you pulled it away from the  
19 machine. We used to try to go in and run two  
20 pallets into the machines and try to create a  
21 wall. If you got lucky, it held it; otherwise,  
22 you end up picking up a mess. It was just the  
23 way the machines are made. It's just a common  
24 part of the job.

0101

- 1 Q. And with respect to the waste in this container,  
2 you mentioned the pellets. Are those the same  
3 kind of pellets we talked about before?  
4 A. It was three Carol Cables all -- whatever the  
5 ending product was. They seemed the same.  
6 Q. So waste, generally, was similar to --  
7 A. Right.  
8 Q. -- what we talked about at the Lincoln facility?  
9 And on those occasions when you picked up  
10 waste at this facility, do you recall where you  
took it?

11 A. Without a dump slip, I'd be lying to you.  
12 (Plaintiff's Exhibit Number 4 was so  
13 marked.)  
14 Q. Okay. Mr. Lapre, you've been handed what's been  
15 marked for identification as Plaintiff's Exhibit  
16 Number 4. The first page has Bates number  
17 TA00309 and can you describe for me, generally,  
18 what this is.  
19 A. Dump slip with my name on it, "Carol Cable,  
20 Warren, J.M. Mills."  
21 MR. PETROS: I'm sorry. I couldn't hear  
22 the last part of your answer.  
23 THE WITNESS: J.M. Mills.  
24 MR. PETROS: Thank you.  
25 Q. Okay. Let's look at the second page. This has  
0102  
1 Bates WM0001291. Direct your attention to the  
2 upper left-hand corner. Do you recognize that  
3 handwriting?  
4 A. That's mine, "Carol Cable, Warren."  
5 Q. Looking at the next page, WM0001304. Directing  
6 your attention to the upper right-hand dump  
7 ticket. Do you recognize that handwriting?  
8 A. That's mine, "Carol Cable," but I'm not  
9 100 percent which one I hauled it from.  
10 Q. Okay. Let's look at the next page, Bates number  
11 GC01008. Directing your attention to the dump  
12 ticket in the upper left-hand corner. Do you  
13 recognize that handwriting?  
14 A. That's mine, "Carol Cable, Warren."  
15 MR. PETROS: Just to be clear, Tom, when  
16 you say "do you recognize the handwriting," are  
17 you referring to all the handwriting on the  
18 document?  
19 MR. JACKSON: I -- fair point. I'm  
20 referring to the signature.  
21 MR. PETROS: Thank you.  
22 Q. Let's see. Next page, Bates GC01013. Do you  
23 recognize the signature?  
24 A. That's mine, "Carol Cable, Warren."  
25 Q. Is that your handwriting?  
0103  
1 A. Oh, yeah.  
2 Q. Okay. Next page, TA00324.  
3 A. "Carol Cable, Warren," my handwriting.  
4 Q. Okay. And that's the lower right-hand corner?  
5 A. Yes.  
6 Q. Okay. Next page, GC01353, lower right-hand  
7 corner. Do you recognize the signature?  
8 A. That's mine, "Carol Cable, Lincoln."  
9 Q. Okay. Next page, GC01019, upper left-hand  
10 corner?  
11 A. That's my signature, "Carol Cable, Warren."  
12 Q. Okay. Next page, GC01041, lower right-hand  
13 corner?  
14 A. My signature, "Carol Cable, Warren."  
15 Q. Next page, GC01048, lower right-hand corner?  
16 A. My signature, "Carol Cable, Warren."  
17 Q. Next page, TA00418, lower right-hand corner?  
18 A. That's mine. Looks like "Carol Cable,  
19 Pawtucket, Roosevelt Avenue."  
20 Q. Okay. Next page, GC01210, upper right-hand  
21 corner?  
22 A. My signature, "Carol Cable, Warren."  
23 Q. Next page, GC01214, lower right-hand corner?

24 A. My signature, "Carol Cable, Roosevelt Avenue."  
25 Q. Okay. Next page, GC01224, upper left-hand  
0104 corner?  
1 A. "Carol Cable, Warren, 30-yarder, open top."  
2 Q. Next page, GC01231, upper left-hand corner, dump  
3 ticket?  
4 A. My signature, "Carol Cable, Warren."  
5 Q. Next page, GC01238, lower left-hand corner?  
6 A. "Carol Cable, Roosevelt Avenue," it looks  
7 like, my signature.  
8 Q. All right. Next page, GC01291, upper left-hand  
9 corner?  
10 A. "Carol Cable, Roosevelt."  
11 Q. That's your signature?  
12 A. Yes, it is. The nuns only did so much. I  
13 never passed that class.  
14 Q. Next page, GC01313, upper right-hand corner?  
15 A. "Carol Cable, Warren," my signature.  
16 Q. Okay. Next page, GC01357, lower right-hand  
17 corner?  
18 A. "Carol Cable, Warren," my signature.  
19 Q. Next page, GC01368, upper right-hand corner?  
20 A. "Carol Cable, Warren," my signature.  
21 Q. And the last one in this packet, GC013838, lower  
22 right-hand corner?  
23 A. My signature, "Carol Cable, Warren."  
24 Q. Just looking back at the first page, Mr. Lapre,  
25  
0105 can you make out the date on that dump ticket?  
1 A. I can't.  
2 Q. Okay. Let's look at the second page. Can you  
3 make out the date on that one?  
4 A. 1/7/81.  
5 Q. And let's look at the last page. Can you make  
6 out the date on that one?  
7 A. 2/16/82.  
8 Q. And, again, referring to Exhibit 4, does each of  
9 the dump tickets we just reviewed represent a  
10 separate load of waste that you hauled from a  
11 Carol Cable facility to the Cumberland dump?  
12 MR. PETROS: Objection.  
13 A. Yes.  
14 Q. And there's one more question on the Pawtucket  
15 facility. I'm done with that, those documents.  
16 On the Pawtucket facility, the -- in terms of the  
17 waste that was in those containers, do you recall  
18 any paint cans --  
19 MR. PETROS: Objection.  
20 Q. -- in the waste?  
21 A. I don't remember.  
22 Q. Anything else you recall about Carol Cable and  
23 the waste you picked up at the various  
24 facilities?  
25  
0106 MR. PETROS: Objection.  
1 A. Not at all. Nothing that I can remember at  
2 this point in time.  
3 Q. I'm sorry. One other question related to Apex.  
4 When we were talking originally about the  
5 customers you serviced, you also mentioned an  
6 Apex store?  
7 A. Yes, in Pawtucket, Main Street, Pawtucket.  
8 Q. Okay. And can you describe for me what that was?  
9 A. Department stores. Still in business.  
10

11 Q. Okay. Mr. Lapre, do you recall an entity called  
12 Blackstone Valley Electric?

13 A. Yes.

14 Q. And what do you recall about Blackstone Valley  
15 Electric?

16 MR. SALLY: Objection.

17 A. Three were open tops, two of them. There was  
18 Number 1, 2 and 3. I believe two machines had a  
19 welded steel cover so the rain wouldn't get in  
20 and it would keep the papers from blowing away,  
21 the little side doors when they'd throw their  
22 trash into.

23 MR. SALLY: Move to strike.

24 Q. And is there a particular Blackstone Valley  
25 Electric facility that you recall visiting?

0107

1 MR. SALLY: Objection.

2 A. Lincoln, Rhode Island.

3 Q. And can you, generally, describe that facility  
4 for me?

5 A. They put their electrical trucks there, and  
6 that's telephone poles and broken light poles and  
7 new light poles. The maintenance garage.

8 MR. SALLY: Move to strike.

9 A. I believe -- I'm assuming their billing office  
10 was on the other side because there was no trucks  
11 or anything over there, just an office.

12 MR. SALLY: Move to strike.

13 Q. And where in relation to these various areas were  
14 the trash containers located?

15 MR. SALLY: Objection.

16 A. In the parking lot. One building was just  
17 offices, the other building was the maintenance,  
18 trucks.

19 Q. Okay. How could you tell they were doing  
20 maintenance there?

21 MR. SALLY: Objection.

22 A. All the trucks were right there, all the  
23 rolls, the wire, new light poles, wooden light  
24 poles, transformers.

25 MR. SALLY: Move to strike.

0108

1 A. Forklifts, the little trailers for the  
2 telephone poles.

3 MR. SALLY: Move to strike.

4 Q. I think you said they had three waste containers?

5 MR. SALLY: Objection.

6 A. They had three -- what we'll refer to as open  
7 tops, but two of them had welded top covers to  
8 keep the trash from blowing away.

9 Q. And do you recall the size of those containers?

10 A. I believe they were all 30-yarders.

11 Q. Were there any particular procedures for picking  
12 up waste at that facility?

13 A. No.

14 MR. SALLY: Objection.

15 A. Go get it, go to the dump.

16 Q. And on those occasions when you went there -- and  
17 we're still focusing on the same time period in  
18 the early '80's when you were working for  
19 Mr. Buffington, on those occasions when you went  
20 there, which of the containers did you pick up?

21 MR. SALLY: Objection.

22 A. Number 1, 2 or 3.

23 Q. Would you pick up all three of them on one trip?



24 MR. SALLY: Objection.  
25 A. Not -- not regularly. That would be -- no, I  
0109 don't -- maybe two, pushing it.  
1 Q. And do you recall on those occasions when you did  
2 pick them up, do you recall, generally, how full  
3 these containers were?  
4 MR. SALLY: Objection.  
5 A. When they called, due for service.  
6 MR. SALLY: Move to strike.  
7 Q. So to your knowledge, were these containers --  
8 was this an on-call service?  
9 MR. SALLY: Objection.  
10 A. Yes.  
11 Q. And what do you recall about the waste that was  
12 in the containers?  
13 MR. SALLY: Objection.  
14 A. Two of them had side doors so they could throw  
15 loose trash, papers, bottles, cans, office boxes,  
16 and the 30-yarder they cut up the telephone  
17 poles --  
18 MR. SALLY: Move to strike. Move to  
19 strike.  
20 A. -- from accidents, rotted poles.  
21 MR. SALLY: Move to strike.  
22 Q. So was it one of the containers in particular  
23 that had the telephone poles?  
24 MR. SALLY: Objection.  
25  
0110  
1 A. The open top without the covers.  
2 Q. Can you recall any other type of waste that was  
3 contained in that open top?  
4 MR. SALLY: Objection.  
5 A. It was, like, tree branches, you know, maybe a  
6 piece of telephone pole that was no good, the old  
7 insulators, I don't know, that they screw into  
8 the cross members.  
9 MR. SALLY: Move to strike.  
10 A. Maybe some wire.  
11 MR. SALLY: Move to strike.  
12 Q. Do you recall anything else about the telephone  
13 poles that were in the container?  
14 MR. SALLY: Objection.  
15 A. Just telephone poles, regular telephone poles.  
16 Q. And just to clarify, these were wooden --  
17 A. Yes.  
18 Q. -- telephone poles?  
19 MR. SALLY: Objection.  
20 A. Yes.  
21 Q. And do you recall about how often you went to  
22 this facility?  
23 A. I -- I don't know. Whenever they gave it to  
24 me.  
25 Q. Did you go there on more than one occasion?  
0111  
1 A. Oh, yes, probably 15, 20 over those years.  
2 MR. SALLY: Move to strike.  
3 Q. And when you say, "over those years," what are  
4 you referring to?  
5 MR. SALLY: Objection.  
6 A. When I started for Bruce Buffington in '82 --  
7 MR. SALLY: Move to strike.  
8 A. -- until whenever, didn't go to the dump  
9 anymore.  
10 MR. SALLY: Move to strike.

11 Q. And do you recall when you did pick up the waste  
12 at that facility, do you recall where you took  
13 it?

14 MR. SALLY: Objection.  
15 A. Without dump slips, I -- I'd say Cumberland,  
16 Central Landfill.

17 Q. Do you recall approximately how far that facility  
18 was from the Cumberland dump?

19 A. About five miles or less.  
20 (Plaintiff's Exhibit Number 5 was so  
21 marked.)

22 Q. Okay. Mr. Lapre, you've been handed what's been  
23 marked for identification as Plaintiff's Exhibit  
24 Number 5. First page with Bates number BV00735  
25 consisting of three pages. Looking at the first

0112  
1 page, direct your attention to the dump ticket at  
2 the lower left-hand portion of the page. Do you  
3 recognize the signature?

4 A. That's my signature, "Blackstone Valley Number  
5 3."

6 Q. And is that your handwriting where it says  
7 "Blackstone Valley"?

8 A. Yes, my handwriting.

9 Q. Okay. And what does it refer to?

10 A. Blackstone Valley Number 3.

11 Q. Does that refer to one of the containers we've  
12 been talking about?

13 A. Yes, it was containers one, two and three.

14 Q. Okay. And do you recall which one had the  
15 telephone poles in it?

16 MR. SALLY: Objection.  
17 A. Guessing would be three.

18 Q. Okay. Let's look at the second page. Bates  
19 number BV00737, lower right-hand corner. Do you  
20 recognize the signature on that page?

21 A. My signature, "Blackstone Valley Number 1".

22 MR. SALLY: Objection. Move to strike.

23 Q. And directing your attention to the last page,  
24 Bates WM0002909, lower right-hand corner. Do you  
25 recognize the signature on that one?

0113  
1 A. My signature, "Blackstone Valley." I can't  
2 make out the number.

3 MR. SALLY: Move to strike. Excuse me.  
4 The third page of this exhibit, I don't think it  
5 was produced to us. I stand to be corrected, but  
6 the documents that you did produce, I don't think  
7 contained this.

8 MR. NEWTON: I didn't hear what he said.  
9 What did you say, please?

10 MR. SALLY: I said that the third page  
11 of Exhibit 5 which has just been referred to as,  
12 I believe, Ticket 34246, I don't think it was  
13 produced in the packet. Again, I stand to be  
14 corrected. Let me just check. The first two  
15 were, but --

16 (P A U S E)

17 MR. SALLY: I would suggest reviewing  
18 what you produced to us. We have not seen Page 3  
19 of Exhibit 5 before and I'd object to any  
20 questioning on it. I believe you said all the  
21 documents were supposed to be produced before the  
22 deposition, so --

23 MR. JACKSON: Well, but I believe it was

24 produced, but I could be -- I could be wrong.  
25 MR. SALLY: I could be wrong, too, but  
0114  
1 at least right now I don't think we've got this  
2 document.  
3 MR. JACKSON: All right. Well, I don't  
4 have any further questions on that.  
5 MR. SALLY: Again, I'm just going to  
6 suggest to you that Page 2 of Exhibit 5 I don't  
7 believe we've seen before either, and, again, I  
8 stand to be corrected. I'd have to fan through  
9 these pretty quickly, but --  
10 MR. JACKSON: Well, Page 2 definitely  
11 should have been produced.  
12 MR. SALLY: Okay. Have you got it?  
13 Okay. It has been produced. Oh, okay. I guess  
14 these were produced subsequently.  
15 MR. JACKSON: Yes, there was a  
16 supplemental set that was sent out.  
17 MR. SALLY: I stand corrected.  
18 MR. JACKSON: We were doing our best to  
19 produce all of them in a timely fashion, but  
20 there was --  
21 MR. SALLY: No, I know.  
22 MR. JACKSON: Okay. Okay.  
23 Q. Okay. Mr. Lapre, do you recall an entity called  
24 A.T. Cross?  
25 A. Yes.  
0115  
1 Q. Okay. And what do you recall about A.T. Cross?  
2 A. A company out of Lincoln, Rhode Island. Used  
3 to manufacture pens, still do.  
4 Q. And --  
5 A. 50-yard break away, roll-off, compactor.  
6 Nothing special. Whatever trash packings and pen  
7 cases and pen boxes. Just trash from that  
8 manufacturer, nothing out of the ordinary.  
9 Q. So I take it you recall picking up waste from  
10 that facility?  
11 A. Yes.  
12 Q. And did they have just the one container?  
13 A. I think they had a warehouse in Lincoln that  
14 they rented some space. I don't know if they  
15 have any documentation on that.  
16 MR. JACKSON: We've been going for a  
17 little while. Why don't we just take a quick  
18 break. Five minutes.  
19 (A recess was taken.)  
20 MR. JACKSON: Back on the record.  
21 Q. Okay. Before we broke, Mr. Lapre, we were  
22 talking about A.T. Cross and I believe you  
23 testified that there was a 50-yard container --  
24 A. Yes, 50.  
25 Q. -- at that facility?  
0116  
1 A. Yes.  
2 Q. Okay. And in terms of what you recall being in  
3 the container, I think you said for trash you  
4 mentioned pen cases?  
5 MR. BENIK: Objection.  
6 A. A pen manufacturing company, yeah, just they  
7 had -- they had product of trash, paper towels,  
8 boxes, cups, plastic.  
9 Q. Anything else you recall being in the trash?  
10 A. No, just trash.

11 Q. Okay. Any particular procedures for picking up  
12 waste at that facility you recall?  
13 A. No.  
14 Q. And do you recall how often you picked up waste  
15 from that facility?  
16 A. I have -- I don't know.  
17 Q. Okay. Do you recall whether it was on more than  
18 one occasion?  
19 A. Sure. I just don't know how many times I went  
20 there.  
21 Q. Okay. Do you recall whether it would have been  
22 more than once a month?  
23 MR. BENIK: Objection.  
24 A. I'm not sure, to be honest with you.  
25 Q. Okay. When you did pick up waste there, do you  
0117 recall where you took it?  
1 A. These are all in the same general area. Could  
2 be Cumberland or Central Landfill.  
3 (Plaintiff's Exhibit Number 6 was so  
4 marked.)  
5  
6 Q. Okay. Mr. Lapre, you've been handed what's been  
7 marked for identification as Exhibit 6. First  
8 page is a Bates number ATC0047. I'll direct your  
9 attention to the dump ticket in the upper  
10 left-hand portion of that first page. Do you  
11 recognize the signature?  
12 THE WITNESS: Upper left?  
13 MR. CONNORS: Can you say that page  
14 number again.  
15 THE WITNESS: I think I may have the  
16 wrong page number.  
17 MR. JACKSON: Oh, I'm sorry. My  
18 apologies. Did I give you the wrong one? Off  
19 the record for a second.  
20 (Off the record discussion.)  
21 MR. JACKSON: Let's go back on the  
22 record.  
23 I think -- after some confusion, I think Mr.  
24 Lapre now has the right document.  
25 Q. So, Mr. Lapre, you have Exhibit 6 with the first  
0118 page Bates number ATC00473?  
1 A. Yes, I do.  
2 Q. Okay. So now directing your attention to the  
3 dump ticket in the upper right-hand portion of  
4 that first page, do you recognize the signature?  
5 A. Yes, I do. It's mine.  
6 Q. Okay. And what customer?  
7 A. A.T. Cross.  
8 Q. Okay. And looking at the second page, which has  
9 a Bates number GC01208, directing your attention  
10 to, again, the upper right-hand corner. Do you  
11 recognize the signature?  
12 A. Yes, that's mine.  
13 Q. Okay. And, again, what --  
14 A. A.T. Cross, the company.  
15 Q. And do those two dump tickets indicate loads of  
16 waste that you took from A.T. Cross to Cumberland  
17 dump?  
18 A. Yes, they do.  
19 Q. Okay. Mr. Lapre, do you recall an entity named  
20 Wyman-Gordon?  
21 A. Yes.  
22 Q. And what do you recall about Wyman-Gordon?  
23

24 THE WITNESS: In Worcester, correct?  
25 Wyman & Gordon (sic) in Worcester, Massachusetts?

0119 1 Is that the right stop?

2 MR. CONNORS: Just tell him what you  
3 know.

4 A. Been so many years. I'm pretty it's  
5 Worcester, Worcester, Mass.

6 Q. Okay. Do you recall what kind of facility it  
7 was?

8 A. Big industrial. Like, it was so big, they  
9 used to drive around on bicycles on the inside.

10 Q. Okay. Do you know what kind of industrial  
11 activity they engaged in there?

12 A. I honestly don't know what they made.

13 Q. Okay. Did you visit that facility?

14 A. Yes, I have.

15 Q. And did you pick up waste there?

16 A. Yes, I did, 50-yard roll-off.

17 Q. And do you recall anything about the type of  
18 waste?

19 A. Just general waste, boxes, paper, coffee cups,  
20 cans, lunch bags, maybe some pallets. I don't --  
21 nothing outstanding.

22 Q. Do you recall how often you picked up waste from  
23 that facility?

24 A. Not offhand. Probably been there 15 times.

25 Q. And do you recall when you picked up the waste

0120 1 where it went?

2 A. Central Landfill, maybe the Cumberland -- if I  
3 had a dump slip. I don't remember.

4 Q. Okay. Do you recall an entity called  
5 Hollingsworth & Vose?

6 A. Yes.

7 Q. What do you recall about that entity?

8 A. 50-yard break away compactor, 30-yard open  
9 top. They used to make gasket paper.

10 Q. Do you remember where that facility was located?

11 A. It's in -- it's in Walpole, Washington Street,  
12 Walpole, Massachusetts.

13 Q. So they had two different containers there?

14 MS. BARRY: Objection.

15 A. Yes, they did. Open top, 30-yard open top and  
16 a 50-yard compactor.

17 Q. And did you have occasion to pick up both of  
18 those containers?

19 MS. BARRY: Objection.

20 A. Yes, I have.

21 Q. When you went there to pick up waste, would you  
22 pick up waste out of both of those containers at  
23 the same time?

24 A. On occasion.

25 MS. BARRY: Objection.

0121 1 Q. Any particular procedures for picking up waste at  
2 that facility that you recall?

3 MS. BARRY: Objection.

4 A. Oh, it was go get it, take it to the dump.

5 Q. Okay. Do you recall what kind of waste was in  
6 the containers?

7 MS. BARRY: Objection.

8 A. It's a paper product, compressed paper for  
9 gaskets, very heavy. They had rolls of it in the  
10 30-yarders, 30-yarder.

11 MS. BARRY: Objection. Move to strike.  
12 A. And the compactor, it was a very heavy box and  
13 I picked it up.  
14 Q. Do you recall what was in the 50-yarder when you  
15 picked it up?  
16 A. A lot of just compressed paper and just some  
17 general trash.  
18 Q. Anything else you recall about what was in those  
19 containers?  
20 MS. BARRY: Objection.  
21 A. No, that it was just very -- there were big  
22 rolls of paper. If you got hit by one, you  
23 wouldn't be walking home.  
24 Q. Do you ever recall seeing any drums in either of  
25 the containers?

0122

1 MS. BARRY: Objection.  
2 A. I -- I don't remember.  
3 Q. Do you recall seeing any rags?  
4 MS. BARRY: Sorry. What was that?  
5 MR. JACKSON: Rags.  
6 MS. BARRY: Objection.  
7 A. I don't remember.  
8 Q. Okay. Do you recall how often you picked up  
9 waste --  
10 MS. BARRY: Objection.  
11 Q. -- from this facility?  
12 MS. BARRY: Objection.  
13 A. I don't remember.  
14 Q. More than once?  
15 A. Yes.  
16 Q. Do you recall when you picked up waste there  
17 where you took the waste?  
18 MS. BARRY: Objection.  
19 A. I would say back to Rhode Island. I had if I  
20 had a dump slip, I could tell you where I brought  
21 it.  
22 MR. JACKSON: Okay. Mr. Lapre, I think  
23 that's all the questions I have for you at the  
24 moment. I appreciate it. Mr. Murphy has some  
25 questions for you, and then once he's done, I

0123

1 imagine that some of these other attorneys may  
2 have some questions for you as well.  
3 THE WITNESS: Thank you.  
4 EXAMINATION BY MR. MURPHY  
5 Q. Good afternoon, Mr. Lapre.  
6 A. Good afternoon.  
7 Q. I represent one of the other plaintiffs, KIK --  
8 the other plaintiff, KIK Custom Products, Inc.,  
9 formerly known as CCL Custom Manufacturing. A  
10 few general questions.  
11 THE WITNESS: Was that the old Peterson  
12 Puritan?  
13 MR. MURPHY: That's right.  
14 THE WITNESS: Thank you.  
15 Q. Do you have a recollection of how often during  
16 that period of December of 1980 until the J.M.  
17 Mills landfill closed, how often you were there?  
18 A. This whole area mostly people from out of  
19 town. It was basically an industrial area. A  
20 lot of these are miles from each other. It was a  
21 very busy time in the United States. We were  
22 just -- you could work -- there was a lot of  
23 work. I can't give you a number how many times

24 I've been there. Probably been there 60 times.  
25 I'd be lying to you if I gave you a number.

0124

1 Q. All right. I mean, were you there approximately  
2 once a week? Do you think you were there less  
3 than once a week?

4 MR. PETROS: Objection.

5 MR. SALLY: Objection.

6 Q. Just trying to get a sense for --  
7 A. Depending on what stop they gave you. I might  
8 have been there, I might not have.

9 Q. Were there times you were there more than once in  
10 a day?

11 MR. SALLY: Objection.

12 A. Could be. I think they had an open top and  
13 the 50-yard break away. It's a possibility.

14 Q. And if you could explain to me, if you would, how  
15 long you'd be at J.M. Mills with a typical drop.  
16 In other words, you explained that you typically  
17 entered from, what, Mendon Road; is that right?  
18 A. Yes.

19 Q. And where would you go once you turned off Mendon  
20 Road to get a sense for what the first stop was  
21 when you got to J.M. Mills?

22 A. Turned off Mendon Road 300 feet, that little  
23 booth, saw the truck coming, whoever was in the  
24 booth, Goditt & Boyer truck, truck number, the  
25 name, stop, take off from there and the dump was

0125

1 500 feet away, climb the hill and wherever they  
2 were dumping, wait for you to turn, back up, open  
3 the door, dump it out, take off to the next stop.

4 Q. About how long was that?

5 THE WITNESS: In the landfill?

6 MR. MURPHY: Yeah, that whole process.

7 A. Maybe 20 minutes, pushing it. If you got  
8 lucky, there wasn't a line.

9 Q. Was there a line sometimes?

10 A. Yes.

11 Q. What other waste haulers, other trucking  
12 companies, did you see when you were making your  
13 drops at J.M. Mills?

14 A. Beattie Rubbish.

15 Q. Say again.

16 A. Beattie.

17 Q. Do you know how to spell that?

18 A. I don't know if it's B-E-A-T-T-I-E.

19 Q. Okay.

20 A. Beattie Rubbish Disposal, Robinson Rubbish  
21 Disposal.

22 Q. Anybody else?

23 A. Macera Disposal, M-A-C-E-R-A, out of Johnston,  
24 Rhode Island, which is now BFI. McCaughy (sic)  
25 Standard out of Pawtucket which is now BFI.

0126

1 Q. How do you spell McCaughy Standard?

2 A. M-C-A-U-G-H-T-Y. Could be wrong on that  
3 spelling. McCoy, McCahey (sic).

4 Q. Okay.

5 A. I don't know if Trukaway went in there.  
6 That's T-R-U-K-A-W-A-Y.

7 Q. Any other haulers that you remember?

8 A. There was a Polish guy, Mike something.

9 Q. Do you remember if he was with a company or was  
10 he --

11 A. His own company.  
12 Q. -- a small mom-and-pop?  
13 A. Yeah, small guy. I -- I don't know if he's  
14 living. He sold years ago. You know, small  
15 pickup truck's, you know, small little guys, but  
16 I can't -- anybody major that was it, I believe.  
17 Q. Those are the ones you remember seeing there?  
18 A. Yes.  
19 Q. And just so I understand the dump ticket process  
20 a little bit better, when you got to the stand,  
21 did the fellow that was working for J.M. Mills  
22 Landfill do the first writing on the ticket or  
23 did you?  
24 A. Yes. You notice all of those have the same  
25 handwriting on the top.

0127

1 Q. Okay.  
2 A. There was two people, two different gentlemen  
3 worked in that scale house or booth worked two,  
4 three days a week, I forget their names, they'd  
5 start the slip.  
6 Q. Was one of them Al Dumont? Do you remember that  
7 name?  
8 A. No.  
9 MR. SALLY: Would you say that again,  
10 please.  
11 MR. MURPHY: Al Dumont, D-U-M-O-N-T.  
12 A. I don't remember their names.  
13 Q. And then Mr. Jackson showed you quite a few  
14 tickets and I have some tickets I'm going to show  
15 you that have your signature on them. Was that  
16 all exchanged at the same time? In other words,  
17 would they fill out their portion of the ticket  
18 and then give the book to you so that you could  
19 sign it as well?  
20 A. Yeah, minute, minute-and-a-half, "see you  
21 later."  
22 Q. All right. And were they some sort of triplicate  
23 forms, carbon copy forms? Do you remember?  
24 A. I'd assume so. I -- we took -- they gave us a  
25 copy and they kept a copy, so it must have been.

0128

1 Whether it was a carbon, I -- 28 years ago, you  
2 know.  
3 Q. Right. Right. And where did you physically put  
4 those tickets when you were in your truck? Is  
5 there a place you put them?  
6 A. Yeah. I had a box, you know, on my -- some  
7 tools and stuff, you know, so it wouldn't roll  
8 around in the cab.  
9 Q. And then, at some point, you would get that back  
10 to Mr. Buffington?  
11 A. Yes.  
12 Q. Do you know what Mr. Buffington did with them?  
13 THE WITNESS: Excuse me?  
14 Q. Do you know what Mr. Buffington did with the  
15 tickets once you gave them to him?  
16 A. Well, they ended up back at Goditt & Boyer so  
17 they could get paid.  
18 Q. Do you have an understanding as to how Goditt &  
19 Boyer used those tickets to get paid?  
20 A. It was part of the billing process.  
21 Q. Were you involved in that billing process?  
22 A. No, I didn't even work for the company.  
23 Q. Okay. You just had an understanding -- you just



24 had an understanding that they needed those to  
25 get bills out?  
0129 1 A. Yeah, we were hauling their accounts.  
2 Q. Okay.  
3 A. Whatever business was theirs was --  
4 Q. All right. Did you, during the time that you  
5 worked for Buffington, subcontract with any other  
6 waste haulers where you brought waste to J.M.  
7 Mills?  
8 A. No, we didn't -- we didn't work for nobody.  
9 Just Goditt & Boyer.  
10 Q. Just Goditt & Boyer?  
11 A. (Nods head in the affirmative).  
12 Q. Did you ever meet Joe Marzkowski (ph)?  
13 THE WITNESS: Is that the son or the  
14 father?  
15 MR. MURPHY: The father.  
16 A. I've seen him when he was living -- I can't  
17 say we're best buddies, but, yeah, he'd jump out  
18 of his Lincoln and start picking up the garbage.  
19 Q. Is that right?  
20 A. Yes.  
21 Q. And that was during the period of time from  
22 December of 1980 until sometime when the landfill  
23 closed?  
24 A. Yes.  
25 Q. And you remember his son, then, as well?  
0130 1 THE WITNESS: Joe was it? Was it Joe?  
2 MR. MURPHY: I don't recall his first  
3 name, but --  
4 A. I know his son.  
5 Q. Okay. Was he one of the guys that worked the --  
6 A. Yes.  
7 Q. -- little hut there?  
8 Was that one of the --  
9 A. No. No. No. Up on the machine.  
10 Q. Okay. Do you remember the names of any of the  
11 other guys that actually worked on the machines?  
12 A. Louie Gendron, Gendreaux, Gendron.  
13 Q. Say that again. Louie?  
14 A. Louie. I don't know if it was Gendron.  
15 Q. Can you try to spell it.  
16 A. I think it's G-E.  
17 Q. Phonetically, how are you saying it?  
18 A. Gendreaux. I think it's Gendreaux, Gendron.  
19 Q. Okay. And how did you get to know him?  
20 A. He ran a machine at the dump. It's like one  
21 big happy family, everybody knows each other.  
22 You're in there eight times a day, five times,  
23 "Hi, Louie." You're dumping. One day I was  
24 going to roll over, he saved my truck from  
25 flipping over. You get to know people.  
0131 1 Q. And did you know him before you started coming to  
2 J.M. Mills?  
3 A. No.  
4 Q. Do you remember what his age was relative to your  
5 age?  
6 A. I was in my young 20's, so Louie, 38, 40  
7 guessing.  
8 Q. At the time?  
9 A. I'd say so.  
10 Q. So you're saying he was about 20 years older than

11 you?  
12 A. At least that. At least that.  
13 Q. Have you kept track of what happened to him after  
14 the landfill closed?  
15 A. I probably haven't seen him in 14 years. I  
16 used to go by his house with the truck, beep the  
17 horn if he was in the yard.  
18 Q. And where did he live?  
19 A. Lincoln, Rhode Island.  
20 Q. Do you remember the street?  
21 A. School Street.  
22 Q. And is there a reason you stopped going to visit  
23 him? I mean --  
24 A. I never stopped to visit. I just drove the  
25 truck by.

0132

1 Q. Oh, you did. All right.  
2 A. Yeah.  
3 Q. All right. You indicated that sometimes the  
4 landfill would flood. Do you remember that  
5 testimony?  
6 A. Yes.  
7 Q. And you said that you had a different way to get  
8 into the landfill. How did you access -- am I  
9 correct that you said it was a railroad?  
10 A. Yes, tracks.  
11 Q. Road or something? Was it a road next to the  
12 tracks?  
13 A. I think we might have drove on the tracks.  
14 Q. Did you access that from Mendon Road --  
15 A. Yes.  
16 Q. -- or Martin street?  
17 A. Mendon Road. Runs right along the dump.  
18 Q. You testified that certain Peterson Puritan loads  
19 of waste burned two machines.  
20 A. Yes.  
21 Q. Do you remember that? Are you talking about at  
22 J.M. Mills?  
23 A. Yes.  
24 Q. Can you tell me in just a little bit more detail  
25 about --

0133

1 A. The cans were still full of the products. I  
2 remember Barbesol shaving cream, whatever  
3 hairsprays they made, so it's -- it says it right  
4 on the can, contents under pressure. Machine's  
5 running full -- I mean, running very hot  
6 temperature, the transmission's whatever  
7 temperature they're at. I'd be lying to give you  
8 a number, 1,800 degrees, whatever. You climb on  
9 top of that pile, you ignite cans, they burnt two  
10 machines.  
11 Q. Now, was this at -- you're sure this is J.M.  
12 Mills --  
13 A. Yes.  
14 Q. -- and not Central?  
15 A. J.M. Mills first, then Central. Then they  
16 changed the way of decompressing the cans.  
17 Q. And what do you remember about -- well, let me  
18 ask you this: Did you actually make stops at the  
19 Peterson Puritan plant?  
20 A. Yes, I did.  
21 Q. That was one of your customers?  
22 A. Yes.  
23 Q. And you said they changed something after the --

24 A. Nobody would accept their trash, so some kind  
25 of machine put holes through the full cans and

0134

1 the liquid drained out and we hauled, basically,  
2 empty cans to the landfill. We had to have a  
3 paper that we brought to the Central Landfill,  
4 turn that into the office before we dumped the  
5 load saying there's product, whatever they had on  
6 there, the decompressed cans.

7 Q. I'm trying to understand. Was the piece of paper  
8 something that told the landfill that they had  
9 been drained?

10 A. Yes.

11 Q. Okay.

12 A. Decompressed, whatever.

13 Q. And do you remember approximately when  
14 that happened, when Peterson Puritan first  
15 started draining the cans?

16 A. This is the time period when I was still  
17 working for Buffington, it would be '83, '84,  
18 something in that time period.

19 Q. All right. And do you have a recollection that  
20 at some point in time the J.M. Mills Landfill  
21 closed, stopped taking any waste?

22 A. There's been so many that closed. I'm  
23 guessing '84/'85. It's just a guess. I don't --

24 Q. You don't remember the exact date?

25 A. No.

0135

1 Q. But do you remember that there was one day when  
2 you could bring waste and then another day when  
3 you learned that nobody could bring waste there  
4 anymore?

5 A. I think -- I think, you know, we knew it was  
6 going to close, somebody might have said, hey,  
7 they're going to close, whatever, then slowly you  
8 end up bringing trash, like, to Central Landfill  
9 because they're going to close. And a lot of  
10 places slow right down when they're capping,  
11 filling in an area, they'll cut their loads by  
12 three-quarters of their work to work that area,  
13 you know.

14 Q. And do you remember who you were working for when  
15 the J.M. Mills landfill closed?

16 A. Not exactly. I started October '85 directly  
17 for Goditt & Boyer. I worked for Bruce until  
18 that time and I was looking for a better job,  
19 health insurance, so I went directly to the  
20 company.

21 Q. Okay. And you don't -- do you have a  
22 recollection of bringing waste to the J.M. Mills  
23 landfill after '85? And I don't want you to  
24 guess. I only want to know what you know.

25 A. I couldn't tell you. I don't know.

0136

1 Q. Okay. Just a quick follow up on when Mr. Jackson  
2 was questioning you about the A.T. Cross --

3 A. Yes.

4 Q. -- waste. You described certain types of waste  
5 that you remember seeing, but I'm not entirely  
6 clear about your testimony. Is it your testimony  
7 that you don't recall the entire waste stream?

8 MR. BENIK: Objection.

9 THE WITNESS: The entire waste stream?

10 MR. MURPHY: Right.

11 A. It was just common trash to me from that  
12 company. Picked it up, went to the dump.  
13 Q. Okay. But when you say "common trash" --  
14 A. Well, it was a pen company. I must have saw  
15 pens --  
16 MR. BENIK: Objection.  
17 A. -- boxes, plastic, coffee cups, lunch bags.  
18 Nothing -- wasn't no liquid dumping on my toes,  
19 no hazardous bags, nothing making me itchy.  
20 Those stops you remember, like eating asparagus  
21 as a kid.  
22 Q. And what year this would, again, be when?  
23 THE WITNESS: This time period?  
24 Q. December of 1980 to sometime in 1982?  
25 A. If that's what -- whatever the dump slip says.  
0137  
1 Everywhere you went you had a slip, so there was  
2 no --  
3 Q. The guy that you trained with for a few weeks  
4 that used to drive for Buffington, you said his  
5 name was Tom?  
6 A. Tom. I don't even --  
7 Q. Do you remember how long he drove for Buffington?  
8 A. I -- I personally don't. I never met him  
9 until I got the job with Buffington. He trained  
10 me for three weeks, he left and I took over.  
11 Q. Did Buffington, at one time, drive trucks?  
12 A. Oh, yes.  
13 Q. Dump trucks?  
14 A. When we had our vacations. And when he  
15 started out, he only had one truck. He was all  
16 alone.  
17 Q. And did he do contract work, then, for Goditt &  
18 Boyer?  
19 A. Yes, it was all Goditt & Boyer's. He didn't  
20 own any dumpsters. It was all Goditt & Boyer.  
21 Goditt & Boyer drove by his fish market and he  
22 saw the trucks. There was a lot of work. It has  
23 nothing to do with this, but there was tons of  
24 work back then. Those trucks were busy, so he  
25 saw a way to -- you know, he wanted to go in  
0138  
1 business.  
2 Q. You indicated there is a couple of other guys  
3 that subbed for Goditt & Boyer other than  
4 Mr. Buffington. Do you remember that?  
5 A. David Perry.  
6 Q. And you said another one was John Costello?  
7 A. Yes, John Costello.  
8 Q. Did you know Mr. Costello?  
9 A. If I bumped into him and we started talking,  
10 told him who I was, "hey, how are you."  
11 Q. Did you ever see him at J.M. Mills when you were  
12 there?  
13 A. Yes.  
14 Q. So was it your understanding when he was at J.M.  
15 Mills that he was also bringing waste for Goditt  
16 & Boyer?  
17 A. Yes.  
18 Q. Did you ever learn that any of those other subs  
19 were also picking up from some of the same Goditt  
20 & Boyer customers as you?  
21 A. Yes, we all picked up. Some people ran  
22 certain areas and sometimes you were over here  
23 and sometimes you were over there. And certain

24 stops I parked down in Swansea, Massachusetts, so  
25 I'd get this load out of Warren every day or

0139

1 every -- and then go here go there. Like  
2 sometimes I've been to these stops, sometimes two  
3 or three weeks in a row and sometimes not for  
4 nine months. Whatever the record states, that's  
5 when I was there.

6 Q. When you first started work actually working for  
7 Goditt & Boyer, that was, again, in 1980 --

8 A. '85.

9 Q. '85, did they have printed route sheets?

10 THE WITNESS: For the roll-offs?

11 MR. MURPHY: Yes.

12 A. They gave me the work. I forget what it  
13 looked like. You came in, got your work, started  
14 your truck, and by then we had radios and, you  
15 know, I'd call in to, you know, dispatch,  
16 50-yarder empty, Central Landfill, go get IGA  
17 Pitman Street, go get Value Land.

18 Q. What about did you ever drive a packer truck for  
19 them?

20 A. Front load compactor.

21 Q. All right. And did those have a route sheet?

22 A. Yes.

23 Q. Did it have more or less stops than the roll-off  
24 route?

25 A. A roll-off you do seven, eight, nine. A

0140

1 front-end loader, you can do 100, 150 --

2 Q. Okay.

3 A. -- depending on if you have that much work.

4 Q. Now, going back to the time period when you were  
5 bringing to J.M. Mills in December of 1980 until  
6 whenever it closed, do you ever remember being  
7 given a printed route sheet for any of the --

8 THE WITNESS: For Buffington?

9 MR. MURPHY: Buffington.

10 A. No, we never had that.

11 Q. Just so I'm clear, did you ever drive a compactor  
12 truck, you know, a packer truck while you worked  
13 for Buffington?

14 A. No, we didn't own any.

15 Q. You only drove --

16 A. Roll-offs.

17 Q. -- roll-offs during the period of time that you  
18 worked for Buffington?

19 A. Right.

20 MR. MURPHY: Okay. Can we mark this  
21 set?

22 (Plaintiff's Exhibit Number 7 was so  
23 marked.)

24 MR. MURPHY: What I've done is I've  
25 taken all the dump slips that I intend to

0141

1 question on and put them in one exhibit with  
2 dividers either by company or I think in one  
3 instance there's a miscellaneous column.

4 Q. Do you recall ever picking up waste from Nyman,  
5 N-Y-M-A-N, Manufacturing?

6 A. Yes, I do.

7 MR. PETROS: Can we go off the record  
8 for a second.

9 (Off the record discussion.)

10 Q. Anyway, do you recall where Nyman was located?

11 A. Ferris Avenue, it's East Providence. Ferris  
12 Avenue in East Providence. I forget what they  
13 call the section.

14 MR. PETROS: I'm going to enter an  
15 objection for the record to this line of  
16 questioning which involves a party who has  
17 settled in this case who has not been notified,  
18 is not a party to this case any longer, so I  
19 think probably about a year ago and, John,  
20 correct me if I'm wrong about the time, probably  
21 about a year ago.

22 MR. MURPHY: That's probably right.

23 MR. PETROS: But I object to the  
24 questioning with respect to Nyman.

25 Q. Was there any facilities other than the Ferris

0142

1 Avenue facility?

2 A. Not to my knowledge.

3 Q. Do you recall what the facility did?

4 A. They made drinking cups, Burger King,  
5 McDonald's, those plastic -- you know the -- the  
6 sort of cup that has that plastic wax on it,  
7 millions of cups.

8 Q. And do you have a recollection of the time period  
9 during which you would have gone to the Nyman  
10 facility?

11 A. These times I worked for Buffington, those  
12 years.

13 Q. Okay. So the same period that we've been talking  
14 about?

15 A. Yes.

16 Q. December of 1980 until whenever the --

17 A. Correct.

18 Q. -- landfill closed?

19 A. Right.

20 Q. Do you have a recollection of the frequency with  
21 which Nyman had pick ups?

22 A. Same thing. When I was told to go do it, I  
23 went and did it.

24 Q. Well, you indicated in response to some questions  
25 by Mr. Jackson that there were certain facilities

0143

1 where you remember they were six day a week?

2 A. Right. Right. Right.

3 Q. How did you know that?

4 A. Because some I did them for a while. Apex  
5 packer, when I went directly to the company, that  
6 was my stop six days a week. Before that was  
7 three of us drivers plus whoever. You know, so  
8 it was like some of these stops were automatic.  
9 Ann & Hope was on a Monday, Wednesday, Friday.  
10 They became -- they were so busy back then  
11 instead of them calling up, "we're full," it was  
12 automatics. So Nyman was an on-call basis. When  
13 we pulled that, that container was full.

14 Q. Do you have any recollection of any companies --  
15 strike that.

16 Do you have any recollection of whether it  
17 was a more than one-time-a-week facility? I only  
18 want to know what you know. I don't want you to  
19 guess. I only want you to tell me what you know.

20 A. I don't know personally.

21 Q. All right. Do you remember the size of the  
22 containers at that facility?

23 A. 50-yard compactor.

24 Q. Was there one or more than one?  
25 A. Just one.

0144  
1 Q. Was there a front gate that you had to sign in  
2 at?  
3 A. There was a gate there, but it was open. I  
4 don't recall ever having to stop and talk to  
5 anybody.  
6 Q. Did you ever come to meet anybody that worked at  
7 Nyman that you got to know like the guy on the  
8 machine at J.M. Mills?  
9 A. Just go in, run the compactor, look for some  
10 pallets to jam in the compactor. Sometimes we  
11 shut the power off. Some of these places would  
12 run the machine when you were outside. No, I  
13 don't know anybody personally.  
14 Q. Did you have to fill out any forms there?  
15 A. I don't believe so, no.  
16 Q. Do you remember whether you brought any of the  
17 Nyman waste to J.M. Mills?  
18 A. I'm sure I've been there several times.

19 MR. PETROS: Were the Nyman documents  
20 produced as part of the production for this  
21 deposition?  
22 MR. MURPHY: I'm assuming they were, but  
23 I just resorted the documents. I don't --  
24 MR. PETROS: Well, my recollection is  
25 you were ordered to produce for this deposition

0145  
1 the documents relating to the subject of the  
2 testimony. I'm just asking whether you produced  
3 Nyman. There's other parties in this package.  
4 MR. MURPHY: Well, I was -- I received  
5 the same documents. I mean, I didn't have  
6 access -- I'm assuming that -- I resorted them.  
7 Basically, they're the Phil Lapre/J.M. Mills dump  
8 ticket, one set of those documents.

9 MR. PETROS: I understand you sorted  
10 some, but my question is whether these documents  
11 were produced pursuant to --

12 MR. MURPHY: Did I produce them?

13 MR. PETROS: Whether a plaintiff  
14 produced them.

15 MR. MURPHY: My understanding is that  
16 all of the Lapre documents were produced.  
17 There's a limited universe of Phil Lapre/J.M.  
18 Mills dump tickets.

19 MR. PETROS: Your understanding is all  
20 of those documents were produced in anticipation  
21 of this deposition with respect to every single  
22 party settling or not settling?

23 MR. MURPHY: I can't state with  
24 certainty. My understanding is that all of them  
25 were, is that --

0146  
1 (A discussion was had out of the hearing  
2 of the reporter.)

3 MR. MURPHY: Let me state that I can't  
4 state with certainty, then, that every single one  
5 of the documents that I've just handed out to  
6 everybody here was produced to all parties before  
7 this deposition.

8 MR. MUSCATO: That's what was required  
9 by the case manager.

10 MR. PETROS: I'd object to any

11 questioning that concerns any of the companies on  
12 documents that were not produced prior to this  
13 deposition, including Nyman.

14 MR. MURPHY: Can we take a break for a  
15 second?

16 MR. PETROS: Sure.

17 MR. MURPHY: Off the record.

18 (Off the record.)

19 (A recess was taken.)

20 Q. Okay. Back on the record. By the way, before I  
21 ask you about the two documents that were  
22 produced that relate to Nyman, do you remember  
23 anything about what was in the containers of  
24 waste that you picked up from Nyman?

25 A. The drinking cups, wax and it seemed like a

0147

1 cutting oil.

2 Q. What do you mean by --

3 A. A machine oil, a fine oil. Not like a heavy  
4 motor oil, a fine oil.

5 Q. And where did you observe this fine oil?

6 A. On the ground under the machine. It would  
7 leak out. These weren't water tight. It would  
8 leak out of the machine. It was like an ice  
9 skating rink when I had to go back and canvas it,  
10 then I'd have to drag my feet around the parking  
11 lot so I wouldn't slip off the pedals of the  
12 truck.

13 Q. Was some of that oil also in the containers?

14 A. Yes. It was on the cups and just slowly  
15 dripped.

16 Q. Do you have any idea what this oily substance  
17 was?

18 A. I'm guessing some kind of machinery oil.

19 Q. But do you have -- I guess I want to know if you  
20 know what it was. I mean, did anybody ever tell  
21 you, "oh, yeah, that's the oil that we use  
22 for" --

23 A. No.

24 Q. -- "X, Y, Z"?

25 A. You just took care of it. You went there, did

0148

1 the job and left. A lot of these that we  
2 discussed today were industrial businesses that  
3 you know you're going to get dirty when you get  
4 there.

5 Q. Maybe I asked you this. How often do you recall  
6 going to Nyman?

7 A. Whatever the dump slips --

8 Q. All right. The first document that was produced  
9 pursuant to the court order is a -- let me find  
10 it here -- it is Bates stamped Waste Management  
11 1014. And I'm going to ask you, on that page, to  
12 look at dump ticket 56875. Do you see that  
13 ticket?

14 A. 1014.

15 THE WITNESS: And what was the number  
16 again?

17 MR. MURPHY: The one in the left-hand  
18 bottom corner, 56875.

19 A. Yes.

20 Q. Do you see that?

21 A. Yes.

22 Q. Is that a J.M. Mills --

23 A. Yes.



24 Q. -- dump ticket that you received for bringing a  
25 Nyman load of waste to the J.M. Mills Landfill?  
0149 A. Yes, it is.  
1 Q. And was this a 50-yard container?  
2 A. That's all they had there that I know of, that  
3 I recall, 50-yard break away.  
4 Q. And did every container that you brought there  
5 have some of that oily substance in it?  
6 A. That seemed to be their product. It was just  
7 a common -- yes, I would say.  
8 Q. All right. And is that your signature at the  
9 bottom?  
10 A. Yes, it is.  
11 Q. So as I understand it on this document --  
12 A. Right.  
13 Q. -- again, dump ticket 56875 --  
14 A. Right.  
15 Q. -- your handwriting on this ticket is the word  
16 "Nyman" --  
17 A. Yeah.  
18 Q. -- and also your signature?  
19 A. Yes.  
20 Q. Anything else?  
21 A. That's it.  
22 Q. And this is on March 19th of 1981?  
23 A. Yes, it is.  
24 Q. Would you have brought, to your knowledge, Nyman  
25  
0150 containers to J.M. Mills prior to March 19th of  
1 1981?  
2 A. Probably, yes.  
3 Q. Okay. What about after that date?  
4 A. After that date, they were still in business.  
5 I don't know. When did they close? I don't even  
6 know.  
7 Q. How far away was Nyman manufacturing from the  
8 J.M. Mills landfill?  
9 A. Miles? 12, 13 going through the towns. It's  
10 really not -- wasn't that far, just right on the  
11 edge of Pawtucket.  
12 Q. The next ticket I want you to look at, if I can  
13 find it, is Bates stamped WM2915. It's another  
14 document that was produced pursuant to the Court  
15 order. It's in the upper right-hand corner.  
16 A. Yes.  
17 Q. It is dump ticket number 38445.  
18 A. Yes.  
19 Q. Now, it's somewhat illegible. Do you recognize  
20 this to be a J.M. Mills dump ticket?  
21 A. Yes.  
22 Q. And do you see a -- is that a photocopy of your  
23 signature?  
24 A. That's my signature, "Nyman, roll-off."  
25  
0151 Q. And it appears to be, what, March 28th of --  
1 A. I don't know how your copy is. My copy's been  
2 copied ten times. It's all black.  
3 Q. And so this ticket, dump ticket 38445, is that a  
4 ticket reflecting that you hauled a 50-yard  
5 container of Nyman waste to the landfill?  
6 A. Yes, it is.  
7 Q. And did it have the same type of waste in it that  
8 the other ones you hauled there --  
9 A. Yes.  
10

11 Q. -- had?  
12 Do you have any idea the total number you  
13 brought there?  
14 A. I don't know.  
15 Q. Did you bring more than these two there?  
16 A. Sure.  
17 Q. I may have asked you this, was there just one  
18 50-yard container at Nyman?  
19 A. Yes.  
20 Q. Did you ever talk to any of the other fellows  
21 that drove for Buffington as to whether they ever  
22 brought Nyman containers to J.M. Mills?  
23 A. We pass each other all day. Whether they did  
24 it, I did it, another guy, we all went to the  
25 same general areas. It was nothing out of the

0152

1 ordinary. Waved at each other and -- we were  
2 hustling all day. I got paid by the container  
3 when I worked for Buffington. I didn't sit at  
4 diners. I didn't sit anywhere. I hustled all  
5 day.  
6 Q. Did the nature or the type of waste in the Nyman  
7 containers change during the period of time you  
8 drove their waste?  
9 A. Not that I know of. Just made cups.  
10 Q. Was there an odor to it that you can recall?  
11 A. No, I don't believe so. I don't believe so.  
12 Q. Were the containers always full when you picked  
13 them up?  
14 A. Very heavy load. When they called, it was  
15 full.  
16 Q. Do you recall any other types of waste other than  
17 the oily substance?  
18 A. Not offhand. There was a million cups that  
19 come out of that thing.  
20 Q. What kind of cup? Plastic cups? Wax cups?  
21 A. Drinking cups, Burger King's, McDonald's, the  
22 wax -- you know, there's a little bit of wax on  
23 it for cold soda, thousands of them, thousands.  
24 Q. Do you remember seeing anything else in there  
25 other than the cups, the oil?

0153

1 A. Not -- not -- not that I recall.  
2 MR. MURPHY: This would be a good break.  
3 I'm finished with Nyman. I think this would be  
4 a -- this would be a good breaking point.  
5 MR. JACKSON: Okay. We will adjourn the  
6 deposition at this point to be continued at a  
7 future date and we'll go from there. Thank you,  
8 Mr. Lapre. We appreciate your time.  
9 THE REPORTER: Mr. Connors, would you  
10 like a copy?  
11 MR. CONNORS: Yes.  
12 THE REPORTER: Mr. Sally, would you like  
13 a copy?  
14 MR. SALLY: Yes.  
15 THE REPORTER: Ms. Barry?  
16 MS. BARRY: Yes, please. Thank you.  
17 THE REPORTER: Mr. Sommer, would you  
18 like a copy?  
19 MR. SOMMER: I'll have to let you know.  
20 Can I take your card?  
21 THE REPORTER: Yes. Martha?  
22 MS. HOLT: Not this time.  
23 THE REPORTER: Would you like a copy?

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MR. BENIK: Yes.  
THE REPORTER: Mr. Petros?  
MR. PETROS: Yes.  
THE REPORTER: And Mr. Newton?  
MR. NEWTON: I'll let you know.  
THE REPORTER: Brian?  
MR. NEWBERRY: A mini only.  
THE REPORTER: And Mr. Murphy?  
MR. MURPHY: Please.  
THE REPORTER: Tristan, I'm the court  
reporter. Did you want a copy?  
MR. GILLESPIE: Yes, please.  
(Deposition adjourned at 4:17 p.m.)  
\* \* \* \* \*

C E R T I F I C A T E

I, Devin J. Baccari, a Certified Shorthand Reporter and Notary Public within and for the State of Rhode Island, do hereby certify that I am expressly approved as a person qualified and authorized to take depositions pursuant to the Rules of Civil Procedure of this Court, especially, but without restriction thereto, under Rule 30 of said Rules; that the witness was first sworn by me; that the foregoing is a true, accurate, and complete transcript of my notes taken in the above entitled proceedings.

I further certify that the exhibits are attached and copies furnished to counsel.

I further certify that I am not counsel, attorney or relative of either party or clerk or stenographer of either party, or of the attorney of either party, or otherwise interested in the event of this suit.

I further certify that neither the deponent nor any party requested a review of the transcript.

IN WITNESS WHEREOF, I hereunto set my hand this 30th day of December, 2008.

---

DEVIN J. BACCARI, CSR, NOTARY PUBLIC  
My Commission Expires 8/17/10

DATE: DECEMBER 18, 2008  
IN RE: UNILEVER BESTFOODS VS. TEKNOR APEX  
WITNESS NAME: PHILIP LOUIS LAPRE

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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

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UNILEVER BESTFOODS and KIK CUSTOM  
PRODUCTS, INC., f/k/a CCL CUSTOM  
MANUFACTURING, INC.,

5

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vs. C. A. No. 01-496-L

7

TEKNOR APEX COMPANY, et al.,

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-----  
KIK CUSTOM PRODUCTS, INC., f/k/a  
CCL CUSTOM MANUFACTURING, INC.

9

10

vs. C. A. No. 01-511-L

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A.T. CROSS COMPANY, et al.

12

13

CONTINUED DEPOSITION OF PHILIP LOUIS LAPRE,  
VOLUME II

14

a witness in the above-entitled cause, taken on  
behalf of the Plaintiffs, before Devin J. Baccari,  
CSR, at the Law Office of Adler, Pollock &  
Sheehan, P.C., One Citizens Plaza, 8th Floor,  
Providence, Rhode Island, on February 5, 2009,  
scheduled at 9:00 a.m.

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Job No.: 192448

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A P P E A R A N C E S

2

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E X H I B I T S  
(NONE OFFERED)

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(Deposition commenced at 9:14 a.m.)

PHILIP LOUIS LAPRE, VOLUME II.,

Being duly sworn, deposes and testifies as follows:

EXAMINATION BY MR. MURPHY

Q. Good morning, Mr. Lapre.

A. Good morning.

Q. As you recall, my name is Jonathan Murphy and I represent one of the plaintiffs in this cost recovery litigation KIK Custom Products, Inc., which is formerly known as CCL. And I think you actually asked me at the last session are we the former Peterson Puritan and that is my client, and I'm going to continue with my questions with you this morning. I would just remind you that you're still under oath from the oath that you took during your first day of deposition. Okay?

And, also, just a couple of the guidelines, again, in case you forgot them. I'm going to be asking you questions and I'm going to ask that you answer verbally particularly when your answer is a yes or a no so that we don't have to interpret nods of the head. Is that clear?

A. Yes.

Q. Great. In addition, if any of my questions are in any way unclear, let me know, I'll

0006

certainly -- I'd certainly be happy to rephrase the question. I'm not here to trick you, I'm just here to try to ask clear questions and get, you know, answers back. If you don't know the answer to the question, I don't want you to guess. Just, you know, I don't know or I don't remember is a perfectly appropriate answer. I only want you to answer questions that you know the answer to. Is that fair?

A. Yes.

Q. Okay. If you need a break at any time, let me know.

When we left off the last time, I was questioning you with respect to Nyman Manufacturing. There's a couple more questions about Nyman before I move on. You had identified

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17 an East Providence location where you picked up  
18 from Nyman. Do you recall that?

19 A. Yes.  
20 Q. And was it Ferris Avenue?

21 A. Yes, it is.  
22 Q. Were there any other Nyman facility locations  
23 that you picked up from?

24 A. Not that I know of, no.  
25 Q. Are you familiar with a facility at 588 Eddie

0007  
1 Street in Providence?

2 A. No, I do not (sic).  
3 Q. Okay. Did you ever pick up any waste at an 81  
4 Wild Street location?

5 THE WITNESS: In Providence?  
6 MR. MURPHY: Yes.

7 A. Not a roll-off, no.  
8 Q. All right.

9 A. I don't believe so, no.  
10 MR. MURPHY: Okay. Now, Kurt, do you  
11 have that set of exhibits that I had put in front  
12 of the witness before? I don't know. If not, I  
13 can put another set. We had one set marked. Do  
14 you have those originals?

15 MR. CONNORS: I have the --  
16 MR. MURPHY: I've got --  
17 MR. SALLY: Were they marked already?  
18 MR. MURPHY: They were. It was Lapre 7.  
19 They were also attached. I think everyone knows,  
20 I sent them around again in an e-mail, but also  
21 they were marked as an exhibit and attached to  
22 the first copy of the transcript.

23 Q. There were a number of tickets that I did not  
24 question you on the last time that I'd just like  
25 to go through quickly. Do you have Exhibit 7 in

0008  
1 front of you?

2 A. Yes.  
3 Q. Could you turn to the first page. Do you see a  
4 Ticket 53511?

5 A. Yes.  
6 Q. And does your signature appear on that ticket?

7 A. Yes, it is.  
8 Q. Is this a ticket that reflects a pick-up by you  
9 of waste from Nyman which was brought to the J.M.  
10 Mills landfill?

11 A. Yes, it is.  
12 Q. When it says, "type of truck, roll-off," are you  
13 able to state what the yardage was in that  
14 roll-off?

15 A. There's no identification here.  
16 Q. Okay. If you wrote roll-off, would you be able  
17 to state what the yardage was?  
18 A. I would guess this is a 50-yard compactor. I  
19 do not remember at this time, a 30-yard open top.  
20 Most of the time it was the compactor. Whether  
21 they had a 30-yarder there, I don't remember.

22 Q. All right. So it's your recollection that  
23 typically what you picked up at Nyman was a  
24 50-yarder?

25 A. Yes.

0009  
1 Q. If we could go to the next page, there is a J.M.  
2 Mills dump ticket dated January 27th of 1981,  
3 numbered 53050. Does your signature appear on



4 that?  
5 A. Yes.  
6 Q. Okay. Does this reflect that you picked up  
7 another roll-off container from Nyman and  
8 delivered it to J.M. Mills?  
9 A. Yes.  
10 Q. Let's go to the next page. Actually, the next  
11 page we already questioned on, so let's flip to  
12 the page after that. There's a dump ticket,  
13 55847. Is that your signature --  
14 A. Yes, it is.  
15 Q. -- on that ticket?  
16 And, again, does this reflect that on  
17 April 3rd of 1981 you brought a load of Nyman  
18 waste, a roll-off load to J.M. Mills?  
19 A. Yes, I did.  
20 Q. By the way, where it says, "truck or plate  
21 number," the B3985, would that have been the  
22 Buffington truck that you were driving at the  
23 time?  
24 A. Yes.  
25 Q. Let's go to the next page. There's a J.M. Mills  
0010 dump ticket, 45699. Is that your signature that  
1 appears on that ticket?  
2 A. Yes.  
3 Q. And, again, is this a roll-off that was picked up  
4 from Nyman Manufacturing and brought to the J.M.  
5 Mills landfill?  
6 A. Yes, it is.  
7 Q. And that would be -- what's the date on that?  
8 A. Looks like 5/26/81. That's just a -- I'm not  
9 sure on that.  
10 Q. By the way, do you recall who would have put the  
11 date on that ticket?  
12 A. There was two gentlemen that worked in the  
13 little booth. They both split the week up. I  
14 don't remember their names.  
15 Q. All right. But you --  
16 A. They started the tickets.  
17 Q. Right. Like you described to me -- because I  
18 questioned you before on how the tickets were  
19 filled out, but the dates would have been filled  
20 out by the dump employees, not by you?  
21 A. Yes.  
22 Q. Is that correct?  
23 A. Yes.  
24 Q. Okay. Let's go to the next page. There's a  
0011 ticket -- J.M. Mills dump ticket numbered 37747  
1 dated August 7th of 1981. Does your signature  
2 appear on that ticket?  
3 A. Yes.  
4 Q. And, again, does this reflect that you picked up  
5 a roll-off from Nyman on that date and brought it  
6 for disposal to J.M. Mills?  
7 A. Yes.  
8 Q. Go to the next page. There's a ticket numbered  
9 46928 dated November 18th of 1981. Does your  
10 signature appear on that ticket?  
11 A. Yes.  
12 Q. And is this reflected on November 18th of 1981  
13 you brought -- you picked up a roll-off at Nyman  
14 and brought it to J.M. Mills for disposal?  
15 A. Yes.  
16

17 Q. Let's go to the next page. There is a J.M. Mills  
18 dump ticket numbered 38750. Does your signature  
19 appear on that?

20 A. Yes.

21 Q. Again, does this reflect that you picked up a  
22 roll-off from Nyman on March 10th of 1982 and  
23 disposed of it at J.M. Mills?

24 A. Yes.

25 Q. Let's go to the next page. There's a dump

0012

1 ticket, not the most legible one, but it's 38445.  
2 Does your signature appear on that page?

3 A. Yes.

4 Q. Appears to be a March 28th, 1982, ticket, and is  
5 this a ticket that reflects that in March of 1982  
6 you picked up another roll-off from Nyman and  
7 disposed of it at J.M. Mills?

8 A. Yes.

9 Q. You characterized what was in the roll-offs from  
10 Nyman last time that I questioned you. Do you  
11 remember describing the waste for me?

12 A. Yes, they're all drinking cups. Wax -- the  
13 wax -- if you go to Burger King and get a  
14 drinking cup, the coating of the wax. And there  
15 was an oily oil around the compactor that used to  
16 ooze out of the load that we had to walk through.

17 Q. Right. Right. My question is: Did -- during  
18 the period of time from when you first started  
19 going to Nyman until the last time you picked up  
20 from Nyman, do you have a recollection of the  
21 nature of the waste or the contents of the  
22 roll-off changing?

23 A. No, it was just millions of drinking cups.

24 Q. Okay. Two more tickets and then we'll move on.  
25 Ticket numbered 39627, do you see that?

0013

1 A. Yes.

2 Q. Does that have your signature on it?

3 A. Yes.

4 Q. Okay. Is that reflected in what appears to be  
5 February 4th of 1982, you picked up a roll-off  
6 from Nyman and disposed of it at J.M. Mills?

7 A. Yes.

8 Q. Okay. And the last ticket I have is ticket  
9 numbered 46928. Does your signature appear on  
10 that ticket?

11 A. Yes.

12 Q. And does that reflect that on November 18th of  
13 1981 you picked up a roll-off from Nyman and  
14 disposed of it at the J.M. Mills landfill?

15 A. Yes.

16 Q. Okay. I'd like to ask you some questions now  
17 about a company called Truex. Do you remember a  
18 company called Truex?

19 A. Yes, I do.

20 Q. Do you remember where they were located?

21 A. They were on Armistice Boulevard, Pawtucket,  
22 but they also sit on a side street. I do not  
23 know the name. But I think their billing address  
24 is Armistice Boulevard.

25 MR. SALLY: What was the name of that

0014

1 street?

2 THE WITNESS: Armistice.

3 MR. SALLY: Armistice?

4 Q. Armistice as in peace? Armistice Boulevard?  
5 A. Armistice.  
6 Q. A-R-M-I-S-T-I-C-E, Armistice?  
7 A. I would say.  
8 Q. Okay. All right. And was there one location or  
9 more than one location of Truex that you picked  
10 up from?  
11 A. I recall only one.  
12 Q. Okay. And do you recall how far the Pawtucket  
13 Truex facility was from J.M. Mills?  
14 A. Six, seven miles.  
15 Q. And do you recall what kind of a facility or  
16 business it was?  
17 A. It was a manufacturing company.  
18 Q. Do you remember what kind of operations it  
19 performed or what they made?  
20 A. They made the rubber mats that go in  
21 restaurants in the kitchen so you won't slip and  
22 fall, machine shops, restaurants. I don't know  
23 anything else they made.  
24 Q. How big was the facility, I mean, could you  
25 describe in your own words?  
0015  
1 A. I think it sits on one city block. That's  
2 just a guess.  
3 Q. And what do you remember about your visits in  
4 terms of how you would get to the containers or  
5 roll-offs that you needed to access during your  
6 visits?  
7 A. It was just a 30-yarder switch out, nothing --  
8 nothing in particular. Back up, put the empty  
9 down, hook up to the full one, put that one  
10 somewhere, put the empty in place, cover it, go  
11 to the landfill.  
12 Q. Was it a secured facility? And by that, I mean  
13 did you have to go through any sort of, like, a  
14 check point or a gate?  
15 A. No, I did not.  
16 Q. So did you have access to this 30-yard container  
17 that was there at any time of the day or night?  
18 A. I believe so. I don't remember our gate.  
19 Q. Okay. And do you recall the frequency that you  
20 made pick-ups there?  
21 A. Show me a slip and I was there.  
22 Q. All right. Okay. You don't have any  
23 recollection, though, of that being a regular  
24 stop that you made on a weekly basis?  
25 MR. BENIK: Objecti on.  
0016  
1 Q. One way or the other?  
2 A. There was myself and two other drivers and we  
3 all shared the same work.  
4 Q. Okay.  
5 A. So whether I went once a week, twice a week,  
6 three times a month, I don't know.  
7 (Off the record.)  
8 Q. And, again, just to refresh my recollecti on,  
9 during your first day of depositi on, you  
10 indicated that you started working for  
11 Mr. Buffington in December of 1980; is that  
12 right?  
13 A. Yes.  
14 Q. And is it your recollecti on that you brought  
15 loads, at times from various companies, to J.M.  
16 Mills from around the time you started with Mr.

17 Buffington in December of 1980 until the time  
18 when J.M. Mills stopped doing business?  
19 A. Yes.

20 Q. Is it your recollection that you brought stuff  
21 from Truex there during that entire period of  
22 time between December of 1980 and when J.M. Mills  
23 stopped receiving waste?  
24 MR. BENIK: Objecti on.  
25 A. I would say most of it went there. Maybe a  
0017  
1 couple ended up at the Central landfill.  
2 Q. Okay. Is it your recollection, though, that most  
3 of the Truex waste went to J.M. Mills?  
4 MR. BENIK: Objecti on.  
5 A. At that time, I would say 75 percent.  
6 Q. Okay. And how far away was the Central landfill  
7 from Truex facility?  
8 A. 13, 14 miles.  
9 Q. Okay. So about twice as far away as the J.M.  
10 Mills landfill?  
11 A. Yes.  
12 Q. All right. Was there any paperwork you had to  
13 fill out or drop off at Truex?  
14 A. No.  
15 Q. Was there anything at all that you would get from  
16 Mr. Buffington in the morning that would tell you  
17 you needed to go to Truex?  
18 A. At night, he would -- I would call his house  
19 or he would call me. As I said the last time, we  
20 just wrote it in a note pad the stops to perform.  
21 Q. Okay.  
22 A. That was it.  
23 Q. And so you'd go to Truex, pick the waste up and  
24 bring it to J.M. Mills?  
25 A. Yes.

0018  
1 Q. But there wasn't any -- any documentati on you  
2 required to either pick up from or drop off with  
3 Truex?  
4 A. Not that I recall, no.  
5 Q. You said to me that about 75 percent of the loads  
6 from Truex went to J.M. Mills, 75 percent of the  
7 loads you picked up. What's the basis for  
8 your -- giving me that percentage, 75 percent?  
9 A. Well, as the landfill closed at J.M. Mills,  
10 then we had to go to Central.  
11 Q. Okay.  
12 A. That's why the time frame, I'm guessing.  
13 75 percent would have went in the dump. 85 or  
14 whatever would have went to Central.  
15 Q. But during the period of time that J.M. Mills was  
16 opened, did you exclusively use J.M. Mills for  
17 Truex waste?  
18 A. I'm not 100 percent sure whether every load  
19 went there.  
20 Q. Now, the 30-yard container that you mentioned,  
21 was that an open-top container?  
22 A. Yes, it is.  
23 Q. Okay. And was it just one that you changed out  
24 during your visits?  
25 A. Yes, only one.

0019  
1 Q. Was the container pretty much always full when  
2 you picked it up?  
3 A. Yes.

4 Q. Were you in a position when you were picking up  
5 that container to see what was inside of it?  
6 A. Yes.  
7 Q. And what do you recall seeing in the Truex  
8 roll-off containers, the ones that you brought to  
9 J.M. Mills?  
10 A. A lot of rubber -- rubber mats, chunks of  
11 rubber mats. The rubber mats had punch out  
12 holes, so when you pick it up you can, you know,  
13 see through half of it. All of those punch out  
14 holes were in the container. Gaylord boxes,  
15 pallets, I think some rubber grindings, just  
16 regular trash, coffee cups and plastic cardboard.  
17 Q. Do you have any recollection of ever seeing any  
18 sort of dark chemical dust or powder?  
19 MR. BENIK: Objection.  
20 A. I -- I can't remember.  
21 Q. Anything other than -- do you recall anything  
22 else other than what you just described to me?  
23 A. No, not -- not that I recall.  
24 Q. Any recollection of any odors of any type?  
25 A. I'm assuming if you picked up the rubber mat

0020

1 it would have an odor to it, but nothing --  
2 MR. BENIK: Objection. Move to strike.  
3 A. It was an open can, so it just aired out all  
4 the time.  
5 Q. I don't want you to make assumptions. If you  
6 have a distinct memory of odors coming from the  
7 Truex roll-offs, that's what I want to know.  
8 A. Uh-huh.  
9 Q. But if you don't remember the odors, that's okay,  
10 too.  
11 A. I don't remember an odor.  
12 Q. It was pretty much every -- again, I only want to  
13 know what you remember or know.  
14 Was the waste in the Truex roll-offs pretty  
15 much all solid or was there also some liquid  
16 waste in there?  
17 MR. BENIK: Objection.  
18 A. I don't believe liquid. May have had some  
19 rainwater because there was no cover.  
20 Q. Let's go, if you could, now to the tickets. The  
21 next ticket, the first Truex ticket, is J.M.  
22 Mills dump ticket Number 53888. Do you see that?  
23 MR. SALLY: Could you tell us what the  
24 page is.  
25 MR. MURPHY: It would be -- if you look

0021

1 at the exhibits, it would be the first ticket  
2 after the Truex cover page.  
3 MR. CONNORS: Bates stamp 1086 is the  
4 one -- I.  
5 MR. SALLY: Bates stamp?  
6 MR. MURPHY: Should be.  
7 MR. SALLY: Is that part of Exhibit 7?  
8 MR. MURPHY: Part of Exhibit 7 and there  
9 should be a cover page that says --  
10 MR. SALLY: Oh, I've got it.  
11 MR. MURPHY: Do you see it? Truex? And  
12 then the next page should have -- do I have the  
13 right one here? Maybe not yet. The first page  
14 will say -- first page is a ticket in the upper  
15 right-hand corner of 5388.  
16 MR. SALLY: I've got it. Sorry.

17 Q. Now, do you have that dump ticket in front of  
18 you, 5388?  
19 A. Yes, I do.

20 Q. Does your signature appear on that ticket?  
21 A. Yes.

22 Q. It's dated January 20th of 1981. Does this  
23 indicate to you that you picked up a roll-off  
24 from Truex and emptied it at the J.M. Mills  
25 landfill?  
0022

1 A. Yes.  
2 Q. All right. And, again, where it says, "type of  
3 truck roll-off," is it your recollection, as you  
4 sit here now, that that was a 30-yard box not a  
5 50-yard box?  
6 A. 30-yard box.

7 Q. Let's go to the next page. There's a dump ticket  
8 numbered 59163. Does your signature appear on  
9 that --  
10 A. Yes.

11 Q. -- Mr. Lapre?  
12 And that's dated February 12th of 1981,  
13 correct?  
14 A. Yes.

15 Q. And is this a dump ticket that reflects that you  
16 made a pick-up of a roll-off at Truex and  
17 deposited its contents at the J.M. Mills  
18 landfill?  
19 A. Yes.

20 Q. Let's go to the next page. There's a dump ticket  
21 numbered 41358. Does your signature appear on  
22 that ticket?  
23 A. Yes.

24 Q. And is that reflected on August 6th of 1981 you  
25 picked up a roll-off at Truex and deposited it at  
0023

1 the J.M. Mills landfill?  
2 A. Yes.

3 Q. Okay. Let's go to the next page. There is a  
4 dump ticket numbered 37384. Does your signature  
5 appear on that ticket?  
6 A. Yes.

7 Q. All right. And reflected on February 22nd of  
8 1982, you brought a roll-off from Truex to J.M.  
9 Mills and deposited the contents there?  
10 A. Yes.

11 Q. Okay. So from the dates on the tickets, it's  
12 fair to state that certainly, at least during the  
13 period -- there was at least a year period, from  
14 early 1981 to February of 1982, when you were  
15 bringing roll-offs from Truex to J.M. Mills,  
16 correct?  
17 MR. BENIK: Objection.

18 A. Yes.

19 Q. Do you have any recollection of having any  
20 conversations with anybody else who worked for  
21 Mr. Buffington where they told you they also  
22 brought loads to -- from Truex to J.M. Mills?  
23 A. Well, there was -- for Bruce Buffington, it  
24 was myself and two other drivers. As I stated,  
25 we all went to these stops. There was no -- not  
0024

1 one driver went to the same stop.  
2 Q. Okay.  
3 A. It was like a lottery.

4 Q. So is it fair to state, then, that you weren't  
5 the only Buffington employee in 1981 and 1982 who  
6 was picking up from Truex?

7 MR. BENIK: Objection.

8 A. Correct.

9 MR. CONNORS: Actually, objection as to  
10 the characterization as employee. I'm not sure  
11 if that was his testimony.

12 Q. Were you an employee of Mr. Buffington or an  
13 independent contractor?

14 A. Legally, I leased the truck from him.

15 Q. Okay. By the way, do you recall ever seeing any  
16 garden hose fittings in the Truex waste?

17 A. I don't recall.

18 Q. All right. Let me ask you about Textron or  
19 Gorham Manufacturing, also known as Brown  
20 Foreman. Do you have any recollection of picking  
21 up any waste from a company known as Gorham  
22 Manufacturing?

23 A. Yes.

24 Q. Okay. Do you remember where Gorham was located?

25 A. The building no longer exists. It was in a --

0025

1 the school there now in Providence. It might  
2 have been an Adelaide Avenue address or Reservoir  
3 Avenue. The only thing left is an old garage in  
4 the corner of the property. There's a Stop &  
5 Shop there now.

6 Q. And the name of the company at the time that you  
7 were picking up, was it called Gorham  
8 Manufacturing?

9 A. Yes.

10 Q. Okay. It do you have any recollection of the  
11 company ever changing its name to Textron?

12 A. They moved to Lincoln, Rhode Island. I  
13 don't -- I don't know. About that time they  
14 might have changed, but I'm not sure.

15 Q. But during the period of time that you were  
16 making pick-ups, it would have been at this  
17 Adelaide Avenue or Reservoir Avenue location in  
18 Providence?

19 A. Yes.

20 Q. All right. And how many Gorham Manufacturing  
21 facilities did you service?

22 A. Just one.

23 Q. And can you tell me the type of facility it was?

24 A. I believe it's a silver -- they used to make  
25 silver products, knives, forks, dinnerware, I

0026

1 think like trophy -- maybe trophy cups, stuff all  
2 of metals, polished metals.

3 Q. Okay. Anything else you remember about the  
4 type -- what they did there?

5 A. As far as I know, that's what they did.

6 Q. Okay. And do you remember how big the facility  
7 was?

8 A. They had two good size manufacturing plants.  
9 We used to drive down the middle of them, like  
10 two big long buildings.

11 Q. And what do you remember about how you accessed  
12 that location to pick up the waste, to pick up  
13 the containers?

14 A. I don't think we had to stop for anybody, just  
15 pull it in, swept the containers, go about your  
16 business.

17 Q. And do you recall for how long a period you  
18 picked up from Gorham Manufacturing?  
19 A. Three, four years.  
20 Q. Do you recall how often you were there?  
21 A. No, I don't.  
22 Q. Any recollection of having to fill out any sort  
23 of a form or a pick-up receipt or whether you had  
24 to drop off a paper with anybody at Gorham?  
25 A. No, no slips.

0027  
1 Q. Now, do you have a specific recollection of  
2 transporting these containers or roll-offs that  
3 you picked up from Gorham to the J.M. Mills  
4 landfill?  
5 A. Unless it's a slip, most of that was closer to  
6 Central landfill.  
7 Q. Okay. Well, let's do that. Let's go to --  
8 there's a ticket we've got dated February 2nd of  
9 1981, J.M. Mills dump ticket Number 53493. Is  
10 that your signature on there?  
11 A. Yes.  
12 Q. Okay. Now, there's a listing here, it says,  
13 "Gorham packer." Do you see that?  
14 A. Yes.  
15 Q. Is that Gorham Manufacturing?  
16 A. Yes.  
17 Q. Why does it say "packer"?  
18 A. They had a 30-yarder also.  
19 Q. Okay. And when you wrote the word "packer," does  
20 that mean that you would bring a 30-yard roll-off  
21 container to J.M. Mills?  
22 A. A 50-yard roll-off container.  
23 Q. So this ticket's for a 50-yarder?  
24 A. Yes.  
25 Q. Okay. And so on February 2nd, 1981, you were

0028  
1 able to state that you did bring a roll-off from  
2 Gorham Manufacturing to J.M. Mills and that's  
3 where the waste was disposed of?  
4 A. Yes.  
5 Q. All right. Let's go to the next page. There is  
6 a ticket numbered 37226 dated February 19th of  
7 1982. Do you see that?  
8 A. Yes.  
9 Q. Does your signature appear on that ticket?  
10 A. Yes.  
11 Q. Is that also from Gorham Manufacturing?  
12 A. Yes.  
13 Q. Okay. Now, there's some additional writing on  
14 here. It looks like it says "Gorham" and then  
15 what's the next word?  
16 A. Open, 30 yards.  
17 Q. Go ahead. I'm sorry.  
18 A. 30-yard special.  
19 Q. Okay. What does "open 30-yard special" mean?  
20 A. Open 30-yarder special, I don't know why I  
21 wrote that.  
22 Q. Would it have meant, though, that you were  
23 bringing a 30-yard container versus a 50-yard  
24 container?  
25 A. Yes.

0029  
1 Q. Let's go back to -- so based upon the fact that  
2 we have these tickets here, at least on certain  
3 occasions you brought roll-off containers from



4 Gorham Manufacturing to the J.M. Mills landfill,  
5 correct?  
6 A. Correct. Yes.

7 Q. What do you recall about the types of trash that  
8 you might have seen in those containers, types of  
9 waste?  
10 A. The 30-yarder, I believe, there was buffing  
11 wheels, some compound from whatever they used to  
12 polish the metal. 50-yarder was just common  
13 trash. I don't -- I don't recall.

14 Q. Were these open containers or closed containers?  
15 A. There was one 50-yard compactor, then I  
16 believe there was one 30-yard open.

17 Q. And is it your recollection that you picked up  
18 both the 30-yard open and the 50-yard compactor?  
19 A. I serviced both of them, yes.

20 Q. And is it your recollection that at times you  
21 brought the waste to J.M. Mills and at times you  
22 brought it elsewhere?  
23 A. Central landfill, yes.

24 Q. And any idea as to what the relative percentage  
25 was of bringing it to J.M. Mills versus Central?  
0030

1 A. No. Depending on your route, we switched  
2 these containers then you went to your next stop.  
3 So a lot of it was just routing. Because I ended  
4 up in that part of the state picking up more  
5 trash, so rather than drive away from the  
6 customer and more time, fuel, miles. A lot of it  
7 was just routing.

8 Q. All right. Did the number or type of containers  
9 change over the period of time that you serviced  
10 that facility?  
11 A. Not to my knowledge.

12 Q. Now that we've talked about this a little bit, do  
13 you have any better recollection as to actually  
14 where those roll-off containers were located  
15 physically?  
16 A. In the plant? They faced east, and the  
17 compactor was on the northeast side and the  
18 30-yarder was on the southeast side.

19 Q. And with respect to the compactor, the closed  
20 compactor, were you able to see inside that to  
21 see what was in there typically?  
22 A. Yes.

23 Q. How were you able to do that?  
24 A. You just walked up a ramp. A lot of these  
25 compactors you try to run them first, you try to  
0031

1 pack it first, because when you pull them out the  
2 trash falls back out. Sometimes you try to find  
3 a couple of pallets, ram the pallets in to lock  
4 the load in to help you service. Instead of  
5 picking up ten yards of trash, you might have  
6 only picked up a few bags.

7 Q. Do you have any recollection of whether there was  
8 any liquid waste in any of those roll-offs that  
9 you picked up?  
10 A. 30-yarder, maybe rain -- you know, it was open  
11 top, so rainwater. If you picked it up, the back  
12 door's not sealed, it will drain out.

13 Q. Any recollection of any odors?  
14 A. No, just the powdery compound. It might have  
15 had a smell, but nothing -- nothing that bothered  
16 me.

17 Q. And when you say "powdery compound," again, are  
18 you talking about that compound that was  
19 associated with the buffing wheels?  
20 A. Yes.

21 Q. All right. Let's go to Analog One. Do you have  
22 a recollection, Mr. Lapre, of a company known as  
23 Analog One?  
24 A. I don't recall the name.

25 Q. Okay. Well, let's do this. Let's take a look at  
0032  
1 a ticket here. Let's go to the first page, dump  
2 ticket Number 47064. Do you have that in front  
3 of you?  
4 A. Yes.

5 Q. Okay. Is that your signature on there?  
6 A. Yes.

7 Q. And it's dated April 17th of 1981; is that  
8 correct?  
9 A. Yes.

10 Q. All right. What do you have written there?  
11 A. Looks like Ann & Hope.

12 Q. Say that again.  
13 A. Ann & Hope.

14 Q. What was and Ann & Hope?  
15 A. It's a department store.

16 Q. Okay. So this was not a pick-up for a company  
17 called Analog One then?  
18 A. No.

19 Q. All right. Let me ask you this: The Ann & Hope  
20 stores, what sort of waste did you pick up from  
21 them?  
22 A. Department store. Cardboard, trash, pallets,  
23 coffee cups, people's lunches, broken -- you  
24 know, broken radios, whatever, whatever they  
25 throw away.

0033  
1 Q. No industrial waste, anything like that?  
2 A. No. No.

3 Q. Let's go to Imperial Knife. Do you have a  
4 recollection of picking up waste from a company  
5 known as Imperial Knife?  
6 A. Yes.

7 Q. How many of Imperial Knife's facilities did you  
8 service?  
9 A. Just one.

10 Q. And do you recall where they were located?  
11 A. Off of Claverick Street in Providence.

12 Q. How do you spell Claverick?  
13 A. I think it's C-L-A-V-E-R-I-C-K.

14 Q. Do you recall what kind of facility this was?  
15 A. They made pocket knives, steak knives and I'm  
16 not sure of any other knives.

17 Q. And do you remember how big the facility was?  
18 A. Four or five, six stories.

19 Q. Do you have any recollection of any of the  
20 details about any visits to Imperial Knife?  
21 A. It was a 50-yard compactor. I know when they  
22 were closing, I hauled several 30-yarders one  
23 day. I spent, like, the day there just hauling  
24 seven or eight 30-yarders out of there. The guy  
25 gave me a handful of pocket knives.

0034  
1 Q. Did you get to know anybody at Imperial Knife?  
2 A. No.

3 Q. All right. So just so I understand the

4 difference between the 50-yard compactor and the  
5 30-yarders, you have a specific recollection of a  
6 period of time when Imperial Knife was closing  
7 where you hauled a number of 30-yard open  
8 containers to J.M. Mills?

9 A. I don't -- I don't think I went to J.M. Mills  
10 with that. Central's closest.

11 Q. All right. What about the 50-yard containers?

12 A. If I have a slip, then that was it.

13 Q. Well, let's do this then. Let's go to the  
14 tickets and the first one is ticket Number 45818  
15 dated May 20th of 1981. Do you see that?

16 A. Yes, I do.

17 Q. Is that your signature on that ticket, Mr. Lapre?

18 A. Yes, it is.

19 Q. And is that your handwriting where it says  
20 "Imperial Knife"?

21 A. Yes, it is.

22 Q. So by the way, it indicates under type of truck,  
23 roll-off. What size container does this dump  
24 ticket represent?

25 A. It doesn't represent any size.

0035

1 Q. So it could be 30 or a 50?

2 A. I would say, to my knowledge, it was a 50  
3 because I don't remember ever doing any  
4 30-yarders from there until they were closing.

5 Q. And this, then, is not a ticket from one of the  
6 closing events; is that right? This would have  
7 been prior to them closing?

8 A. '81, prior.

9 Q. All right. So you brought a 50-yard -- at least  
10 one 50-yard container from Imperial Knife to J.M.  
11 Mills?

12 A. Yes.

13 Q. Are you able to state whether you brought more  
14 than one there?

15 THE WITNESS: At that time?

16 MR. MURPHY: Yes.

17 A. If I have a slip.

18 Q. Okay. But other than having a slip, you don't  
19 have any independent recollection of bringing --

20 A. I don't think -- maybe it was once a month. I  
21 don't think they produced that much trash.

22 Q. Okay. Let me ask you this: Do you recall what  
23 was in their waste containers?

24 A. Just cardboard, common trash. I don't  
25 remember any particulars. It was a break away,

0036

1 pull it out, clean it up.

2 Q. Okay. Let's go to Amperex, Philips Electronics,  
3 do you have a recollection of dealing with that  
4 company?

5 A. Yes, I do.

6 Q. Okay. What did you know that company to be  
7 called during the period of time that you  
8 serviced them?

9 A. Amperex.

10 Q. And where was the -- where were they located?

11 A. George Washington Highway, Lincoln, Rhode  
12 Island. It was almost on the Smithfield line, so  
13 I'm not 100 percent on the address. Almost on  
14 the town line of Lincoln and North Smithfield.

15 Q. How far from the J.M. Mills landfill?

16 A. Six miles.

17 Q. And was there more than one Amperex facility that  
18 you serviced?  
19 A. I don't believe so.  
20 Q. Do you recall what sort of a facility the Amperex  
21 plant was?  
22 A. They had their own -- their own building and  
23 seven or eight acres of land.  
24 Q. What did they do there? What did they make? Do  
25 you remember?

0037

1 A. I think some kind of diodes came out of that  
2 trash, like sensors.  
3 Q. When you say "diodes," was that based on physical  
4 observations?  
5 A. Electronics.  
6 Q. Let me ask you this: For what period of time did  
7 you make pick-ups on behalf of Buffington at the  
8 Amperex facility?  
9 A. I don't know when we got that contract. Maybe  
10 '83, '84. I'm not sure. Earlier I was there. I  
11 don't know when we started that account.  
12 Q. All right. Well, let's look at a couple of  
13 tickets maybe first and maybe that will help us.  
14 Let's go to -- there's a ticket number 40660  
15 dated July 13th of 1981. Do you see that ticket?  
16 A. Yes.  
17 Q. All right. Does that have your signature on  
18 it --  
19 A. Yes.  
20 Q. -- Mr. Lapre?  
21 And did you write Amperex on that?  
22 A. Yes, I did.  
23 Q. All right. So is this a ticket that reflects  
24 that on July 13th of 1981 you picked up a  
25 roll-off at Amperex and disposed of its contents

0038

1 at the J.M. Mills landfill?  
2 A. Yes.  
3 Q. Okay. Do you have a recollection of the size  
4 container?  
5 A. 50-yard break away.  
6 Q. Okay. When you say "break away," what do you  
7 mean by a break away?  
8 A. You have to disconnect it, pull it away from  
9 the compactor, you have to hang a canvas with  
10 bungee cords versus a 30-yard you just back up,  
11 pick it up.  
12 Q. So in looking at this ticket dated July 13th,  
13 1981, does it help refresh your recollection as  
14 to the period of time that you might have made  
15 pick-ups at Amperex?  
16 A. I guess I was there in '81.  
17 Q. Okay. And then let's go to the next ticket,  
18 which is Number 35103 and it is dated  
19 January 18th of 1982. Is this a ticket with your  
20 signature on it?  
21 A. Yes.  
22 Q. Okay. And did you write Amperex on that?  
23 A. Yes, I did.  
24 Q. Okay. So does this ticket reflect the fact that  
25 on that date, January 18th of 1982, you picked up

0039

1 a roll-off from Amperex and disposed of its  
2 contents at the J.M. Mills landfill?  
3 A. Yes.

4 Q. All right. And it says "type of truck 42 yards."  
5 Do you see that?  
6 A. Yes.

7 Q. What's that mean?  
8 A. Some of the compactor boxes were known as  
9 50 yards and some were a foot or so shorter.  
10 They were 42 yards.

11 Q. Okay. Did it just depend on which box got  
12 dropped off at the location?  
13 A. Yes.

14 Q. Okay. So on the instance of the ticket Number  
15 35103, it just happened to be a 42-yard box?  
16 A. Yes.

17 Q. Now, what do you recall about -- I'm going to go  
18 back to these diodes or electronics that you saw.  
19 Did you have an occasion or an opportunity when  
20 picking up the roll-offs at Amperex to physically  
21 view or observe what was inside the roll-offs?  
22 A. When you dumped it out, you saw all the  
23 rubbish.

24 Q. And, again, do you recall if these diodes or --  
25 when you say "diodes," tell me what that they  
0040  
1 looked like. As best you can describe, what was  
2 it that you saw?  
3 A. Like a soda cap, silver. And if you smash an  
4 old transistor radio, the little brown, you know,  
5 half the size of your pinky, I don't know how to  
6 describe it, brown like fatter than an pencil.  
7 Q. Electronic component-type stuff?  
8 A. Yes.

9 Q. Do you know what they used them for? Were they  
10 for radios or --  
11 A. No idea.

12 Q. -- stereos?  
13 Any idea?  
14 A. No idea.

15 Q. Anything other than these electronic components  
16 that you recall seeing in these roll-offs?  
17 A. No, I -- nothing. Just trash and --

18 Q. Odors of any type?  
19 A. No.

20 Q. Was J.M. Mills the facility closest to the  
21 Amperex plant?  
22 A. It was right between the North Smithfield  
23 landfill and J.M. Mills.

24 Q. Do you have a recollection as to whether you ever  
25 brought any other waste to the North Smithfield  
0041  
1 landfill?  
2 A. I've been there, yes.

3 Q. I know you've been there, but were you there for  
4 Amperex or just for certain customers?  
5 A. If I have a slip, I probably brought Amperex  
6 there or Cumberland.

7 Q. Are you able to characterize with any sort of  
8 percentage how often your Amperex pick-ups went  
9 to J.M. Mills versus North Smithfield?  
10 A. As the dump started to close, the Mills, I  
11 think we frequented North Smithfield more.

12 Q. What about before, before J.M. Mills closed?  
13 THE WITNESS: Before J.M. Mills?

14 Q. Who closed first, North Smithfield or J.M.?  
15 A. I believe J.M. Mills.

16 Q. All right. So when J.M. Mills was open, did you

17 go there more than North Smithfield or --  
18 A. I would say yes.  
19 Q. And what's that based on?  
20 A. It was the next closest dump.  
21 Q. Did you have to fill out any sort of  
22 documentation or paperwork or drop anything off  
23 with Amperex?  
24 A. No.  
25 Q. Do you have any recollection of any odors  
0042 emanating from any of the containers that you  
1 picked up from Amperex?  
2 A. No.  
3 Q. Do you have a recollection of having any contact  
4 with any persons affiliated with the Amperex  
5 plant?  
6 A. No.  
7 Q. Were the containers full every time you picked  
8 them up?  
9 A. Usually, yes, that's when they'd call.  
10 Q. By the way, was the Amperex facility on a will  
11 call or a regularly scheduled pickup?  
12 A. I do not know that.  
13 Q. All right. Was that an arrangement that the  
14 customer would have made directly with Goditt &  
15 Boyer?  
16 A. Yes.  
17 Q. And did you have an understanding that some  
18 customers were on what was known as a will-call  
19 basis and others were on a regular pick-up  
20 schedule?  
21 A. Yes.  
22 Q. Ever see any liquid waste in any of the  
23 containers during the period of time that you  
24 picked up?  
25  
0043 A. Not that I recall.  
2 MR. MURPHY: Can we take a short break,  
3 two-minute break, three-minute break?  
4 MR. CONNORS: That's fine.  
5 (A recess was taken.)  
6 Q. All right. Mr. Lapre, do you recall picking up  
7 roll-off containers on behalf of Buffington from  
8 any Sears locations?  
9 A. Yes, I do.  
10 Q. And specifically how many different Sears  
11 facilities did you service? Do you recall?  
12 A. There was one on North Main Street in  
13 Providence and I'm not -- I think during the  
14 Buffington years they opened up a big warehouse  
15 in North Kingstown, but it might have been a year  
16 or two after I left them. I'm not sure when that  
17 facility opened.  
18 Q. So do you have a recollection of picking up waste  
19 from the Sears on North Main Street in  
20 Providence?  
21 A. Yes, I do.  
22 Q. And what kind of a Sears facility was that? Was  
23 it a retail store?  
24 A. Yes.  
25 Q. Did they have an auto shop there?  
0044  
1 A. Not at that building. The auto shop was about  
2 three or four blocks away.  
3 Q. Do you have any recollection of whether anybody

4 from Buffington ever picked up waste from the  
5 auto shop location?  
6 A. The auto shop, you'd have to check records.  
7 That was a front load container. That wasn't a  
8 roll-off.  
9 Q. Okay. All right. And so you recall picking up  
10 roll-offs from the Sears location on Main Street,  
11 not the auto shop, the other location; is that  
12 correct?  
13 A. North Main Street, yes.  
14 Q. And did any of those Sears pick-ups go to the  
15 J.M. Mills landfill?  
16 A. If I have a slip, that was it.  
17 Q. Let's go to the first ticket, if we could, which  
18 is dump ticket numbered 36236 dated August 15th  
19 of 1981. Is your signature on that ticket, Mr.  
20 Lapre?  
21 A. Yes.  
22 Q. All right. And is that for the Sears Providence  
23 location?  
24 A. Yes.  
25 Q. Okay. So does this ticket, dump ticket -- this  
0045  
1 J.M. Mills dump ticket --  
2 A. Yes.  
3 Q. -- reflect the fact that you picked up a roll-off  
4 from Sears in Providence and disposed of the  
5 waste at J.M. Mills?  
6 A. Yes.  
7 Q. Okay. What size roll-off would this have been?  
8 A. Compactor, 50-yarder.  
9 Q. Okay. And do you have any recollection as to  
10 what the waste was in the Sears roll-offs?  
11 A. Department store waste, broken lamps,  
12 cardboard, a lot of -- no recycling back there, a  
13 lot of cardboard, pallets, broken saws, broken --  
14 anything that broke, they threw it out.  
15 Q. All right. And let's go to the next ticket, dump  
16 Ticket 45768 dated -- the date is not entirely  
17 clear. It's in 1981, though. Is this another  
18 Sears, North Main Street, Providence, roll-off  
19 that went to J.M. Mills?  
20 A. Yes.  
21 Q. All right. Let's go to the next dump ticket,  
22 36476, dated January 7th, 1982. Do you see that?  
23 A. Yes.  
24 Q. Does your signature appear on that ticket?  
25 A. Yes.  
0046  
1 Q. Okay. Does that reflect that on that date  
2 January of 1982 you picked the roll-off up at  
3 Sears at the Providence location and disposed of  
4 its contents at the J.M. Mills landfill?  
5 A. Yes.  
6 Q. Go to the next ticket, 36415. Does your  
7 signature appear on that ticket?  
8 MR. SALLY: What number was that?  
9 THE WITNESS: What number again, please?  
10 Q. 36415. Is that your -- maybe it's not your  
11 signature. Do you see that ticket?  
12 A. I see it. I don't believe that's my  
13 handwriting.  
14 Q. Okay. Fair enough. Let's go to the next Page  
15 39507. Does your signature appear on that  
16 ticket?

17 A. Yes.  
18 Q. Okay. And does that reflect that in February of  
19 1982 you brought another roll-off from the Sears  
20 on North Main Street and disposed of its contents  
21 at J.M. Mills?  
22 A. Yes.  
23 Q. The front loader at the auto shop near the Sears  
24 location that you went to, do you have any  
25 recollection of or any memory as to who might  
0047  
1 have been the individuals that might have picked  
2 up those front loaders?  
3 A. I didn't drive front load then. I wouldn't  
4 know.  
5 Q. Okay. How often did you pick up from the Sears  
6 location? Do you recall?  
7 A. There was several drivers. I don't -- I don't  
8 recall.  
9 Q. Let's go to the next location, the next -- yeah,  
10 the next entity, Health Tex. Do you recall a  
11 company by the name of Health Tex?  
12 A. Yes, I do.  
13 Q. Okay. And did you ever pick up on behalf  
14 Buffington?  
15 A. Yes.  
16 Q. Health Tex?  
17 A. Yes.  
18 Q. Where was the Health Tex facility or facilities  
19 located that you picked up from?  
20 A. Roosevelt Avenue, Pawtucket; 88 Martin Street,  
21 Cumberland, Rhode Island; and up off of Diamond  
22 Hill Road, I think it's Industrial Drive,  
23 Cumberland, Rhode Island.  
24 Q. So were there two Cumberland, Rhode Island  
25 locations and one in Pawtucket, is that what  
0048  
1 you're saying?  
2 A. I think three -- was it three machines? I  
3 think three machines in Cumberland. There was  
4 two addresses on Martin Street. They had two  
5 buildings, I believe, on Martin Street, if my  
6 memory's correct.  
7 Q. All right. And did you pick up at both of the  
8 Martin Street buildings?  
9 A. Yes.  
10 Q. And were they right near the Peterson Puritan  
11 plant?  
12 A. Exactly. Same street.  
13 Q. Okay. So how far were the two Health Tex Martin  
14 Street facilities from the J.M. Mills landfill?  
15 A. Two miles, if that, one-and-a-half miles.  
16 Q. Was J.M. Mills the closest landfill to the Health  
17 Tex?  
18 A. Oh, yes.  
19 Q. Okay. And do you recall what each of these types  
20 of facilities was, what they did at the  
21 facilities starting with the Martin Street  
22 facilities?  
23 A. They made clothing for children. They made  
24 cloth. I'm not sure which each yard had to do  
25 with the industry.  
0049  
1 Q. All right. Well, let me ask you this: How often  
2 did you pick up from the 88 Martin Street,  
3 Cumberland, facility, any recollection?



4 A. Once a month. I don't -- I don't recall  
5 exactly.  
6 Q. And what about the Industrial Drive, the Diamond  
7 Hill Road, Industrial Drive location?  
8 A. Same thing. Show me a slip, I was there.  
9 Q. Well, let's do that. Let's look at the couple of  
10 slips we have here. The first one is 46114. Do  
11 you see that it's dated December 10th of 1981?  
12 A. Yes.  
13 Q. Does your signature appear on that, Mr. Lapre?  
14 A. Yes.  
15 Q. Is that a dump ticket that reflects that you  
16 picked up from Health Tex at the Roosevelt Avenue  
17 location in Pawtucket?  
18 A. Yes.  
19 Q. So it would be fair to state that you brought a  
20 roll-off from that Health Tex location and  
21 disposed of its contents at the J.M. Mills  
22 landfill?  
23 A. Yes.  
24 Q. And what do you recall about the nature and type  
25 of waste that was in the Roosevelt Avenue  
0050  
1 roll-off containers that you picked up?  
2 A. They made cloth, but I don't -- I know the  
3 ones at Diamond Hill had big rolls of cloth.  
4 Roosevelt, I'm not sure what part of that -- what  
5 they did there.  
6 Q. You don't have a recollection of what was in  
7 there?  
8 A. No.  
9 Q. Okay. Let's go to the next ticket, 51995. Wait  
10 a minute. That might not -- that doesn't have  
11 your -- is that your signature on that ticket?  
12 A. No, it's not.  
13 Q. All right. By the way, there's a -- there's some  
14 initials there. JJC, do you know who that is?  
15 Any idea?  
16 A. I think it's John Costello, but I'm not  
17 positive on that.  
18 Q. Okay. Do you have any recollection of what was  
19 in the roll-off containers at the facilities  
20 other than the Roosevelt Avenue facilities? I  
21 mean, you said there was some cloth. Any other  
22 types of waste that you remember during the  
23 period of time you picked up?  
24 A. No, it was just rolls of cloth, you know,  
25 plastics, cardboard. There was no -- just  
0051  
1 regular trash. No dyes or anything like that.  
2 Q. Let's go to Pearson Yacht. Do you have a  
3 recollection of ever picking up any waste from  
4 Pearson Yacht?  
5 A. Yes, I do.  
6 Q. And what do you -- first of all, how many of  
7 those facilities did you pick up from?  
8 A. Just one.  
9 Q. All right. And where were they located?  
10 A. Portsmouth, Rhode Island.  
11 Q. Now, do you have a recollection of any facility  
12 in Middletown?  
13 A. Maybe that was their address. It's Portsmouth  
14 or Middletown. I'd like you to, if I gave you --  
15 Q. Are those two -- are they close to one another?  
16 A. Yeah. They border right there, so I'm not

17 sure on the exact address.  
18 Q. Okay. Okay. And what do you remember -- do you  
19 remember the street or the -- can you describe  
20 the facility where you went to pick it up,  
21 generally?  
22 A. It was a big boat yard, good size plant, need  
23 a lot of room to put boats in your yard. You  
24 know, they sat all by themselves. It was a  
25 neighborhood.

0052

1 Q. Are they still in business? Do you know?  
2 A. I -- I'm not sure. I don't know if they're in  
3 business.  
4 Q. All right. And what did they do at this  
5 facility?  
6 A. They put -- they made boats.  
7 Q. What kind of boats?  
8 A. Smaller yachts, you know, 22 footers,  
9 30-something footers. Not a shipyard, just a  
10 boat yard.  
11 Q. Okay. And do you recall how often or how long  
12 you picked up waste at that facility?  
13 A. From '80 to '85, '84, '80, '84.  
14 Q. Okay. And do you recall how often you went to  
15 that facility?  
16 A. Whenever they called.  
17 Q. Meaning whenever you got notice from  
18 Mr. Buffington, "okay, tomorrow you're going to  
19 Pearson," that's when you went?  
20 A. Exactly.  
21 Q. Did you ever have to fill out any sort of  
22 documentation or form when you were picking up  
23 anything -- when you were picking up waste from  
24 Pearson Yacht?  
25 A. No.

0053

1 Q. And do you have any recollection of what kind of  
2 waste was in the containers that you picked up?  
3 A. They made the whole boat, so there was  
4 sawdust, resin, rags. They were itchy. If you  
5 got -- if you got any powder on you, I think it  
6 was the fiberglass, a lot of fiberglass  
7 byproducts, whatever it takes to glue the  
8 fiberglass down, the sheathing. Smelled of the  
9 resin or whatever, chemicals from painting the  
10 boats.  
11 Q. Do you recall the size of the container?  
12 A. 50-yard break away.  
13 Q. And let's take a look at Ticket 54968. Is that  
14 your signature on there?  
15 A. No, it's not.  
16 Q. Oh, it's not. Do you recognize the signature  
17 there? Do you know whose signature that is? If  
18 you don't, that's fine.  
19 A. I don't know.  
20 Q. Well, were you aware that Goditt & Boyer was  
21 disposing of some of Pearson Yacht's waste at  
22 J. M. Mills?  
23 A. Yes.  
24 Q. Okay. Did you dispose of any of your Pearson  
25 Yacht waste at J. M. Mills?

0054

1 A. Yes. If I have a slip, I was there.  
2 Q. But I mean whether there was a slip or not, do  
3 you independently have a recollection of bringing

4 some of the Pearson Yacht waste to J.M. Mills?  
5 A. I -- I can't honestly say I -- without a slip.  
6 Q. Okay. Fair enough. Let's go to Mandeville  
7 Signs. Do you have a recollection of that? Do  
8 you remember that company, Mandeville Signs?  
9 A. Yes, they're still in business.  
10 Q. Okay. And where were they located?  
11 A. Either Broad Street or Dexter Street in  
12 Central Falls. I'd say Broad Street.  
13 Q. And what sort of a facility is that?  
14 A. They make store signs, illuminated signs.  
15 Q. Like neon signs?  
16 A. Yes.  
17 Q. How big of a facility there?  
18 A. I don't know how you want to -- it's not  
19 humongous. It was just a small factory.  
20 Q. Okay. And do you recall the size of the  
21 container that you picked up there?  
22 A. 30-yard open top.  
23 Q. And when you did pick up the 30-yard containers  
24 for them, were they typically full?  
25 A. Yes.

0055

1 Q. Do you recall whether this was a will call or a  
2 regularly scheduled? Do you remember?  
3 A. Will call.  
4 Q. Do you have a recollection of or did you have an  
5 opportunity when you were picking up the  
6 containers at Mandeville Signs to physically  
7 observe what was in the containers?  
8 A. Mostly broken signs.  
9 Q. When you say "broken signs," would that include  
10 some of the neon glass tubing?  
11 A. Yes.  
12 Q. Anything else that you recall?  
13 A. Maybe some pallets, whenever a new sign came  
14 in, you know, pallets.  
15 Q. Do you know whether there were any transformers  
16 affiliated with the lights or the signs? Did you  
17 ever see any of those?  
18 A. I -- I can't honestly remember if I --  
19 Q. Do you ever recall seeing any light bulbs in  
20 there?  
21 A. Yes.  
22 Q. What kind of light bulbs?  
23 A. The old neon lighting, fluorescent bulbs, the  
24 older signs.  
25 Q. And we have a ticket dated May 7th of 1981, it's

0056

1 dump ticket Number 45492. Do you have that in  
2 front of you?  
3 A. Yes.  
4 Q. Is that your signature on that, Mr. Lapre?  
5 A. Yes.  
6 Q. And does this reflect that in May of 1981 you  
7 picked up a roll-off from Mandeville Signs and  
8 disposed of its contents at J.M. Mills?  
9 A. Yes.  
10 Q. Okay. Now, is J.M. Mills the only facility where  
11 you disposed of Mandeville Sign waste?  
12 A. I would say Central Landfill.  
13 Q. And are you able to tell me as between Central  
14 Landfill and the J.M. Mills landfill how often  
15 you went to one versus the other with respect to  
16 Mandeville Sign?

17 A. I don't know. I don't recall.  
18 Q. I'm going to ask you about some miscellaneous  
19 dump tickets that I have with your signature. If  
20 you could look at dump ticket numbered 42331  
21 dated July 17th of 1981. Do you have that in  
22 front of you?  
23 A. Yes.  
24 Q. Okay. Is that your signature --  
25 A. Yes.

0057  
1 Q. -- Mr. Lapre?  
2 Where was this roll-off from? Are you able  
3 to make out your writing there?  
4 A. Looks like Blackstone Valley Number 3, but I  
5 can't -- I can't -- I don't know.  
6 Q. Okay. That meaning Blackstone Valley Electric?  
7 A. Yes. Yes, but I'm not 100 percent.  
8 Q. Let me ask you -- let's go to the next one.  
9 Let's look at dump ticket numbered 37641. Do you  
10 see that?  
11 A. Yes.  
12 Q. Okay. Where is that from?  
13 A. Something in Lincoln.  
14 Q. Are you able to make out --  
15 A. I don't know where it is.  
16 Q. -- where in Lincoln that was from?  
17 A. I -- I don't know.  
18 Q. Okay. The ticket next to that, 37646, is that  
19 also your signature?  
20 A. Yes.  
21 Q. It indicates Shaw's Market. What was Shaw's  
22 Market?  
23 A. Family grocery store.  
24 Q. Okay. Was there any kind of industrial or waste  
25 in that?

0058  
1 A. Just garbage.  
2 Q. Okay.  
3 A. Cardboard.  
4 Q. Let's go to 37640. Is that your signature over  
5 the number there?  
6 A. No, I don't write that way.  
7 Q. Do you have any recollection of picking up from a  
8 company called Crystal Thermal?  
9 A. Yes.  
10 Q. Okay. But this doesn't appear to be your  
11 signature on this page?  
12 A. No.  
13 Q. Okay. Because I think we're going to get to  
14 Crystal Thermal in a minute, but I just -- but  
15 this is not a dump ticket of yours, correct?  
16 A. No, it's not.  
17 Q. Let's go to the next dump ticket here, 37637. Is  
18 that your signature on that ticket?  
19 A. Yes, it is.  
20 Q. Where is this from? I can't make that out that  
21 company.  
22 A. Looks like Carol Cable on Roosevelt Avenue.  
23 Q. So it's another Carol Cable --  
24 A. Yes.  
25 Q. -- ticket?

0059  
1 Gotcha. Let's go to the next page. Take a  
2 look at dump Ticket 38040. Is that your  
3 signature?

4 A. No, it's not.  
5 Q. Okay. Let's go to the next page, the bottom  
6 ticket, 41530. Is that your signature on that  
7 page?  
8 A. Yes, it is.  
9 Q. Or on that ticket? Does it say Bachman Foods?  
10 A. Yes.  
11 Q. What was Bachman Foods?  
12 A. A distributor of -- what's that -- like  
13 Cheetos.  
14 Q. Like snack foods?  
15 A. Yeah, snack foods.  
16 Q. What was the nature of the waste you picked up  
17 from them?  
18 A. Broken snack food packages and just whatever,  
19 whatever trash they had from that facility, you  
20 know, making the snack foods.  
21 Q. Was there any waste affiliated with any -- any  
22 industrial-type waste?  
23 A. No, just whatever it took to make the snack  
24 foods.  
25 Q. Okay.  
0060  
1 A. I think they baked them there. I'm not sure.  
2 Q. All right. Let's skip two pages to the next  
3 page, dump Ticket 35030. Just to confirm in the  
4 lower right-hand corner, do you have that ticket  
5 in front of you?  
6 A. Yes.  
7 Q. Is that your signature?  
8 A. Yes.  
9 Q. Is that a Blackstone Valley Electric ticket?  
10 A. Yes, Number 1.  
11 Q. When you say "Number 1," what does Number 1 mean?  
12 A. There was three boxes there, Number 1, Number  
13 2, Number 3. At the same page top right, there  
14 was a box numbered -- looked like Number 3.  
15 Q. Gotcha. All right. Okay. Mr. Lapre, I've now  
16 got some questions for you about a number of  
17 companies. I'm going to ask you about where -- I  
18 do not have dump tickets, but I just want to  
19 explore the extent to which you have any  
20 recollection of having picked up waste from and  
21 brought to the J.M. Mills landfill. First one is  
22 a company American Steel & Aluminum. Do you  
23 remember having serviced or picked up waste from  
24 American Steel & Aluminum?  
25 A. Yes.  
0061  
1 Q. Okay. Where were they located?  
2 A. Route 123. I think it's Dexter Street.  
3 Q. In which town?  
4 A. They're on the Attleboro/Cumberland line. I'm  
5 not 100 percent of the address.  
6 Q. Okay. And how big was the facility?  
7 A. They dealt in metal -- metal beams, metal  
8 steel, so it's a good sized building.  
9 Q. And do you understand what it was they did there?  
10 A. They dealt with steel, selling steel, bringing  
11 in steel, selling steel.  
12 Q. And do you have a recollection of picking up  
13 containers from that location?  
14 A. Yes.  
15 Q. What size?  
16 A. 30-yard open top.

17 Q. And do you recall how often you went to the  
18 American Steel facility?  
19 A. I -- I don't know how many times I went there  
20 in the course of a year. Five, six. Several of  
21 us did all these accounts.  
22 Q. Okay. You have a recollection of going there  
23 five to six times a year, approximately?  
24 A. I would -- I would guess that, yes.  
25 Q. And is it your understanding that it's probable  
0062 that other drivers also went there and picked  
1 up --  
2 up --  
3 A. Yes.  
4 Q. -- their waste?  
5 Okay. How far was the American Steel  
6 facility on Dexter Street from J.M. Mills?  
7 A. Two miles.  
8 Q. Was J.M. Mills the closest landfill to the  
9 American Steel?  
10 A. Yes.  
11 Q. Is it your recollection that you used J.M. Mills  
12 exclusively for the American Steel loads that you  
13 picked up while it was open?  
14 A. I would say most of it went there.  
15 Q. Okay. When you say "most of it," can you express  
16 that in a percentage?  
17 A. It could be 10 percent I went to Central  
18 landfill.  
19 Q. All right. 90 percent you would have brought to  
20 J.M. Mills?  
21 A. I would say at that time, yes.  
22 Q. And other than the 30-yard containers, do you  
23 have any recollection of any front end boxes or  
24 other types of containers?  
25 A. Not at that time, I wouldn't know if there was  
0063 one there.  
1 Q. Okay. You only drove roll-offs, though, correct?  
2 A. Correct.  
3 Q. All right. And do you have a recollection of the  
4 contents of the 30-yard containers that you were  
5 picking up?  
6 A. A lot of the pallets, the shipping and I think  
7 just their regular household trash that they  
8 threw away.  
9 Q. Do you have any recollection of or do you know  
10 whether there was a machine shop at the American  
11 Steel facility?  
12 A. I don't honestly recall if they turned  
13 anything there (sic).  
14 Q. Do you not recall picking up any shop waste from  
15 them?  
16 A. Well, they had metal containers from State  
17 Land Scrap (ph), so I assume most of the metal  
18 went in the other containers.  
19 Q. This was during the period that you were there,  
20 which would have been in the '80's?  
21 A. Yes.  
22 Q. Early '80's?  
23 A. Yes.  
24 Q. Let's go to a company Brockton Adhesive, are you  
25 familiar with that company?  
0064 1 familiar with that company?  
2 A. Yes.  
3 Q. Okay. Did you pick up waste from Brockton

4 Adhesive?  
5 A. Yes.  
6 Q. Okay. How many facilities or locations did they  
7 have? Do you remember?  
8 A. As far as I know, just one.  
9 Q. Okay. And where was that located?  
10 A. I believe 55 Pawtucket Avenue.  
11 Q. In what town?  
12 A. I believe it's East Providence. It's right on  
13 the town line of Pawtucket. I believe it's an  
14 East Providence address.  
15 Q. And what sort of a facility was it?  
16 A. A manufacturing -- I'm -- I'm not -- I think  
17 they made -- it was Brockton Adhesive. They made  
18 glues. I don't -- I don't know what exactly came  
19 out the other -- the front doors.  
20 Q. Do you remember the -- do you have a recollection  
21 specifically of bringing any of the Brockton  
22 Adhesive waste to the J.M. Mills landfill?  
23 A. I don't remember.  
24 Q. You don't have a recollection? Do you remember  
25 what was in the -- do you remember anything about  
0065  
1 what was in the containers that you picked up  
2 from there?  
3 A. Sometimes there was some glues, and out the  
4 back door regular trash, rags. I don't -- I  
5 remember glue once in a while, you know.  
6 Q. Other than glue, do you have any recollection of  
7 any other types of waste?  
8 A. Just average waste, you know, gaylords or, you  
9 know, pallets.  
10 Q. And do you have a recollection of ever picking up  
11 any drums, 55-gallon drums, from that location?  
12 A. I -- I don't recall drums offhand.  
13 Q. And, again, just so I'm clear, you don't have a  
14 recollection one way or the other as to whether  
15 any of this waste went to the J.M. Mills  
16 facility?  
17 A. I don't remember if I went there.  
18 Q. Okay. Did you pick up any waste from any  
19 Chrysler facilities?  
20 A. Chrysler Natick.  
21 Q. And where were they located?  
22 A. Natick, Massachusetts.  
23 Q. Okay. And do you remember the exact location of  
24 the plant?  
25 A. I don't even know.  
0066  
1 Q. Do you have a recollection as to whether any of  
2 that waste that you picked up, any of the  
3 roll-offs that you picked up, ever went to the  
4 J.M. Mills landfill?  
5 A. If you had a slip, I could say I've been  
6 there. I don't recall where I went with it.  
7 Q. Do you recall what was in the containers?  
8 A. It was like a distributorship. Sometimes  
9 damaged hoods, car doors, parts of the car.  
10 Q. Car parts?  
11 A. Yes.  
12 Q. All right. And do you remember the size of the  
13 roll-off?  
14 A. 50-yard break away.  
15 Q. Do you recall picking up any waste from  
16 Coca-Cola?

17 A. Yes.  
18 Q. Okay. And was it one facility or more than one  
19 facility?  
20 A. Just one.  
21 Q. Okay. And where was that located?  
22 A. I believe their address is Dean Street in  
23 Providence.  
24 Q. Okay. And did any of the Dean Street,  
25 Providence, pick-ups that you made go to the J.M.  
0067  
1 Mills landfill?  
2 A. The closest landfill was Central. There's a  
3 possibility I ended up at Mills, but I'm not --  
4 Q. You don't have any recollection?  
5 A. No.  
6 Q. And do you recall what was in the container -- in  
7 the containers you picked up from the Dean  
8 Street, Providence, Coca-Cola facility?  
9 A. Broken soda bottles, cans, bags -- empty bags  
10 of syrup, pallets, regular trash, glass, a lot of  
11 glass, broken bottles.  
12 Q. Okay. Crystal Thermal Plastics, do you remember  
13 that facility?  
14 A. Yes.  
15 Q. Talked about that before a little bit, you'll  
16 recall?  
17 A. Yes.  
18 Q. And did you ever pick-up waste from Crystal  
19 Thermal Plastics?  
20 A. Yes.  
21 Q. Okay. Do you have a recollection of any of that  
22 waste going to the J.M. Mills landfill?  
23 A. It was the same location with all these other  
24 companies. I would say I've been there.  
25 Q. When you say "I would say I've been there," is  
0068  
1 it -- as you sit here today, is it your testimony  
2 that you have a recollection that some of the  
3 Crystal Thermal Plastics' roll-offs that you  
4 picked up were disposed of at J.M. Mills?  
5 A. In that time period, I would say yes, that I  
6 brought some of those to Cumberland.  
7 Q. And that's based on what? Why would you say  
8 that's the case?  
9 A. They're all -- most of these companies we  
10 talked about, they're all in the same area of  
11 five to seven miles from the dump.  
12 Q. Okay. All right. And Crystal Thermal plastics,  
13 where were they located?  
14 A. Industrial Drive, Cumberland, Rhode Island.  
15 Q. And what is it that they -- what did they do?  
16 What type of facility was it?  
17 A. They made, like, sheathing plastic. I don't  
18 know what you would use it for. When it was on  
19 the ground, it was like walking on ice. It was a  
20 very thin product. I don't know what it ended  
21 up -- what it ended up doing, what their product  
22 was.  
23 Q. Okay. How big was the facility?  
24 A. Good size. Good size manufacturing plant.  
25 Q. And what was the size container that you picked  
0069  
1 up from them?  
2 A. 50-yard break away.  
3 Q. And what was it that was contained in those



4 50-yard break aways that you did pick up?  
5 A. A lot of plastic, sheathing plastic, you know,  
6 gaylord, cardboard, pallets, just common trash.  
7 Q. All right. And how often did you pick up from  
8 Crystal Thermal Plastics? Do you recall?  
9 A. Same as most of these other companies. There  
10 were several drivers, so sometimes I wouldn't go  
11 to a company for eight months.  
12 Q. So you're unable to state the frequency with  
13 which you picked up --  
14 A. Right.  
15 Q. -- but you are sure you were there?  
16 Were you there at least once a year?  
17 A. Oh, yes, at least once a year.  
18 Q. Do you think you were there once a month?  
19 A. I -- I don't know if I was there once a month.  
20 Q. Other than this thin kind of crunchy plastic that  
21 was in the 50-yard boxes that you picked up, do  
22 you have any recollection of any liquid wastes?  
23 A. I don't.  
24 Q. Any recollection of any odors associated with any  
25 of the roll-offs that you took from the Crystal  
0070 Thermal Plastics facility?  
1 A. I don't.  
2 Q. A company called Display Novelties, do you  
3 remember them?  
4 A. Yes.  
5 Q. Where were they located?  
6 A. Rand Street, Central Falls, R-A-N-D.  
7 Q. And what size was the container you picked up  
8 there?  
9 A. 50-yard break away.  
10 Q. How far away were they from the J.M. Mills  
11 landfill?  
12 A. Four miles.  
13 Q. Was J.M. Mills the closest landfill to Display  
14 Novelties?  
15 A. Yes.  
16 Q. Do you have a recollection of picking up  
17 roll-offs from Display Novelties and bringing  
18 them to the J.M. Mills landfill?  
19 A. I don't recall exactly taking that there.  
20 Q. Well, as you sit here today, do you have a -- are  
21 you saying you don't remember one way or the  
22 other?  
23 A. To speak the truth, I've probably been there,  
24 but I can't honestly answer.  
0071 Q. Okay. When you say "probably been there," are  
1 you saying you don't have a specific recollection  
2 of having been to Display Novelties?  
3 A. No, I've been to Display Novelties, but if I  
4 brought it to J.M. Mills without a slip -- I  
5 don't remember if I brought it to the J.M. Mills.  
6 Q. So you're unable to state whether you did or not?  
7 A. Right.  
8 Q. Do you remember what was contained in the Display  
9 Novelties boxes that you picked up?  
10 A. Yeah, they made store -- store shelving, a lot  
11 of Formica, sawdust, particle board, rags. I  
12 don't recall any other.  
13 Q. All right. Let's go to -- did you pick up from  
14 any of the IGA facilities?  
15 THE WITNESS: Food stores?  
16

17 MR. MURPHY: Yes.  
18 A. Yes.  
19 Q. Okay. With respect to the IGA facilities, were  
20 they just the IGA supermarkets or was it some  
21 sort of an IGA central distribution and  
22 manufacturing facility?  
23 A. Right next door to Peterson Puritan is IGA,  
24 old warehouse.  
25 Q. All right.  
0072  
1 A. Martin Street.  
2 Q. And did you pick up from there as well?  
3 A. Yes.  
4 Q. All right. And what did you pick up from the IGA  
5 warehouse on Martin Street?  
6 A. A lot of broken, damaged food items,  
7 cardboard, you know, broken dog food bags,  
8 whatever. Whatever got wrecked in the shipping  
9 and handling.  
10 Q. All right. Was there any sort of vehicle  
11 maintenance facility at the warehouse as well?  
12 Do you have any recollection?  
13 A. There was a garage there. Where their trash  
14 went, I'm not sure.  
15 Q. How often did you pick up from the Martin Street  
16 IGA warehouse?  
17 A. Like all these other stops, they're all --  
18 I've been there. How many times, I don't know.  
19 Q. Okay. And was that literally right down the road  
20 from the J.M. Mills landfill?  
21 A. Yes.  
22 Q. Okay. Do you recall the size of the container  
23 you picked up from the warehouse?  
24 A. 50-yard break away.  
25 Q. Would that have gone to the J.M. Mills landfill?  
0073  
1 A. Yes.  
2 Q. Because of the proximity of the location?  
3 A. Yes.  
4 Q. But you don't have a recollection of how often  
5 you brought that there; is that correct?  
6 A. Correct.  
7 Q. Do you remember a company called Kaiser Aluminum?  
8 A. Yes.  
9 Q. Okay. And did you service or pick-up waste from  
10 Kaiser Aluminum?  
11 A. Yes.  
12 Q. How many facilities did you service?  
13 A. Just one.  
14 Q. And where was that located?  
15 A. I believe the same town as Pearson Yacht, so  
16 I'm assuming Middletown.  
17 Q. Okay. And do you remember what sort of waste was  
18 in their containers?  
19 A. A lot of plastics, like mold plastics, the  
20 coating that's on electrical wires. I think  
21 there was chunks of plastics. I believe that  
22 they coated the wires there, pallets. I think,  
23 you know, a lot of the small plastic all broken  
24 up.  
25 Q. Do you have a recollection of how often you  
0074  
1 picked up from Kaiser Aluminum?  
2 A. I don't know how many times. You know,  
3 probably went there four or five times a year at

4 least at that time.  
5 Q. Did any of the Kaiser Aluminum loads go to J.M.  
6 Mills?  
7 A. Same as the other stop. I probably brought it  
8 there, but I can't honestly remember bringing it  
9 directly there.  
10 Q. You don't have a recollection at this time, is  
11 that what you're saying?  
12 A. I can't honestly answer that I brought it  
13 there.  
14 Q. Okay. And do you remember what it was that  
15 Kaiser Aluminum did?  
16 A. Aluminum wire or whatever kind of wire it was,  
17 I guess they coated it. I don't know if they did  
18 the aluminum there also. It was Kaiser Aluminum.  
19 I don't know what their ending product was.  
20 Q. All right. How far were they from the J.M. Mills  
21 landfill? Do you remember?  
22 A. I'd say 45 to 50 miles.  
23 Q. Okay. Do you remember a company called Key  
24 Container?  
25 A. Yes.

0075

1 MR. SALLY: What was the name again?  
2 MR. MURPHY: Key, K-E-Y, Key Container.  
3 Q. Did you pick up any waste from them?  
4 A. Yes.  
5 Q. Okay. And where were they located?  
6 A. They were either on Industrial Highway in  
7 Pawtucket or there's a side street. I don't know  
8 what their actual billing address is.  
9 Q. And how far were they from the J.M. Mills  
10 landfill?  
11 A. Eight to nine miles, ten miles.  
12 Q. And what size containers did you pick up from Key  
13 Container?  
14 A. I think it was a, I believe, 30-yard open top.  
15 Q. And do you remember what it was that Key  
16 Container did? What were their operations?  
17 A. I think they make boxes or drums, cardboard  
18 drums.  
19 Q. And do you remember how often you picked up these  
20 30-yard open tops from them?  
21 A. Same as all these others. I could have been  
22 there once a month. Sometimes -- I don't recall  
23 exactly how many times I went there.  
24 Q. And do you have a recollection of any of the  
25 containers or roll-offs that you picked up from

0076

1 Key Container being brought to the J.M. Mills  
2 landfill?  
3 A. I would say I went there. I can't recall  
4 specifically.  
5 Q. When you say "I would say I went there," what's  
6 the basis for that? What's your reasoning that  
7 leads you to conclude that you would have brought  
8 Key Container roll-offs to J.M. Mills?  
9 A. All of these stops are within an average of  
10 15 miles of the landfill.  
11 Q. Okay. So it would have been part of your kind of  
12 standard procedure under those circumstances to,  
13 at times, have brought it to J.M. Mills?  
14 A. Correct.  
15 Q. Okay. And do you remember what was in the Key  
16 Container roll-offs?

17 A. I think a lot of the broken cardboard barrels,  
18 the rings, there's a big snap ring, the tin  
19 covers that were damaged in their processing. I  
20 would say pallets.

21 Q. Do you remember seeing anything from the actual  
22 manufacturing process?  
23 A. Nothing sticks out.

24 Q. Do you remember seeing any kind of sweepings or  
25 rags?

0077

1 A. I -- I don't recall.

2 Q. Any recollection of any odors of any type?  
3 A. No. It was an open can, nothing --

4 Q. Any liquid waste? Do you remember any liquid  
5 waste?  
6 A. No, not that I recall.

7 Q. Do you remember a company called Microfibers?  
8 A. Yes.

9 Q. Did you at times when you worked for Buffington  
10 pick up from Microfibers?  
11 A. Yes.

12 Q. Okay. Where were they located?  
13 A. I think it's M-O-S-S-U-C-K -- I'm going to  
14 spell it wrong. It's in Pawtucket. I can't  
15 even --

16 Q. It's a street that starts with M-O-S-S but it's  
17 hard to spell?  
18 A. Yeah, I'm going to embarrass myself.

19 Q. That's okay.  
20 A. It's not Massasoiet (ph). It's -- if I had a  
21 book in front of me, I could show it to you.

22 Q. What is it that they did? Do you remember  
23 what --  
24 A. They make for the cloth material in your car,  
25 the microfibers that are on your seats in your

0078

1 car.

2 Q. And do you remember what was in the containers  
3 that you picked up there?  
4 A. Millions of those microfibers, rags. And  
5 there was some kind of chemical in there because  
6 it smelled. At one time, I dumped it and it blew  
7 itself up about five minutes later when the air  
8 got to it. It exploded.

9 Q. Do you remember where it was that it blew up?  
10 A. Central landfill.

11 Q. Now, do you have any recollection of any of your  
12 deliveries of Microfibers from Pawtucket being  
13 disposed of at the J.M. Mills landfill?  
14 A. I've been there.

15 Q. When you say "I've been there," is that a yes?  
16 A. Yes.

17 Q. So are you telling me that some of your  
18 Microfibers roll-offs were disposed of at the  
19 J.M. Mills landfill?  
20 A. Yes.

21 Q. Okay. And of the J.M. Mills disposals of  
22 Microfibers' roll-offs, did it have the same type  
23 of waste you just described?  
24 A. Yes.

25 Q. Including the rags and fibers with the chemical

0079

1 smell?  
2 A. Yes.

3 Q. Did you ever talk to anybody about what that

4 chemical smell came from, what the chemical was?  
5 A. No, I just -- no, I didn't.  
6 Q. Okay.  
7 A. We didn't have any safety meetings back then.  
8 There was no NADA books back then. There was  
9 no -- you just went out and did it.  
10 Q. And, again, I don't think I asked you, what was  
11 the size of the container from Microfibers?  
12 A. 50-yard break away.  
13 Q. Are they still in business, by the way?  
14 A. Yes, they are.  
15 Q. Did you ever have any conversations with anybody  
16 who worked for Buffington or, you know, worked  
17 with Buffington as to the guys who worked --  
18 driven -- were picking up from Microfibers in the  
19 '70's?  
20 A. '70's? Sonny -- I don't know when Sonny was  
21 there. Sonny Luthy was there when I got there.  
22 I don't know when he started for Buffington.  
23 Q. Okay. Do you know whether he picked up from  
24 them?  
25 A. Yes.

0080

1 Q. Do you recall how often you picked up from  
2 Microfibers?  
3 A. Same as these other accounts. I -- I -- I  
4 could have been there six times a year, maybe  
5 more, maybe, you know.  
6 Q. Gotcha. Gotcha. Do you remember a company  
7 called Newell Lumber?  
8 A. Yes.  
9 Q. By the way, are they still in business, Newell  
10 Lumber?  
11 A. There's a post office there now. I think  
12 they're out of business.  
13 Q. Do you remember what kind of waste you brought  
14 there or you picked up from there?  
15 A. 30-yard open top, scrap wood, plastic  
16 cardboard, tie-downs, you know, the metal straps  
17 or plastic straps binding wood together, broken  
18 wood, you know.  
19 Q. Do you have any recollection -- was that a  
20 Pawtucket --  
21 A. Yes.  
22 Q. -- Lumberyard?  
23 A. Yes.  
24 Q. Do you have any knowledge as to whether they're  
25 still in business at this time?

0081

1 A. No, I don't.  
2 Q. And do you have a recollection that any of the --  
3 any of the waste that you ever saw in the  
4 roll-offs you picked up were -- was in any way  
5 industrial in nature?  
6 A. Unless there was, like, a broken, you know,  
7 five-gallon tub of something -- roofing cement or  
8 something. It wasn't -- you know, they didn't  
9 produce nothing, just a lumberyard. I'm sure  
10 there was some broken buckets or tubes of glue,  
11 like Liquid Nails, but nothing out of the  
12 ordinary, you know.  
13 Q. Any recollection -- did you bring any of the  
14 Newell Lumber loads to J.M. Mills?  
15 A. I'd say I did.  
16 Q. Would you be able to say how many or how often?

17 A. Same as these other stops. They're all --  
18 same areas. I don't know.  
19 Q. And how big was the size of the container?  
20 A. 30-yard open top.  
21 Q. Do you remember picking up from Pawtucket  
22 Memorial Hospital?  
23 A. Yes.  
24 Q. And where exactly are they located?  
25 A. The address is -- they sit on -- they sit on

0082

1 one city block. They have four sides. It's  
2 either Pond Street or -- I'm not sure of the  
3 other street names. I'm not sure of the billing  
4 address.  
5 Q. What size -- how far were they from the J.M.  
6 Mills landfill?  
7 A. About eight miles.  
8 Q. And do you remember how often you went there  
9 during the period of time you worked for  
10 Buffington?  
11 A. Not exactly, no.  
12 Q. Any idea of the frequency? Were you there  
13 monthly, do you think?  
14 A. I can't honestly answer if I was there once a  
15 month.  
16 Q. What size containers did you pick up?  
17 A. That was a 50-yard break away.  
18 Q. And do you remember, did you have an opportunity  
19 to observe what was in the 50-yard break aways  
20 that you were picking up from the hospital?  
21 A. Whatever they didn't -- I'm sure they burned  
22 back then. Most of these hospitals have  
23 incinerators. As far as the garbage, whatever  
24 they use on the patients, most of it went in the  
25 dumpster. It was a disgusting stop.

0083

1 Q. What do you mean by "a disgusting stop"?  
2 A. There was something that used to ooze out of  
3 it like slimy -- I don't know. It was -- you  
4 didn't want to do it.  
5 Q. Something that used to ooze out of what, the  
6 container?  
7 A. Yeah. It was on a hill and I don't know if it  
8 was the garbage fermenting in there, but it  
9 was -- it was -- brings back bad memories.  
10 Q. All right. Any chemical smells? Did you ever  
11 smell --  
12 A. No, it was just -- you didn't want to touch  
13 it.  
14 Q. Did you ever observe any kind of medical waste,  
15 blood residue or anything like that?  
16 A. I -- everything was in bags mostly. I don't  
17 recall.  
18 Q. All right. Did any of the Pawtucket Memorial  
19 Hospital roll-offs that you picked up get  
20 deposited at the J.M. Mills landfill?  
21 A. I believe I have, yes.  
22 Q. What's the basis for your saying that some of the  
23 Pawtucket Memorial Hospital loads went to --  
24 A. It was so close to the dump.  
25 Q. Where else would the Pawtucket Memorial Hospital

0084

1 containers have gone if you didn't bring them to  
2 J.M. Mills?  
3 A. Central landfill.

4 Q. And during the period of time that J.M. Mills was  
5 open while you were driving, as between J.M.  
6 Mills and Central Landfill, are you able to state  
7 how often the Pawtucket Memorial Hospital waste  
8 went to J.M. Mills versus Central?  
9 A. I don't honestly remember. I'm guessing J.M.  
10 Mills was closer, but I -- I don't remember  
11 exactly where I went with it.  
12 Q. Would you say at least 50/50?  
13 A. I'd say.  
14 Q. And you're sure you brought some of it to J.M.  
15 Mills?  
16 A. Yes.  
17 Q. You're just saying you're not able to  
18 characterize what percentage?  
19 A. Right.  
20 Q. Do you remember a company called Schoolhouse  
21 Candy?  
22 A. Yes.  
23 Q. Okay. Did you pick up waste from them?  
24 A. Yes.  
25 Q. Okay. Where were they located?  
0085  
1 A. Easten Avenue, Pawtucket. I think it's  
2 E-A-S-T-E-N.  
3 Q. How far were they from J.M. Mills?  
4 A. Six miles, seven miles.  
5 Q. What was the nature of the waste that you picked  
6 up from them?  
7 A. Candy.  
8 Q. Was there any manufacturing type waste,  
9 chemicals, sweepings, resins, anything like that?  
10 A. There was just the bags of what the products  
11 were to make the candy, you know, like the size  
12 of a flour bag from a bakery, cardboard trash,  
13 lollipops and whatever candy they sold.  
14 Q. So essentially food waste?  
15 A. Exactly.  
16 Q. Any recollection of any chemical smells or  
17 observation of any other kind of unknown liquid  
18 wastes?  
19 A. No, it was just -- you know, just nice and  
20 sticky and gooey.  
21 Q. And did you bring any of this to J.M. Mills?  
22 A. Same as these other ones. Without a slip, I  
23 would say I've been there, yes.  
24 Q. But you're unable to state how often?  
25 A. Right.  
0086  
1 Q. Do you recall a company known as Union Wadding?  
2 A. Yes.  
3 Q. And did you, at times, pick up or service Union  
4 Wadding?  
5 A. Yes.  
6 Q. Did they have a Pawtucket facility?  
7 A. Goff Avenue, G-O-F-F.  
8 Q. What did they do? What did Union Wadding do?  
9 A. They made a -- more like a -- I don't know  
10 what a -- where it went. Like you know when you  
11 do your Christmas displays, the thin fake snow?  
12 It was a product like that that came out of it.  
13 I don't know if they line car seats with it. I  
14 don't really know what it did.  
15 Q. It was a form of textile, some sort of textile  
16 manufacturing?

17 A. Yeah, it was, like, cushiony, you know. It's  
18 only like a quarter of an inch thick. I don't  
19 know what it did, where it went after the  
20 manufacture, what they used it for.

21 Q. How far was Uni on Wadding from J.M. Mills?  
22 A. About six miles.

23 Q. Do you remember how often you picked up  
24 containers from Uni on Wadding?  
25 A. Same as these other accounts. I've been there  
0087  
1 probably 60 times in the course of those years.  
2 Q. Okay. And do you remember the size of the  
3 container?  
4 A. 50-yard break away.

5 Q. Now, other than this textile, fake snow-type  
6 cloth, what else do you recall, if anything,  
7 being in the roll-offs that you picked up from  
8 Uni on Wadding?  
9 A. Whatever they dyed that material with used to  
10 leak out of the container, you know, light blue,  
11 white. Whatever dye that they colored it with  
12 used to leak.

13 Q. So you recall some liquid --  
14 A. Drippings, yes.

15 Q. -- waste inside the roll-offs?  
16 A. Yes.

17 Q. Anything else? Any adhesives or glues or  
18 chemicals or anything like that?  
19 A. Not that I recall.

20 Q. And do you recall whether any of the roll-offs  
21 that you picked up from the Uni on Wadding  
22 facility would have been brought during the  
23 relevant time periods to J.M. Mills?  
24 A. I would say, yes, I brought some in.

25 Q. And if you didn't bring them to J.M. Mills, where  
0088  
1 else would you have brought them?  
2 A. Central landfill.

3 Q. Which was closer?  
4 A. Mills.

5 Q. Okay. So are you able to give me any idea of how  
6 often the Uni on Wadding roll-offs would have gone  
7 to J.M. Mills versus Central?  
8 A. 50 percent.

9 Q. Any other sort of waste you remember, other than  
10 the ones you described coming from Uni on Wadding?  
11 A. No.

12 Q. Did you pick up from Veterans Hospital?  
13 THE WITNESS: In Providence? VA  
14 Hospital, Providence?  
15 MR. MURPHY: Yeah.

16 A. Yes.

17 Q. What did you pick up from them?  
18 A. Same as Pawtucket Memorial Hospital, trash.

19 Q. Can you state whether any of that waste went to  
20 J.M. Mills?  
21 A. Central landfill was closer and they own their  
22 own -- we just hauled it, I believe. So I  
23 believe most of it, I would say, I went to  
24 Central.

25 Q. All right.  
0089  
1 A. I don't recall ever going to --  
2 Q. J.M. Mills with that waste?  
3 A. I don't recall ever taking that there.



4 Q. Okay. I've got some follow-up questions I wanted  
5 to ask you, Mr. Lapre, then I should be finished,  
6 just on -- just a few of the areas that  
7 Mr. Jackson questioned you on during the last  
8 session of the deposition. Let me just kind of  
9 get through these and then we should be in pretty  
10 good shape.

11 My first question is this: During the time  
12 period that you were driving for Buffington and  
13 J.M. Mills was still open and in use, are you  
14 able to characterize, generally, the frequency  
15 with which you would have dumped or been at J.M.  
16 Mills versus Central Landfill? Do you understand  
17 my question?

18 A. I would say --

19 MR. SALLY: Objection.

20 A. I would say I was in Central Landfill more  
21 than J.M. Mills.

22 Q. And what's the basis for that answer?

23 A. You tried to make a route out of your stops  
24 with those two Pawtucket recycling facilities in  
25 Pawtucket. So a lot of times you'd go down with

0090

1 a load of trash, bring it to Central, if I'm  
2 not -- and then head down to North Kingstown,  
3 Westerly, get a load of cardboard, go back to  
4 Pawtucket, grab a load of trash, head to Central,  
5 come back down, get another load. You made a  
6 route out of it unless -- unless you were told --  
7 a lot of times it was take this load to there,  
8 then you made the route out of whatever you had.  
9 So it wasn't nothing -- unless -- you know, when  
10 you called dispatch, it was -- you were told  
11 where to dump it. Some of them after a while you  
12 just knew automatically, you just went there.

13 Q. Let me ask you some specific questions about  
14 Teknor Apex. You said that there was -- that the  
15 dust pick-up in Pawtucket was on call. Do you  
16 remember that testimony?

17 A. Yes.

18 Q. Do you recall how often you made that pick-up,  
19 the Pawtucket dust pick-up, that was on call?

20 A. I was probably there at least five times a  
21 year, could be more. I can't remember exactly  
22 how many times I serviced it.

23 Q. Were you the only one servicing that?

24 A. No.

25 Q. Any idea how many other people were servicing it?

0091

1 A. There was the other two drivers I work with  
2 myself and then there was Goditt & Boyer's  
3 drivers. We all shared a lot of the same work.

4 Q. All right. Now, at Hebronville, there was a  
5 50-yarder. Do you remember testifying to that,  
6 that there was a 50-yarder at the Hebronville  
7 location?

8 A. Yes.

9 Q. Do you recall if you picked that up more than  
10 once?

11 A. Yes.

12 Q. Did you pick it up more than ten times?

13 MR. BENIK: Objection.

14 Q. More than 20 times?

15 MR. BENIK: Objection.

16 A. I'd say yes.

17 Q. More than 30 times?  
18 MR. BENIK: Objection.  
19 A. I'm not sure in that time period.  
20 Q. Okay. But you'd say at least 20?  
21 A. Yes.  
22 Q. More than 20, but -- more than 20 you're unable  
23 to say?  
24 A. Exactly.  
25 Q. All right. Now, by the way, the Hebronville,  
0092  
1 that 50-yarder, was that pick up a scheduled or a  
2 will call? Do you remember?  
3 A. I'd say will call.  
4 Q. Some questions about Carol Cable. Let me ask you  
5 just a few follow-up questions about the Warren  
6 facility. There was a 30-yarder that was a will  
7 call?  
8 A. Yes.  
9 Q. Do you remember that --  
10 A. Yes.  
11 Q. -- your testimony about that?  
12 Do you recall how often you made that  
13 pick-up?  
14 A. It wasn't -- they hardly used it. At least  
15 three times a year. If you could find records,  
16 probably more, but I don't recall exactly. They  
17 didn't really utilize it much.  
18 Q. What, that particular 30-yarder?  
19 A. Right.  
20 Q. But now when you say "three times a year," that  
21 would have been the number of times you went  
22 there?  
23 A. Yes.  
24 Q. And it's your understanding that it's likely that  
25 other Buffington and Goditt & Boyer drivers also  
0093  
1 picked up from that --  
2 A. Yes.  
3 MR. COBURN: Objection.  
4 Q. Picked that 30-yarder up?  
5 A. Yes.  
6 Q. A few questions about the Lincoln facility. You  
7 described two 50-yard containers plus a live load  
8 of gaylords. Do you remember that?  
9 A. Yes.  
10 Q. Okay. With respect to the two 50-yarders, do you  
11 recall if those were scheduled or will call?  
12 A. I believe they were on a schedule at Lincoln.  
13 You had to check inside with a man named Duke  
14 whether to haul the upper machine, because all  
15 these machines work off pressure and sometimes we  
16 would have to read the gauge and tell them --  
17 report how much pressure, and that kind of tells  
18 you how much is in the box.  
19 Q. Do you recall how often you picked up those  
20 50-yarders at the Lincoln facility?  
21 A. Between those years, I'd probably been there  
22 50 times, 60 times. Busy places.  
23 Q. Okay. There was a 50-yard container in  
24 Pawtucket. Do you remember that?  
25 THE WITNESS: Roosevelt Avenue?  
0094  
1 MR. MURPHY: I think so.  
2 A. Yes. Yes.  
3 Q. Do you recall if that was a scheduled or a will

4 call?  
5 A. That's will call.  
6 Q. Do you remember how many times you were there?  
7 And this is the Pawtucket 50-yarder.  
8 A. I don't think they were as busy as the other  
9 plants. I -- I probably been there 20 times at  
10 least, if not more.  
11 Q. 20 times over the two-year period, you say?  
12 A. Well, between '80 and '84.  
13 Q. A few questions about A.T. Cross. You said that  
14 there was a 50-yard roll-off there?  
15 A. Yes.  
16 Q. Do you recall if that was a scheduled pick-up or  
17 a will call?  
18 A. I'd say will call.  
19 Q. Did you pick up at that location more than once?  
20 A. Yes.  
21 Q. More than ten times?  
22 A. I'm not sure.  
23 Q. Couple questions about Wyman-Gordon. You said  
24 there was a 50-yard roll-off at the Wyman-Gordon  
25 location --

0095

1 A. Yes.  
2 Q. -- do you remember that testimony?  
3 Do you recall whether that was a scheduled  
4 stop or a will call stop?  
5 A. I'd say will call.  
6 Q. Do you have any recollection how many times you  
7 made that will call stop at Wyman-Gordon?  
8 A. I'd say at least 20.  
9 Q. When you say "at least 20," that's you  
10 personally?  
11 A. Right.  
12 Q. And during, what, that same period between '80  
13 and '84?  
14 A. Yeah. Well, I started October of '85 for  
15 Goditt & Boyer, so I'd say between '80 and  
16 October of '85.  
17 Q. Some questions about Hollingsworth & Vose.  
18 A. Yes.  
19 Q. Do you recall your testimony where you said there  
20 was a 50-yarder and a 30-yarder?  
21 A. Yes.  
22 Q. Okay. Do you recall whether Hollingsworth & Vose  
23 was a scheduled stop or a will call stop?  
24 A. I'm assuming will call.  
25 Q. When you say you're "assuming," why is that?

0096

1 A. We don't -- only some of these companies that  
2 you did all the time you knew they were  
3 automatics. Like Carol Cable Warren was an  
4 automatic Monday, Wednesday, Friday. I'd park  
5 in -- the closest to that facility. I did it  
6 three days a week without even thinking about it.  
7 Most of these other ones, when you called  
8 dispatch they just gave you the stop.  
9 Q. Okay. You're not sure, but it's just your belief  
10 that it was a will call --  
11 A. Right.  
12 Q. -- is that what you're saying?  
13 You said that you had picked up at that  
14 facility more than once --  
15 A. Yes.  
16 Q. -- is that fair to state?

17 Are you able to state whether you picked up  
18 there more than ten times during the period that  
19 J.M. Mills was open?

20 MS. BARRY: Objecti on.

21 A. I don't recall.

22 Q. Did you pick up more than five times during that  
23 kind of 1981/1982 period?

24 MS. BARRY: Objecti on.

25 A. Do we have slips on Buffington because I've

0097

1 got the Buffington years then I've got other  
2 years with the other company. I don't want to  
3 get confused. What year? If you had a year, I  
4 could say I was there in that time frame. When I  
5 went to work for the company, I also drove  
6 roll-off, so I don't -- I don't want to say I was  
7 there.

8 Q. So what is it that you -- would be useful for you  
9 to see to help you answer that question?

10 A. If we had dates, I would say I drove the  
11 Buffington truck, other dates I drove for Goditt  
12 & Boyer, then we became Waste Systems, then Waste  
13 Management.

14 Q. All right. And this is specifically with respect  
15 to Hollingsworth & Vose you're talking about?

16 A. Right.

17 Q. Hang on one second. Let me just see whether with  
18 that -- why don't we take a short break. I'm  
19 almost finished. I just want to check and kind  
20 of clean up a little bit and make sure I'm not  
21 missing anything.

22 MR. CONNORS: Okay.

23 (A lunch recess was taken.)

24 MR. MURPHY: Back on the record. At  
25 this juncture, subject to a little bit of

0098

1 follow-up, I'll turn the questioning over to  
2 defendants.

3 MR. JACKSON: So who wants to do it  
4 first? Don't everybody jump up.

5 EXAMINATION BY MR. SALLY

6 Q. Mr. Lapre, my name is Frank Sally. I represent  
7 Blackstone Valley in this case and I'd like to  
8 ask you a few questions. As I understand your  
9 testimony, you began working in this business  
10 directly out of high school; is that correct?

11 A. Yes.

12 Q. And that would have been 1980?

13 A. Yes.

14 Q. And that was December --

15 A. Yes.

16 Q. -- is that correct?

17 A. June. May or June.

18 Q. May or June?

19 A. Right.

20 Q. And you began working for a fellow named Bruce  
21 Buffington?

22 A. At that time, I worked for Alan Jarabek. I  
23 didn't start here until -- about December, I  
24 started.

25 Q. So in December, you started with Buffington?

0099

1 A. Yes.

2 Q. And Alan Jarabek --

3 A. Yes.

4 Q. -- is that the correct name?  
5 A. (Nods head in the affirmative).  
6 Q. Was he a subcontractor for somebody else?  
7 A. No, he owned his own company in Fall River.  
8 Q. And what type of business did you do for him?  
9 A. Rubbish.  
10 Q. And what were your collections?  
11 A. Back then, Somerset, Swansea, Fall River.  
12 Q. Any of the accounts that you handled when you  
13 went to work for Mr. Buffington?  
14 A. No.  
15 Q. So you went to work for Mr. Buffington in  
16 December; is that correct?  
17 A. Yes.  
18 Q. And then you continued to work for him through a  
19 series of transitions, then ultimately the  
20 company went to Waste Systems, is that --  
21 A. Well, I left --  
22 Q. Goditt & Boyer, rather.  
23 A. I left -- I left Bruce Buffington and went  
24 directly to Goditt & Boyer. The work we had was  
25 Goditt & Boyer's.

0100

1 Q. And when did you go to Goditt & Boyer?  
2 A. October of 1985, October 19th, 1985.  
3 Q. And while you worked for Bruce Buffington, he was  
4 a subcontractor for Goditt & Boyer; is that  
5 correct?  
6 A. Correct.  
7 Q. And was that all the business that you did was  
8 subbing for Goditt & Boyer?  
9 A. Correct.  
10 Q. And when you went to the J.M. Mills dump to let  
11 off a load, you would receive a ticket; is that  
12 correct?  
13 A. Yes.  
14 Q. And we've had a lot of those tickets introduced  
15 into evidence here during the deposition. Do you  
16 remember that?  
17 A. Correct.  
18 Q. Now, would you get a ticket each and every time  
19 you went to J.M. Mills?  
20 A. Yes.  
21 Q. So would it be a fair statement to say that if  
22 there's no ticket for dumping a particular load,  
23 that load was not dumped at J.M. Mills?  
24 MR. MURPHY: Objection to the form.  
25 Q. Do you understand my question?

0101

1 A. I understand. Without evidence in front of  
2 me, I can't -- I can't agree with that.  
3 Q. I'm sorry?  
4 A. I can't agree with you without the evidence in  
5 front of me that there was no slip where the load  
6 went.  
7 Q. And I will represent to you that it's my  
8 understanding that the J.M. Mills landfill closed  
9 sometime in 1982.  
10 A. I don't know the exact date.  
11 Q. You have no idea?  
12 A. Correct. I don't know.  
13 Q. And also the tickets that we've examined today,  
14 and I certainly can't say I've gone through every  
15 one, but there do not appear to be any tickets  
16 for J.M. Mills after 1982.

17 A. I'd have to look myself.  
18 Q. Well, just accepting that representation --  
19 A. I'll agree with you, if that's the dates on  
20 there.  
21 Q. So would it be fair to say that if there were no  
22 tickets after 1982 from J.M. Mills landfill that  
23 you didn't go there after 1982?  
24 A. I'm not sure when the dump closed. There's  
25 only so many tickets that they have. I don't  
0102  
1 know the date that it closed.  
2 Q. But in any event, if you don't -- if there's no  
3 ticket for your taking a trip to J.M. Mills, you  
4 would have to agree with me that you didn't take  
5 a trip to J.M. Mills?  
6 MR. CONNORS: Objection.  
7 MR. MURPHY: Objection to form.  
8 MR. SALLY: Let me withdraw that  
9 question.  
10 Q. Every time you went to J.M. Mills, you were  
11 issued a dump ticket?  
12 A. Yes.  
13 Q. So if there's no dump tickets for you in, say,  
14 1983, you would conclude that you didn't go to  
15 J.M. Mills in 1983, is that a fair assumption?  
16 A. Yes.  
17 Q. Now, you have been in this business for  
18 approximately 28 years?  
19 A. Yes.  
20 Q. And how many loads do you do a day?  
21 A. I drive different trucks now. That was a  
22 roll-off truck. At the time, you did about eight  
23 a day on a good day.  
24 Q. And how many days a week did you work?  
25 MR. CONNORS: Objection. What time  
0103  
1 period now?  
2 MR. SALLY: That's fair enough. Let's  
3 start back in December of 1980.  
4 A. I worked about 68 hours a week in the '80's.  
5 Q. And how many loads would you do a week?  
6 A. A week? Sometimes eight to nine in a day,  
7 sometimes ten. Saturdays four or five. It  
8 varied on the work.  
9 Q. So you'd be doing, say, 50 to 60 a week?  
10 A. Roughly. A little bit under, I would say, on  
11 the average.  
12 Q. And did you take any vacation during the early  
13 '80's?  
14 A. Yeah. I got married in 1982 and took a week  
15 off.  
16 Q. Would you take two or three weeks every year?  
17 A. I was self-employed for Mr. Buffington, so I  
18 didn't take two or three weeks off a year. Maybe  
19 I took a week off.  
20 Q. Would you agree with me that you worked at least  
21 50 weeks a year?  
22 A. Oh, yes.  
23 Q. And if you assume that you took -- how many loads  
24 a day, did you say?  
25 THE WITNESS: To that particular dump or  
0104  
1 the industry?  
2 Q. Strike that. Each week you were doing 50 to 60  
3 loads; is that right?

4 A. I wouldn't say 60. Like I said, it was an  
5 average of seven, eight, nine depending on how  
6 close they were to the dump, that made your day.  
7 Q. How about 50, would you agree with me on that?  
8 A. Yes. Roughly, yeah.  
9 Q. So if we take doing 50 loads a week and we say  
10 50 weeks a year, each year you were doing 2,500  
11 loads; is that correct?  
12 A. Correct.  
13 Q. In starting December of 1980?  
14 A. Yes.  
15 Q. And did that -- say, for the next ten years, did  
16 that continue to be your rate of work, six to  
17 eight loads a day, 50 weeks a year?  
18 A. I changed driving different trucks when I went  
19 to Goditt & Boyer. I didn't do that same job all  
20 those years, not ten years.  
21 Q. Okay. Well, let's just stick to the time, then,  
22 that you were working for Mr. Buffington, the  
23 first four years. That would be December of 1980  
24 through sometime in '85?  
25 A. Yes.

0105  
1 Q. And was your schedule pretty much the same?  
2 A. Yes.  
3 Q. And so you would be doing approximately 50 loads  
4 a week, 50 weeks a year, 2,500 loads a year?  
5 A. I would say yes.  
6 Q. So in those four years, you did 10,000 loads,  
7 10,000 trips; is that fair?  
8 A. I feel like I did.  
9 Q. Probably felt like you did.  
10 A. I had hair then, too.  
11 Q. I did, too. So you were dealing with roll-off  
12 containers?  
13 A. Yes.  
14 Q. And you would pick up a container and trash at a  
15 certain locale and take it to a landfill?  
16 A. Correct.  
17 Q. And, now, after you went to work for Goditt &  
18 Boyer, how did your job change?  
19 A. I did roll-off the first year I was there and  
20 then there was a route sheet hanging every day  
21 what dumps to go to and where the stops were.  
22 And that's how you started off. We had two-way  
23 radios, call in when you were done.  
24 Q. So you were still using the same types of  
25 containers as with --

0106  
1 A. Same stops, same containers, same industry.  
2 Q. And same number of trips?  
3 A. Yes.  
4 Q. Okay. So we got you to 1985 that you're working  
5 for Goditt & Boyer, and how long did you work for  
6 Goditt & Boyer before the company name changed?  
7 A. We changed in 1987 when we merged with Leo  
8 Fontaine and became Waste Systems.  
9 Q. 1987?  
10 A. Yes.  
11 Q. And then you continued -- did your duties or job  
12 change from then on?  
13 A. By then, I was driving a front load truck.  
14 Q. And what was the difference with front-end load  
15 trucks?  
16 A. You see the containers that go in with the

17 forks up over the top.  
18 Q. And would the number of routes that you drove  
19 during that period of time change from seven,  
20 eight a day?  
21 MR. CONNORS: Objection as to relevancy.  
22 If we're talking about J.M. Mills landfill, I'm  
23 not sure what post landfill closure has to do  
24 with the subject matter of the litigation.  
25 Q. Could you answer the question.  
0107  
1 A. Up to 150 a day, 140, 120, depending on the  
2 route, how big the route was that day.  
3 Q. And then so what would you do, you would fill up  
4 a truck and then take it to a landfill?  
5 A. Yes.  
6 Q. And would you take it to a landfill once a day or  
7 more than once a day?  
8 A. Usually three times a day.  
9 Q. So that started in 1987?  
10 A. Yes.  
11 Q. And it's the same job today? Is that the same  
12 job?  
13 A. I -- yes. I cover all the routes, vacations,  
14 people out sick.  
15 Q. And you're using front-end loaders?  
16 A. Front end. I still do roll-off also, rear  
17 load.  
18 Q. So you're picking up loads, filling up your truck  
19 and taking it to a landfill at least three times  
20 a day from 1987 through today; is that a fair  
21 statement?  
22 A. Two or three times a day, yes. Some of the  
23 cardboard runs are less containers, less loads.  
24 Q. So that would give you -- you were five or six  
25 days a week?  
0108  
1 A. Those are an average of five and then  
2 Saturdays like one load up until about four years  
3 ago.  
4 Q. So you would be visiting different landfills at  
5 least 15 times a week?  
6 THE WITNESS: Different landfills?  
7 Q. Well, you'd be dumping your truck in a landfill  
8 15 times a week, the front end loader?  
9 A. On an average, yes.  
10 Q. And that would be from 1987 through 2008?  
11 A. Depending on what I was doing for that week.  
12 Q. Okay. So that would be --  
13 A. I don't have a route every day. Sometimes I  
14 drive a container delivery truck, container  
15 removal, go bring trucks places.  
16 Q. Would you agree with me that you're making,  
17 during that 20-year period, at least ten trips a  
18 week to a dump?  
19 A. Oh, yes.  
20 Q. And so that would be 500 trips a year?  
21 A. Whatever it comes out to.  
22 Q. I'm not good at math either.  
23 A. Neither am I. That's why I drive a garbage  
24 truck.  
25 Q. And so over 20 years, from '79 through  
0109  
1 approximately today -- this is just  
2 approximately -- you made another 10,000 trips or  
3 so to various landfills?



4 A. Whatever the math comes out to.  
5 Q. And even more trips to various locations to pick  
6 up waste?  
7 A. Yes.  
8 Q. Okay. So by my math, taking into account your  
9 work for Buffington, Goditt & Boyer and then  
10 moving on, I added it up to be approximately over  
11 the last 28 years that you've done 20 to 25,000  
12 trips to various landfills.  
13 A. I haven't done the math, but whatever the --  
14 Q. And you don't have any specific recollection of a  
15 trip to a particular landfill, do you?  
16 MR. CONNORS: Objection.  
17 THE WITNESS: What do you mean?  
18 Q. In other words, after 25,000 trips to various  
19 landfills, you can't tell one trip from another?  
20 They all sort of mold into one?  
21 MR. CONNORS: Objection.  
22 MR. MURPHY: Objection to the form.  
23 A. Not really. There's different types --  
24 depending on what truck you're talking about and  
25 different applications, different jobs, different  
0110  
1 places, you deal with this hands-on. It's  
2 hands-on. You're smelling it. You're tasting  
3 it. There's water on your feet, snow coming on  
4 your back. It depends on the situation. Some of  
5 them were -- a bad stop, you didn't -- as soon as  
6 you got it, you didn't even want to go there.  
7 You know, it was like --  
8 Q. But by in large would you agree with me that sort  
9 of trash is trash, you pick it up and you take it  
10 to the dump?  
11 A. No.  
12 MR. MURPHY: Objection to the form.  
13 Q. Every once in a while you have a particular  
14 situation that may stick out in your memory?  
15 MR. MURPHY: Objection to form.  
16 A. You went to these places several hundred  
17 times. You looked at it. You opened the door  
18 and you looked at it. I have loads that fell on  
19 me, digging them out, frozen loads falling on me,  
20 knocked me to the ground. You remember these  
21 things.  
22 Q. But would you agree with me that you can't  
23 remember a -- in general, a specific pick-up and  
24 the type of material that you obtained at that  
25 time for 25,000 trips?  
0111  
1 A. Depending on the manufacturer where I went. I  
2 can bring you to these places and show it to you.  
3 You can look before I even walk in and you're  
4 going to agree with me what's in that container,  
5 and I don't even go to these places anymore.  
6 Q. But different containers contain different  
7 things?  
8 A. Correct.  
9 Q. And you don't have a memory today, Mr. Lapre, of  
10 specific material that would be in a specific  
11 container at any set time, do you?  
12 MR. MURPHY: Objection to form.  
13 A. I cannot identify every piece of material that  
14 came out of that dumpster, but an average  
15 manufacturer, certain stops you remember because  
16 you had to pick up 2 or 300 pounds of plastic, a

17 chunk of rubber that took two men to move, you  
18 remember these things.  
19 Q. But this is your general memory, isn't it? I  
20 mean, you can't tell me specifically what  
21 containers you picked up on a day back in 1982?  
22 A. Correct.  
23 Q. Okay. So what you're testifying to is more a  
24 general memory of your recollections over the  
25 years?  
0112  
1 A. Correct.  
2 Q. Without being able to specify specifically on a  
3 particular day what you picked up at that  
4 location, would you agree with me on that?  
5 MR. MURPHY: Objection to form.  
6 A. Correct.  
7 Q. Now, are you -- when you got out of high school,  
8 did you ever take any -- well, let me back up a  
9 second.  
10 As I understand your testimony, when you went  
11 to work for Mr. Buffington you would receive --  
12 or you would call at night and get your  
13 instructions?  
14 A. Correct.  
15 Q. And various pick ups, places to go?  
16 A. Correct.  
17 Q. And who would give you those instructions?  
18 A. At night, Bruce Buffington.  
19 Q. And was there anyone else working for him who  
20 would give you instructions?  
21 A. Repeat the question, please.  
22 Q. Was there anyone else besides Mr. Buffington who  
23 gave you instructions?  
24 A. If Mr. Buffington went on vacation, there was  
25 two men that worked there before I did. I would  
0113  
1 call them, they would take the phone call at  
2 night and they would give me the work of the day  
3 when Bruce went on vacation.  
4 Q. And that would be from December of 1980 through  
5 1982, Mr. Buffington gave you your instructions?  
6 A. Until '85 when I left him.  
7 Q. I beg your pardon?  
8 A. Until October of '85 when I left.  
9 Q. Okay. Was there anyone else who would be  
10 involved in giving you instructions as to what to  
11 do on a particular day?  
12 A. When we ran out of work, we'd call Goditt &  
13 Boyer directly.  
14 Q. And that would be in 19 -- when you started in  
15 December of '80?  
16 A. Yes.  
17 Q. And who would you deal with at Goditt & Boyer?  
18 A. Mostly Linda Terry.  
19 Q. And who was Linda Terry?  
20 A. She was the dispatcher.  
21 Q. And what would -- if you called Linda and said,  
22 "Linda, I'm out of work," what would she tell  
23 you?  
24 A. She'd say, "where are you? What's your  
25 location?" I'd tell her what I had, what size  
0114  
1 container I had on the truck, and then she'd look  
2 at her roster and give me some more work.  
3 Q. Now, would Mr. Buffington when you were dealing

4 with him, would he tell you where to take the  
5 trash to dump it?  
6 A. Usually, yes. If I remember right, you know,  
7 this load here, that load there.  
8 Q. And as I understand it, you used J.M. Mills  
9 landfill?  
10 A. J.M. Mills, Central and the several landfills  
11 that have closed since that time.  
12 Q. Is Central the same at Silvestri?  
13 A. Yes, it is.  
14 Q. And what were the other landfills that you were  
15 using at that time?  
16 A. Down in Kenyon, Rhode Island, there was a  
17 landfill but I can't remember the name of it.  
18 Westerly, Rhode Island, North Kingstown, South  
19 Kingstown, Greenville, Rhode Island, Billy  
20 Davis's dump, Fall River dump, New Bedford dump,  
21 Fairhaven dump, Dartmouth dump, Taunton dump.  
22 Probably a few more I have forgotten.  
23 Q. Now, do you have any memory or do you know how  
24 Mr. Buffington decided which facility to send you  
25 to to dump the trash?

0115

1 A. You tried to make a route out of your work. I  
2 got paid by the load. The more time I took, the  
3 more I hurt myself. I was sort of self-employed.  
4 Faster I got rid of that load to the dump, went  
5 on to the next step, went on to the next stop,  
6 went on to the next stop. You tried to make a  
7 route out of your work unless a customer  
8 specified he wanted it to be done 5:00 in the  
9 morning, 6:00 in the morning, had to be done a.m.  
10 or p.m. You made a route out of your work. They  
11 give you work and you made a route of it.  
12 Q. So would you decide where you were going to dump  
13 the trash or did Mr. Buffington?  
14 A. Usually Mr. Buffington.  
15 Q. And he would help you try to make the best route  
16 so you could maximize your income, maximize the  
17 number of loads you could do in a day?  
18 MR. CONNORS: Objection.  
19 A. Correct.  
20 Q. Do you know whether different dumps had different  
21 fees for dumping trash?  
22 A. We had no part of that, but I'm sure they did.  
23 Q. And would that -- do you have any idea whether  
24 that would enter into Mr. Buffington's decision  
25 as to where to direct you to go?

0116

1 A. It had nothing to do with him because that was  
2 all Goditt & Boyer work, their billing. We had  
3 nothing to do with that. We just hauled it.  
4 Q. What do you mean by that?  
5 A. He got paid by the load to haul the container.  
6 Goditt & Boyer gave him, say, \$60 a load and then  
7 that was it. He had nothing to do with the  
8 billing of the customer, nothing to do with the  
9 tonnage, nothing -- it had nothing to do with us  
10 or him.  
11 Q. Now, when you dealt with Linda Terry -- and was  
12 Linda Terry the only one at Goditt & Boyer you  
13 dealt with?  
14 A. There was two other ladies in the office. If  
15 Linda was, say, in the bathroom or something,  
16 somebody answered the phone. Russell Brask at

17 times.  
18 Q. And if you had to call Goditt & Boyer, Linda  
19 Terry or someone else in that office, they would  
20 also direct you where to go?  
21 MR. CONNORS: Objection.  
22 Q. Excuse me. Direct you where to dump the trash?  
23 A. A lot of these places were -- some were  
24 automatic, so I -- I can't honestly answer at  
25 that time that that person even knew to tell us  
0117  
1 where. Might have been around the corner from  
2 the landfill so you'd take it to that landfill.  
3 Why go one hundred miles out of your way.  
4 Q. But in any event, you would be directed by Goditt  
5 & Boyer --  
6 A. Yes.  
7 Q. -- where to go --  
8 A. Yes.  
9 Q. -- with that load of trash?  
10 MR. CONNORS: Objection.  
11 Q. Now, there were a number of other drivers who you  
12 were working with at that time, I think you said  
13 some of their names. Sonny Luthy?  
14 A. Yes. His real name is Morris, Maurice.  
15 Q. And is he still around? Do you know?  
16 A. Yes.  
17 Q. And where does he live?  
18 A. I think he lives in Somerset, Massachusetts,  
19 last I knew.  
20 Q. And there was a fellow you referred to as Peter?  
21 A. Peter Gordell (ph) or something like that. I  
22 don't know where he is. He used to live in  
23 Dighton.  
24 Q. And a guy named Tom?  
25 A. Tom. Tom left when I took over.  
0118  
1 Q. And do you know if he's still around?  
2 A. Tom, last I knew he was divorced. I don't  
3 know where he lives. He used to live in West  
4 Warwick on West Natick Ave, West Warwick Ave. I  
5 know he got divorced a long time ago.  
6 Q. Do you know his last name?  
7 A. I don't remember it.  
8 Q. How about Hank Wilkins?  
9 A. I think he's in North Carolina and I think  
10 he's dead.  
11 Q. David Perry?  
12 A. He went to California. I don't know where he  
13 is now.  
14 Q. John Castello?  
15 A. He works with me.  
16 Q. Okay.  
17 (A discussion was had out of the hearing  
18 of the reporter.)  
19 Q. John F. White?  
20 A. He owned a company in Norwood. I never met  
21 him.  
22 Q. How old is John Costello?  
23 A. 61, 62. I'm not 100 --  
24 Q. And did he work with you when you were at  
25 Buffington?  
0119  
1 A. He worked for Goditt & Boyer when I worked for  
2 Buffington, yes.  
3 Q. Okay. So he didn't -- and do you know when he

4 started working for Goditt & Boyer?  
5 A. I'd say the '70's.  
6 MR. CONNORS: I wanted to make a  
7 clarification which driver we were talking about.  
8 I think I got confused.  
9 MR. SALLY: John.  
10 MR. CONNORS: John Castello will not be  
11 here tomorrow. I thought you were talking about  
12 someone else, Thomas Castello.  
13 Q. Do you know Thomas Castello?  
14 A. Yes, I do.  
15 Q. And is he working with you?  
16 A. Yes, he does.  
17 Q. And how long has he been working with you?  
18 A. He got hired in the '70's, I'm guessing. I'm  
19 not 100 percent when he was hired.  
20 Q. And who was his original employer?  
21 A. Goditt & Boyer.  
22 Q. So he had been working for Goditt & Boyer the  
23 whole time?  
24 A. Yes.  
25 Q. Now, have you ever been -- strike that.  
0120  
1 When you were working for Mr. Buffington, did  
2 he have an office?  
3 A. Just his home in Seekonk.  
4 Q. Have you ever been in his home?  
5 A. Yes, I have.  
6 Q. Have you ever been in his office?  
7 A. There was no office. It was just his home.  
8 Q. Do you know whether he maintained any records  
9 about where he would direct trash to be dumped?  
10 A. I don't know.  
11 Q. Now, Goditt & Boyer, Linda Terry and the people  
12 you referred to, have you ever been in their  
13 office?  
14 A. Yes.  
15 Q. And where was that located?  
16 A. 205 O'Neil Boulevard, Attleboro.  
17 Q. And do you know whether they kept any records at  
18 all of where various loads of trash were to be  
19 dumped?  
20 A. I don't know.  
21 Q. Do you know how they would -- I'm going to direct  
22 you to Goditt & Boyer. Strike that.  
23 Bruce Buffington would send his invoices to  
24 Goditt & Boyer; is that correct?  
25 A. Once a month, we -- Bruce went to Goditt &  
0121  
1 Boyer, had all of the lists of all the stops we  
2 did, they checked it with their list, then they'd  
3 pay him and once a month I got paid. There was  
4 no -- no -- it was just the slips that we turned  
5 in.  
6 Q. And after you began working for Goditt & Boyer,  
7 did you ever learn how they billed their  
8 customers?  
9 A. No, just drove the truck.  
10 Q. Now, you had to turn in your dump tickets to get  
11 paid; is that correct?  
12 A. He had the list of the stops. At the end of  
13 the week, he took the slips, yes. I didn't get  
14 paid that week. He took all our slips, like  
15 copies of these and other slips.  
16 Q. If you had dumped trash at another facility other

17 than J.M. Mills, did you also get a ticket?  
18 A. Yes.  
19 Q. And you would turn that in?  
20 A. Yes.  
21 Q. And do you know what happened to those tickets?  
22 A. They all ended up at Goditt & Boyer in the  
23 billing department.  
24 Q. As I understand it, you didn't keep your copy of  
25 those tickets?

0122

1 A. No. No. Just a pad at that time of what  
2 stops we did so at the end of the month we could  
3 get paid.  
4 Q. Now, do you know someone named Leo Fontaine?  
5 A. Yes.  
6 Q. Who was Leo Fontaine?  
7 A. He owned Leo Fontaine Rubbish in Attleboro.  
8 Q. And did you ever have any association with him?  
9 A. We merged with Leo Fontaine -- or Goditt &  
10 Boyer merged with Leo Fontaine in 1987. We  
11 became Waste Systems. He, then, became my boss.  
12 Q. And did you ever work for Leo Fontaine before  
13 that merger?  
14 A. No.  
15 Q. And have you ever heard of a company called  
16 Jarabek Disposal?  
17 A. Yes, I worked there.  
18 Q. And that was the first company that you worked  
19 for; is that right?  
20 A. Yes. Yes. And in high school, I worked there  
21 part-time.  
22 Q. And what happened to that company?  
23 A. He sold to BFI in Fall River.  
24 Q. And Mr. Jarabek, is he still around? Do you  
25 know?

0123

1 A. He's deceased.  
2 Q. Now, after high school, did you have any  
3 additional education?  
4 A. No, I didn't.  
5 Q. Have you ever had any experience in the field of  
6 electricity? Electricity?  
7 THE WITNESS: You mean in my own home  
8 or --  
9 Q. Any training in electricity?  
10 A. No, I have not.  
11 Q. And I take it that you've never had any training  
12 that would involve identifying various electrical  
13 components?  
14 A. Correct.  
15 Q. Now, you, as I understand your testimony, picked  
16 up containers at Blackstone Valley Electric; is  
17 that right?  
18 A. Correct.  
19 Q. And that was at the Lincoln facility?  
20 A. Yes.  
21 Q. And as I understand your testimony from the  
22 previous session, you would take them to either  
23 J.M. Mills or to Central, Silvestri?  
24 A. Correct.  
25 Q. And there were a number of tickets here for J.M.

0124

1 Mills and Blackstone Valley, do you recall going  
2 through those tickets?  
3 A. Yes.

4 Q. And you would agree with me that all of the loads  
5 that you took to J.M. Mills would result in the  
6 issuance of a dump ticket; is that right?  
7 A. Correct.  
8 Q. So if there's no dump ticket, then the load was  
9 not taken to J.M. Mills?  
10 MR. MURPHY: Objection to form.  
11 MR. JACKSON: Objection.  
12 Q. Is that right?  
13 A. Correct.  
14 MR. CONNORS: Are you saying there's no  
15 dump ticket here today or he did not get a dump  
16 ticket in his hand at that time?  
17 Q. I'm saying that if there was no dump ticket  
18 issued that you would conclude that the load was  
19 not taken to J.M. Mills.  
20 A. Without evidence, I can't. I can't say where  
21 I took it.  
22 Q. Now, you described three -- how many containers  
23 at J.M. Mills -- strike that -- at Blackstone  
24 Valley?  
25 A. Three of them.  
0125  
1 Q. And I believe that you testified that you went  
2 there approximately on 15 or 20 occasions?  
3 A. At least that, yes.  
4 Q. That's your memory of your testimony?  
5 A. Yes.  
6 Q. And you wouldn't pick up three containers on one  
7 trip, would you?  
8 A. If anything, maybe two once in a while.  
9 Q. Could you get two on your truck?  
10 A. No, only one at a time.  
11 Q. So you would have to make two runs?  
12 A. Correct.  
13 Q. And each of those runs to the J.M. Mills landfill  
14 would result in the generation of a ticket?  
15 A. Correct.  
16 Q. Now, where were those three dumpsters located?  
17 A. One building I don't believe they keep  
18 anymore. You work for the company, correct?  
19 Washington Highway. One of their buildings is  
20 still there and the building south of it was  
21 Blackstone Valley. I think it's all businesses  
22 now in there.  
23 Q. And --  
24 A. So there was two right at the maintenance  
25 garage and one at the next door building which, I  
0126  
1 guess, was just offices. There were no trucks.  
2 Q. Now, did you have occasion, during the period of  
3 time that you were at Blackstone Valley, to see  
4 what was in these containers?  
5 A. One and two had roofs on them, so they were --  
6 trash was put in there by hand in bags, and the  
7 one container was cut up telephone poles.  
8 Q. So the two containers that had roofs on them, you  
9 didn't know what was in them one way or the  
10 other?  
11 A. You dumped them out, closed the door. It was  
12 just paper boxes. Seemed to be mostly office  
13 trash.  
14 Q. And the third one you said had cut up telephone  
15 poles?  
16 A. Telephone poles, tree limbs, you know,

17 somebody broke a pole that was disposed in those  
18 containers at that time.

19 Q. And you would take those -- the ones that we have  
20 dump tickets for, you would take those to J.M.  
21 Mills and dispose of them there?

22 A. Correct.

23 MR. MURPHY: Objection to form.

24 Q. Did you deal with anybody at the Blackstone  
25 Valley Electric facility who worked for

0127

1 Blackstone Valley?

2 A. No, I don't believe so.

3 Q. There was nobody in particular you would talk to  
4 when you showed up?

5 A. I don't believe so.

6 Q. And was there any sort of a check-in procedure at  
7 all?

8 A. Not at that time. Now they have security on  
9 the gates, because we still service the dumpsters  
10 there, but I -- at the time, I believe we just  
11 drove in, swapped the containers and took off.

12 Q. And so you would -- are you still servicing  
13 Blackstone Valley?

14 A. I believe we still -- I'm not sure on the  
15 roll-off if we have one there or we were doing a  
16 cardboard there at Washington Highway. The  
17 routes change and I don't do the same route every  
18 day, so sometimes I don't go to a place for a  
19 year.

20 Q. Referring to the time that we have dump tickets  
21 for --

22 A. Yes.

23 Q. -- which is basically from your -- as I  
24 understand your testimony, December of 1980  
25 through, I think, the last one was sometime in

0128

1 '81 or '82, you've never talked to anyone at  
2 Blackstone Valley about the disposal of trash?

3 A. Not that I recall.

4 Q. Now, you described in the previous session of  
5 your deposition about some kind of an explosion  
6 with a couple of machines blew up at Peterson  
7 Puritan or something like that?

8 A. Bulldozers.

9 Q. What happened there?

10 A. At the time, Peterson Puritan was thrown out  
11 full of that starch spray, Niagra, whatever  
12 products -- V05 or something and -- or Barbesol  
13 cans, they were combustible. And as the machine  
14 ran them over in the landfill, the cans would  
15 break open, all the chemicals would get on the  
16 machine, and whatever the machine is running at,  
17 the temperature in the transition and the motor  
18 and four machines caught fire from those loads.  
19 They were thrown out of Cumberland at the time  
20 and they went to Central landfill and burnt two  
21 machines and then they -- now they have some kind  
22 of a -- the last time they had to puncture all  
23 the cans and then you had to get documentation  
24 before you went to the dump and give it to the  
25 dump when you get there.

0129

1 Q. When you went to the Silvestri landfill or the  
2 Central landfill?

3 A. At the time, it was Silvestri's.



4 Q. Okay. Silvestri at that time, and that time  
5 being December ever 1980 through 1982, they would  
6 also give you a ticket?  
7 A. Yes. Yes.  
8 Q. And it would be similar to what you got at J.M.  
9 Mills?  
10 A. Yes.  
11 Q. And that's what you used to get paid?  
12 A. Turn it in to the company and that's what they  
13 would use.  
14 Q. It was pretty important for you to get a ticket  
15 when you were dumping a load?  
16 A. Correct. Every load had a ticket.  
17 Q. Now, what did you do to prepare for this  
18 deposition, if anything?  
19 A. I didn't do anything.  
20 MR. CONNORS: Objection.  
21 Q. Did you meet with anybody to discuss this  
22 lawsuit?  
23 MR. CONNORS: Objection.  
24 A. No, I haven't.  
25 Q. Did you meet with your counsel here?  
0130  
1 A. Yes, I have.  
2 Q. Okay. And when was the first time you learned of  
3 this lawsuit?  
4 A. I don't know the official date. Two years  
5 ago? I don't --  
6 MR. CONNORS: It's your personal  
7 knowledge.  
8 A. Been a couple of years, I think, since --  
9 Q. And how did you first learn of it?  
10 MR. CONNORS: Objection. I instruct him  
11 not to answer as his counsel. Attorney-client  
12 privilege.  
13 MR. SALLY: Well, I'm not asking him  
14 what was said.  
15 Q. Okay. Who first informed you of this lawsuit?  
16 MR. CONNORS: Objection. Same  
17 objection.  
18 MS. BARRY: That's not attorney-client  
19 privilege.  
20 MR. SALLY: I would suggest to you that  
21 that's not within the attorney-client privilege.  
22 Q. Where were you when you first learned of this  
23 lawsuit?  
24 A. Waste Management.  
25 Q. And were you in a meeting at that time?  
0131  
1 A. You could say.  
2 Q. And how many people were there?  
3 A. Two, three.  
4 Q. Do you remember who was there?  
5 A. I met Curt and some other lady. I don't --  
6 Q. I'm sorry. Who?  
7 A. I met Curt, some other lady. I don't know.  
8 Q. Okay. Now, have you ever had any other meetings  
9 at Waste Management where this lawsuit was  
10 discussed?  
11 A. No.  
12 Q. And would it be fair to say, Mr. Lapre, that  
13 prior to your meeting with counsel at Waste  
14 Management approximately two years ago you really  
15 hadn't given much thought about where you had  
16 dumped trash 25 years ago?

17 MR. CONNORS: Objection.  
18 Q. Is that a fair statement?  
19 MR. CONNORS: I'm just objecting.  
20 A. Correct.  
21 Q. Is that fair to say?  
22 THE WITNESS: Excuse me?  
23 Q. Is that a fair statement?  
24 A. Correct.  
25 Q. You hadn't given much thought to J.M. Mills and  
0132  
1 what you did at J.M. Mills in the early 1980's  
2 before you learned of this lawsuit?  
3 A. I drive by there several times a year, you  
4 look over and think back to those days.  
5 Nothing -- nothing --  
6 MR. SALLY: That's all the questions I  
7 have now.  
8 MR. JACKSON: Okay. Thank you. Who  
9 wants to go next?  
10 EXAMINATION BY MR. BENIK  
11 Q. Mr. Lapre, my name is Greg Benik and I represent  
12 Teknor Apex. Should I get closer?  
13 A. Just speak up a hair.  
14 Q. I'll try to speak up. I just have a few  
15 questions just to follow up on some of the  
16 questions Mr. Sally asked. I take it you did not  
17 meet with Mr. Jackson prior to this deposition?  
18 A. No, I never met these gentlemen before I met  
19 any of you.  
20 Q. When was the last time prior to this deposition  
21 that you saw these trip tickets that we've talked  
22 about over the course of the last two days?  
23 A. The last time I signed them with that date on  
24 them.  
25 Q. Okay. So between 1980 -- the date on those trip  
0133  
1 tickets and the beginning of this deposition the  
2 last week or so, you'd never seen those trip  
3 tickets?  
4 A. No. Turned them in every week. Every  
5 Saturday Bruce Buffington would take them all.  
6 Q. And that was the last you saw of them until your  
7 deposition?  
8 A. Correct.  
9 Q. Okay. Have you had any meetings or discussions  
10 with the Federal Environmental Protection Agency  
11 regarding J.M. Mills landfill?  
12 A. Had somebody from South County one time. No,  
13 I haven't had any, I don't believe. I don't  
14 recollect.  
15 Q. Okay. Have you provided any written statements  
16 to any other person, aside from your legal  
17 counsel, regarding the J.M. Mills landfill?  
18 A. No, I have not.  
19 Q. Okay. Have you ever had your deposition taken  
20 before?  
21 A. No, I have not.  
22 Q. Okay. Lucky you.  
23 A. Hey, it's fine.  
24 Q. Let me see if I understand your testimony  
25 regarding these trip tickets. As I understand  
0134  
1 it, the only trips that you specifically remember  
2 making to the J.M. Mills landfill are those trips  
3 that are set forth in the trip tickets that you

4 have been shown over the course of this  
5 deposition; is that correct?  
6 MR. MURPHY: Objection to form.  
7 A. Correct.  
8 Q. So you have no recollection of any other trips  
9 made to the J.M. Mills landfill except for those  
10 identified in trip tickets that have been  
11 presented to you during the course of your  
12 deposition?  
13 MR. MURPHY: Objection to form.  
14 MR. JACKSON: Object to form.  
15 A. I went to the landfill until roughly it  
16 closed. I don't know the date it closed. I know  
17 I was there. I can't say I was there on a  
18 Thursday, October 10th. I -- I'd be lying to  
19 you.  
20 Q. Right. So the only trips you remember are those  
21 reflected in the trip tickets?  
22 MR. MURPHY: Objection.  
23 A. Correct.  
24 Q. That's fair enough. I mean, that's 28 years ago.  
25 Seems like a reasonable recollection. I just  
0135  
1 want to look at one of these just to make sure I  
2 understand it.  
3 MR. CONNORS: Is this an exhibit?  
4 MR. BENIK: I'm looking at Exhibit 1. I  
5 think I'll walk him through it. I won't let  
6 you --  
7 THE WITNESS: Is this the first page?  
8 MR. BENIK: Yeah.  
9 Q. Actually, let's turn to the next page, which is  
10 Exhibit TA00306, at the bottom right. Do you see  
11 it, Mr. Lapre?  
12 A. Yes.  
13 Q. Do you have it?  
14 A. Yes.  
15 Q. The trip ticket on the upper left says, "roll-off  
16 Apex packer." Do you see that?  
17 A. Yes.  
18 Q. Based upon your prior testimony, my understanding  
19 is that that would reflect the 50-yard roll-off  
20 you picked up at Teknor Apex; is that right?  
21 A. Correct.  
22 Q. Okay. Now, aside from the description, quote,  
23 "Apex packer," closed quote, there's no other  
24 description as to what was in that roll-off on  
25 this trip ticket, correct?  
0136  
1 A. Correct.  
2 Q. And as you sit here today, you have no  
3 recollection what was specifically in this  
4 packer, do you?  
5 THE WITNESS: That day?  
6 MR. BENIK: Yes.  
7 A. I have to agree with you.  
8 Q. Okay. And your testimony would be the same for  
9 each and every trip ticket that identifies Teknor  
10 Apex as your customer, correct?  
11 A. Correct.  
12 Q. Okay. Talking about that 50-yard packer, can you  
13 describe its dimensions?  
14 THE WITNESS: The size of the box?  
15 MR. BENIK: Yes.  
16 A. I think it's 28 feet long, it's taller than

17 me, I don't know, seven-and-a-half, eight feet  
18 tall. I don't know if it's eight feet -- must be  
19 under eight feet wide. I don't know the exact --  
20 Q. Okay. About eight feet deep?

21 THE WITNESS: Deep?

22 MR. BENIK: Yes.

23 A. 28 feet deep.

24 Q. Oh, let me make sure we're talking about the same  
25 thing. If you jump in that box, how tall is it?

0137

1 A. If I walk in the box, I don't think I can hit  
2 the ceiling, so eight feet at least.

3 Q. Eight feet from top to bottom?

4 A. At least that, yes.

5 Q. And 28 feet long?

6 A. Long.

7 Q. Okay. And eight feet wide?

8 A. Eight or a hair under.

9 Q. All right. Something like that. So the only  
10 thing you could see when you visited Teknor Apex  
11 was the top of the box, correct?

12 A. The packer is a sealed unit. There is a  
13 welded roof on that.

14 Q. Okay. Excuse me. Thank you for helping me,  
15 because I thought I understood your testimony  
16 that the 50-yard packer was an open packer and  
17 you would put a canvas top over it.

18 A. The 30-yarder on Mendon Road was an open top.  
19 The packer is a compactor. It's a rear door  
20 compactor.

21 Q. Oh, okay. Thanks for helping me with that. It's  
22 complicated. So let's talk about the 50-yard  
23 packer. Describe the physical -- describe that  
24 packer to me. I just want to make sure I  
25 understand what it looks like.

0138

1 THE WITNESS: The box?

2 MR. BENIK: Yes.

3 A. I just said it's like eight feet high, 28 feet  
4 long, seven feet-and-change wide. The back door  
5 is closed halfway down. The compactor's in the  
6 bottom and there's about a foot of metal on each  
7 side of the door, so it's an open hole like four  
8 feet wide by, maybe, three feet tall or less.

9 Q. So it has a top on it?

10 A. Welded top on the container.

11 Q. Welded top on it. So if I understand, when you  
12 stand to the -- behind this box, there's a  
13 four-foot hole, is that what I --

14 A. That hole is hooked up to the machine to the  
15 compactor.

16 Q. Okay. And then so did you drive away with the  
17 box, is that what you did?

18 A. Correct.

19 Q. Do you uncouple the box from the compactor?

20 A. Unhook it, pull it out three or four feet, put  
21 a canvas on it. Any trash that's going to fall  
22 on cars, you pull it out. Bungee cord it, clean  
23 the mess, put the full one down, put the empty  
24 one, clean the mess, lock it all up, go to the  
25 dump, go to the next stop.

0139

1 Q. Okay. So is the only material visible in that  
2 box visible through the four-inch -- the  
3 four-foot hole in the back of the packer?

4 A. Correct.  
5 Q. Okay. So is it fair to say you don't know what's  
6 in the packer because you can't really see in it,  
7 right?  
8 A. At that moment.  
9 Q. That moment. Okay. So then let's take that  
10 packer and it's on your truck, right?  
11 A. Correct.  
12 Q. Okay. And then you're driving it to the  
13 landfill, right?  
14 A. Correct.  
15 Q. Okay. And then you get to the landfill?  
16 A. Correct.  
17 Q. And you receive a trip ticket if the load went to  
18 J.M. Mills, right?  
19 A. Or any landfill, correct.  
20 Q. So then now we're talking about this compactor  
21 packer box, right?  
22 A. (Witness nodded in the affirmative.)  
23 Q. Okay. So then you drive up into the landfill,  
24 correct?  
25 A. After you get your slip, correct.  
0140  
1 Q. And then what do you do?  
2 A. You waited -- if there was -- depending who --  
3 if there was other trucks dumping, you had to  
4 wait. There was only so much of an area. They  
5 were working, then they flagged you on after they  
6 compacted the trash.  
7 Q. Okay. And then when it's your turn, what  
8 happened?  
9 A. Back up, open the door, check which way the  
10 wind's blowing first so you won't get the dust in  
11 your eyes or whatever, whatever the wind of the  
12 day is. Open the door, lock the door open, put  
13 the hoist in the air and you dump it like a dump  
14 truck.  
15 Q. Where are you when you're dumping? Are you in  
16 the cab of the truck?  
17 A. Yes, I am.  
18 Q. Then what happens? Then when you dump, does the  
19 cab come -- does the packer box come back down on  
20 your truck?  
21 A. After you dump, you would usually get out,  
22 look in the box, make sure it's empty to go to  
23 the next customer.  
24 Q. Okay.  
25 A. Looked at the trash, you didn't take notes of  
0141  
1 it, nothing like blowing up on me, put the box  
2 down, close the back door, check the canvas so  
3 nothing's hanging off of it, proceed to the next  
4 stop.  
5 Q. I'm confused. Where is this canvas going? I  
6 don't understand where it --  
7 A. Over the four-foot hole.  
8 Q. Yeah. Right. That would make sense. And then  
9 does the trash come out -- it doesn't all come  
10 out of that four-foot hole, does it?  
11 A. I just said you open the whole back door.  
12 Q. The whole back door?  
13 A. Which is the size of the container, the back  
14 of the container.  
15 Q. Okay. I've got it now. And it's dumped in an  
16 area with a whole bunch of other trash; is that

17 fair to say?  
18 A. Correct.  
19 Q. Okay. So it's all commingled at the bottom of  
20 the hole?  
21 MR. MURPHY: Objection to form.  
22 Q. Is it? What does it look like when you dump it  
23 in the bottom of the hole? What do you see?  
24 A. There's not really a hole. It's just a wet  
25 face (sic). Like dumping on this floor.

0142  
1 Q. And you're dumping it right immediately after  
2 another truck has dumped?  
3 A. Correct.  
4 Q. Okay. And am I correct that where you are  
5 dumping other trucks have dumped material from  
6 other sources, correct, at the same time?  
7 A. Correct.  
8 Q. Or about the same time?  
9 A. Correct.  
10 Q. Okay. So then you get out of your truck and you  
11 look and you look into your box to see if it's  
12 empty, correct?  
13 A. Correct.  
14 Q. Okay. How long does it take you to look?  
15 A. Two seconds.  
16 Q. Okay. And then what do you do?  
17 A. Close -- put the hoist down, close the door,  
18 make sure nothing's hanging out of it, proceed to  
19 the next stop.  
20 Q. Perfect. Okay. Thanks. That was very helpful.  
21 Okay. So now let's talk about the -- you  
22 also testified that you picked up a 30-yard  
23 roll-off, is that what you called it, Mr. --  
24 A. Yes.  
25 Q. Okay. And describe the size of that roll-off

0143  
1 box, will you please?  
2 A. Same dimensions, 28 feet, same width, seven  
3 something.  
4 Q. Okay.  
5 A. But there's no roof on it and it's a  
6 shorter -- the walls are, like, four feet tall,  
7 maybe five feet tall on the walls, I would say,  
8 and the back door is solid. It's the height of  
9 the container.  
10 Q. So when you would go pick up a 30-yard roll-off  
11 like that, you could see the top -- you could see  
12 the material in the top of that box, correct?  
13 A. Correct.  
14 Q. Can't see the material below the surface, though,  
15 because it's covered by stuff on the top?  
16 A. Correct.  
17 Q. Okay. And what's your general practice when you  
18 would deal with a 30-yard roll-off? When you  
19 would go to remove a 30, what is your -- let me  
20 start again. I'm sorry.  
21 What would be your general practice when you  
22 would go to a plant to remove a 30-yard roll-off  
23 and take it to a landfill?  
24 A. Pull up, put the empty container on the  
25 ground, back up to the full container, get out,

0144  
1 grab a canvas that was, like, 30 feet long, ten  
2 feet wide, either climb up on the box. Most of  
3 the time you had to climb up on the box. Spread

4 it over the trash, put bungee cords, strap it all  
5 down, pull a full one on, put it in the parking  
6 lot, put the empty one in place, go to the dump,  
7 take off the canvas, dump it, go to the next  
8 stop.

9 Q. I think I got it. Let me understand putting that  
10 canvas top on. First let me ask you this: I  
11 take it when you made -- when you were working  
12 for Buffington during the period mid-'80's,  
13 mid-1980 through 1982, you were exclusively alone  
14 on the truck?  
15 A. Correct.

16 Q. Okay. So how long would it take to put that  
17 canvas on the -- on the 30-yard roll-off?  
18 A. Three or four minutes.

19 Q. Is that a hard job? Sounds like it to me.  
20 A. It's not fun but it's a job, especially when  
21 it's raining or snowing, then I envy your job.  
22 It's warm in here today.

23 Q. Do you want to trade today?  
24 A. No work gloves, no stinky clothes, free lunch.  
25 Q. There's no free lunch. At least that's what my  
0145 dad used to say. Actually, I'll digress.  
2 (A discussion was had off the record.)

3 Q. So let's talk -- so I got the procedure. And  
4 when you go to a landfill, the same practice  
5 would occur, that is to say, you would be dumping  
6 your load immediately after another truck at the  
7 J.M. Mills site, correct?  
8 A. Correct.

9 Q. And how long would it take to dump that load, a  
10 30-yard compactor we're talking?  
11 A. You'd have to take the canvas off the truck,  
12 take a few extra minutes versus the compactor,  
13 which you just open the door, take the canvas  
14 off, roll it up, wait to be signaled, back up,  
15 open the door, dump it, look in the body, it's  
16 empty, close the door, have a nice day.

17 Q. And when you dump, does that back door kind of  
18 flip open like the door to a pickup truck, like,  
19 is that what happens?  
20 A. No, the hinge is usually on the right and it  
21 comes right around to the right and you put a  
22 chain on it through the container, so it's the  
23 width of the box on a hinge. It comes right  
24 around and you hook it on the dumpster, on the  
25 container.

0146

1 Q. Oh, okay.  
2 A. Then you hope it doesn't unhook and hit the  
3 truck on the side of you.

4 Q. Now, when you were asked by Mr. Jackson -- when  
5 you were asked by Mr. Jackson the other day to  
6 describe the types of wastes that you picked up  
7 at Teknor Apex, just following up on Mr. Sally,  
8 is it fair to characterize that you were just  
9 speaking generally about the waste you saw over  
10 the course of your visits there?  
11 A. It was more or less all the same trash at that  
12 location, the same product being made.

13 Q. All right. You talked about the Apex dust.  
14 A. Yes.

15 Q. Do you know what the Apex dust was made of?  
16 A. No idea. And hopefully it won't kill me

17 either.  
18 Q. You look pretty healthy.  
19 THE WITNESS: Can you tell me what it  
20 was made of?  
21 MR. BENIK: I can. I'll tell you one  
22 day. And I guess in the same way you can't tell  
23 me what the -- you said -- strike that.  
24 Q. You saw some pellets, if I remember your  
25 testimony, at the Teknor Apex?  
0147  
1 A. Yes, I used to sweep them up. I don't know  
2 what they were. Little beads of plastic.  
3 Q. So you don't know what those pellets were made of  
4 either, right?  
5 A. No idea. Maybe some day you can tell me.  
6 Q. You said that you saw -- and I have the benefit  
7 of the transcript of your deposition the last  
8 time, which has been very helpful to me. You  
9 said you saw, I think -- I want to be sure I'm  
10 accurate. I'm sorry. Give me a minute. I --  
11 oh, yeah.  
12 You said that among the other things that  
13 were in the packer were empty bags of chemicals?  
14 A. Yes.  
15 Q. Okay. Do you remember what color the bags were?  
16 A. Not particularly.  
17 Q. Do you remember any writing on the bags?  
18 A. I didn't take notes.  
19 Q. Do you remember talking to any Teknor Apex  
20 employee regarding the contents of the bags that  
21 you saw in the packer?  
22 A. No.  
23 Q. Okay. Do you recall talking to anybody about the  
24 contents of those bags?  
25 A. No, I never did.  
0148  
1 Q. Could the bags have contained plastic pellets?  
2 MR. MURPHY: Objection to form.  
3 A. I don't believe so.  
4 Q. Okay. Why do you say that?  
5 A. Because the bags, sometimes there was a pile  
6 of them packed in, and then after holding them  
7 and put the bungee cords on, the pellets would be  
8 on the ground. It was like walking on an ice  
9 skating ring. There was too many. And I don't  
10 believe those bags were pellets.  
11 Q. Okay. You think that they came -- that they  
12 contained chemicals?  
13 A. I'm assuming it took chemicals to make these.  
14 Q. Okay. That's the -- that's the reason why you  
15 think that those bags contained chemicals?  
16 A. Yes.  
17 Q. Okay. You also testified that you saw white dust  
18 and gray dust in the --  
19 A. Yes.  
20 Q. -- packer, right?  
21 A. Correct.  
22 Q. You don't know what that dust was made of, do  
23 you?  
24 A. No, I don't.  
25 MR. BENIK: Okay. I'm trying to think  
0149  
1 of more questions to ask of Mr. Lapre, but I'm  
2 having a hard time.  
3 Q. Mr. Sally asked you about the explosion at the



4 J.M. Mills landfill.  
5 A. I wasn't at the explosion. I talked about a  
6 different -- a different stop. I just told him  
7 about the machines that got burned.  
8 Q. Oh, I'm sorry.  
9 A. The explosion was Microfibers for myself, the  
10 machines were burnt, but that was Peterson  
11 Puritan. Nothing to do with me at that time.  
12 Q. Okay. Maybe I wasn't hearing you correctly. I  
13 thought you said that you observed an explosion  
14 of these aerosol cans at the J.M. Mills landfill;  
15 is that true?  
16 A. Oh, I didn't see the -- I didn't see the  
17 machines on fire. I was reporting that they  
18 burnt four machines, Peterson Puritan products.  
19 What I said was Microfibers ignited on my -- on  
20 myself.  
21 Q. Okay. Did you ever observe deliveries to the  
22 J.M. Mills landfill from the Peterson Puritan  
23 plant?  
24 A. Other fellow drivers doing their stop that  
25 day, yes.  
0150  
1 Q. Did you personally observe those trips?  
2 THE WITNESS: From to and from the site?  
3 MR. BENIK: From Peterson Puritan to the  
4 J.M. Mills landfill.  
5 A. No, I didn't follow them around.  
6 Q. Okay. What drivers would have made trips from  
7 Peterson Puritan to the J.M. Mills landfill?  
8 A. There was employees at Goditt & Boyer and plus  
9 the two gentlemen I worked with.  
10 Q. Okay. You've listed those names before  
11 previously?  
12 A. Yes, the gentlemen in these papers.  
13 Q. Do you know how frequently deliveries would be  
14 made from the Peterson Puritan site to the J.M.  
15 Mills landfill?  
16 A. At that time, I don't know the weekly  
17 schedule, you know, several drivers, whether they  
18 were once a week, twice a week, I couldn't tell  
19 you.  
20 Q. Okay. If we talked to those drivers, would they  
21 have information -- would you think that they  
22 would have information about that?  
23 A. They'd tell you -- they would agree with me.  
24 We're all in the same boat.  
25 Q. Did you ever personally observe aerosol cans from  
0151  
1 Peterson Puritan during the times when you were  
2 making deliveries to J.M. Mills?  
3 A. They were in the container. They were right  
4 in the container that I put a cover on and went  
5 to the dump.  
6 Q. Oh, right. Well, let me step back then. Did you  
7 ever deliver aerosol containers from the Peterson  
8 Puritan site to the J.M. Mills landfill?  
9 A. Yes, I did.  
10 Q. Oh, okay. I should have asked you that the first  
11 time. How frequently would you do that?  
12 A. Like I said, I don't know the schedule. Show  
13 me a slip and I was there.  
14 Q. It assisted in your testimony. That's good. Who  
15 gave you these trip tickets to look -- well, I  
16 guess -- I don't know. I guess we talked about

17 that.  
18 After the time you made your deliveries to  
19 J.M. Mills is the first time that you saw these  
20 again were during this deposition, right?  
21 A. Correct.  
22 MR. BENIK: Thanks, Mr. Lapre. I  
23 appreciate your time.  
24 THE WITNESS: Thank you.  
25 MR. COBURN: Can we take a quick break?

0152

1 MR. JACKSON: Sure. Sure.  
2 EXAMINATION BY MR. COBURN  
3 Q. Mr. Lapre, my name is Scott Coburn, attorney for  
4 General Cable, and I'm going to ask you some  
5 questions about your testimony relating to  
6 various Carol Cable facilities.  
7 You testified that you picked up waste from a  
8 Carol Cable facility in Warren, Rhode Island; is  
9 that correct?  
10 A. Correct.  
11 Q. Do you recall where in Warren that facility was?  
12 A. Metacomet Avenue.  
13 Q. And how far is that from J.M. Mills landfill?  
14 MR. CONNORS: If you know.  
15 A. 35 miles, roughly.  
16 Q. How far -- if you know, how far was the Warren  
17 facility from Billy Davis's dump in Greenville?  
18 A. Guessing 50, 55. Guessing. I don't know  
19 exactly.  
20 MR. SALLY: Did you say 55?  
21 A. 55 guessing.  
22 Q. And you testified you took a lot of loads from  
23 the Warren facility to Billy Davis's dump. Do  
24 you recall that testimony?  
25 A. I took several. I don't know what "a lot,"

0153

1 the number would be, because I used to do a stop  
2 up in Esmond in the same town so I was directed  
3 to take that load there and then I did this other  
4 load up in the same neighborhood. How many times  
5 I brought it there, I don't have any memory.  
6 Q. And you testified that you recall one 50-yard  
7 container and a 30-yard container at the Warren  
8 facility; is that correct?  
9 A. Correct.  
10 Q. Could you describe for me those two containers?  
11 A. They used to make battery connections, the  
12 battery cables, make them or put them together, I  
13 don't know what they did, put the ends on, I  
14 don't know what the manufacturing part was.  
15 Round spot mirrors.  
16 Q. Let me step back. My question was: Can you  
17 describe for me the containers themselves?  
18 A. Oh, like I described to the last gentleman,  
19 eight feet high, eight feet wide, 28 feet long,  
20 give or take a few inches, for the compactor.  
21 And then the open top was four feet high, 28 feet  
22 long, seven-and-change wide.  
23 Q. Okay. So the 30-yard compactor was an open top?  
24 A. 50-yard compactor.  
25 Q. Was open top?

0154

1 A. Open top's a 30-yard compactor. A 30-yard  
2 open top.  
3 Q. Okay. Let me just make sure we're clear. The

4 30-yarder was open top, correct?  
5 A. Correct.  
6 Q. And you testified earlier today that that was  
7 hardly used, correct?  
8 A. Correct, to my knowledge.  
9 Q. Right. Based on your personal knowledge.  
10 And with respect to the 50-yarder, was that  
11 open top?  
12 A. No, closed box.  
13 Q. Would that container have been substantially  
14 similar to the container that you testified in  
15 response to Mr. Benik's questions?  
16 A. Same container. We had hundreds of them.  
17 Same packer.  
18 Q. So it had a four-foot hole?  
19 A. Packer container.  
20 Q. Would I be correct that you would not have been  
21 able to see any of the waste in those containers  
22 other than whatever you could have seen through  
23 that four-foot hole?  
24 A. Correct.  
25 Q. Would I be correct that when you dumped waste at  
0155 a particular landfill that you were more  
1 concerned with making sure that the container was  
2 empty as opposed to what was then actually dumped  
3 out --  
4 MR. MURPHY: Objection.  
5 Q. -- at that facility?  
6 MR. MURPHY: Objection to form.  
7 A. Correct.  
8 Q. You testified in response to Mr. Jackson's  
9 questions in the previous day's testimony that  
10 you recall tiny pellets at the Warren facility?  
11 A. Correct.  
12 Q. Would I be correct that you don't have any  
13 specific recollection or knowledge of what those  
14 pellets were made out of?  
15 A. Correct.  
16 Q. Would your answer be the same with respect to the  
17 plastic that you generally described as being in  
18 the waste at the Warren facility, you don't know  
19 what that was made out of?  
20 A. Correct.  
21 Q. You also testified that there was probably some  
22 rags in the waste at the Warren facility. Do you  
23 recall that testimony?  
24 A. Correct.  
25  
0156 Q. Do you have any specific recollection of whether  
1 or not there actually were rags in that waste?  
2 A. I can't honestly answer specifically at this  
3 moment in time if there was rags.  
4 Q. Mr. Lapre, how many other dumps that you can  
5 recall were between the Carol Cable facility in  
6 Warren and the J.M. Mills landfill?  
7 A. There was only a transfer station in Warren,  
8 Rhode Island, but we never went there. That was  
9 industrial trash. That was for residential  
10 trash, maybe some small pickup trucks, but we've  
11 never been connected with that or affiliated with  
12 that.  
13 Q. You also testified in response to Mr. Jackson's  
14 questions that you serviced the Warren facility  
15 Mondays and Wednesday and Fridays for some time.  
16

17 A. Correct.  
18 Q. Did that change at any time?  
19 A. I don't know the schedule when I -- when I  
20 left Bruce Buffington, I don't know what the  
21 schedule was at their plant. I didn't go there,  
22 so I don't know.  
23 Q. So you stopped taking waste from that facility  
24 once you switched from Bruce Buffington to --  
25 A. Goditt & Boyer.

0157  
1 Q. -- Goditt & Boyer?  
2 A. Yes. I don't believe I ever went back there.  
3 Q. And you also testified about a Carol Cable  
4 facility in Lincoln, Rhode Island, correct?  
5 A. Correct.  
6 Q. How many containers do you recall at that  
7 facility?  
8 A. Two compactors.  
9 Q. Were those compactors the same as the  
10 compactor -- strike that.  
11 What size were the compactors?  
12 A. 50-yard break aways, same machines.  
13 Q. So those compactors would have had the same  
14 four-foot square hole that you could view waste  
15 through?  
16 A. Correct.  
17 Q. And that was the only way that you could see any  
18 waste within those containers?  
19 A. Until you got to the landfill and opened the  
20 door.  
21 Q. And you testified that one of the two  
22 containers -- you took one of the two containers  
23 far less than the other, correct?  
24 A. Correct. The other machine was used less, had  
25 less waste.

0158  
1 Q. When you say upper and lower, what exactly do you  
2 mean?  
3 A. At that site that's what their nicknames were,  
4 upper and lower. It was built on a hill. One  
5 was up on the hill and one was down, down the  
6 hill.  
7 Q. And it was the lower that was used more?  
8 A. Yes.  
9 Q. Would I be right that similar to your testimony  
10 with respect to the pallets at the Warren  
11 facility, you have no understanding or knowledge  
12 of what any pallets that you may have taken from  
13 the Lincoln facility were made out of?  
14 A. Correct.  
15 Q. You also described bags -- bags that were taken  
16 from the Lincoln facility. Do you recall that  
17 testimony?  
18 A. Correct.  
19 Q. Could you describe for me what those bags looked  
20 like.  
21 A. They were the size of a flour bag like a  
22 bakery gets.  
23 Q. What color were those bags?  
24 A. A brown -- I forget exactly. There were so  
25 many I don't -- I can't honestly say what the  
0159  
1 color was.  
2 Q. Is that because you've seen a lot of bags over  
3 the course of the last 28 years?

4 A. Correct.  
5 Q. Do you recall any writing on any bags that you  
6 took from the General Cable Lincoln facility --  
7 strike that -- the Carol Cable Lincoln facility?  
8 A. Never read anything.  
9 Q. Any other distinguishing marks on those bags?  
10 A. I -- I don't recall.  
11 Q. Do you have any understanding of what may have  
12 actually been contained in those bags when they  
13 came to the Carol Cable facility?  
14 A. Well, their other waste was these big chunks  
15 of all kind of colored hard plastic, orange and  
16 black and brown and whatever. How many colors  
17 that they were manufacturing for the product I'm  
18 assuming came from those bags and mixed together  
19 and made that product.  
20 Q. But you have no specific knowledge as to what was  
21 in those bags, correct?  
22 A. No, I do not.  
23 Q. You also testified that there were rags in the  
24 waste from the Lincoln facility?  
25 A. Yes.  
0160  
1 Q. Do you have any specific understanding of what  
2 was on those -- what, if anything, was on those  
3 rags?  
4 A. No.  
5 Q. Mr. Lapre, you testified earlier today that you  
6 had to check with Duke when you went to the  
7 Lincoln facility.  
8 A. Correct.  
9 Q. And that someone had to read a gauge?  
10 A. We had to go up, read the gauge, tell them the  
11 pressure and they would either tell you the -- to  
12 change the compactor. His assistant's name was  
13 Matt. Same thing, if Duke wasn't there, Matt  
14 would do the same procedure.  
15 Q. Do you recall Matt's last name?  
16 A. No, I do not.  
17 Q. Were there times that you -- strike that.  
18 Did you ever personally read the gauge that--  
19 A. Yes.  
20 Q. -- you're referring to?  
21 A. Yes. And you had to report it to Duke.  
22 Q. Were there times that you reported to Duke and  
23 you didn't take a load from the facility?  
24 A. Correct.  
25 Q. So if you didn't need to take it, you just left  
0161  
1 and moved on to your next stop?  
2 A. You were servicing the lower machine. The  
3 other stop was questionable. It was like go  
4 check the pressure, come back. You got another  
5 stop if he asked you to do it.  
6 Q. The other stop you're referring to is the --  
7 A. Upper level machine.  
8 Q. There was a third facility, a third Carol Cable  
9 facility that you discussed, and that was in  
10 Pawtucket; is that right?  
11 A. Roosevelt Avenue in Pawtucket.  
12 Q. And there was no particular schedule for that  
13 facility?  
14 A. I believe it was on call, will call, whatever.  
15 Q. That was also a 50-yard compactor?  
16 A. Yes, it was.

- 17 Q. Same type setup as the ones from the other two  
18 facilities?  
19 A. Exactly.  
20 Q. I'm assuming your answers would be correct with  
21 respect to any particular waste that you may have  
22 taken from the Carol Cable Pawtucket facility  
23 with respect to knowing what was actually -- what  
24 that waste was actually composed of, for  
25 instance, pellets?

0162

- 1 THE WITNESS: Can you --  
2 MR. COBURN: Fair enough. I could tell  
3 at several points during that question that it  
4 was best to start over.  
5 Q. You testified in response to a question from  
6 Mr. Jackson that the waste was similar to waste  
7 that you took to other Carol Cable facilities.  
8 A. Correct.  
9 Q. By "similar," does that mean pellets?  
10 A. I believe I said pellets. I don't remember  
11 what they made out of that one, whether it was  
12 another -- just trash, picked it up, went about  
13 my business.  
14 Q. Do you know whether there was any salvaging  
15 activities that took place at the J.M. Mills  
16 landfill?  
17 A. There was people taking -- that I spoke of  
18 last time about two Polish women and a Polish  
19 gentleman -- I don't know the names -- and they  
20 used to live there in the shack and they used to  
21 pick rags out of the loads.  
22 Q. Do you know whether they salvaged any other  
23 things other than rags?  
24 A. If a good load went into the landfill, it was  
25 like Christmas. Sears, any department stores,

0163

- 1 Sears would throw away a power tool, and what's  
2 their policy, bring it back if it's broke, so  
3 sometimes Christmas came early. But the -- you  
4 know, back in the early days of Stop & Shop, the  
5 Bradley's, you know, they'd throw things away,  
6 yeah, people took things. And then years later,  
7 they mostly sabotaged everything so there was no  
8 dump picking. I'd pull into Sears up in  
9 Dartmouth and they used to come out of the town  
10 barn like their pants were on fire and they used  
11 to chase me in the landfill, so as soon as that  
12 back door was open they were in there like  
13 seagulls.  
14 Q. The two women that you're talking about, do you  
15 know whether they salvaged any metals from the  
16 J.M. Mills landfill?  
17 A. He had a whole junkyard at that landfill. I  
18 don't know what he did with it. Never stopped  
19 and asked.  
20 Q. Did you ever personally observe anybody salvaging  
21 anything that you dumped from any of the Carol  
22 Cable facilities?  
23 A. Carol Cable in Warren used to have truck  
24 mirrors. I'm sure I've seen some people take a  
25 few of those.

0164

- 1 Q. Mr. Lapre, during the first day of your  
2 deposition, you were shown a number of dump  
3 tickets for the J.M. Mills landfill in which

4 Carol Cable -- one of the three Carol Cable  
5 facilities was identified on that dump ticket.  
6 Do you recall those dump tickets?  
7 A. Whatever one they showed me, yes.  
8 Q. Is it fair to say that for any of the dump  
9 tickets that you were shown in which Carol Cable  
10 was identified you have no specific recollection  
11 of particular waste that may have been included  
12 in that load?  
13 A. Correct.  
14 Q. Are you familiar with the Shpack Landfill?  
15 THE WITNESS: Excuse me?  
16 MR. COBURN: Shpack.  
17 A. I don't recognize the name.  
18 THE WITNESS: In Rhode Island?  
19 MR. CONNORS: Wait for his question.  
20 MR COBURN: Bear with me for a minute,  
21 Mr. Lapre.  
22 Q. In connection with Mr. Jackson's questions  
23 regarding the Lincoln facility of Carol Cable,  
24 you testified about residues. Am I correct that  
25 you were referring to residues that were in the  
0165  
1 bags that we previously discussed?  
2 A. Yeah. They were in the bottom of the  
3 container on the ground, you swept them up,  
4 powders, pellets, whatever was coming out of  
5 those bags, when that machine compacts and knocks  
6 the air out of everything.  
7 Q. Sure. But with respect to any residues that you  
8 observed at that facility or any of the other  
9 Carol Cable facilities, you have no personal  
10 knowledge as to what those residues, as you've  
11 termed them, were actually made out of?  
12 A. Correct.  
13 MR. COBURN: Okay. Thank you, very  
14 much, sir. I have no further questions.  
15 THE WITNESS: Thank you.  
16 EXAMINATION BY MS. BARRY  
17 Q. Hello, Mr. Lapre. My name is Julie Barry. I  
18 represent Hollingsworth & Vose. These guys have  
19 done a thorough enough job, I just have a couple  
20 of questions.  
21 Do you recall testifying at the previous  
22 deposition about Hollingsworth & Vose having a  
23 30-yard open top and a 50-yard compactor?  
24 A. Yes.  
25 Q. That's what you recall they had at the  
0166  
1 Hollingsworth & Vose facility?  
2 A. Yes.  
3 Q. And is it fair to say that the procedure that you  
4 described to Mr. Benik earlier about how the  
5 50-yard compactor would be picked up and  
6 unloaded, that would be the same or very similar  
7 procedure used at Hollingsworth & Vose?  
8 A. All the same, yes.  
9 Q. All the same. Do you recall where at the  
10 facility the compactor and the open top 30-yarder  
11 were located?  
12 A. The compactor was on the northeast side of the  
13 building and the 30-yarder was on -- between two  
14 buildings near the pond. I believe there's a  
15 pond there. I haven't been there in ages. I  
16 think there was two 30-yarders on the property at

17 one time in the middle of the property at the  
18 first entrance between the two buildings that  
19 they had.

20 Q. And you testified previously that you picked  
21 up -- strike that.

22 You testified previously that there were  
23 rolls of compressed paper in the 30-yard open  
24 top, correct?

25 A. Correct.

0167

1 Q. And you testified that the paper was heavy,  
2 correct?

3 A. Yes. It was made -- I believe it was made for  
4 head gaskets in cars and whatever in the  
5 industry.

6 Q. Okay. Do you recall what color the paper was?

7 A. Gray, tan, I think some red, red rolls, not a  
8 bright red but a dull red.

9 Q. Do you recall whether there was any writing on  
10 the paper?

11 A. I don't recall.

12 Q. Do you recall or do you know what the paper was  
13 made of?

14 A. No idea.

15 Q. It's fair to say you don't actually know any  
16 details about the construction or manufacture of  
17 the paper, correct?

18 A. Correct.

19 Q. You told Mr. Benik -- testified earlier that  
20 before this deposition the last time you saw the  
21 tickets, these tickets that have been in the  
22 exhibits that you've been shown, was when you  
23 dropped them off at the Goditt & Boyer facility,  
24 correct?

25 A. When I received the ticket that day.

0168

1 Q. Yes. And you haven't seen them since that time?

2 A. Not since the last meeting.

3 Q. I can represent to you, Mr. Lapre, that none of  
4 the tickets in these exhibits show your signature  
5 on any Hollingsworth & Vose pick-up to the -- and  
6 delivery to the J.M. Mills landfill. Have you  
7 seen any Hollingsworth & Vose tickets with your  
8 signature on it?

9 A. I didn't go through them to look.

10 Q. Other than the tickets that are in these  
11 exhibits, have you seen any other tickets that  
12 have your signature on them for H&V?

13 A. No, I haven't.

14 Q. Hollingsworth & Vose?

15 Did you review or look at any documents  
16 concerning the lawsuit before you came here today  
17 for your deposition?

18 A. No, I did not.

19 Q. Did you discuss your deposition with any of the  
20 other drivers who you've mentioned during the  
21 course of your deposition?

22 A. No, I have not.

23 Q. Have you seen any notes or any statements from  
24 any other drivers about this lawsuit?

25 A. No, I have not.

0169

1 Q. When you would go to the Hollingsworth & Vose  
2 facility, do you recall if there was any  
3 procedure that you had to follow such as check



4 in?  
5 A. No, there was no check in.  
6 Q. Do you recall speaking with anyone at  
7 Hollingsworth & Vose when you made your pick-ups?  
8 A. There might have been somebody walking around  
9 at the loading dock in that area, hi, how are you  
10 doing, thanks for overstuffing the machine. That  
11 was a very heavy stop. It wasn't fun.  
12 Q. So it wasn't a scheduled pickup?  
13 A. Not that I know of.  
14 Q. Is it fair to say that the Hollingsworth & Vose  
15 facility is approximately 25 miles from J. M.  
16 Mills?  
17 A. Over that. How many towns? Walpole,  
18 Mansfield, Foxboro. I'm talking out loud.  
19 65 miles just guessing.  
20 Q. That's a fair estimate, would you say?  
21 A. That's just a guess.  
22 Q. Can I ask you to -- if your attorney would give  
23 you Exhibit 1, if you could turn to the third  
24 page -- no, excuse me -- the fourth page, which  
25 is stamped TA00323 at the bottom.  
0170  
1 A. Yes.  
2 Q. And do you see the ticket in the upper left-hand  
3 corner?  
4 A. Yes.  
5 Q. And it indicates -- let me ask you this. Strike  
6 that.  
7 Your signature's not on that ticket, correct?  
8 A. No, it's not.  
9 Q. Okay. Do you recognize the signature on that  
10 ticket?  
11 A. I -- I do not know whose name that is.  
12 Q. So you don't recognize that name from that  
13 ticket?  
14 A. No, I do not.  
15 MS. BARRY: Give me a minute. I think  
16 I'm done.  
17 Q. And you haven't made any notes of your  
18 recollections about your time picking up and  
19 delivering to the landfills trash over that 1980  
20 to '84 period?  
21 A. No, I -- no notes.  
22 Q. Just remind me, is Mr. Buffington still alive?  
23 A. I believe he is.  
24 Q. And you haven't talked to him about this lawsuit?  
25 A. I haven't seen Mr. Buffington in, like, ten  
0171  
1 years.  
2 Q. Did you read your deposition transcript from your  
3 previous deposition?  
4 A. No, I have not.  
5 MS. BARRY: That's all I have.  
6 MR. SALLY: I have a couple more  
7 questions. I'm sorry.  
8 MR. JACKSON: Well, I'll let you go if  
9 you want to and then --  
10 EXAMINATION BY MR. SALLY  
11 Q. Okay. Mr. Buffington who you just identified, do  
12 you know where he is?  
13 A. He went to Florida. I don't know where he is  
14 now.  
15 Q. How long ago did he go to Florida?  
16 A. I'm thinking ten years. I don't know where he

17 is.  
18 Q. Does Linda Terry still work for Waste Management?  
19 A. She worked for Goditt & Boyer and she works  
20 for Dave Brask.  
21 Q. At the present time?  
22 A. Correct, that I know of.  
23 Q. And is Goditt & Boyer still a separate company?  
24 A. I have no idea. I figure now it's just Brask  
25 Enterprises.

0172

1 Q. It's what?  
2 A. Brask, B-R-A-S-K, Enterprises.  
3 Q. But she does not work for Waste Management, to  
4 your knowledge?  
5 A. No, she does not.  
6 Q. Do you know where she lives?  
7 A. No, I do not.  
8 Q. Where was the office that she worked at?  
9 A. 205 O'Neil Boulevard. I think she's at 217  
10 O'Neil Boulevard. I know they have another  
11 office now. She might be there. I don't know.  
12 Q. And where is that located?  
13 A. In Attleboro.  
14 Q. Do you know whether she's married?  
15 A. I do not know.  
16 Q. How about Pauline Vierra, does she still work  
17 for -- does she work for Waste Management?  
18 A. No, not anymore.  
19 Q. Do you know who she works for?  
20 A. Last I knew for Mr. Brask, Dave Brask.  
21 Q. And do you know where she lives?  
22 A. Attleboro.  
23 Q. And the third, Cindy Proulx, P-R-O-U-L-X?  
24 A. I don't think she works there anymore. I  
25 haven't seen her in ten years or longer.

0173

1 Q. Do you know where she lived when you knew her?  
2 A. I think in Attleboro.  
3 MR. SALLY: That's all the questions I  
4 have.  
5 MR. JACKSON: Why don't you give us a  
6 couple minutes.  
7 MR. BENIK: May I have a couple more  
8 questions. Thank you.  
9 EXAMINATION BY MR. BENIK  
10 Q. I apologize for coming back to you. I just want  
11 to -- I want to talk just briefly about A.T.  
12 Cross. I have a few questions, and specifically  
13 Exhibit 6 which sets forth the two trip tickets  
14 that you've identified as being for A.T. Cross.  
15 MR. JACKSON: Greg, hold on one second  
16 and let me get it for him.  
17 THE WITNESS: This is the second  
18 package?  
19 MR. BENIK: It's Exhibit 6.  
20 Q. Do you have that, Mr. Lapre?  
21 A. Yes.  
22 Q. Okay. I just want to ask you, do you know what  
23 was in the two roll-offs that are depicted as  
24 A.T. Cross deliveries on Exhibit 6?  
25 THE WITNESS: The two roll-offs?

0174

1 MR. BENIK: Well, there's one on trip  
2 ticket, 41799, and then the next page, 37728.  
3 MR. MURPHY: Objection to form.

4 THE WITNESS: What's the question again,  
5 please? I couldn't hear you.  
6 Q. Do you know what was in those roll-offs that you  
7 delivered to the J.M. Mills landfill, as you sit  
8 here today?  
9 A. No.  
10 Q. Okay. And can you identify the date of any trip  
11 that you took to the J.M. Mills landfill from  
12 A.T. Cross aside from the two trips depicted on  
13 Exhibit 6?  
14 THE WITNESS: Do you want me to go  
15 through the slips?  
16 MR. BENIK: If you'd like.  
17 THE WITNESS: Do you want me to look for  
18 more A.T. Cross?  
19 Q. Let me put it to you this way. Are the only  
20 trips that you remember today from A.T. Cross to  
21 J.M. Mills those that are identified in the trip  
22 tickets that you have seen during the course of  
23 this deposition?  
24 MR. MURPHY: Objection to form.  
25 A. In this package right here without looking in  
0175  
1 the others, these are the only two at the moment.  
2 Q. Aside from any others that might be in any of the  
3 other exhibits, do you have any other knowledge  
4 of any other trip that you made from A.T. Cross  
5 to J.M. Mills landfill?  
6 A. Not without a slip.  
7 Q. Not without a slip. Thank you.  
8 MR. JACKSON: Is that it, Greg?  
9 MR. BENIK: Yes, sir.  
10 MR. JACKSON: Why don't you give us a  
11 couple minutes. I think we'll have just a couple  
12 of follow-up questions.  
13 (A recess was taken.)  
14 MR. MURPHY: All right. Let's try to  
15 wrap it up. Mr. Lapre, just a few follow-up  
16 questions I want to ask.  
17 EXAMINATION BY MR. MURPHY  
18 Q. Mr. Lapre, the first area of questions that I  
19 have are in connection with the discussions that  
20 were -- or the questions from Mr. Benik about  
21 what you saw or were able to see during pick-ups  
22 and deliveries. And specifically when you would  
23 get to the J.M. Mills landfill with a 50-yard  
24 container, am I correct that at some point that  
25 the back gate would open and you would dump the  
0176  
1 entire contents of the -- whatever the load was  
2 out onto the landfill?  
3 A. Correct.  
4 Q. Okay. Did you observe the contents, you know, of  
5 the loads after they were dumped?  
6 A. You looked at it. You didn't -- you know,  
7 stuff like Teknor Apex, there was no dump  
8 pickings as the gentleman asked if there was any  
9 dump pickings. You looked at it while you were  
10 walking by and just left.  
11 Q. But you did look at it?  
12 A. Yes.  
13 Q. Okay. So were you aware of what was in every  
14 load that you dumped? Was that just a part of  
15 your experience in dumping the materials that you  
16 were carrying?

17 A. You looked at it and just turned away and went  
18 about your business.  
19 Q. Okay. But did you, over the -- when you made  
20 repeated runs from any particular facility to  
21 J.M. Mills where you've testified here today that  
22 you -- as to what you saw in those contents,  
23 you're testifying from your memory; is that  
24 correct?  
25 A. Correct.

0177

1 Q. So you haven't been making anything up here  
2 today; is that right?  
3 A. No. Correct.  
4 Q. So if you told us here today that you observed  
5 gray powdery dust, you have a specific memory and  
6 recollection, as you sit here today, that that's  
7 what was in those containers; isn't that right?  
8 A. Correct.  
9 Q. And I'm assuming that part of that memory might  
10 be from when you dumped it at J.M. Mills?  
11 A. And when I cleaned it up off the ground.  
12 Q. Okay. So sometimes it would also be from when  
13 you were picking it up at the location, the  
14 pick-up location, correct?  
15 A. Correct.  
16 Q. But there's no doubt in your mind that with  
17 respect to every roll-off container during your  
18 deposition here where you identified contents  
19 that you were aware of, it was from your own  
20 personal observation?  
21 A. Correct.  
22 Q. And there was some suggestion that you might not  
23 have an ability to remember what was in some of  
24 these containers because you've made so many  
25 different runs to dumps in your career. Is there

0178

1 any doubt in your mind as to what was in the  
2 contents of the containers that you've testified  
3 to over the last two deposition dates?  
4 MR. SALLY: Objection.  
5 MR. BENIK: Objection. Move to strike.  
6 That wasn't his testimony. He didn't testify at  
7 all what was in those containers.  
8 MR. MURPHY: Well, okay. Your  
9 objection's noted? You can answer it. Do you  
10 want to read it back.  
11 MR. BENIK: No foundation.  
12 Mischaracterizes testimony.  
13 MR. MURPHY: Just like your questions  
14 mischaracterized his testimony.  
15 (The question was read.)  
16 A. There was no doubt in my mind.  
17 Q. So what you remember seeing is from your own  
18 memory; is that correct?  
19 A. Correct.  
20 Q. Now, with respect to -- there was some questions  
21 about your memory about making trips to J.M.  
22 Mills that are reflected specifically in dump  
23 tickets that you've looked at that have your  
24 signature on them versus any recollection of  
25 having made any other trips to J.M. Mills if

0179

1 there aren't tickets, okay, so I want to ask you  
2 a few questions about that.  
3 Over the last two deposition days, we've

4 shown you some J.M. Mills dump tickets; is that  
5 right?  
6 A. Correct.  
7 Q. Okay. And where they had a signature, your  
8 signature on them and a company name and a date,  
9 that has helped you to specifically recall or  
10 confirm to you that you did make those deliveries  
11 on those dates; is that right?  
12 MR. SALLY: Object to the form of the  
13 question. Among other things you're leading your  
14 witness, but --  
15 MR. MURPHY: I'm not -- I'm just asking.  
16 You can answer that question.  
17 A. Correct. Looking at the slips, that's my  
18 signature and that's the date I was there.  
19 That's the stop I serviced.  
20 Q. Do you know whether these are all the dump  
21 tickets that were issued to you during that  
22 period of time?  
23 A. I forget when the landfill actually closed.  
24 '84/'85. I forget when I personally stopped  
25 going there.

0180  
1 Q. Okay.  
2 A. I know I was there in '83. I know I was there  
3 in '84. No slips, though.  
4 Q. Well, are there -- do you have a general  
5 recollection of making trips to J.M. Mills from  
6 some of the companies even though you don't have  
7 tickets to show the date that you made those  
8 deliveries?  
9 A. I did the same job over and over and over,  
10 same landfills, same routine daily --  
11 Q. Right.  
12 A. -- years. I was there. I don't have a slip  
13 to say I was there.  
14 Q. Okay. Thanks. I have no further questions. Oh,  
15 I'm sorry. I just have a question about there's  
16 a company you mentioned called Ann -- or that I  
17 mistakenly thought was Analog One that you  
18 identified as Ann & Hope.  
19 A. Correct.  
20 Q. What kind of a company was Ann & Hope?  
21 A. A department store, like Kmart, Wal-Mart.  
22 Those were his children's name.  
23 Q. And where were they located?  
24 A. Right across from the Cumberland landfill at  
25 Mill Street. Mill Street and Cumberland.

0181  
1 Q. Do you remember how often you made trips from Ann  
2 & Hope to the J.M. Mills landfill?  
3 A. Same as all of these. Different schedule.  
4 Ten times a year, there was a -- I was there.  
5 Q. Do you remember the nature of the contents of  
6 the -- what it was that you were bringing to the  
7 landfill from there?  
8 A. Whatever the store threw away, you know,  
9 sweepings, coffee cups, boxes, you know, pallets  
10 and busted up shoes and shirts, torn pants.  
11 Q. You don't remember any sort of chemical waste or  
12 industrial waste?  
13 A. No, sir. No.  
14 MR. MURPHY: Okay. I have no further  
15 questions.  
16 MR. SALLY: I have a couple of

17 questions.  
18 EXAMINATION BY MR. SALLY  
19 Q. Mr. Lapre, I believe that you testified that  
20 every time you went to the J.M. Mills landfill  
21 with a load of waste to dispose of you received a  
22 ticket; is that correct?  
23 A. Correct.  
24 Q. And at some point in time, you're aware that that  
25 landfill closed?  
0182  
1 A. Correct.  
2 Q. And how did you become aware of that?  
3 A. Stopped going there.  
4 Q. Well, was there a big sign out front that said  
5 "no more dumping"?  
6 A. In our industry, they're closing, is there a  
7 month left, two months left, some landfills will  
8 accept different trash to try to cap off their  
9 landfill. I don't remember the exact date when  
10 it closed. I don't remember the last day I was  
11 in there.  
12 Q. And do you remember how you learned of it,  
13 learned of the closing?  
14 A. Word of mouth.  
15 Q. Somebody told you?  
16 A. Correct.  
17 Q. And after the landfill closed -- after a landfill  
18 closes, is it illegal to continue dumping trash  
19 there?  
20 A. Of course.  
21 Q. And you wouldn't dump trash in a landfill that  
22 you knew had been legally closed, would you?  
23 A. Of course not.  
24 Q. And neither would your company?  
25 A. Of course not.

0183  
1 MR. SALLY: I have no other questions.  
2 THE REPORTER: Mr. Connors, would you  
3 like a copy?  
4 MR. CONNORS: Of the transcript, yes.  
5 For this second transcript, I'd request just read  
6 and sign under the pains and penalties of perjury  
7 without the notary if that's acceptable.  
8 MR. MURPHY: Fine with me.  
9 THE REPORTER: Mr. Sally, would you like  
10 a copy?  
11 MR. SALLY: Yes, I would.  
12 THE REPORTER: And Ms. Fogell?  
13 MS. FOGELL: Yes, a mini, please.  
14 THE REPORTER: Ms. Barry?  
15 MS. BARRY: Yes, please.  
16 THE REPORTER: Ms. Holt?  
17 MS. HOLT: No, thank you.  
18 THE REPORTER: Mr. Benik?  
19 MR. BENIK: Yes, ma'am.  
20 THE REPORTER: Mr. Coburn?  
21 MR. COBURN: Yes, please. Thank you.  
22 THE REPORTER: Mr. Newton?  
23 MR. NEWTON: No.  
24 THE REPORTER: Ms. Petczarski?  
25 MS. PETCZARSKI: No.

0184  
1 THE REPORTER: Mr. Jackson?  
2 MR. JACKSON: Yes.  
3 THE REPORTER: Mr. Murphy?

4 MR. MURPHY: Yes, please.  
5 (Deposition adjourned at 2:42 p.m.)  
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0185  
1 C E R T I F I C A T E  
2

3 I, Devin J. Baccari, a Certified Shorthand  
4 Reporter and Notary Public within and for the State of  
5 Rhode Island, do hereby certify that I am expressly  
6 approved as a person qualified and authorized to take  
7 depositions pursuant to the Rules of Civil Procedure  
8 of this Court, especially, but without restriction  
9 thereto, under Rule 30 of said Rules; that the witness  
10 was first sworn by me; that the foregoing is a true,  
11 accurate, and complete transcript of my notes taken in  
12 the above entitled proceedings.

13 I further certify that I am not counsel,  
14 attorney or relative of either party or clerk or  
15 stenographer of either party, or of the attorney of  
16 either party, or otherwise interested in the event of  
17 this suit.

18 I have enclosed with the deposition a  
19 correction and signature page. The Notary was waived.

20 IN WITNESS WHEREOF, I hereunto set my hand  
21 this 11th day of February, 2009.  
22  
23  
24  
25

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26 DEVIN J. BACCARI, CSR, NOTARY PUBLIC  
27 My Commission Expires 8/17/10

28 DATE: FEBRUARY 5, 2009  
29 IN RE: UNILEVER BESTFOODS VS. TEKNOR APEX  
30 WITNESS NAME: PHILIP LOUIS LAPRE, VOLUME 11  
31  
32  
33  
34  
35