



**In The Matter Of:**

*CMC HEARTLAND PARTNERS v.  
READE MANUFACTURING COMPANY*

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*JOHN MUSSELMAN  
Vol. 2, April 8, 2004*

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*HOSTETLER & ASSOCIATES, INC.  
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**Word Index included with this Min-U-Script®**

[1] IN THE UNITED STATES DISTRICT COURT  
 [2] DISTRICT OF MINNESOTA  
 [3] FOURTH DIVISION  
 [4]  
 [5]  
 [6] CMC HEARTLAND PARTNERS,  
 [7] Plaintiff,  
 [8] vs. No. 02-CV-1819/MJD-JGL  
 [9] READE MANUFACTURING COMPANY,  
 [10] READE METALS & MINERALS CORP.,  
 [11] a/k/a READE ADVANCED MATERIALS  
 [12] or READE INTERNATIONAL, LUXFER  
 [13] HOLDINGS PLC and U.S. BORAX INC.,  
 [14] Defendants.  
 [15]  
 [16] U.S. BORAX INC.,  
 [17] Counterclaimant,  
 [18] vs.  
 [19] CMC HEARTLAND PARTNERS,  
 [20] Counterdefendant,  
 [21]  
 [22]  
 [23] VIDEOTAPED DEPOSITION OF JOHN MUSSELMAN  
 [24] April 8, 2004  
 [25] VOLUME II

[1] APPEARANCES  
 [2] Appearing for CMC Heartland Partners  
 [3] was MS. ELIZABETH M. BRAMA of Briggs & Morgan, P.A,  
 [4] 2200 IDS Center, Minneapolis, Minnesota 55402.  
 [5]  
 [6] Appearing for U.S. Borax Inc. was  
 [7] MR. BROOKS M. BEARD of Morrison & Foerster, LLP,  
 [8] 425 Market Street, San Francisco, California 94105.  
 [9]  
 [10] Videography was provided by Mr. Mark  
 [11] Rife of Tele-Business Communications, Inc., Video  
 [12] Production, P.O. Box 20, Greenwood, Missouri 64034.  
 [13]  
 [14]  
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[1] U.S. BORAX INC.,  
 [2] Third-Party Plaintiff,  
 [3] vs.  
 [4] SMITH FOUNDRY COMPANY and  
 [5] LUBRICATION TECHNOLOGIES, INC.,  
 [6] as the successor to ROLLINS OIL,  
 [7] Third-Party Defendants.  
 [8]  
 [9] VIDEOTAPED DEPOSITION OF JOHN  
 [10] MUSSELMAN, a witness, taken on behalf of CMC  
 [11] Heartland Partners, pursuant to Notice, on the 8th  
 [12] day of April, 2004, at the law offices of Lathrop &  
 [13] Gage, 2345 Grand Boulevard, Suite 2500, Kansas  
 [14] City, Missouri, before  
 [15] BEVERLY CONNELL, RPR, RMR, CRR, CCR #768,  
 [16] of Hostetler & Associates, Inc., authorized by law  
 [17] to take depositions anywhere in the State of  
 [18] Missouri.  
 [19]  
 [20]  
 [21]  
 [22]  
 [23]  
 [24]  
 [25]

[1] EXHIBITS: (Cont'd.)  
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 [23]  
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 [25]

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[1] (Whereupon, Musselman Deposition  
[2] Exhibit No. 32 was marked by the reporter for  
[3] identification.)  
[4] **THE VIDEOGRAPHER:** Let the record  
[5] show today is the 8th of April, 2004. The time is  
[6] 9:05.  
[7] Will the court reporter please swear in  
[8] the witness.  
[9] JOHN MUSSELMAN,  
[10] a witness, being first duly sworn, testified  
[11] further under oath as follows:  
[12] **EXAMINATION**  
[13] **BY MS. BRAMA:**  
[14] **Q:** Good morning, Mr. Musselman.  
[15] **A:** Good morning.  
[16] **Q:** I'm Liz Brama. We've met a couple times  
[17] before now. We're continuing the deposition we  
[18] started back in November. Do you remember that?  
[19] **A:** Yes, I do.  
[20] **Q:** And, hopefully, we'll not go over the  
[21] same territory too much. But bear with us if we do  
[22] a little bit, please.  
[23] Just a couple of instructions. I know  
[24] you're familiar with this drill. First of all,  
[25] please answer audibly, as your deposition is being

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[1] recorded by the court reporter and on video.  
[2] Please ask if you don't understand a question.  
[3] Otherwise, I'll assume that you do understand and  
[4] are answering accordingly. Also, if you don't  
[5] remember something, but remember it later, please  
[6] don't hesitate to speak up, tell me you remembered  
[7] something, and we'll get that on the record to make  
[8] sure everything is as accurate as possible. Do you  
[9] understand that?  
[10] **A:** I understand.  
[11] **Q:** Okay. Please ask us if you need a  
[12] break. Of course, we want to take a break if you  
[13] need one. And also, please wait to answer any  
[14] questions until I have finished answering (sic).  
[15] And likewise, I'll try to make sure I don't ask  
[16] another question until you're done answering what  
[17] I've asked. It's difficult to get a good  
[18] transcription if we have both of us talking over  
[19] each other. Do you understand that?  
[20] **A:** I do.  
[21] **Q:** Great. How is your health today, Mr.  
[22] Musselman?  
[23] **A:** Pretty good.  
[24] **Q:** Okay. Is there any medication or  
[25] anything that we should be aware of that might

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[1] interfere with your ability to proceed?  
[2] **A:** No. Not — not at this time.  
[3] **Q:** Okay. How old are you today, Mr.  
[4] Musselman?  
[5] **A:** Eighty-three.  
[6] **Q:** Eighty-three. Is there — this has been  
[7] a few months now since we were last here. Since  
[8] the last time we were in this room, have you talked  
[9] with anybody about your deposition testimony?  
[10] **A:** No. Not that would make any difference.  
[11] **Q:** What do you mean by that?  
[12] **A:** Well, I'd mentioned that I was on a  
[13] deposition, about that extent.  
[14] **Q:** Sure.  
[15] **A:** No details.  
[16] **Q:** But you haven't talked to anybody  
[17] about —  
[18] **A:** No.  
[19] **Q:** — what was said or asked for their  
[20] opinions, anything like that?  
[21] **A:** No. No.  
[22] **Q:** Okay. Have you reviewed any documents  
[23] since then that might pertain to, for example,  
[24] Reade Manufacturing?  
[25] **A:** No.

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[1] **Q:** Any documents pertaining to U.S. Borax?  
[2] **A:** No.  
[3] **Q:** Any documents pertaining to my client,  
[4] CMC Heartland Partners?  
[5] **A:** No.  
[6] **Q:** How about any documents relating to the  
[7] Light Yard site in Minneapolis at 28th and  
[8] Hiawatha?  
[9] **A:** No.  
[10] **Q:** Is there anything that you've recalled  
[11] since the last meeting that you may want to clarify  
[12] about what was testified to last time?  
[13] **A:** I don't believe so.  
[14] **Q:** Okay. If anything does come up or  
[15] anything new that triggers your memory today, of  
[16] course, tell us exactly whatever comes to mind.  
[17] **A:** No.  
[18] **Q:** To begin with, I'm going to show you  
[19] what's been marked as Exhibit 32. This is the  
[20] deposition notice. If you turn to the second page  
[21] of this document you'll see a subpoena in a civil  
[22] case. Do you remember receiving this subpoena?  
[23] **A:** I do.  
[24] **Q:** And are you here because of that  
[25] subpoena?

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[1] **A:** I am.  
[2] **Q:** Okay. You can set that aside. We won't  
[3] be using that one again, just for the record.  
[4] I'd like to start with some general  
[5] information. As you know, we're here talking about  
[6] the site at 28th and Hiawatha in Minneapolis,  
[7] Minnesota. And you testified last time that you  
[8] were an employee of Reade Manufacturing and then  
[9] U.S. Borax; is that correct?  
[10] **A:** That is correct.  
[11] **Q:** And can you remind us what years you  
[12] worked for Reade Manufacturing?  
[13] **A:** 1951 through 1963.  
[14] **Q:** And then what happened in 1963  
[15] pertaining to your job?  
[16] **A:** U.S. Borax took possession of the  
[17] property. And operated the property after that  
[18] date until 1968.  
[19] **Q:** And were you an employee of U.S. Borax  
[20] from 1963 to 1968?  
[21] **A:** I was.  
[22] **Q:** I'm going to show you another exhibit.  
[23] (Whereupon, Musselman Deposition  
[24] Exhibit No. 33 was marked by the reporter for  
[25] identification.)

[1] Mr. Musselman, I'm — actually I'd like  
[2] you to continue to have it front of you, though.  
[3] I've got one more to look at here. This is the  
[4] next exhibit marked 1967 detail on the upper  
[5] left-hand corner. I wrote that on this picture.  
[6] This is basically a close-up of the same photograph  
[7] we saw in Exhibit 33.  
[8] **A:** Right.  
[9] **Q:** Does that look the same to you? If you  
[10] compare it to Exhibit —  
[11] **A:** Yes, it's just a blowup.  
[12] **Q:** Right. I'd like to discuss this  
[13] photograph a little bit. Looking at Exhibit 34,  
[14] which is a little bit closer, maybe a little bit  
[15] easier to see. And talk about what's on the  
[16] property at this point, if you can help us identify  
[17] some of the objects. Starting in the lower  
[18] right-hand corner, there — there's the road along  
[19] the bottom of the picture with a couple of cars on  
[20] it. Do you see that?  
[21] **A:** I don't see the cars.  
[22] **Q:** Right along the very bottom of the  
[23] picture.  
[24] **A:** Oh, right.  
[25] **Q:** And in the lower right-hand corner,

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[1] **Q:** (By Ms. Brama) This is Exhibit 33. This  
[2] is marked 1967 in the upper left-hand corner. Do  
[3] you see that?  
[4] **A:** Yes.  
[5] **Q:** Do you recognize this photograph?  
[6] **A:** Yes.  
[7] **Q:** Can you tell us what you recognize?  
[8] **A:** It is the property, I think, is as  
[9] own — was owned by Milwaukee Railroad that  
[10] lease — Reades leased. And it also shows property  
[11] that the Rollins Fuel Oil and — and someone else.  
[12] **Q:** Do you remember who that someone else  
[13] was?  
[14] **A:** Dalton, I believe. But I don't remember  
[15] the exact name of it. Dalton Roofing, or something  
[16] like that.  
[17] **Q:** Okay.  
[18] **MR. BEARD:** Liz, quick question.  
[19] You said 1967. Who wrote that on there?  
[20] **MS. BRAMA:** I did actually.  
[21] (Whereupon, Musselman Deposition  
[22] Exhibit No. 34 was marked by the reporter for  
[23] identification.)  
[24] **Q:** (By Ms. Brama) If you'll set that aside  
[25] for one moment.

[1] there's a big building. It's kind of in white. I  
[2] think you have your finger on it there. I'm going  
[3] to give you a pen and ask you to mark some things,  
[4] if that's okay. Maybe it will be easier to refer  
[5] to as we go looking at the picture. See a building  
[6] in the lower right-hand corner that appears to have  
[7] a few trucks in front of it?  
[8] **A:** I see, oh, that — that's a Reade  
[9] building, I'm almost sure.  
[10] **Q:** Okay. Could you label that the Reade  
[11] building on that picture, please.  
[12] (The witness complied with the request.)  
[13] Was this also the building used by U.S.  
[14] Borax between 1963 and '68?  
[15] **MR. BEARD:** Objection; lack of  
[16] foundation.  
[17] **A:** Yes, so far as I can tell.  
[18] **Q:** (By Ms. Brama) Okay. Were you there —  
[19] were you on the property between 1963 and 1968?  
[20] **A:** Yes, I was.  
[21] **Q:** Were you there regularly, or  
[22] periodically?  
[23] **MR. BEARD:** Objection; asked and  
[24] answered.  
[25] **A:** Whenever I was in the vicinity and

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[1] operating the plant, yes, I would be there.  
[2] **Q:** (By Ms. Brama) And when you were there,  
[3] did you observe Borax occupying that building?  
[4] **A:** Yes.  
[5] **Q:** That you just marked as the Reade  
[6] building?  
[7] **A:** Yes.  
[8] **Q:** Yes. All right. Thank you.  
[9] Just behind the Reade building or north  
[10] on this picture — directionally, I don't know  
[11] whether it's north, there are some cars. And then  
[12] it looks like there are some tanks. I count  
[13] four — well, eight tanks, four on each side. Do  
[14] you see that?  
[15] **A:** Yes.  
[16] **Q:** Can you identify what those tanks were  
[17] used for?  
[18] **A:** Storage of chemical.  
[19] **Q:** What kinds of chemicals were stored  
[20] there?  
[21] **MR. BEARD:** Objection; vague as to  
[22] time.  
[23] **Q:** (By Ms. Brama) Why don't we talk about  
[24] first during the Reade — well, let me ask you  
[25] this: Was there any difference between the time

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[1] you were at Reade and at Borax as to what chemicals  
[2] were stored in these tanks?  
[3] **A:** I can't tell you. I don't remember.  
[4] **Q:** Did it vary from time to time what  
[5] chemicals might be stored in what tanks?  
[6] **A:** Normally not. They wouldn't change very  
[7] often.  
[8] **Q:** So if you had a tank that was used for  
[9] borates, for example, or some liquid form of  
[10] chlorate/borate solution, it was generally used for  
[11] that purpose?  
[12] **A:** Yes.  
[13] **Q:** Okay. And you — I'm sorry if you  
[14] already answered this. But do you remember whether  
[15] any of these tanks were — if any of them were  
[16] particularly used for a particular product?  
[17] **A:** I can't remember.  
[18] **Q:** Okay. Just to the right of those eight  
[19] tanks there's another what looks like sort of a  
[20] sideways tank. Do you see that one?  
[21] **A:** The horizontal tank.  
[22] **Q:** Right. Do you know what that was used  
[23] for?  
[24] **A:** I believe it was water.  
[25] **Q:** Okay.

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[1] **A:** Excess — extra water.  
[2] **Q:** Okay.  
[3] **A:** But I'm not sure.  
[4] **Q:** Let's mark that the water tank.  
[5] **MR. BEARD:** Liz, it's going to be  
[6] helpful if you can talk, you know, when you're  
[7] asking questions, time frame.  
[8] **MS. BRAMA:** Okay.  
[9] **MR. BEARD:** Because he testified  
[10] last time that he only was at the site during the  
[11] Borax era about five or six times total. So I just  
[12] need you to be clear. Otherwise, I'm going to have  
[13] to continue objecting.  
[14] **MS. BRAMA:** Well, the testimony  
[15] also was that the processes didn't change that much  
[16] between the Reade and Borax period. So.  
[17] **MR. BEARD:** What I'm saying is he  
[18] was at the site five or six times total during the  
[19] Borax era, so —  
[20] **MS. BRAMA:** Right.  
[21] **MR. BEARD:** — he doesn't  
[22] necessarily know that.  
[23] **Q:** (By Ms. Brama) Why don't we put it this  
[24] way, Mr. Musselman: When I ask you these questions  
[25] about tanks and things like that, I understand that

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[1] you did testify you weren't here throughout the  
[2] entire period Borax was here. So I would like you  
[3] to only answer questions about what you — you  
[4] remember from your experience or what you know.  
[5] **A:** Okay.  
[6] **Q:** And I'll try to be clear as to time to  
[7] the extent it's relevant, and we'll move forward  
[8] from there.  
[9] So for the water tank that we were just  
[10] looking at, was that generally used, to the best of  
[11] your recollection, for water during the Reade  
[12] period?  
[13] **A:** Yes.  
[14] **Q:** And during the Borax period as well?  
[15] **A:** During the Borax period, it was probably  
[16] empty.  
[17] **Q:** Okay. And there are some tanks just  
[18] behind that water tank. The ones —  
[19] **A:** Behind, I can't —  
[20] **Q:** I'm sorry, it's hard to — to — just  
[21] north on this picture, (indicating), there are some  
[22] circular tanks. Do you see those?  
[23] **A:** Yes.  
[24] **Q:** How many tanks do you count there?  
[25] **A:** My memory's gone on me. I'm counting

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[1] three small tanks right there.  
[2] Q: Okay. Do you remember what those were  
[3] used for during the Reade period?  
[4] A: I have no idea.  
[5] Q: Okay. How — do you remember the size  
[6] of those tanks?  
[7] A: No, I don't.  
[8] Q: I understand we're testing your memory,  
[9] but that's part of why we're here, so we'll just do  
[10] the best we can.  
[11] Do you see behind those three smaller  
[12] tanks, upward on the picture, there are two larger  
[13] tanks. Do you remember what those were used for  
[14] during the Reade period?  
[15] A: No. It's just slipped away from me.  
[16] Q: That's okay. How about during the Borax  
[17] period?  
[18] A: Same thing. I don't remember then  
[19] either.  
[20] Q: Okay. If you go a little bit further up  
[21] on the picture, there seems to be something on the  
[22] ground right to the right on this picture of a  
[23] railroad boxcar?  
[24] A: You mean that dark object?  
[25] Q: Just to the right of it, (indicating),

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[1] yes. There's sort of a shadow, and then something  
[2] on the ground there. Do you see that?  
[3] A: Yes. There was a small steam generator  
[4] building right in that area. Oh, very small.  
[5] Q: And when was that?  
[6] A: In both Reade and Borax period.  
[7] Q: Do you know when it was built?  
[8] A: No, I don't.  
[9] Q: Do you remember a decade when it was  
[10] built?  
[11] A: I'm trying to — whether it was in — it  
[12] was before I went there, so it was before the '50s.  
[13] Q: Okay.  
[14] A: Or in — or maybe early '50s.  
[15] Q: Okay. How about these — these tanks  
[16] that we were just talking about, all the above  
[17] ground tanks, the water tank, some other chemical  
[18] tanks. Do you remember when those — first of all,  
[19] those eight tanks were built?  
[20] A: No, I don't.  
[21] Q: Were they there when — before you  
[22] started working —  
[23] A: Right.  
[24] Q: — for Reade?  
[25] A: Right.

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[1] Q: How about the water tank?  
[2] A: It was there, too.  
[3] Q: When you started working —  
[4] A: Uh-huh.  
[5] Q: — for Reade?  
[6] A: Uh-huh.  
[7] Q: How about the three small tanks?  
[8] Just —  
[9] A: They were there.  
[10] Q: They were there?  
[11] A: Yes.  
[12] Q: And how about the two larger tanks?  
[13] A: They were there.  
[14] Q: So these were all there before you  
[15] started working?  
[16] A: Right.  
[17] Q: And they continued to be used for  
[18] various —  
[19] A: Various things.  
[20] Q: — purposes? At least during the Reade  
[21] period?  
[22] A: Right. Some of them may have been  
[23] empty. I — I think that this eight tanks was used  
[24] pretty consistently.  
[25] Q: Uh-huh.

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[1] A: The upright — vertical tanks. But the  
[2] others, I don't know. I can't remember.  
[3] Q: Okay. I'm going to keep going sort of  
[4] clockwise around this picture — counterclockwise  
[5] around the picture. There has been some discussion  
[6] of underground storage tanks at this site,  
[7] underground — or underground mixing tanks?  
[8] A: Mixing tanks.  
[9] Q: Okay. Underground mixing tanks.  
[10] A: Right.  
[11] Q: Can you identify with Xs on the picture  
[12] where those might have been?  
[13] (The witness complied with the request.)  
[14] How many Xs have you made on the —  
[15] A: Three.  
[16] Q: — picture? Three? And can you  
[17] describe for the recording purposes where you made  
[18] those Xs on the picture?  
[19] A: The first X on the shall I say the  
[20] right-hand side of the track looking — I'm off  
[21] on — this is not marked directions, and I'm —  
[22] Q: Right. Why don't we just look right and  
[23] left and up and down on the picture.  
[24] A: To the right of that track was an  
[25] existing underground mixing tank that was put in

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[1] there even before the '50s. Before 1950.  
[2] Q: Okay.  
[3] A: The two Xs on the left-hand side of the  
[4] track was put in there after I went there.  
[5] Q: Do you remember the year?  
[6] A: That would have been probably 1955 or  
[7] after.  
[8] Q: Were those tanks all put in by Reade  
[9] Manufacturing Company?  
[10] A: That is true.  
[11] Q: And do you remember what — first of  
[12] all, the one tank to the right of the railroad  
[13] tracks, what that tank was used to mix, what kinds  
[14] of chemicals?  
[15] A: It would have mixed both sodium  
[16] arsenite, chlorate, and the product that was  
[17] mixed — formulated to go — make weed killer for  
[18] the railroads.  
[19] Q: Okay. How about the two tanks to the  
[20] left of the track?  
[21] A: They would have been used to make  
[22] chemical formulation. And to possibly — well, I'm  
[23] pretty sure they were both used for sodium chlorate  
[24] that would come in in bulk form and then dissolve  
[25] with water and — mixed with water.

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[1] Q: To be sure I understand, you said that  
[2] those were used for chemicals and then you also  
[3] said and chlorate — sodium chlorate —  
[4] A: Both.  
[5] Q: What kind of chemicals did you mean the  
[6] first — other than sodium chlorate?  
[7] A: Oh, Well, there's many formulations  
[8] that they made as weed killers. Different  
[9] formulations.  
[10] Q: And they might have used any of those  
[11] formulations —  
[12] A: Right.  
[13] Q: — in any of these —  
[14] A: Right.  
[15] Q: — three underground tanks?  
[16] A: Right.  
[17] Q: So that's different than the above  
[18] ground tanks that were generally used —  
[19] A: The above ground tanks would have been a  
[20] concentrated material, just possibly one  
[21] ingredient, or more or less one ingredient that was  
[22] used as a material to make the form — Reade  
[23] formulation.  
[24] Q: Okay.  
[25] A: Or a Reade weed killer.

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[1] Q: I see. Just down on the picture, below  
[2] the two Xs that you made, there's sort of a — a  
[3] couple — well, not — seems like there's sort of a  
[4] stacking of boxes. Do you see that?  
[5] A: I see the boxes. Have no idea when —  
[6] Q: What they are.  
[7] A: When they was there 1967 you think  
[8] this —  
[9] Q: Yes.  
[10] A: — detail was made?  
[11] Q: Yeah.  
[12] A: We have stored Borax, which is the bag  
[13] form dry material in bags in that area at times.  
[14] But that would have been in one big pile and  
[15] covered with canvases and so forth. At the time of  
[16] this aerial photo was made, I have no idea what  
[17] could have been piled up around that.  
[18] Q: Okay. How about the stockpile or — I'm  
[19] not sure what it is exactly, that's in between the  
[20] tracks and those piles of something?  
[21] A: Well, now that looks like the Borax  
[22] that's right in here is showing in white. Close to  
[23] those mixing tanks.  
[24] Q: That's, what, stockpiles of the bag form  
[25] of borax?

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[1] A: I think it is.  
[2] Q: Okay.  
[3] A: I think it is. Now those other square  
[4] objects could have been something to do with that  
[5] roofing and they put it out there to protect that  
[6] area. I — I don't know.  
[7] Q: Don't know.  
[8] A: I don't think any of those — those  
[9] things around there has anything to do with Borax  
[10] or Reade.  
[11] Q: Okay. Moving downward on the picture,  
[12] just below the pile of boxes, or whatever it is,  
[13] there are some trucks and another building. Did  
[14] that belong to Reade?  
[15] A: No.  
[16] Q: Who did that belong to?  
[17] A: That would have been Rollins Fuel Oil,  
[18] more than likely. Now those — those square —  
[19] there again, those square things, I doubt if  
[20] they're Rollins.  
[21] Q: Okay.  
[22] A: Because they appear to be the same as  
[23] the others. And Rollins, I've never seen them have  
[24] anything that shape out there.  
[25] Q: Along the —

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[1] **A:** But it is — the territory there would  
[2] be more or less considered Rollins.  
[3] **Q:** Is that true all the way to the railroad  
[4] tracks that come down at an angle here to the other  
[5] side of the big square buildings on the left-hand  
[6] side of the picture?  
[7] **A:** You're talking about this railroad  
[8] tracks?  
[9] **Q:** Yes. Is this — let me rephrase the  
[10] question. Who did these buildings belong to,  
[11] (indicating)?  
[12] **A:** That — that's all Dalton. Or whoever  
[13] that — whatever that company was. In '67, I don't  
[14] know.  
[15] **Q:** That's —  
[16] **A:** But that is — probably is not  
[17] buildings.  
[18] **Q:** What do you think those are?  
[19] **A:** The — you call it a building or not, if  
[20] it's just the canvas over building materials.  
[21] **Q:** Okay.  
[22] **A:** They — they covered up their materials  
[23] and would be that type of shape.  
[24] **Q:** What kinds of materials did they have  
[25] there?

[1] that we discussed, that might be underground, other  
[2] than the underground storage tank — or underground  
[3] mixing or storage tanks?  
[4] **A:** Oh, there might have been small pipes  
[5] and so forth.  
[6] **Q:** What kinds of pipes?  
[7] **A:** Pipes that would run from these tanks.  
[8] Some cases over 200 ran over to the other tanks  
[9] across there and waterlines and so forth.  
[10] That's...  
[11] **Q:** Which tanks — let's take it maybe one  
[12] at a time. The eight tanks that we talked about  
[13] first of all —  
[14] **A:** Right.  
[15] **Q:** — the ones that are four and four on  
[16] each side. Were there pipes going from those tanks  
[17] somewhere?  
[18] **A:** That is right.  
[19] **Q:** Underground?  
[20] **A:** It would go back and over into those  
[21] mixing tanks.  
[22] **Q:** To the underground mixing tanks?  
[23] **A:** Right.  
[24] **Q:** And what were those pipes made of?  
[25] **A:** Iron.

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[1] **A:** Roofing materials that would be used as  
[2] insulation, and so forth. They maybe have it 12,  
[3] 15 foot high. A good size piles. And then they'd  
[4] come in there and put big canvases over them.  
[5] **Q:** Do you mean machinery type equipment?  
[6] **A:** No. It would be — it would be just  
[7] solid building materials like wall panels or things  
[8] like that out there.  
[9] **Q:** They just wanted to protect them from  
[10] the elements?  
[11] **A:** Right.  
[12] **Q:** With the canvas?  
[13] Is there anything else about this  
[14] picture that you can see that strikes you, that we  
[15] haven't discussed?  
[16] **A:** I have no idea what this — where the  
[17] highway is here. There's a lot of stuff over in  
[18] here that I don't recognize at all on this side of  
[19] the railroad track, (indicating).  
[20] **Q:** And by this side, you mean the left —  
[21] **A:** On the left —  
[22] **Q:** — side of the picture?  
[23] **A:** Left of it, looking down on it.  
[24] **Q:** Are there things on this picture  
[25] particularly pertaining to the Reade/Borax area

[1] **Q:** Can you draw lines on the map where the  
[2] pipes would have been?  
[3] **A:** Well, there — there was a manifold  
[4] right between these row of tanks. Several pipes in  
[5] there between them. And then I don't know  
[6] where they are. Once it went underground, I have  
[7] no idea.  
[8] **Q:** Do you remember when those pipes, were  
[9] installed?  
[10] **A:** No.  
[11] **Q:** Were they there —  
[12] **A:** They were there when I was — went there  
[13] in the '50s.  
[14] **Q:** Did Reade install any new pipes  
[15] underground after you were present at the site?  
[16] **A:** There was some waterlines put in. A  
[17] large waterline for approximately four inches  
[18] diameter, put into these new tanks. And other than  
[19] that, that's about all the piping that I know of  
[20] that was done any time I was there.  
[21] **Q:** You may have already answered this  
[22] question. But do you remember Borax putting in any  
[23] pipes between — in the '60s when they were on the  
[24] property?  
[25] **A:** Maybe Borax might have put loading posts



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[1] up and down this railroad track.  
[2] Q: What do you mean by a loading post?  
[3] A: Now that — that would be a four-inch  
[4] iron pipe again that would come up and go up in the  
[5] air eight or 10 feet or 12 feet.  
[6] Q: Would it come from underground up —  
[7] A: Yes.  
[8] Q: — in the air?  
[9] A: Yes.  
[10] Q: And then how — what would the top of it  
[11] look like?  
[12] A: It would have a T arrangement on it that  
[13] was adjustable for another pipe that would go out  
[14] to the center of the tank car that was being  
[15] loaded. Now that pipe was adjusted — you know,  
[16] could be changed up and down.  
[17] Q: And do you remember when that pipe might  
[18] have been installed?  
[19] A: Possibly — no, I don't. I'm not sure  
[20] whether that was all Reade or Borax. But I think  
[21] some of those may have been put in by Reade and  
[22] then Borax may have put some in.  
[23] Q: What purpose would Borax have had in  
[24] using those pipes if it wasn't operating the  
[25] property very much?

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[1] A: To load tank cars.  
[2] Q: With what would they have been loading  
[3] the tank cars?  
[4] A: With?  
[5] Q: What would they have been putting into  
[6] the tank cars?  
[7] A: Chemical weed killer.  
[8] Q: What kinds, do you remember?  
[9] A: Well, it could have been a formulation  
[10] of chlorates — chlorate and borates. The arsenic  
[11] possibly, if there was any arsenic formulations put  
[12] out. You see, arsenic is such, when you mention  
[13] that, it is not completely all arsenic. There had  
[14] other formulations put together.  
[15] Q: Of course.  
[16] A: Which you probably have in your  
[17] possession, the formulations. And so they could  
[18] formulate that stuff and then mix it in these  
[19] tanks. Then it was pumped by — with a pump to  
[20] those loading posts. And — as a liquid into the  
[21] tank cars.  
[22] Q: A couple questions arise from that.  
[23] When you say they, do you mean Reade or Borax?  
[24] A: Both.  
[25] Q: Both, okay. And when it was being

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[1] sprayed into the loading cars, was there any kind  
[2] of enclosure around the spraying facility?  
[3] A: No.  
[4] Q: It was open air?  
[5] A: It was — no, it wasn't open air.  
[6] These — these — these loading posts actually went  
[7] down into the car.  
[8] Q: Okay.  
[9] A: That's where I told you that it was  
[10] adjustable. When the car come in there, the men  
[11] would pull those posts down and put them right down  
[12] in the top of the car and they was — it was all  
[13] enclosed.  
[14] Q: The top of the car was enclosed?  
[15] A: No. The piping where the — this  
[16] chemical was all enclosed.  
[17] Q: I see. And you say the men. Do you  
[18] mean Reade men?  
[19] A: Reade and/or U.S. Borax.  
[20] Q: Okay. Do you remember any repairs being  
[21] made to any of these pipes during the Reade period?  
[22] A: No, I don't remember. But I'm sure it  
[23] had — once in a while had to be.  
[24] Q: But you personally didn't oversee any  
[25] repairs to the piping?

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[1] A: Oh, I don't — I don't remember anything  
[2] about it.  
[3] Q: Do you remember overseeing any repairs  
[4] to the tanks on the property during the Reade  
[5] period?  
[6] A: I can't remember. But I'm sure there  
[7] might have been or something. I — no, really I  
[8] don't remember anything that went on there.  
[9] Q: When you say you don't remember, you —  
[10] you don't remember — not that you don't remember  
[11] whether it happened, you don't remember seeing it  
[12] happen?  
[13] A: Right. Well, no, I don't remember  
[14] seeing it happen. I'm sure there may have been  
[15] some repairs of some kind. But I don't remember  
[16] it.  
[17] Q: Okay. How about during the Borax  
[18] period, do you remember —  
[19] A: Same thing.  
[20] Q: You don't remember —  
[21] A: Too far back.  
[22] Q: — seeing any?  
[23] A: It's a minor little thing that, you  
[24] know, you just wouldn't remember it.  
[25] Q: I know we're asking about minor, picky

[1] things.  
[2] **A:** Yeah.  
[3] **Q:** When you say that the pipes were going  
[4] to load the tank cars, which railroad tracks do you  
[5] mean? Because we're seeing a couple different ones  
[6] on this picture.  
[7] **A:** Well, this — this picture that comes up  
[8] alongside of the Reade property or the center of  
[9] it.  
[10] **Q:** So almost —  
[11] **A:** Is primarily — the primarily area. But  
[12] there was a time that there was a line put over to  
[13] this railroad track on the left.  
[14] **Q:** Just to be clear, you mean that  
[15] primarily the one sort of almost right down the  
[16] middle of the — of the page, just to the left of  
[17] those eight —  
[18] **A:** Right.  
[19] **Q:** — above ground tanks?  
[20] **A:** Now, that was considered Reade's or, I  
[21] suppose, Rollins could have used that at one time  
[22] to receive fuel oil if they would get it in bulk.  
[23] Or tank cars. But Reades used that tank all the  
[24] time.  
[25] **Q:** Okay.

[1] the ground of whatever Dalson or Dalton —  
[2] **A:** Right.  
[3] **Q:** — property —  
[4] **A:** Right.  
[5] **Q:** — was over there? And did that have  
[6] the same kind of setup that the one down the middle  
[7] did with —  
[8] **A:** I don't think there was any load posts  
[9] over there. Actual iron. They would have hoses on  
[10] that side to lead — take it down to the tank car  
[11] and raise the hoses up and put them down in the  
[12] tank car.  
[13] **Q:** So they would — would they hook up the  
[14] hose each time they wanted to use that pipe?  
[15] **A:** Yes.  
[16] **Q:** There weren't fixed hoses that were  
[17] just —  
[18] **A:** No.  
[19] **Q:** — left there?  
[20] **A:** No. I don't believe so.  
[21] **Q:** And —  
[22] **A:** Well, there may have been a fixed hose,  
[23] but it was straightened out down the line, and then  
[24] when they needed to use it, they'd just lift it up  
[25] and put it in the tank car and start pumping.

[1] **A:** And it would accommodate probably eight  
[2] or 10 tank cars. Or about eight. So that was a  
[3] primary loading area. At times when Reade or  
[4] Borax, and, there again, I don't — can't remember  
[5] which one, might have used this track over here  
[6] some.  
[7] **Q:** And you said there was a pipe that  
[8] lead — led to that track at one time?  
[9] **A:** Over in there someplace. There was a  
[10] pipe would have gone straight up over to that area.  
[11] **Q:** Do you remember where that pipe was?  
[12] **A:** No. Not exactly. It — it was probably  
[13] running it to a 90 degrees to this railroad track  
[14] over there. To the other railroad track.  
[15] **Q:** From the railroad track down the middle  
[16] of the drawing to the — or — of the photograph,  
[17] to the railroad track running down the left-hand —  
[18] **A:** Right.  
[19] **Q:** — side?  
[20] **A:** That is right.  
[21] **Q:** And it would have been underground  
[22] piping?  
[23] **A:** I believe it was. A little bit  
[24] underground. A truck could run over it.  
[25] **Q:** Okay. So it would have been underneath

[1] **Q:** Would those have been coming from the  
[2] underground tanks or from —  
[3] **A:** From pumps someplace just above the  
[4] underground tanks.  
[5] **Q:** Do you recall how long or from what —  
[6] strike that.  
[7] Do you recall the period during which  
[8] those pipes leading from one — leading across to  
[9] the far left railroad tracks were in existence?  
[10] **A:** That was pretty much after 1955.  
[11] **Q:** Why 19 —  
[12] **A:** I don't think there was — those — that  
[13] piping was in there before 1955.  
[14] **Q:** Why do you think that?  
[15] **A:** The orders just normally wouldn't be of  
[16] the size that we'd need to use that over there  
[17] before that time. But in one of those — '55, '56,  
[18] someplace along in there, we got some really large  
[19] orders and we had to utilize this track and that  
[20] track, because they was only getting one switch a  
[21] day. I think we've discussed that.  
[22] **Q:** Uh-huh.  
[23] **A:** And so you'd load it up of many cars.  
[24] Twelve, 15 cars a day in the 24 hours. Then,  
[25] consequently, they was using both tracks to load.

[1] Q: Was this the period where there's a  
[2] large need for grasshopper pesticides or — out  
[3] vest?  
[4] A: That didn't get into it. Now that was  
[5] before it was U.S. — I mean Reade, at the time  
[6] that they was needing the grasshopper stuff. And I  
[7] was never in on it.  
[8] Q: Okay.  
[9] A: Didn't know anything about it.  
[10] Q: So what caused the large demand in 1955?  
[11] A: Just some large contracts from different  
[12] railroads. That was an exceptionally good year.  
[13] Q: Did that continue for a few years?  
[14] A: No. It didn't. I think probably about  
[15] two or three years, two years was about the extent  
[16] of it. Then the — then the productivity of the  
[17] operation went down considerably.  
[18] Q: Were there any other pipes, other than  
[19] those we've talked about, underground in this  
[20] picture that we can't see?  
[21] A: Not that I know of.  
[22] Q: Are there any other underground storage  
[23] facilities, other than those we've talked about?  
[24] A: Oh, no.  
[25] Q: Underground mixing facilities?

[1] A: Well, I've mentioned the three.  
[2] Q: Right.  
[3] A: And that's all I know of.  
[4] Q: Right.  
[5] A: Yes.  
[6] Q: Is there anything else about — just  
[7] that we can't see in this picture that might be  
[8] underground at the time of the picture in 1967?  
[9] A: Anything underground that would — other  
[10] than what we discussed? No. I don't think so.  
[11] It's pretty much a simple little formulation plant.  
[12] Q: These railroad tracks along the  
[13] right-hand side of the picture.  
[14] A: Yes.  
[15] Q: There's some — did Reade or Borax —  
[16] did either Reade or Borax ever use those?  
[17] A: That was — Milwaukee storage yards for  
[18] any kind of cars they'd put in there. We may have  
[19] had cars in there at times. But not — we have no  
[20] possession of them.  
[21] Q: Do you mean —  
[22] A: At that time it was strictly railroad  
[23] property.  
[24] Q: And you say we. Do you mean Reade?  
[25] A: Reade or Borax. It might have been our

[1] cars out there. But it was just a matter of  
[2] storing them out there, for some reason.  
[3] Q: And do you mean cars owned by Reade or  
[4] Borax?  
[5] A: Yes.  
[6] Q: Okay.  
[7] A: But a lot — the Milwaukee might have  
[8] had cars of their own, I mean railroad cars out  
[9] there.  
[10] Q: Stored on the right-hand side —  
[11] A: Right.  
[12] Q: — of the picture there? Okay.  
[13] Anything else about this picture that  
[14] you can tell us?  
[15] A: No. Not that I know of. That would  
[16] help you any.  
[17] Q: Okay.  
[18] (Whereupon, Musselman Deposition  
[19] Exhibit No. 35 was marked by the reporter for  
[20] identification.)  
[21] Q: (By Ms. Brama) I'm showing you what's  
[22] been marked as Exhibit 35. See in the top it says,  
[23] "Changes in Reade property since U.S. Borax took  
[24] possession November 18th, 1963." Is that right?  
[25] A: Uh-huh.

[1] Q: And then below that it says Minneapolis,  
[2] Minnesota Plant?  
[3] A: Uh-huh.  
[4] Q: We've talked a little bit back in  
[5] November about your participation in inventories.  
[6] My understanding is that they're somewhat limited.  
[7] Is that correct?  
[8] A: Yes.  
[9] Q: You were involved in some inventories,  
[10] but not necessarily —  
[11] A: This is where I think Mr. Brown was, oh,  
[12] showing his company that expenditure outlay.  
[13] Q: If you turn to the second page of this  
[14] document. In the upper right-hand corner, see it  
[15] says Inventory 1/30/68?  
[16] A: Right.  
[17] Q: Does that help you remember?  
[18] A: Well, it will bring it — but what...  
[19] (Brief pause.)  
[20] Yes, this kind of brings it up as to  
[21] what was in the tanks. They're not showing it, do  
[22] they?  
[23] Q: Did you — do you remember participating  
[24] in an inventory around January 30th, 1968?  
[25] A: I can't remember it.

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[1] Q: In other words, you don't remember  
[2] whether you participated or not?  
[3] A: I don't remember. In that case, it  
[4] could have been Mr. Pendergrast and Brown, or it  
[5] could have been Brown and I, or — well, Brown  
[6] might have went up there himself and taken  
[7] inventory. I'm not sure. So I can't remember.  
[8] Q: Okay. Do you — do you recognize this  
[9] format of a document? Was it something that you've  
[10] seen before from U.S. Borax?  
[11] A: Well, this is not exactly an inventory  
[12] sheet. But this is more or less a plant equipment  
[13] inventory, it would be. That we normally didn't  
[14] pay much attention to. Because it was permanent,  
[15] more or less.  
[16] Q: Was January 30th, 1968, about the time  
[17] Borax was looking to turn the plant back to Reade?  
[18] MR. BEARD: Lack of foundation.  
[19] Q: (By Ms. Brama) If you know.  
[20] A: No, it's — well, it's several months  
[21] before they turned it over.  
[22] Q: Do you remember whether — did you hear  
[23] or participate in any discussions in this time  
[24] frame about turning the plant back to Reade?  
[25] A: Well, it was some. The only discussion

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[1] I know of, we discussed the terms of the agreement  
[2] was we would return the property back to Reade as  
[3] we received it. In other words, the same  
[4] condition.  
[5] Q: And were those discussions taking place  
[6] in the winter, or in the spring?  
[7] A: It's so many months ahead of time, I  
[8] kind of doubt if we've discussed that much at this  
[9] date, 1-1-30. Now this could have been an internal  
[10] thing within U.S. Borax that they wanted to run an  
[11] inventory.  
[12] Q: Do you know whether it was an internal  
[13] thing, or are you —  
[14] A: I don't know.  
[15] Q: You don't know, okay.  
[16] A: I can't — I don't know why they was  
[17] making it — well, we haven't gone through the full  
[18] thing to see what it is.  
[19] Q: No, we haven't. Why don't you take a  
[20] minute and look through it and we'll — and then  
[21] I'll ask you some more questions about it.  
[22] (Brief pause.)  
[23] A: This is a kind of an inventory, it looks  
[24] like, that Borax would have made out at the time  
[25] they took over the operation in 1963.

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[1] Q: Well, if you remember, the first page it  
[2] says changes in Reade inventory — or in Reade  
[3] property since U.S. Borax took possession —  
[4] A: Okay.  
[5] Q: — November 18 —  
[6] A: Oh, I can see — I know what he was  
[7] doing there. He was just trying to establish that  
[8] his company — the improvements that was made on  
[9] the Reade property.  
[10] Q: Okay.  
[11] A: Probably, because it was probably with  
[12] all the plants a good size expenditure.  
[13] Q: Why did they make good size expenditures  
[14] at the plants?  
[15] A: Well, there was — needed repairs  
[16] probably on all this stuff. As you go down the  
[17] line, there was probably things that was wrong and  
[18] had to be done. Now there — you see number 10 on  
[19] the first there, improve chemical loading post. As  
[20] I say, was Reades some there, but probably U.S.  
[21] Borax improved them. Put more in or something.  
[22] Repair roof. Close the front garage. And I know  
[23] the old — the old office building out there was in  
[24] very poor condition. And they improved it. And  
[25] this is just four or five years to reinforce

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[1] catwalk, stairways, and so forth. Now, when I say  
[2] a catwalk, there was in that case around those  
[3] eight tanks a stairway that went up pretty much to  
[4] the top of them and then there was a walkway  
[5] between them. Where — for taking inventory and  
[6] those kind of things.  
[7] Q: What else besides inventory was that  
[8] catwalk used for?  
[9] A: That's primarily it. You didn't do  
[10] anything else up there, other than to go up there.  
[11] In those days the only way you had to take an  
[12] inventory was to actually put a long pole down in  
[13] there and measure the amount of chemical that was  
[14] in the tank.  
[15] Q: Was anybody ever up there for purposes  
[16] of cleaning the tanks?  
[17] A: They could have been. But I don't know  
[18] whether — they all had a small hole in them, but I  
[19] don't think they could clean — get in that hole.  
[20] They was what you call a manhole down on the bottom  
[21] of the tanks.  
[22] Q: Let's look at that 1967 picture again.  
[23] That was the Exhibit 34.  
[24] A: Well, see, you don't have any — you  
[25] can't see the pictures well enough.

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[1] Q: Okay.  
[2] A: It would have been a hole about 20  
[3] inches in diameter that — and bolts that could  
[4] take a plate off. And then if they went in, they'd  
[5] take that off and go through that hole to clean  
[6] them.  
[7] Q: Was that at the top of the tank, or?  
[8] A: No. Down at the base.  
[9] Q: At the bottom. Okay. Do you see the  
[10] catwalk on Exhibit 34?  
[11] A: No, you can't. It's — well, a little  
[12] bit.  
[13] Q: Is that the — those lines you see  
[14] between the tanks?  
[15] A: Those lines between the tanks,  
[16] that's that — the wooden catwalk. It was just a  
[17] wooden place to walk up there, and so forth, for  
[18] safety reasons.  
[19] Q: Okay. Let's go back to Exhibit 35. And  
[20] let's keep Exhibit 34 nearby, because we'll have to  
[21] refer back to it a little bit. On page 2 of  
[22] Exhibit 35, it says Tanks right in the middle of  
[23] the page, and it's got quantity and tank number.  
[24] Do you see that?  
[25] A: Two of 35? Yes.

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[1] Q: Tanks and then the left-hand column says  
[2] Quantity. And then the middle tank (sic) says Tank  
[3] Number?  
[4] A: Right.  
[5] Q: I'm wondering if we can use this or if  
[6] it will help jog your memory a little bit to  
[7] identify which of these tanks —  
[8] A: I —  
[9] Q: — just by size?  
[10] A: They have different sizes there, but —  
[11] and that don't help me.  
[12] Q: It doesn't, okay.  
[13] A: I don't know whether it was one, two,  
[14] three this way and so forth, and which — which  
[15] direction.  
[16] Q: Sure. How about this says there are two  
[17] 21,000 capacity tanks?  
[18] A: Twenty-one thousand.  
[19] Q: Do you know which two those might have  
[20] been? I'm sorry, no, there's not the quantity as  
[21] two. I apologize. The tank number 2 was the  
[22] 21,000 capacity — 21,000 gallon capacity tank.  
A: My memory says that all of these was  
about the same size. But this don't necessarily so  
[25] so say here. See, it can't give you any locations.

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[1] Here's these little tanks right in here, 5,200  
[2] gallon.  
[3] Q: When you say right in here, which ones  
[4] do you mean?  
[5] A: That would be down from those mixing  
[6] tanks in the — the horizontal tank down from  
[7] those. They're smaller tanks right in here.  
[8] Q: You mean on the picture just above  
[9] the — what you'd marked as the water tank?  
[10] A: Right.  
[11] Q: Those were the two 5,200?  
[12] A: Probably — probably those were the  
[13] 5,200 gallon tanks.  
[14] Q: So those would have been tank 3 and 4  
[15] you think?  
[16] A: I would imagine so.  
[17] Q: Would you mind marking on that picture 3  
[18] and 4 —  
[19] A: Well.  
[20] Q: And you don't have to accept that—  
[21] A: I'll put a question mark.  
[22] Q: Right.  
[23] MR. BEARD: Lack of foundation.  
[24] MS. BRAMA: That's fine.  
[25] Q: (By Ms. Brama) Why don't you put 3

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[1] question mark, 4 question mark, or put them to the  
[2] side, whichever you prefer.  
[3] (The witness complied with the request.)  
[4] A: I don't know what they contained. But  
[5] the foundation was earth — well, earth everything,  
[6] none of those tanks was on any solid foundation.  
[7] Q: Is that true during both the Reade and  
[8] the Borax years?  
[9] A: Yes.  
[10] Q: Okay.  
[11] (Brief pause.)  
[12] Have you had a chance to finish  
[13] reviewing this page?  
[14] A: What?  
[15] Q: Have you had a chance to finish looking  
[16] at this page? I want to ask you a couple more  
[17] questions, but I want to make sure —  
[18] A: All right. Go ahead. I — I can't do  
[19] anymore on —  
[20] Q: Okay.  
[21] A: — so far as numbering those  
[22] concerned...  
[23] Q: That's fine. The pumps and drivers that  
[24] are listed here, there are a number of loading and  
[25] transfer pumps and drivers.

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[1] **A:** Right.  
[2] **Q:** Are those the pumps and drivers you'd  
[3] talked about earlier going to cars, or — well. Do  
[4] you remember what these pumps and drivers would  
[5] have — where they would have been?  
[6] **A:** I can't be specific. But in general,  
[7] the — when they put in loading and transfer pumps,  
[8] they can do both. This pump could do both. If you  
[9] needed to load a tank car, why, it would do it, as  
[10] I said before, you would be pumping into that line  
[11] that would connect with the tank cars. And  
[12] transfer would be some areas from — the storage  
[13] tanks put — would pump into the mixing tanks.  
[14] **Q:** So would you use the same pump and  
[15] driver for different purposes?  
[16] **A:** Different things. Sometimes.  
[17] **Q:** Different times?  
[18] **A:** Depending on how the hoses and the  
[19] arrangements, the plant people worked it.  
[20] **Q:** Okay. Turning to the next page. This  
[21] is the page marked CMC 017313 in the lower  
[22] right-hand corner.  
[23] **A:** Right.  
[24] **Q:** In the middle of the page again it says  
[25] Mixers?

[1] **A:** Right.  
[2] **Q:** Okay. Turn to the next page. The last  
[3] few pages of this document are whole — is an  
[4] inventory of tools, for the most part, it looks  
[5] like. Do you see that?  
[6] **A:** Right.  
[7] **Q:** Do you remember — strike that.  
[8] The —  
[9] **A:** Now see there you've got a inventory  
[10] date of 1/30/68. That don't make sense. Could  
[11] this be a — no, it couldn't be after the fact.  
[12] Because it was all over by then. I don't know. It  
[13] just must have been an inventory U.S. Borax had to  
[14] have for their internal.  
[15] **Q:** If you look over the next three pages.  
[16] The third column says over and then short, and the  
[17] numbers in parenthesis appear to be the short.  
[18] There seem to be — I don't want to get into  
[19] specific items here, but there are a lot of  
[20] overages. Do you remember U.S. Borax adding a —  
[21] **A:** Inventory —  
[22] **Q:** — number of tools and inventory to the  
[23] property?  
[24] **A:** Possibility so. Possibly so.  
[25] **Q:** Why would they have done that?

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[1] **A:** Right.  
[2] **Q:** And it says quantity two. And the two  
[3] quantity seems to be of 10,500 gallon tanks. Do  
[4] you see that?  
[5] **A:** Right.  
[6] **Q:** Below that it talks about one quantity  
[7] of a 9,500 gallon tank?  
[8] **A:** Right.  
[9] **Q:** Of the three Xs that you've marked, do  
[10] you remember which one was the 9,500 gallon tank?  
[11] **A:** That is the tank that — on the side of  
[12] the railroad track by itself. The first one that I  
[13] said it'd always been there.  
[14] **Q:** The smaller one was that always been  
[15] there?  
[16] **A:** Was back there before 1950.  
[17] **Q:** Okay.  
[18] **A:** And the two other tanks, mixing tanks,  
[19] were the ones that — on the left of the railroad  
[20] track.  
[21] **Q:** And those were put in what year?  
[22] **A:** I believe 1955.  
[23] **Q:** Again, because of the increased need —  
[24] **A:** Right.  
[25] **Q:** — at that time?

[1] **A:** Well —  
[2] **MR. BEARD:** Lack of foundation.  
[3] **Q:** (By Ms. Brama) To the extent of your  
[4] knowledge.  
[5] **A:** Well, they thought they needed them, I  
[6] suppose maybe. I don't know. But, see, what they  
[7] mean by over and short there, that they took over  
[8] from Reade, and at this time, this date, there  
[9] was — could not give it back to Reade what they  
[10] had. They were short that much. So they may have  
[11] been trying to establish what they'd have to do to  
[12] give it back to Reade.  
[13] **Q:** If you have in the left-hand column a  
[14] zero, for example, on the first page —  
[15] **A:** Uh-huh.  
[16] **Q:** — where it says hand saws in the upper  
[17] left corner. This would be the first page of the  
[18] inventory comparison. You have hacksaw 1 and 1,  
[19] which — and then you have in the second one hand  
[20] saw 0, 1.  
[21] **A:** Well, I'm not finding — what — what —  
[22] **Q:** In the page it says in the bottom CMC  
[23] 017314.  
[24] **A:** Oh. Okay. Now what was your — did you  
[25] ask?

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[1] Q: In the upper left corner there's hacksaw  
[2] and then hand saw?  
[3] A: Uh-huh.  
[4] Q: And for hacksaw, there's one of each.  
[5] And one in January of '64 and one in January of  
[6] '68. Do you see that?  
[7] A: Right.  
[8] Q: And then for hand saw there's zero in  
[9] 1964 and one in 1968?  
[10] A: Well, I suppose when we took over in  
[11] 1/64, there was no hand saw there.  
[12] Q: Which means —  
[13] A: That means U.S. Borax had to buy one.  
[14] Q: Do you remember personally Borax buying  
[15] tools and things like that?  
[16] A: No.  
[17] Q: You don't remember. Do you —  
[18] A: As to what? I remember, yes, we  
[19] bought —  
[20] Q: No, I don't mean specifically. Do you  
[21] remember generally that tools and —  
[22] A: Yeah, we bought them, but I don't —  
[23] Q: — supplies were bought?  
[24] A: — know — you know, we didn't specify,  
[25] well, Reade had one, so we got to, you know, get

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[1] one, and so forth. I don't remember that.  
[2] Q: Do you remember buying tools for  
[3] operational purposes?  
[4] A: Oh, yeah. At times we'd have to buy —  
[5] if a job come up that you had to have a tool, yes,  
[6] you'd buy one.  
[7] Q: And do you remember that — I'm not  
[8] going to ask about specific tools. But do your  
[9] remember generally purchases being made like that  
[10] during the Borax years?  
[11] A: Oh, yeah.  
[12] Q: If you turn to page 17316, that's two  
[13] pages later. Do you see that?  
[14] A: Uh-huh.  
[15] Q: On the lower right of the page, below  
[16] where it says CMC 017316, there's some notations  
[17] relating to gate valves.  
[18] A: Uh-huh.  
[19] Q: And it says four on new caustic line,  
[20] four on new chlorate line?  
[21] A: Uh-huh. I don't remember when they put  
[22] them in.  
[23] Q: Do you remember anything about that?  
[24] A: I might not have been around.  
[25] Q: Sure. I think that's all with that

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[1] document.  
[2] MS. BRAMA: This is actually a good  
[3] time to take a break and change the tape.  
[4] THE VIDEOGRAPHER: Stand by to go  
[5] off record. This concludes videotape number 1 of  
[6] Volume II. The time is 9:58.  
[7] (Whereupon, a short recess was  
[8] taken.)  
[9] (Whereupon, Musselman Deposition  
[10] Exhibit Nos. 36 and 37 were marked by the reporter  
[11] for identification.)  
[12] THE VIDEOGRAPHER: Back on record  
[13] at 10:02. This begins videotape number 2 of Volume  
[14] II. Please proceed.  
[15] Q: (By Ms. Brama) Mr. Musselman, I'd like  
[16] to ask you just a couple questions about the  
[17] customer base that Reade had. I don't know, did  
[18] you track that at all, were you involved with the  
[19] customers?  
[20] A: Not that much, no.  
[21] Q: Did you know who Reade's customers were?  
[22] A: Yes.  
[23] Q: Who were some of its customers?  
[24] A: It — out of Minneapolis?  
[25] Q: Let's stick with Minneapolis for the

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[1] moment, yes.  
[2] A: Primarily the Chicago, Milwaukee, and so  
[3] forth, Railroad. I think the Sioux line railroad  
[4] was taking some stuff now and then. Chicago,  
[5] Northwestern some. But that's about all in the  
[6] years that I was up there that they was supplying.  
[7] There was some small orders that went out to  
[8] different contractors doing lake treatment for  
[9] aquatic weeds. I don't remember any of those  
[10] names.  
[11] Q: Were these customers generally Reade  
[12] customers throughout the Reade period?  
[13] A: You would ask me that question. It's  
[14] hard to define. And I can't answer it. Maybe one  
[15] year there would be one of those railroads and  
[16] maybe the next year there wouldn't be, and so  
[17] forth. The same way with even the Milwaukee  
[18] Railroad, even though we was on their property,  
[19] they wouldn't buy from us.  
[20] Q: And did Borax generally retain the  
[21] customer base that Reade had established?  
[22] A: No. Not 100 percent. A little bit.  
[23] Q: How do you mean —  
[24] A: Well, Milwaukee Railroad, referring to  
[25] that, I think Borax did for a year or two get that

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[1] contract again. But that was about the only one  
[2] that I know of that they was kind of consistent  
[3] with it.  
[4] Q: How about the aquatic customers?  
[5] A: I don't think the aquatic thing U.S.  
[6] Borax even had anything to do with it. But they  
[7] might have. I don't know.  
[8] Q: So just to be clear, do you mean you  
[9] don't think they did, or you don't remember whether  
[10] they did?  
[11] A: I don't remember. And I know that they  
[12] didn't — there was not as much aquatic business  
[13] with the Borax period, because they had stopped  
[14] doing it. It was kind of — kind of against the  
[15] law to put arsenic in the lakes.  
[16] Q: Were there any other uses for arsenic  
[17] during the Reade period?  
[18] A: Well, during the Reade period, that's —  
[19] there we got to define what was the Reade period.  
[20] Are you talking about when I was around —  
[21] Q: When you were around —  
[22] A: — there, or way back.  
[23] Q: Right. Right.  
[24] A: There was some potato vine that they'd  
[25] spray arsenic on the potatoes to kill the tops and

[1] antifreeze out of Chicago?  
[2] A: Right.  
[3] Q: Do you remember that being done at any  
[4] other plants?  
[5] A: No, I don't. I think — either  
[6] Minneapolis — Chicago and New Jersey would have  
[7] been the only place that that would have come out  
[8] of.  
[9] Q: Let me ask you a question generally  
[10] about the Reade/Borax operations not specific to  
[11] Minneapolis, but throughout the business. To the  
[12] extent Borax did continue Reade operations, or kept  
[13] the same customers, did Borax generally follow the  
[14] same processes that Reade did?  
[15] A: You mean formulations?  
[16] Q: Formulations first, yes.  
[17] A: More or less the same, yes. They may  
[18] have been a little bit heavier on the changing the  
[19] formulation to a extent. But they would have made,  
[20] if they had got the order, the old Reade  
[21] formulations.  
[22] Q: How do you mean they would have changed  
[23] the formulations?  
[24] A: If — if the customer wanted a Reade  
[25] formulation, they would have furnished it to them.

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[1] so forth during the Reade years. But that was not  
[2] a big business. Years ago it was more, before I  
[3] was around there.  
[4] Q: And that — you mean there in  
[5] Minneapolis?  
[6] A: Out of Minneapolis, yes.  
[7] Q: Were there any new customers that were  
[8] obtained in the '60s when Borax was on the  
[9] property?  
[10] MR. BEARD: Objection; lack of  
[11] foundation.  
[12] A: I don't know. See, I get confused about  
[13] it in my thinking because of other plants.  
[14] Q: (By Ms. Brama) Sure.  
[15] A: I have to say, hey, did that pertain to  
[16] Minneapolis or not. And it probably didn't. I was  
[17] thinking of the automobile industry. Antifreeze.  
[18] Q: You mean —  
[19] A: I think that all come out of Chicago.  
[20] Q: So there was some antifreeze business  
[21] for arsenic out of — or for Borax using arsenic  
[22] out of the Chicago —  
[23] A: Borax would not have been in on that at  
[24] all.  
[25] Q: That was Reade using arsenic and

[1] But if they could sell the customer a — strictly a  
[2] U.S. Borax formulation, yes, there would have been  
[3] that formulation. Because U.S. Borax was in a —  
[4] the chemical business themselves. And they would  
[5] have pushed their own product if they could have.  
[6] Q: And again —  
[7] A: And that is Borax in — in that case.  
[8] Q: I'm sorry, I didn't realize you weren't  
[9] done.  
[10] And generally again, not specific to any  
[11] one plant. To the extent that Borax made the same  
[12] formulas, did they also use the same processes for  
[13] mixing?  
[14] A: Yes.  
[15] Q: The same processes for shipping?  
[16] A: Yes.  
[17] Q: And the same process for bringing in raw  
[18] product?  
[19] A: Yes.  
[20] Q: I'm going to show you what's been marked  
[21] as Exhibit 27.  
[22] (Whereupon, a discussion was held  
[23] off the record.)  
[24] MR. BEARD: Do you have an extra  
[25] copy?



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[1] **MS. BRAMA:** I don't.  
[2] **MR. BEARD:** I'll just look over his  
[3] houlder.  
[4] **Q:** (By Ms. Brama) Looking at Exhibit 27.  
[5] See — we've talked about this before and just have  
[6] a couple questions about it. Do you see in the  
[7] left side there's a quantity column?  
[8] **A:** Right.  
[9] **Q:** And looks like we talked about tanks,  
[10] these are the individual tanks.  
[11] **A:** Uh-huh. Uh-huh.  
[12] **Q:** Adding them up, tanks that have sodium  
[13] arsenite in them, there are three towards the top  
[14] there, and then one about halfway down the page  
[15] with 5,544 gallons. Do you see that?  
[16] **A:** Where did you say? Oh, sodium arsenite?  
[17] **Q:** Yes.  
[18] **A:** Yes.  
[19] **Q:** It appears to add up to about 25,000  
[20] gallons, give or take. Does that seem —  
[21] **A:** Yes.  
[22] **Q:** — right to you?  
[23] **A:** That's logical.  
[24] **Q:** Okay. And then on the upper right  
[25] corner, this is dated October 24th, 1963.

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[1] **A:** 1963, yeah. Right.  
[2] **Q:** Does that seem like an average number of  
[3] gallons that would have been retained around that  
[4] time? At the Minneapolis site?  
[5] **MR. BEARD:** Objection; lack of  
[6] foundation, calls for speculation.  
[7] **A:** I can't say. I have no idea whether  
[8] that would be low or high.  
[9] **Q:** (By Ms. Brama) You don't remember how  
[10] much business they would have had about that time?  
[11] **A:** No. No. It would be whatever they had  
[12] left over from the previous year. That's all I can  
[13] say.  
[14] **Q:** So they just store it —  
[15] **A:** And, however, there — I have seen at  
[16] other plants they were in the middle of the winter  
[17] you'd lay in extra supplies.  
[18] **Q:** In preparation for next summer?  
[19] **A:** Right. Right. But I doubt in  
[20] Minneapolis if they — well, of course, this is in  
[21] the fall. Well, yeah. It's hard to say. Because  
[22] you — in arsenic, you bought it as a full carload.  
[23] And so if they was low during the season, then they  
[24] just towards the end of the season they had to buy  
[25] a full carload of arsenic, you'd have a heavier

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[1] inventory.  
[2] **Q:** So just to be clear. As to the  
[3] Minneapolis property in 1963, you don't know or  
[4] don't remember whether this quantity is consistent  
[5] with production levels for that year?  
[6] **A:** No. I can't remember at all.  
[7] **MR. BEARD:** Objection; vague as to  
[8] the question.  
[9] **Q:** (By Ms. Brama) Here's Exhibit 28, which  
[10] we've talked about before. If you'd turn to the  
[11] one, two, three — the seventh page. It says  
[12] Minneapolis Inventory on the top.  
[13] (Brief pause.)  
[14] **A:** No, that's Jersey City.  
[15] (Brief pause.)  
[16] Yes.  
[17] **Q:** This is dated November 18th, 1963. Do  
[18] you see that —  
[19] **A:** Uh-huh.  
[20] **Q:** — in the upper right-hand corner?  
[21] **A:** Uh-huh.  
[22] **Q:** Answer that audibly, so —  
[23] **A:** Yes.  
[24] **Q:** Thank you.  
[25] **A:** Does that coincide with this other?

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[1] **Q:** That was my question for you. It seems  
[2] to to me.  
[3] **MR. BEARD:** You're using this  
[4] witness to compare these two documents?  
[5] **MS. BRAMA:** Actually — well.  
[6] **A:** Well, they are pretty much the same,  
[7] aren't they? The same document?  
[8] **Q:** (By Ms. Brama) Yeah, all I really wanted  
[9] to make sure was that the tank numbers on this —  
[10] **A:** The left-hand document here.  
[11] **Q:** — 28 —  
[12] **A:** It could be.  
[13] **Q:** — seem to be correct.  
[14] **A:** It could be.  
[15] **MR. BEARD:** Objection. Lack of  
[16] foundation and calls for speculation.  
[17] **Q:** (By Ms. Brama) All right, let's look at  
[18] No. 36 that I'm giving you right now. This  
[19] document is dated February 19th, 1964. See it  
[20] labeled —  
[21] **A:** Sixty-four.  
[22] **Q:** Do you see that in the upper right  
[23] corner there, of the first page?  
[24] **A:** Yes.  
[25] **Q:** Do you recognize the signatures on this

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[1] page, on this document?  
[2] **A:** Well, I just — it's been too long, I  
[3] forget what they look like.  
[4] **Q:** Okay.  
[5] **A:** I see — see a pretty good Charles F.  
[6] Reade all right. But I don't — I wouldn't say  
[7] whether that was his signature or not.  
[8] **Q:** How about J.O. Brown?  
[9] **A:** It's not very good. I can't read it.  
[10] **Q:** Let's see if we can find a better one.  
[11] (Brief pause.)  
[12] If you turn to the second to last page,  
[13] there are some signatures at the bottom of that  
[14] page. Do you see that?  
[15] **A:** I can't tell about Brown, but that does  
[16] look like Reade's signature. That's a guess.  
[17] **Q:** Can you take a look through this  
[18] document? It looks like there are two signatures  
[19] on a number of the pages.  
[20] **A:** There's what?  
[21] **Q:** There are two signatures on a number of  
[22] the pages.  
[23] **A:** Right.  
[24] **Q:** Are any of them clear enough for you to  
[25] recognize or determine whether you can recognize?

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[1] **A:** I'm pretty sure that Reade is Reade's  
[2] signature all right. But I don't know about  
[3] Brown's. Because it's just — 'hm. There again,  
[4] this has been almost 50 years.  
[5] **Q:** I understand. Do you recognize the form  
[6] of the sheet?  
[7] **A:** Yes.  
[8] **Q:** How do you recognize it?  
[9] **A:** Well, it just looks like an old Reade  
[10] inventory sheet.  
[11] **Q:** Okay. A standard form that —  
[12] **A:** Uh-huh.  
[13] **Q:** — Reade used?  
[14] **A:** Uh-huh.  
[15] **Q:** On this document, if you look at it  
[16] compared to Exhibit 28, the quantities seem to be  
[17] different in tanks 1 through 4. Do you see that?  
[18] **A:** Let's see. You say the form — oh.  
[19] **Q:** I'm sorry, the Minneapolis inventory on  
[20] that second to last page of Exhibit 20 — of  
[21] Exhibit 36, the quantities seem to be different  
[22] than the quantities we just discussed on Exhibit  
[23] 28.  
[24] **A:** On 28? Are they? Which — which one,  
[25] are all of them different?

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[1] **Q:** Tanks 1 through 4.  
[2] **A:** Where's their dates? October 31 of '63.  
[3] 2-19 of '60 — '80 — 64.  
[4] **Q:** My question for you, Mr. Musselman, is  
[5] just why would — what would cause the different  
[6] inventories? Do you — strike that.  
[7] Do you know why the inventories would  
[8] have been different between the fall of 1963 and  
[9] February of 1964?  
[10] **MR. BEARD:** Objection; lack of  
[11] foundation, calls for speculation.  
[12] **Q:** (By Ms. Brama) Do you know why?  
[13] **A:** 1964? I have no idea why they — but  
[14] we've got two different dates here.  
[15] **Q:** Right.  
[16] **A:** Now why that would be. 2-19-64. That's  
[17] after U.S. Borax took it over. Because this is —  
[18] 31st of '63. October. That was right after U.S.  
[19] Borax took the inventory. But this — this  
[20] inventory here would be the first U.S. — oh, I'll  
[21] bet you there are inaccuracies. And you do have  
[22] some change of chemicals in tanks.  
[23] **Q:** I guess that's my question. Why  
[24] would — what would cause changes, generally  
[25] speaking?

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[1] **A:** The temperature-wise — ambient  
[2] temperature.  
[3] **Q:** What would that do?  
[4] **A:** Well, it would shrink chemicals. Almost  
[5] all chemical but one shrinks in size. Caustic soda  
[6] will increase a little bit, but the rest of them  
[7] would go down.  
[8] **Q:** The sodium arsenite would decrease in  
[9] volume?  
[10] **A:** It would decrease.  
[11] **Q:** And when you say decrease, do you mean?  
[12] **A:** Actually shrink.  
[13] **Q:** Shrink?  
[14] **A:** Just like, oh, a lot of chemicals has  
[15] got a five to 10 percent difference.  
[16] **Q:** Sodium arsenite has a five to 10 percent  
[17] difference?  
[18] **A:** No, I don't — I have no idea what  
[19] sodium arsenite is. But...  
[20] **Q:** Do you — would it have been tens of  
[21] gallons, or hundreds of gallons?  
[22] **A:** Oh, it could have been, in a big tank,  
[23] 100 gallon or more. But now what — that might be  
[24] an interesting thing. Whether it was that big —  
[25] **Q:** Would you consider 100 gallon shrinkage

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[1] a large amount for sodium arsenite?  
[2] **A:** Yeah, and the other — the other factor  
[3] that you've got to consider on this is the accuracy  
[4] of the person taking the inventory. It's not a cut  
[5] and dried thing. You go out there with a stick and  
[6] stick it down in the solution and when it comes up  
[7] and the man that's measuring that, 'cause  
[8] there's — there's a lot of these tanks that get 50  
[9] or 100 gallons per inch of volume up and down that.  
[10] So he may miss it a half inch very easily.  
[11] **Q:** If you look at tank number 4 between  
[12] these two, there's 1,390 gallons in 1963, and  
[13] there's empty in 1964. Would that have been caused  
[14] by shrinkage?  
[15] **MR. BEARD:** Objection; lack of  
[16] foundation, calls for speculation.  
[17] **A:** I don't know.  
[18] **Q:** (By Ms. Brama) In your experience,  
[19] was —  
[20] **A:** Now you say —  
[21] **Q:** — that likely?  
[22] **A:** You say tank number 4?  
[23] **Q:** Yes, 1,390 gallons in 1963.  
[24] **A:** And now it's empty?  
[25] **Q:** Yes. In your experience, could that

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[1] have been caused by shrinkage?  
[2] **A:** I would — I would say that they just  
[3] said there was nothing in it. I have no idea.  
[4] **Q:** Does it seem likely to you that 1,390  
[5] gallons would — would disappear —  
[6] **A:** Disappear.  
[7] **Q:** — completely?  
[8] **MR. BEARD:** Objection. Assumes  
[9] facts not in evidence.  
[10] **A:** I don't know.  
[11] **Q:** (By Ms. Brama) Let me just clarify that.  
[12] When you say you don't know, you don't know what  
[13] happened to the —  
[14] **A:** No, I don't know what happened to it, or  
[15] I don't know whether it would be less.  
[16] **Q:** Okay.  
[17] **A:** Or if the man actually took an inventory  
[18] of it.  
[19] **Q:** Okay.  
[20] **A:** Maybe he was just there and working out  
[21] there in 28 below zero. I remember there was one  
[22] inventory taken and it was that cold. And those  
[23] guys didn't do a bang-up job. I don't think it  
[24] could have froze up or anything. But you'd take  
[25] temperature — you'd have to know what the

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[1] temperature was and all this what might have  
[2] happened. I remember one time going up there, and  
[3] it's somewhere like that, and it was that cold.  
[4] And we didn't spend much time out there. It wasn't  
[5] that big important thing. And — could have been.  
[6] **Q:** Did — did you know Charles Reade very  
[7] well?  
[8] **A:** Pretty well.  
[9] **Q:** And you said you weren't positive that  
[10] this was his signature on this?  
[11] **A:** Well, I'm more positive it's his  
[12] signature than I am Brown's. Because I can't read  
[13] Brown's on any of these.  
[14] **Q:** In your experience — well, do you know  
[15] whether Reade had any reason to say a tank was  
[16] empty if it wasn't, given that it was getting money  
[17] for —  
[18] **A:** No.  
[19] **Q:** — this?  
[20] **A:** I don't know why — why they would do  
[21] that.  
[22] **Q:** I'm going to give you two documents, Mr.  
[23] Musselman.  
[24] (Whereupon, Musselman Deposition  
[25] Exhibit Nos. 38 and 39 were marked by the reporter

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[1] for identification.)  
[2] **MR. BEARD:** Are you going to use  
[3] 37, or?  
[4] **MS. BRAMA:** In a minute.  
[5] **Q:** (By Ms. Brama) Why don't you take a  
[6] second to review these documents, Mr. Musselman.  
[7] (Brief pause.)  
[8] **A:** How'd they get this one? Number 4 tank.  
[9] In essence, can you read this to me?  
[10] **Q:** Well, let me — let's do this first. If  
[11] you would just review No. 38 first, which is the  
[12] one that's hard to read.  
[13] **A:** Yes.  
[14] **Q:** Just kind of look it over. I know it's  
[15] difficult.  
[16] **A:** Brown to Anton.  
[17] (Brief pause.)  
[18] I don't think I know anything about it.  
[19] What little I can see.  
[20] (Brief pause.)  
[21] I don't know anything about it. But  
[22] let's ask —  
[23] **Q:** Okay.  
[24] **A:** — me the questions.  
[25] **Q:** Well, there will be very few questions

[1] probably if you don't know anything about it. I  
[2] wanted you to read 38 first, although we've typed  
[3] up this document, to the best of my ability, in 39.  
[4] Because I want you to kind of gather what you can  
[5] about it before taking my word about what it says.

[6] **MR. BEARD:** And I'm going to object  
[7] to the use of Exhibit 39.

[8] **Q:** (By Ms. Brama) What do you gather from  
[9] 38?

[10] **A:** That there was — well, I can't get —  
[11] Rollins had reported to Borax that there was a leak  
[12] out there. In tank number 4. And a portion of the  
[13] Milwaukee Railroad, it leaked on them, arrived in  
[14] Minneapolis. Saw the large hole in the bottom of  
[15] the number 4 storage tank. From rust or freezing  
[16] temperature — pressures.

[17] **Q:** Anything else you gather from this  
[18] document?

[19] **A:** I didn't even hear Brown ever talk or  
[20] mention it to me that there was something had  
[21] happened up there.

[22] **Q:** So you don't remember anything about  
[23] this?

[24] **A:** (Nodded negatively.)

[25] **Q:** Is that a no?

[1] **A:** That's right, I don't remember anything  
[2] at all.

[3] **Q:** Okay. Do you know who Mr. L. Blanchard  
[4] is?

[5] **A:** Blanchard? He was the road master of  
[6] the Milwaukee Railroad right — right-of-way, I  
[7] believe. He might — he worked in the Engineering  
[8] Department of the Milwaukee Railroad.

[9] **Q:** Is that somebody you knew well?

[10] **A:** No. I can't say that I did. I've —  
[11] I've known him.

[12] **Q:** And did you keep in touch with him at  
[13] all after —

[14] **A:** No.

[15] **Q:** Okay. So nothing about this sounds  
[16] familiar to you?

[17] (Brief pause.)

[18] Mr. Musselman?

[19] **A:** What?

[20] **Q:** Nothing about this sounds familiar to  
[21] you?

[22] **A:** No.

[23] **MR. BEARD:** If you could put on the  
[24] record how it is that you created Exhibit 39. It  
[25] indicates a Borax Bates number on the bottom, but I

[1] just want to say that's not a — Borax did not put  
[2] a Bates number on that document.

[3] **MS. BRAMA:** Oh, right. The  
[4] document No. 39 is a retyping of document 38, which  
[5] does have Borax Bates number on the bottom of it.

[6] **MR. BEARD:** By retyping, you mean  
[7] someone attempted to read 39, this is their  
[8] interpretation of what it says?

[9] **MS. BRAMA:** That's exactly what I  
[10] said earlier.

[11] We'll go off the record for just a  
[12] minute.

[13] (Whereupon, a short recess was  
[14] taken.)

[15] **THE VIDEOGRAPHER:** Back on record  
[16] at 10:32. Please proceed.

[17] **Q:** (By Ms. Brama) Mr. Musselman, we're  
[18] going to go to Exhibit 37, which I'm handing you  
[19] right now. We can step backwards quickly. This is  
[20] a document from R.H. Bogle. Do you see his — that  
[21] name on the second page?

[22] **A:** Uh-huh. Yes.

[23] **Q:** Did you know anything about the sale  
[24] of — well, first of all, please review the  
[25] document.

[1] (Brief pause.)

[2] **A:** My memory sure gotten — some of this  
[3] stuff I don't — something in that letter there  
[4] that I don't ever remember happening, but I guess  
[5] it did.

[6] **Q:** Well, I guess that's my question. Do  
[7] you know anything about the sale of chemicals to  
[8] Mr. Bogle?

[9] **A:** No, I don't. See, here we come back to  
[10] January 31st again of '68. So I guess U.S. Borax  
[11] was in — making preparations to turn it back.

[12] **Q:** Do you remember that?

[13] **A:** No, I don't.

[14] **Q:** Okay.

[15] **A:** See, I wouldn't have been around there.  
[16] Nobody would have — would have — from U.S. Borax  
[17] would have been around that plant at all in the  
[18] middle of the winter. And they're doing it on  
[19] paperwork to Bogle, I think. Just to have what —  
[20] how they'd...

[21] **Q:** I'm going to give you the next exhibit.

[22] (Whereupon, Musselman Deposition  
[23] Exhibit No. 40 was marked by the reporter for  
[24] identification.)

[25] **Q:** (By Ms. Brama) This is Exhibit 40 dated

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[1] July 25th, 1968, in the upper right-hand corner.  
[2] Q: Do you see that?  
[3] A: Yeah.  
[4] Q: Why don't you go ahead and review this.  
[5] A: Reade, Musselman...  
[6] (Brief pause.)  
[7] Okay.  
[8] (Brief pause.)  
[9] Q: Let me know when you're done reviewing  
[10] it, okay?  
[11] A: I better read this closely and see.  
[12] (Brief pause.)  
[13] Q: Have you had a chance to review most of  
[14] it, Mr. Musselman?  
[15] A: Yes.  
[16] Q: I'm not going to ask you too much —  
[17] A: Yes.  
[18] Q: — detail about it. I just wanted to  
[19] know what you remember about meeting with the  
[20] Reades at Lakehurst, New Jersey?  
[21] A: I remember we was up — that's the  
[22] extent of it about, that we was up there on this  
[23] thing a little bit. But, oh, boy, my memory, as to  
[24] the discussions and so forth and all that, I don't  
[25] believe I was present on some of this. That I was

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[1] actually heard the discussions.  
[2] Q: Do you remember going to Lakehurst, New  
[3] Jersey about —  
[4] A: About that time, yes, Brown and I did go  
[5] up there.  
[6] Q: Do you remember anything that was  
[7] discussed in that meeting?  
[8] A: I'm sorry, I just — it's just blank.  
[9] Q: There's also some discussions about  
[10] having inventoried in 1968. Do you remember any  
[11] inventories?  
[12] A: I remember something about an inventory,  
[13] we did take an inventory of some — for some  
[14] reason. And the discussion that we had to empty  
[15] the tanks.  
[16] Q: When you say an inventory, do you mean  
[17] an inventory of —  
[18] A: Of the chemicals in the tanks, more than  
[19] the — than the physical inventory of the tools and  
[20] equipment.  
[21] Q: And so you —  
[22] A: We did — we did take a tool equipment  
[23] 'bout that time, though, of pumps and so forth,  
[24] things that was significant — well, I guess we  
[25] was — everything. That's — this all brings it

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[1] back.  
[2] Q: What do you remember about the chemicals  
[3] and the transfer back to —  
[4] A: I don't know. I don't remember — well,  
[5] I think we took the inventory all right, maybe.  
[6] But after the inventory was taken, so far as what  
[7] happened to it, I don't know. Bogle might have  
[8] taken some, but I don't even remember that. That  
[9] they took it out of there.  
[10] Q: I believe you said just a minute ago  
[11] that some of the chemicals had to be got — had to  
[12] get rid of some of the chemicals. Am I right?  
[13] A: To empty those tanks, yes, they would  
[14] had to — had to have somebody take it out.  
[15] Q: Why did you need to empty the tanks?  
[16] A: Because that — Reade here is asking  
[17] them to empty them.  
[18] Q: Do you remember that, or are you just  
[19] pulling it from this document?  
[20] A: No. Just from this paper.  
[21] Q: Okay. Do you remember anything  
[22] specifically at that time about emptying tanks —  
[23] A: No.  
[24] Q: — getting rid of chemicals? Do you  
[25] remember —

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[1] A: You see, Brown went up there by himself  
[2] a time or two. Well, he took Pendergrast up with  
[3] him a couple — one or two times. And whether they  
[4] could have possibly loaded it out of there, I  
[5] don't — I don't know.  
[6] Q: Okay.  
[7] (Whereupon, Musselman Deposition  
[8] Exhibit No. 41 was marked by the reporter for  
[9] identification.)  
[10] Q: (By Ms. Brama) Exhibit 41 is a document  
[11] dated August 6, 1968. Do you recognize the form of  
[12] this document as being standard U.S. Borax  
[13] correspondence?  
[14] A: Well, the heading is, yes.  
[15] (Brief pause.)  
[16] Q: Have you had a chance to review it?  
[17] A: I think this is — well, J.O. Brown's  
[18] signature looks good here. We couldn't see it  
[19] before.  
[20] Q: So this looks like J.O. Brown's  
[21] signature to you?  
[22] A: Yeah.  
[23] Q: The first sentence reads, "On August 1  
[24] we met with Chuck Reade at Chicago and toured this  
[25] location." Do you know who the we is?

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[1] A: No, I don't know whether — whether it  
[2] was me or — hard to say.  
[3] Q: There's some discussion —  
[4] A: Now 6-8 — well, that don't mean  
[5] anything to me now. '68? I don't remember Chuck  
[6] Reade being there with us so — at that time, so,  
[7] undoubtedly it wasn't me. It was Brown and someone  
[8] else maybe.  
[9] Q: In the second paragraph there's some  
[10] discussion of tank number 4 and cutting holes in  
[11] the tank.  
[12] A: Yeah.  
[13] Q: Do you remember anything about holes  
[14] or —  
[15] A: No.  
[16] Q: Okay.  
[17] A: So that kind of puts me out of it. I  
[18] don't —  
[19] Q: That's okay. We don't know what you do  
[20] and don't know, so that's what we're here to find  
[21] out.  
[22] Do you remember doing a final inspection  
[23] of the plant on behalf of U.S. Borax when it was  
[24] turned — the Minneapolis plant, when it was turned  
[25] back to Reade?

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[1] A: The only place I remember being with  
[2] Chuck Reade on final inspection was North Kansas  
[3] City. And I was not with him or present in any of  
[4] the other plants. And they're mentioning  
[5] Minneapolis, that he was up there. And I don't  
[6] remember that.  
[7] Q: Do you remember what happened to — or  
[8] do — do you know what happened to the plant in  
[9] Minneapolis when it was all ready to be turned back  
[10] to Reade?  
[11] A: No. The only thing Chuck Reade told me  
[12] that — on the telephone, I believe after it was  
[13] turned back, after the 18th of November, that some  
[14] scrap dealer had agreed to come in and dismantle  
[15] the plant. I don't know whether he did, who they  
[16] were, anything about them.  
[17] Q: Do you know whether Rollins had anything  
[18] to do with —  
[19] A: No, I don't.  
[20] Q: — the plant at that time?  
[21] A: Well, only through you people. I think  
[22] Rollins kind of requested something about the  
[23] plant. But I don't think Rollins had much —  
[24] well —  
[25] Q: You don't know.

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[1] A: Right. That's it.  
[2] Q: Okay.  
[3] A: I don't know anything about it.  
[4] Nothing.  
[5] Q: The last few things I'd like to ask you  
[6] about concern the Milwaukee Road. Do you remember  
[7] what kinds of formulas the Milwaukee Road might  
[8] have ordered as a customer of Reade Manufacturing  
[9] Company?  
[10] A: I think it was some kind of a  
[11] chlorate/borate product always. No arsenic.  
[12] Q: Was that true of Borax as well?  
[13] A: Yes, it would have been.  
[14] Q: I'd like to show you some formulas and  
[15] see if that sounds like the right kind of thing.  
[16] A: Yeah. I couldn't get right down to the,  
[17] you know.  
[18] Q: No, I don't — I don't have any  
[19] questions for you about the formula —  
[20] A: Yeah.  
[21] Q: — specifically. But generally about  
[22] the product.  
[23] (Whereupon, Musselman Deposition  
[24] Exhibit Nos. 42 through 44 were marked by the  
[25] reporter for identification.)

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[1] Q: (By Ms. Brama) Here's Exhibit 42. Do  
[2] you recognize the format of this form, Mr.  
[3] Musselman?  
[4] A: Yes.  
[5] Q: Can you tell me about it?  
[6] A: Well, it's — it's showing the different  
[7] chemicals that goes in within the formulation. And  
[8] what the quantity ordered and so forth.  
[9] Q: Did you ever — I'm sorry, go ahead.  
[10] A: Six thousand gallon. In other words,  
[11] this was within our — in our communications within  
[12] the company.  
[13] Q: Which company do you mean?  
[14] A: U.S. Borax.  
[15] Q: Okay. And —  
[16] MR. BEARD: Talking about 42?  
[17] MS. BRAMA: Yes.  
[18] MR. BEARD: Okay.  
[19] A: To be shipped from North Kansas City.  
[20] That don't make no sense. Could have been, but  
[21] I...  
[22] Q: (By Ms. Brama) Do you remember whether  
[23] this was a Reade or a Borax —  
[24] A: Formulation?  
[25] Q: — formulation?

[1] A: I don't know. I think it was Reade.  
[2] That if Borax used the formulation like this, it  
[3] would have been one of Reade's formulations, I'm  
[4] pretty sure.  
[5] Q: And was this form a Reade form or a  
[6] Borax form?  
[7] A: I think this is a Borax form. I'm not  
[8] sure about that. Materials required.  
[9] Q: Do you remember Reade's Pentamul, the  
[10] type of weed killer listed here, shipped out of  
[11] North Kansas City?  
[12] A: Well, there was a lot of — or some with  
[13] this formulation that went out of North Kansas  
[14] City. But it also went out of Minneapolis.  
[15] Q: Do you remember the Chicago and the  
[16] Milwaukee Railroad being a —  
[17] A: A customer?  
[18] Q: — a customer of this particular  
[19] formula?  
[20] A: No, I can't remember that. It's very  
[21] logical. But I — I can't really remember. See,  
[22] there's no arsenic in this at all.  
[23] Q: On the third page of this document  
[24] there's a different —  
[25] A: Is there?

[1] Q: — formula for the Chicago, Milwaukee  
[2] Railroad. This one says —  
[3] A: The third page?  
[4] Q: Yes, it's labeled on the lower right BX  
[5] 2461.  
[6] A: Yes.  
[7] Q: See the type of weed killer, Chlorate  
[8] Borate Weed Killer?  
[9] A: Yes.  
[10] Q: You mentioned before that you thought  
[11] Chicago, Milwaukee Railroad used primarily  
[12] chlorate/borate weed killers. Is that — is this  
[13] consistent —  
[14] A: This is Tronabor — that Tronabor is a  
[15] Borax. This is very much so — what was the  
[16] quantity, yeah, 664,000 gallon.  
[17] Q: This is consistent with what you  
[18] remember?  
[19] A: Yes. And that's — that was a chemist  
[20] of Reade's.  
[21] Q: In the upper left-hand corner there are  
[22] some initials there. Do you see that? Handwritten  
[23] initials?  
[24] A: That's Leonard Reade, which is the — it  
[25] wasn't the vice president. It was probably the

[1] secretary of Reade's.  
[2] Q: On the last page of this document there  
[3] are some handwritten notes. Any idea who those —  
[4] who might have written these notes?  
[5] A: I'd almost bet you that's Minsky. This  
[6] man down here on the bottom of it, under  
[7] formulated, J. Minsky.  
[8] Q: Who is he?  
[9] A: He was a chemist for Reade.  
[10] Q: Did he move to Borax as well after  
[11] the —  
[12] A: Not very long. He might have been for a  
[13] month or two. But he was dismissed or he — or  
[14] quit, I don't know which.  
[15] Q: Okay.  
[16] A: Anyway, he didn't continue with them  
[17] very long. This could be L.J. Reade's, too. He'd  
[18] make these kind of notes sometimes.  
[19] Q: You just don't know?  
[20] A: (Nodded negatively.)  
[21] Q: Fair enough.  
[22] Give you Exhibit 43. This is a document  
[23] dated December 27th, 1963. Do you see that in the  
[24] upper right corner?  
[25] A: 'Hm. Is my timing getting off here?

[1] This should be back to U.S. Borax.  
[2] Q: Well, it's December 27th, 1963. Does  
[3] this look like a Borax form to you, or a Reade  
[4] form?  
[5] A: Well, I'm — I'm getting confused, yes.  
[6] Q: Was December 1963 after Borax took over  
[7] the Reade facilities?  
[8] A: No. Now this — yes. Reade shouldn't  
[9] had anything to do with it. But this has to be  
[10] almost a U.S. Borax form now. But Reade might have  
[11] been supplied it to Borax, I'm not sure.  
[12] Q: Okay.  
[13] A: I'm sure they would have.  
[14] Q: This — on the top here it says product,  
[15] Chlorate - Borate Weed Killer, quote, Milwaukee  
[16] Road formula — or, parenthesis, Milwaukee Road  
[17] formula.  
[18] A: Uh-huh.  
[19] Q: Is this a particular formula made just  
[20] for the Milwaukee Road?  
[21] A: Oh, they would have made it for anybody.  
[22] But it just so happens that they — they may have  
[23] specified this particular formula, whether we —  
[24] many — Reade's sales department, marketing  
[25] department suggested this and then Milwaukee

[1] accepted it and so forth.  
 [2] Q: So Milwaukee Road would have specified  
 [3] that they wanted this formula?  
 [4] A: Right. Right. See, they requested it,  
 [5] in other words.  
 [6] Q: We'd talked earlier generally about  
 [7] herbicide being a Reade term, that they made up the  
 [8] term herbicide. Were there different kinds of  
 [9] herbicide?  
 [10] A: Well, the old term of herbicide come  
 [11] from England when Reade, their grandfather, as I  
 [12] understand, or — come over here from England and  
 [13] then they got to using that term herbicide, which,  
 [14] of course, makes sense, is to kill. Kill herbs.  
 [15] And I don't know whether they patented the word or  
 [16] not. I don't think so. Because everybody uses it.  
 [17] Q: Are there different formulas of Reade's  
 [18] herbicide?  
 [19] A: There was different strengths.  
 [20] MR. BEARD: Objection; vague as to  
 [21] time.  
 [22] A: Four pounds, six pounds, and so forth.  
 [23] Meaning that much arsenic was in it.  
 [24] Q: (By Ms. Brama) Were there some without  
 [25] arsenic in it?

[1] A: Well, what did — is this what you  
 [2] wanted to know?  
 [3] Q: (By Ms. Brama) Actually generally had  
 [4] you heard the terms poisonous herbicide versus  
 [5] non-poisonous herbicide used during that time —  
 [6] A: Well, it's not — it's not a common  
 [7] thing. It — but they normally — Reade's probably  
 [8] thought everything that was called herbicide had to  
 [9] have arsenic in it.  
 [10] Q: Okay.  
 [11] A: And then they're referring to this  
 [12] poisonous, non-poisonous. And I don't know.  
 [13] That's kind of a misnomer. That — and who you're  
 [14] — who you're talking about, too. Is it poisonous  
 [15] to weeds, definitely, it was, some are.  
 [16] Q: Well, the last thing I want to ask you  
 [17] about here is Exhibit 44, which I'm handing you.  
 [18] This is also a formula for the Chicago, Milwaukee,  
 [19] St. Paul Railroad.  
 [20] A: Uh-huh.  
 [21] Q: Do you see the date April 14th, 1961?  
 [22] A: Uh-huh. 1961. All right.  
 [23] Q: The type of weed killer here says  
 [24] Herbicide NP with 2,4-D. Do you see that?  
 [25] A: Okay. I'm not sure about the NP, what

[1] A: No. Nowadays they are, I think. People  
 [2] use the word herbicide and it doesn't have any  
 [3] arsenic in it necessarily. It's a thing that just  
 [4] through constant use of...  
 [5] Q: I'm going to go back to an exhibit we  
 [6] have talked about last time. This is Exhibit 10.  
 [7] A: Exhibit what?  
 [8] Q: Ten. I'm just going to hand it to you.  
 [9] The third page is open. Do you see there where it  
 [10] says herbicide, and then it says below it —  
 [11] A: There again, they're referring to even  
 [12] non-tox — non-poisonous.  
 [13] Q: Right. And what does non-poisonous mean  
 [14] in terms of a formulation?  
 [15] A: Okay. In essence, it is not poisonous  
 [16] to people. It's kind of a misnomer. You take  
 [17] enough salt and it will kill you.  
 [18] Q: Uh-huh.  
 [19] A: But its meaning it as not as poisonous.  
 [20] It would amount to, I think.  
 [21] MR. BEARD: Just to be — I'm going  
 [22] to object to lack of foundation if you're asking  
 [23] him what they meant at the time this document was  
 [24] written.  
 [25] THE WITNESS: Yeah, that's right.

[1] they're meaning, whether it means non-poisonous or  
 [2] what. But I — I would — it could be.  
 [3] Q: Do you —  
 [4] A: Now, the 2,4-D is a separate thing  
 [5] that's been added to it.  
 [6] Q: Do you recognize this formula at all?  
 [7] That's discussed at the bottom?  
 [8] A: Well, I can't be sure, you know, the  
 [9] exact amount. It could vary for Milwaukee and, you  
 [10] know, have more chlorate in it or less chlorate.  
 [11] Q: Okay.  
 [12] A: That's all that — in this specific case  
 [13] they're talking about the 2,4-D Amine in it so  
 [14] much, in that case 2 gallon per thousand gallon.  
 [15] That's — that's all I know about it.  
 [16] MS. BRAMA: And that's all I have  
 [17] at the moment.  
 [18] MR. BEARD: Why don't we change  
 [19] tapes. I've got probably a couple hours worth of  
 [20] questions.  
 [21] THE VIDEOGRAPHER: Stand by to go  
 [22] off record. Time is 11:00. This concludes tape 2,  
 [23] Volume II.  
 [24] (Whereupon, a short recess was  
 [25] taken.)



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[1] THE VIDEOGRAPHER: Back on record  
[2] at 11:05. This begins videotape number 3 of Volume  
[3] . Please proceed.

[4] RE-EXAMINATION

[5] BY MR. BEARD:

[6] Q: Mr. Musselman, earlier you mentioned  
[7] some familiarity with a grasshopper infestation  
[8] that occurred in the '40s. I know you didn't work  
[9] for Reade at that time. Did anyone at Reade ever  
[10] talk with you about their involvement, if any, with  
[11] that problem?

[12] A: I think the only Reade person was C.F.  
[13] Reade had told me about shipping arsenic out of  
[14] Minneapolis by the boxcar load. That is in  
[15] 55-gallon — or in barrels. And how much of that  
[16] stuff they had to furnish to the — out west  
[17] someplace where the infestation was.

[18] Q: Did he say if Reade had produced a lot  
[19] of the arsenic material for that, a small amount?  
[20] Did he describe their involvement?

[21] A: He talked — talked like a considerable  
[22] amount of it.

[23] Q: And can you describe what you mean by  
[24] considerable?

[25] A: Well, boxcar loads. Several of them. I

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[1] don't know how many several is.

[2] Q: And do you know how long Reade was  
[3] involved with that?

[4] A: I think probably only one year. This —  
[5] the amount of length of time maybe only a month or  
[6] two.

[7] Q: You said that C.F. Reade told you that  
[8] they were shipping this out in boxcars in 55-gallon  
[9] drums; correct?

[10] A: (Nodded affirmatively.)

[11] Q: Did he say that the arsenic was being  
[12] generated at Minneapolis and loaded into the  
[13] 55-gallon drums there?

[14] A: He didn't tell me, but I assumed that.  
[15] I'm assuming that, I don't know.

[16] Q: Why did you assume that?

[17] A: Well, location-wise. And he talked like  
[18] at that time that he was up there and managing the  
[19] production.

[20] Q: Was he clear to you that the boxcars  
[21] full of this material were being shipped from  
[22] Minneapolis?

[23] A: I'm pretty sure it was, yeah. And he  
[24] didn't indicate where it was going from any other  
[25] plant. I'd never heard of it going out, you know,

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[1] in that quantities.

[2] Q: You provided some testimony about the  
[3] loading pipes at the facility. During the Borax  
[4] era, I know you weren't there frequently, but did  
[5] you actually observe Borax installing any loading  
[6] pipes?

[7] A: At Minneapolis?

[8] Q: Yes. I think you said, sorry, loading  
[9] posts.

[10] A: I can't say that I did. After — after  
[11] U.S. Borax took over, then I remember them — we  
[12] put some in. These loading pipes.

[13] Q: So that's what I'm getting at. Did you  
[14] see Borax put them in?

[15] A: I think so. My men — my men put those  
[16] in. A lot of them.

[17] Q: Okay. During the Borax time?

[18] A: (Nodded affirmatively.)

[19] Q: And those load posts were used to load  
[20] product into the railroad cars?

[21] A: Right.

[22] Q: He also talked about the pipe that was  
[23] placed underneath the ground or I guess at the  
[24] surface level or slightly below the ground that  
[25] went from the facility across the area to the far

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[1] track that was located on the left-hand side of the  
[2] picture in your aerial —

[3] A: Right.

[4] Q: — photograph you were looking at. Do  
[5] you recall ever seeing Borax use that — that pipe?

[6] A: Oh, yeah.

[7] Q: And they were loading at the far track  
[8] as well?

[9] A: Right.

[10] Q: Do you recall what type of chemical they  
[11] were using to load?

[12] A: It — probably chlorate/borate.

[13] Q: And when you say probably, why do you  
[14] think it's probable?

[15] A: We just didn't move — U.S. Borax just  
[16] didn't move that much arsenic to where we would  
[17] have been working over there. The reason that  
[18] track was used over there for that purpose for  
[19] shipments is when we had a big order and we  
[20] couldn't get the railroad cars in on the Reade  
[21] property. Or Borax property, what we had leased.  
[22] But there was only about one year that Borax had it  
[23] that we had that much business, out of the five  
[24] years.

[25] Q: Do you recall what year that was?

[1] **A:** No, I don't. We might be able to  
[2] decipher it out of these. I don't remember.  
[3] This — oh, that's '61. There was 360-some-odd  
[4] thousand gallon. There was one in there I saw  
[5] 600,000 gallon. But I think that would probably  
[6] been Reade years. So I can't — I can't tell you  
[7] which years it was.  
[8] **Q:** We also talked about some of the  
[9] chemical inventories and the changes that occurred  
[10] in those between October of '63 and February of  
[11] '64. Do you know one way or the other why there  
[12] was a difference in the chemical inventory taken in  
[13] October '63 and the chemical inventory taken of  
[14] February '64?  
[15] **MS. BRAMA:** Asked and answered.  
[16] **A:** No, I don't. We assumed that it was  
[17] that leak. But — did the dates tie together to  
[18] that leak?  
[19] **Q:** (By Mr. Beard) I'm just asking if you  
[20] know one way or the other?  
[21] **A:** I don't know.  
[22] **Q:** If you could take a look at Exhibit 43.  
[23] It's dated December 27, 1963. At the time that the  
[24] transfer of the facilities was occurring between  
[25] Reade and Borax, do you recall if Borax ever asked

[1] transfer of — of documents such as we're seeing in  
[2] 43, which is a formula?  
[3] **A:** Each — at each plant we would just go  
[4] in and take over the old Reade formulas, if we  
[5] needed to, and use them. That's — that's all I  
[6] can say. Now whether we had that right, I am not  
[7] 100 percent sure. But I know that they did do  
[8] that, used the Reade formulas.  
[9] **MR. BEARD:** That's all I've got.  
[10] **MS. BRAMA:** Nothing more.  
[11] **THE VIDEOGRAPHER:** Please stand by  
[12] to go off record. The time is 10 — 11:13.  
[13] (Whereupon, a discussion was held  
[14] off the record.)  
[15] **MS. BRAMA:** We'd like you to read  
[16] the transcript.  
[17] I assume you do, too.  
[18] **MR. BEARD:** That's up to him. I  
[19] mean, if he wants to. I don't know if he even  
[20] wants to.  
[21] Do you have any desire to read the  
[22] transcript before it's finalized?  
[23] **THE WITNESS:** Oh, I don't want to.  
[24] **MS. BRAMA:** Okay.  
[25] **MR. BEARD:** I wouldn't want to.

[1] Reade to provide Borax with Reade's formulas that  
[2] they were using for the various railroads?  
[3] **A:** What was the question?  
[4] **Q:** Do you recall if Borax asked Reade to  
[5] provide Borax with Reade's formulas, a list of or  
[6] description of the formulas, that Borax could use  
[7] those?  
[8] **A:** I don't have any proof of it. Brown  
[9] told me that we had all those — that privilege.  
[10] But that's all I know.  
[11] **Q:** Well, let's be clear on that. So J.O.  
[12] Brown told you that — well, what did he tell you?  
[13] **A:** He told me that they had the rights to  
[14] use all of the Reade formulas.  
[15] **Q:** Okay. But did — did he tell you one  
[16] way or the other whether Reade had actually  
[17] provided lists of the formulas?  
[18] **A:** No, he didn't. Now how would he tell me  
[19] one way or the other, other than saying that we had  
[20] the rights to use them. Now he didn't show any  
[21] specific legal paper to that effect. If that's  
[22] what you mean.  
[23] **Q:** All I'm — all I'm trying to figure out  
[24] is if — if you could confirm one way or the other  
[25] whether, you know, you were aware of an actual

[1] **MS. BRAMA:** That's fine.  
[2] (Whereupon, it was stipulated by  
[3] counsel and the witness that submission of the  
[4] transcribed deposition of the witness for  
[5] examination, reading and signing is waived and that  
[6] said deposition shall possess the same force and  
[7] effect as though read and signed by the witness.)  
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CERTIFICATE

[1]  
[2]

I, BEVERLY CONNELL, a Certified Reporter for  
the State of Missouri, do hereby certify:

[5] That prior to being examined, the witness  
[6] was by me duly sworn;  
[7] That said testimony was taken down by me in  
[8] shorthand at the time and place hereinbefore stated  
[9] and was thereafter reduced to typewriting under my  
[10] direction;

[11] That the foregoing transcript is a true  
[12] record of the testimony given by said witness;  
[13] That I am not a relative or employee or  
[14] attorney or counsel of any of the parties, or a  
[15] relative or employee of such attorney or counsel,  
[16] or financially interested in the action.

[17] WITNESS my hand and seal this \_ day  
[18] of \_\_\_\_\_, 20\_\_\_\_\_.

[19]  
[20]  
[21]

[22] Beverly Connell  
[23] Certified Court Reporter  
[24] State of Missouri  
[25] CCR No. 768

**Lawyer's Notes**

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**Lawyer's Notes**

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UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

CMC Heartland Partners,

Case No. 02-CV-1819/MJD-JGL

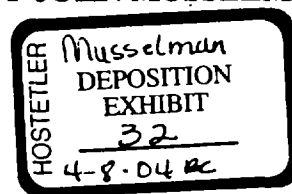
Plaintiff,

v.

NOTICE OF TAKING DEPOSITION  
(CONTINUATION)  
OF JOHN MUSSELMAN

Reade Manufacturing Company, Reade  
Metals & Minerals Corp., a/k/a Reade  
Advanced Materials or Reade International,  
Luxfer Holdings PLC, and U.S. Bank, Inc.,

Defendants.



PLEASE TAKE NOTICE that pursuant to Rules 26, 30 and 45 of the Federal Rules of Civil Procedure, CMC Heartland Partners intends to serve a deposition subpoena on Mr. John A. Musselman. A copy of the subpoena is attached.

The deposition of John Musselman will be taken before a qualified court reporter at the offices of Lathrop & Gage, 2345 Grand Boulevard, Suite 2500, Kansas City, Missouri 64108 on Thursday, April 8, 2004, beginning at 9:00 a.m. and continuing until the same shall be completed. The deposition shall be taken by oral examination before an officer authorized to administer oaths in the State of Missouri, and shall be transcribed and videotaped.

Dated: March 25, 2004.

BRIGGS AND MORGAN, P.A.

By: Elizabeth M. Brama  
Charles B. Rogers (No. 130588)  
Elizabeth M. Brama (No. 301747)  
2200 IDS Center  
80 South Eighth Street  
Minneapolis, MN 55402  
(612) 977-8400

ATTORNEYS FOR DEFENDANT  
PLAINTIFF CMC HEARTLAND PARTNERS



HOSTETLER Musselman  
DEPOSITION  
EXHIBIT  
33  
4-8-04 BC





R. L. ...

HOSTETLER Musselman  
DEPOSITION  
EXHIBIT  
34  
4-8-04 ec

Issued by the  
**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI**

CMC HEARTLAND PARTNERS,

**SUBPOENA IN A CIVIL CASE**

Plaintiff,

COURT FILE NO. 02-CV-1819/MJD-JGL

vs.

READE MANUFACTURING COMPANY, et al.,

Defendants.

TO:

John A. Musselman, 2908 NE 56 Terrance, Gladstone, Missouri 64119

YOU ARE COMMANDED to appear in the U.S. Dist. Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY:

COURTROOM:

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION:

Lathrop & Gage  
2345 Grand Boulevard, Suite 2500  
Kansas City, MO 64108 (816) 292-2000

DATE AND TIME:

Thursday, April 8, 2004  
9:00 a.m.

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE:

DATE AND TIME:

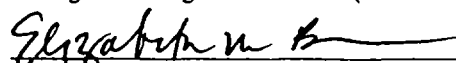
YOU ARE COMMANDED to produce and permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Issuing Officer Signature and Title (Indicate if attorney for Plaintiff or Defendant)

Date:

  
Elizabeth M. Brama

March 25, 2004

Issuing Officer's Name, Address, and Phone Number:

Elizabeth M. Brama, Briggs and Morgan, 2200 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402 612/977-8400

(See Rule 45, Federal Rules of Civil Procedure Parts C & D on Reverse)

**PROOF OF SERVICE**

SERVED <sup>DATE</sup> March 26<sup>th</sup> 2004 <sup>PLACE</sup> 2908 NE 56<sup>th</sup> Terr. Gladstone, Mo 64119  
SERVED ON (PRINT NAME) John A. Musselman MANNER OF SERVICE Personal  
SERVED BY (PRINT NAME) Nathaniel Scott TITLE Private Process Server

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on 3-26-04  
DATE

Nathaniel Scott PPS  
SIGNATURE OF SERVER

\_\_\_\_\_  
ADDRESS OF SERVER

**Rule 45, Federal Rules of Civil Procedure, Parts C & D**

**(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(2)(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection is made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance;

(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c)(3)(B)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden.

**(B) If a subpoena**

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) DUTIES IN RESPONDING TO SUBPOENA.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

CERTIFICATE OF SERVICE

**COPY**

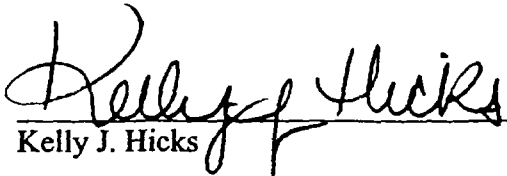
Re: *CMC Heartland Partners v. Reade Manufacturing Company, Reade Metals & Minerals Corp., a/k/a Reade Advanced Materials or Reade International, Luxfer Holdings PLC, and U.S. Borax Inc.*  
Case No. 02-CV-1819 / MJD-JGL

Pursuant to the provisions of 28 U.S.C. § 1746, KELLY J. HICKS hereby certifies that on March 25, 2004 she caused one copy of Notice of Taking Deposition (Continued) of John Musselman and Subpoena to be served on the attorney listed below by the means indicated:

Brooks M. Beard  
MORRISON & FOERSTER, LLP  
424 Market Street  
San Francisco, CA 94105-2482  
Fax: 415/268-7522

*VIA E-MAIL AND  
FIRST CLASS MAIL*

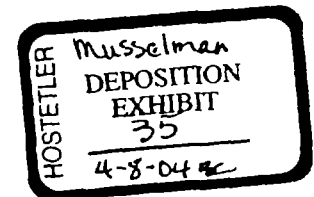
March 25, 2004  
Minneapolis, Minnesota

  
Kelly J. Hicks

MINNEAPOLIS, MINNESOTA PLANT

REDACTED

1. Surveyed property.
2. Put pipe post around perimeter of property on west of property.
3. Installed Caustic meter and piping. (Meter stored at Kansas City).
4. Installed Chlorate meter and piping. (meter stored at Kansas City).
5. Installed new pump for Chlorate.
6. Completely renovated old office building inside and out. This included new panelling, new flooring, new ceiling and doors inside and new exterior windows and doors. New siding on the outside with two coats of paint. The building was rewired for lights and electric heaters. Two electric heaters were installed and one fluorescent light fixture.
7. Removed old shed-type structure after wind misaligned the building beyond repair.
8. Painted all tanks, structures and equipment.
9. Installed 110 Volt lighting system in the mixer shed.
10. Improved chemical loading posts.
11. Pump priming system to two pumps on mixers.
12. Repaired roof on office building.
13. Closed front of garage (formerly used by Rollins Fuel Oil Company) and made it into storage area.
14. Reinforced cat walk and stairway to storage tanks.



CMC 017311

## MINNEAPOLIS, MINNESOTA

INVENTORY 1/30/68

## SCHEDULE C-2

BUILDINGS:

<u>Service</u>	<u>Size</u>	<u>Type</u>	<u>Condition</u>
Office and Storage	15' x 45'	One level frame.	Poor
Storage	15' x 25'	One level frame.	Good
Boiler Building	12' x 15'	One level concrete block.	Good

NOTE: OFFICE AND STORAGE BUILDING LEASED FROM MILWAUKEE RAILROAD.

TANKS:

<u>Quantity</u>	<u>Tank Number</u>	<u>Service</u>	<u>Capacity Gallons</u>	<u>Tank Material</u>	<u>Foundation</u>
1	2	Storage	21,000	Steel	Earth
2	12 & 14	Storage	17,000	Steel	Earth
2	8 & 9	Storage	14,900	Steel	Earth
2	1 & 13	Storage	14,500	Steel	Earth
1	11	Storage	13,500	Steel	Earth
2	6 & 7	Storage	11,500	Steel	Earth
2	5 & 10	Storage	9,900	Steel	Earth
1	3	Storage	5,200	Steel	Earth
1	4	Storage	5,200	Steel	Earth (N. G.)

PUMPS AND DRIVERS: (AS SHOWN IN SCHEDULE C-2)

<u>Quantity</u>	<u>Service</u>	<u>GPM</u>	<u>Head-Ft.</u>	<u>Driver HP</u>	<u>Pump Type</u>	<u>Remarks</u>
1	Loading and Transfer	300	185	20	Gear	3" Roper Pump
1	Loading and Transfer	200	93	10	Gear	#1 Mixer - 3" Viking Pump 7½ HP. Motor.
1	Loading and Transfer	200	93	10	Gear	#2 Mixer - 4" Gorman Rupp Cent. Pump
1	Loading and Transfer	200	93	10	Gear	#3 Mixer 4" Cent. Pump
1	Loading and Transfer	200	45	7½	Gear	Chlorate Line - 2½" Marlow Cent. Pump.
1	Loading and Transfer	200	45	7½	Gear	Arsenic Line 2½" Cent. Pump with 5HP Motor.
1	Idle	300	110	15	Gear	VE-4 Wisconsin Engine with 4" Blackmer Gear Pum

CMC 017312

## SCHEDULE C-2

PUMPS AND DRIVERS CONT'D.:

<u>Quantity</u>	<u>Service</u>	<u>GPM</u>	<u>Head-Ft.</u>	<u>Driver HP</u>	<u>Pump Type</u>	<u>Remarks</u>
1	Idle	300	110	No Motor	Gear	VE-4 Wisconsin Engine with 4" Blackmer Gear Pump
1	Idle	100	50	2	Cent.	2" Viking Gear Pump with 5 HP Motor on Caustic.

MIXERS:

<u>Quantity</u>	<u>Description</u>	<u>Capacity</u>	<u>Driver HP</u>
2	Underground Herbicide Mixing Tank with Agitator.	10,500 Gal.	15
1	Underground Herbicide Mixing Tank with Agitator	9,500 Gal.	15

## MISCELLANEOUS EQUIPMENT:

<u>Quantity</u>	<u>Description</u>
1	Steam Generator, 45 Boiler HP, 300 psig max. W. P. with motor driven Feedwater Pump. Oil Fired.
38 HP Total	Assorted Electrical Switchgear for all plant motors.
Item	All interconnecting pipe, valves and fittings between tanks, mixers and pumps.



## MINNEAPOLIS, MINNESOTA INVENT

Description	Inventory 1/23/64	Inventory 1/30/68	Over (Short)
HACK SAW	1	1	-
HAND SAW	0	1	1
HAMMERS	2	4	2
" SLEDGE	1	1	-
SHOVEL, LONG HANDLE	1	1	-
SHOVEL, SCOOP	2	2	-
RAKE	0	1	1
HOE	0	1	1
PICK	1	1	-
LEVERAGE BARS	0	6	6
WRECKING BAR 24"	0	1	1
BLOW TORCH	0	1	1
ALLEN WRENCHES, SET	0	1	1
SOCKET WRENCHES, SET	1	0	(1)
PIPE WRENCH 36"	2	3	1
24"	4	2	(2)
11"	3	3	-
BUNG WRENCH	0	1	1
OPEN END BOX WRENCHES	0	2	2
OPEN END WRENCHES	0	2	2
LEVEL 12"	0	1	1
24"	0	1	1
EASY OUTS, SET	0	1	1
NAIL PULLER	1	0	(1)
GREASE GUN	1	2	1
PIPE CUTTER #3	1	3	2
#2	1	0	(1)
PIPE VISE 4"	1	1	-
#3	1	1	-

CMC 017314

<u>DESCRIPTION</u>	<u>INVENTORY 1/23/64</u>	<u>INVENTORY 1/30/68</u>	<u>OVER (SHORT)</u>
Cleveland Adjustable Pipe Die 1/4" - 2"	1	0	(1)
Oster Adjustable Pipe Die 1/2" - 2"	1	1	-
Stock and Die 2"	0	1	1
Nye Pipe Die Head 2 1/2" - 4"	1	1	-
Pipe Taps	0	3	3
Power Vise with Universal Joint Oster Cat. # 432-NV	1	1	-
File	0	1	1
Wire Brushes	0	2	2
3/4" Water Hose	25'	25'	-
Square	0	1	1
Extension Cord 40'	0	1	1
Portable Conveyor 9" - 12' L.	1	1	-
1 1/2 HP Motor for Conveyor	1	1	-
Extension Ladder 24'	1	1	-
Hand Trucks	2	1	(1)
Hand Truck Barrel	1	1	-
Wheelbarrow	1	1	-
Bandit Tool	1	1	-
Bandit Tool, Jr.	0	1	1
Car Mover Jack	1	2	1
Chain Wrench 60"	1	1	-
B & D Electric Drill 1/4"	1	0	(1)
Platform Scale	1	1	-
Barrel Stand	0	1	1
Tank Car Tops	20	51	31
Tank Car Bottoms & Valves	20	32	12
265 Gal. Oil Tanks (Steam Gen.)	2	2	-

CMC 017315

DESCRIPTION		INVENTORY 1/23/64	INVENTORY 1/30/68	OVER (SHORT)	
Agitators		20	0	(20)	
Ohaus Laboratory Scale		1	0	(1)	
Desk - Wood		1	0	(1)	
Chair - Swivel		1	0	(1)	
12" Typewriter (Old)		1	1	-	
"C" Clamps		0	3	3	
Roget Strainer 3"		0	1	1	
Dresser Coupling-38 3"		0	1	1	
Flange	3"	0	3	3	
	2 1/2"	0	3	3	
PLUGS	3/4"	0	1	1	
	1"	0	1	1	
	1 1/4"	0	1	1	
	1 1/2"	0	2	2	
	2"	0	9	9	
	2 1/2"	0	12	12	
	4"	0	3	3	
UNIONS	1/2"	0	3	3	
	3/4"	0	4	4	
	1 1/2"	0	1	1	
	2"	0	2	2	
	2 1/2"	0	1	1	
	3"	0	2	2	
MALE QUICK CONNECTS	2"	0	3	3	CMC 017316
	2 1/2"	0	2	2	
GATE VALVE	2"	0	7	7	4 on new Caustic Line
	2 1/2"	0	5	5	4 on new Chlorate Line
	3"	0	1	1	

<u>DESCRIPTION</u>	<u>INVENTORY</u> <u>1/23/64</u>	<u>INVENTORY</u> <u>1/30/68</u>	<u>OVER</u> <u>(SHORT)</u>
GLOBE VALVE 1/2"	0	1	1
CHECK VALVE 1/2"	0	32	32
QUICK CLOSE VALVE 1"	0	2	2
BUSHINGS 1/2" x 3/4"	0	6	6
3/4" x 1"	0	1	1
3/4" x 2"	0	2	2
1" x 2"	0	5	5
1" x 1 1/4"	0	2	2
1 1/2" x 2"	0	2	2
COUPLINGS 1/2"	0	3	3
3/4"	0	10	10
1"	0	5	5
1 1/2"	0	3	3
2"	0	4	4
2 1/2"	0	4	4
3"	0	5	5
4"	0	1	1
90° ELLS 1/2"	0	27	27
3/4"	0	72	72
1"	0	11	11
1 1/4"	0	9	9
1 1/2"	0	3	3
2"	0	16	16
2 1/2"	0	3	3
3"	0	3	3
45° ELLS 1 1/4"	0	5	5
2"	0	1	1
3"	0	4	4

## MINNEAPOLIS, MINNESOTA INVENTORY

PAGE 5

<u>DESCRIPTION</u>		<u>INVENTORY</u> <u>1/23/64</u>	<u>INVENTORY</u> <u>1/30/68</u>	<u>OVER</u> <u>(SHORT)</u>
STREET KILLS	1/2"	0	29	29
	3/4"	0	104	104
	1"	0	7	7
	1 1/4"	0	4	4
	2"	0	2	2
	2 1/2"	0	34	34
	3"	0	2	2
TEES	3/4"	0	31	31
	1"	0	1	1
	1 1/4"	0	1	1
	1 1/2"	0	1	1
	2"	0	5	5
	2 1/2"	0	2	2
	3"	0	3	3
NIPPLES	3/4" x 4"	0	7	7
	1 1/2" x 2"	0	1	1
	1 1/2" x 4"	0	3	3
	2" x Close	0	6	6
	2" x 6"	0	6	6
	2" x 12"	0	1	1
	2 1/2" x Close	0	20	20
	2 1/2" x 6"	0	1	1
	3" x Close	0	1	1
	4" x Close	0	2	2
CROSS	1 1/4"	0	1	1
	2"	0	1	1
	4"	0	1	1

CMC 017318

<u>DESCRIPTION</u>	<u>INVENTORY</u> <u>1/23/64</u>	<u>INVENTORY</u> <u>1/30/68</u>	<u>OVER</u> <u>(SHORT)</u>
Reducing Tee 3/4" x 3/4" x 1"	0	5	5
Reducing Ell 90° 1" x 3/4"	0	6	6
Reducer Coupling 3/8" x 1"	0	1	1
1/2" x 1"	0	1	1
3/4" x 1"	0	2	2
1 1/4" x 1"	0	1	1
1 1/2" x 1"	0	1	1
CAPS			
1/2"	0	1	1
3/4"	0	4	4
1"	0	1	1
1 1/4"	0	1	1
1 1/2"	0	3	3
2"	0	1	1
3"	0	2	2
HOSE-SUCTION			
2"	0	75'	75'
2 1/2"	0	25'	25'
3"	0	50'	50'
HOSE-WATER			
1 1/4"	0	100'	100'
HOT PLATE - ELECTRIC	0	1	1

HOSTETLER Musselman  
DEPOSITION  
EXHIBIT  
36  
4-8-04 RC

February 19, 1964

Summary of Raw Materials Inventory Revised & Finalized Feb. 19, 1964

The following sum totals of inventory at the following plants has been agreed to and signed by Mr. Chas. F. Reade, representative of Reade Manufacturing Company, Inc. and Mr. J. Brown, representative of United States Borax & Chemical Corporation.

Jersey City, New Jersey	\$22,812.14	
Chicago, Illinois	12,423.67	
North Kansas City, Missouri	32,620.60	
Minneapolis, Minnesota	13,097.01	
Birmingham, Alabama	13,357.15	
Texarkana, Arkansas	<del>15,758.88</del>	Total \$110,069.45

READE MANUFACTURING COMPANY, INC.

*Chas. F. Reade*  
Chas. F. Reade  
President

U.S. BORAX & CHEMICAL CORPORATION

*J. Brown*  
J. Brown  
Manager, Reade Operation

BX 004074

Texarkana INVENTORY Revised as of Feb. 18, 1964

Sheet No 1 of 1

Called by \_\_\_\_\_ Department \_\_\_\_\_

Priced by \_\_\_\_\_

Entered by \_\_\_\_\_ Location \_\_\_\_\_

Extended by \_\_\_\_\_

Examined by \_\_\_\_\_

QTY	DESCRIPTION	UNIT PRICE	EXTENSION
1 1,566	gals. Caustic Soda Sol. (50%)	0.212	\$ 331.99
2 162	gals. 4/ Chlorate - 648 lbs.	0.09	58.32
3 4,428	gals. Emulsifying Base	0.39	1,726.92
4 10,206	gals. 4/ Sodium Arsenite Sol.	0.225	2,296.35
5 2,835	gals. 6/ Sodium Arsenite Sol.	0.3375	956.81
6 12,798	gals. 6/ Sodium Arsenite Sol.	0.3375	4,319.33
7 7,290	gals. Sodium Chlorate Sol (5 lbs gal)	0.45	3,280.50
8 900	gals. Cresylic Acid	0.31	279.00
9 2,000	gals. Waste water fr. cleaning tank cars		
10 1,750	gals. Herbicidal T.C.A.		
18,800	lbs. Miter Cake (210-400# bags)	0.028	526.40
20,600	lbs. Boric Acid (210-100# bags)	0.0681	1,402.86
3,120	lbs. Ammate (52-60 lb. bags)	0.17	530.40
25	gals. Triton X-100 (1-drum)	2.00	50.00
			\$15,758.88

45,790  
70000

2/19/64  
*Robert R. ...*  
*John ... 2-19-64*

Amount Forward



North Kansas City

INVENTORY

Revised as of  
February 18

64 Page 1

Sheet No 1 of 2

Priced by

Department

Called by

Extended by

Location

Entered by

Examined by

QUANTITY	DESCRIPTION	PRICE	EXTENSIONS
9,333	Gals. 6 # Sodium Arsenate Sol.	0.3375	\$ 3149.89
5,333	Gals. Fuel Oil	0.095	506.64
	EMPTY		
	EMPTY		
3,500	Gals. Crude Cresylic Acid	0.31	1085.00
647 18,800	Lbs. Sodium Chlorate	0.09	1692.00
	EMPTY		
2,000	Gals. Caustic Soda Sol. (50%)	0.212	424.00
	EMPTY		
	EMPTY		
	EMPTY		
6,200	Gals. Emulsifying Base	0.39	2418.00
T.C. 4,127	Gals. 6# Sodium Arsenate Sol.	0.225	928.58
1,055	Gals. 2,4-D Amine (Formula 40)	2.02	2131.10
75	Gals. Triton X-100	2.00	150.00
100	Gals. Mineral Seal Oil	0.25	25.00
3,200	Lbs. Caustic Soda Flake	0.052	166.40
3,180	Lbs. Amate	0.17	540.60
8,700	Lbs. Boric Acid	0.0681	592.47
7,600	Lbs. 2,4-D Acid	0.325	2470.00
2,800	Lbs. Santabrite	0.25	700.00
2,350	Lbs. Talvar	2.10	4935.00
350	Lbs. Atrazine	2.10	735.00
1,500	Lbs. Niter Cake	0.028	42.00
5,060	Lbs. Sodium T.C.A.	0.24	1214.40
137,800	Lbs. Borax 5-Mol	0.039	5374.20
2,650	Lbs. Pentachol	0.21	556.50
Amount Forward			

45790  
7000

North Kansas ~~CIN~~VENTORY

Revised as of February 18 1964 Page 2

Sheet No 2 of 2

Prepared by

Department

Called by

Extended by

Location

Entered by

Examined by

QTY	QUANTITY	DESCRIPTION	PRICE UNIT	EXTENSION
	50	Lbs. Karmex	2.20	110.00
	30	Lbs. Blue Dye	1.91	57.30
	28	Lbs. Yellow Dye	2.54	71.12
	39	Lbs. Simsia	2.10	81.90
	1,550	Lbs. M/W-8 Pellets	0.25	387.50
	2,250	Lbs. M/W-8-A Pellets	0.25	562.50
	950	Lbs. M/W-8-a-6 Pellets	0.27	256.50
	350	Lbs. M/W-8-A-4 Pellets	0.26	91.00
	1,200	Lbs. M/W-8-6 Pellets	0.26	312.00
	700	Lbs. M/W-4-4 Pellets	0.16	112.00
	300	Lbs. M/W-4-A-4 Pellets	0.16	48.00
	500	Lbs. M/W-4-A Pellets	0.16	80.00
	300	Lbs. M/W-4 Pellets	0.16	48.00
	850	Lbs. Stefan 1 Emulsifier 213-224	0.36	306.00
	800	Lbs. 2-4-3-T Acid	0.325	260.00
				\$32,620.60

45790  
7000

2/19/64  
*J. H. T. Reade*  
*J. H. T. Reade* 2-19-64

Amount Forward

**JERSEY CITY, N.J. INVENTORY** Revised as of Feb. 18 1964 Page #1

Sheet No 1 of 3

Priced by \_\_\_\_\_

Called by \_\_\_\_\_

Department \_\_\_\_\_

Extended by \_\_\_\_\_

Entered by \_\_\_\_\_

Location \_\_\_\_\_

Examined by \_\_\_\_\_

QUANTITY	DESCRIPTION	PRICE	UNIT	EXTENSIONS
1	2,100 gals. Caustic soda sol. (50%)	\$ 0.212		\$ 445.20
2	EMPTY			
3	Fuel Oil To be inventoried June 1st			
4	EMPTY			
5	EMPTY			
6	10,000 gals. 6% Sodium Arsenite Sol.	0.3375		3,375.00
7	EMPTY			
8	EMPTY			
9	EMPTY			
10	2,000 gals. Crude Crocylic Acid	0.31		620.00
11	EMPTY			
12	EMPTY			
13	5,100 gals. HERBICIDE	0.225		1,147.50
14	EMPTY			
15	1,400 gals. Emulsifying Base	0.39		546.00
16	3,400 gals. 4% Sodium Arsenite Sol.	0.225		765.00
17	7,100 gals. 8% Sodium Arsenite Sol.	0.45		3,195.00
18	EMPTY			
	85 gals. Brush Killer #22	4.50		382.50
	9,000 Lbs. 2,4,5-T Acid	0.325		2,925.00
Amount Forward				

45,750  
7000  
4

BX 004078

Revised as of Feb. 18, 1964 Page #2

## Jersey City, N.J. INVENTORY

Sheet No 2 of 3

Priced by

Called by

Department

Extended by

Entered by

Location

Examined by

QTY	QUANTITY	DESCRIPTION	PRICE	UNIT	EXTENSIONS
	1,000 Lbs.	Flake Caustic soda	\$ 0.05		\$ 50.00
	1,200 "	Powdered Caustic soda	0.05		60.00
	16,850 "	Sodium Chlorate	0.09		1,516.50
	5,060 "	Sodium T. C. A.	0.24		1,214.40
	2,200 "	Boric Acid ( 22 bags )	0.068		149.60
	19,300 "	Borax 5 Mol ( 193 bags- 100 lbs. each )	0.04		772.00
	2,000 "	Nitre Cake ( 5 drums -400 lbs. each )	0.0465		93.00
	2,000 "	2,4-D Acid ( 10 drums- 200 lbs. each )	0.325		650.00
	260 "	Sodium Dichromate	0.15125		39.33
	350 "	Ammonia	0.17		59.50
	300 "	Soda Ash	0.02		6.00
	275 "	Telver	2.10		577.50
	1,500 "	Santobrite	0.25		375.00
	13,800 "	Refined White Arsenic ( In 23 wooden bbls. 600 lbs. ea )	0.05		690.00
	22,260 "	French White Arsenic ( In 84 steel drums -265# ea net )	0.0425		946.05
	26,400 "	French White Arsenic ( 44 drums -av.net wt. 600 lbs. ea )	0.0425		1,122.00
	72 "	Amine Triazole ( In 3 cans -24 lbs. net ea. )	1.60		115.20
<p>NOTE: At Jersey City plant the HERBICIDE is 4 lbs. Sodium Arsenite solution colored green.</p>					
Amount Forward					

45790  
7000

Jersey City, N.J. INVENTORY Revised as of Feb. 18, 1963 Page 3

Sheet No. 3 of 3

Priced by

Carried by Department

Extended by

Entered by Location

Examined by

CHECK	QUANTITY	DESCRIPTION	PRICE	UNIT	EXTENSIONS
<u>CONTAINERS</u>					
	38	50 gallon steel drums	5.80		220.40
	99	30 gallon steel drums	4.94		489.06
	69	15 gallon steel drums	2.80		193.20
	22	Used 55 gallon steel drums - not charged for.			
	722	quart cans	.10		72.20
					<b>\$ 22,812.14</b>
<p>2/19/64  <i>Robert F. Reade</i>  <i>J. Schenck</i> 2-18-64</p>					
Amount Forward					

45,790  
7000

CHICAGO

INVENTORY Revised as of Feb. 18, 1954

Page #1  
-000-

Sheet No 1 of 2

Called by \_\_\_\_\_ Department \_\_\_\_\_

Priced by \_\_\_\_\_

Entered by \_\_\_\_\_ Location \_\_\_\_\_

Extended by \_\_\_\_\_

Examined by \_\_\_\_\_

CHECK TABLE	QUANTITY	DESCRIPTION	PRICE	UNIT	EXTENSIONS
0	150	gals. 4# Sodium Arsenite sol.	\$ 0.225		33.75
1	10,947	" 4# " " "	0.225		2,463.08
2	EMPTY				
3	3,100	gals. Crocyllic Acid	0.31		961.00
4	EMPTY				
5	3,888	gals. Emulsifying Base	0.39		1,516.32
6	EMPTY				
7	3,150	gals. Caustic soda	0.212		667.80
8	3,618	" Sodium Chlorate { 4.90¢ per gallon }	0.441		1,595.54
9	EMPTY				
10	EMPTY				
11	EMPTY				
12	EMPTY				
13	EMPTY				
14	9,984	gals. 3-1/4# Sodium Arsenite sol.	0.1825		1,822.08
17	EMPTY				
16	1,540	gals. Special Fuel Oil	0.095		146.30
15	944	gals. Special Fuel Oil	0.095		89.68
18	EMPTY				
Amount Forward					

45,790  
7100

CHICAGO

INVENTORY Revised as of Feb. 18, 1964 Page #2

Sheet No 2 of 2

Called by \_\_\_\_\_ Department \_\_\_\_\_  
 Entered by \_\_\_\_\_ Location \_\_\_\_\_

Priced by \_\_\_\_\_  
 Extended by \_\_\_\_\_  
 Examined by \_\_\_\_\_

45,790  
7000

CHECK	QUANTITY	DESCRIPTION	PRICE	UNIT	EXTENSIONS
	800 lbs.	Soda Ash	\$ 0.02		\$ 16.00
	1,560 lbs.	Amate	0.17		265.20
	800 lbs.	Wetting Agent-stefan 213-124	0.34		272.00
	500 lbs.	Sodium T. C. A.	0.25		125.00
	8 gals.	Triton X-100	2.00		16.00
	35 gals.	Formula 40-Dow, 2-4D Amine	2.88		100.80
	400 lbs.	2,4-D Acid	0.325		130.00
	50 lbs.	Sodium Dichromate	0.16		8.00
	10,200 lbs.	Boric Acid	0.0681		694.62
	7,900 "	Nitre Case	0.0281		221.99
	23 gals.	Geigy Promotone 25K	5.95		136.85
		<u>Packaged HERBICIDE</u>			
	70 Cases	quart size (12 to case)	3.00		210.00
	14 "	gallon size (4 to case)	3.00		42.00
	0	5 gal. cans			
	3	55 gal. drums	20.00		60.00
	2	30 gal. drums	12.50		25.00
		<u>Packaged Sodium Arsenite Sol.</u>			
	3	30 gal. drums 6 1/2 Sod. Arsenite sol.	16.50		49.50
		<u>"Stock Empty Containers"</u>			
	715	New Empty Quart size cans	.10		71.50
	500	New Empty Gallon size cans	.21		105.00
	15	New Empty 30 gallon drums	4.88		73.20
	50	New Empty 55 gallon drums	5.80		290.00
	24	New Empty 5 gallon cans	1.16		27.84
	450	1 qt. cartons (empty)	0.1255		55.58
	1,011	4-1 gal. cartons (empty)	0.1306		132.04
		<b>TOTAL</b>			<b>\$ 12,423.67</b>

2/19/64  
 Amount Forward  
 SAVCON STATIONERY CO., INC. T/A Mason Office Supplies 457 Central Ave., Jersey City, N. J. Oldfield 3-8009-8810

BX 004082

Revised as of  
**February 18 1-64**

**Minneapolis INVENTORY**

Sheet No **1 Of 1**

Called by \_\_\_\_\_ Department \_\_\_\_\_  
 Location \_\_\_\_\_

Priced by \_\_\_\_\_  
 Extended by \_\_\_\_\_  
 Examined by \_\_\_\_\_

QUANTITY	DESCRIPTION	PRICE	UNIT	EXTENSIONS
1	EMPTY			
2	17,000 gals. 4/4 Sodium Arsenite Sol.	0.225		3,825.00
3	3,797 gals. 4/4 Sodium Arsenite Sol.	0.225		854.33
4	EMPTY			
5	3956 gals. Caustic Soda Sol. (50%)	0.212		838.67
6	EMPTY			
7	EMPTY			
8	EMPTY			
9	EMPTY			
10	6,350 gals. Fuel Oil	0.095		603.25
11	EMPTY			
12	4,975 gals. Emulsifying Base	0.39		1,940.25
13	4,765 gals. 4/4 Sodium Arsenite Sol.	0.225		1,072.13
14	EMPTY			
	13,100 lbs. Borax (5 mol)	0.0391		512.21
	2,000 lbs. Boric Acid	0.0681		136.20
	275 gals. 2,4-D Amine	1.85		508.75
	30 gals. Triton X-100	2.00		60.00
	1,050 lbs. dry Sodium Chlorate	0.0834		88.62
	1,000 lbs. 2,4,6 Acid	0.3214		321.40
	120 gals. Brush Killer #22	5.70		684.00
	600 lbs. dry Caustic Soda (flake)	0.052		31.20
	300 lbs. Santobrite	0.25		75.00
	200 lbs. Sodium T.C.A.	0.24		48.00
	4,600 lbs. 2,4,5-T Acid	0.325		1,495.00
				<u>\$13,097.01</u>

45790  
7000

2/19/64  
*W. T. R...*  
*F...*

Amount Forward



BIRMINGHAM

INVENTORY Revised as of Feb. 18 64

Sheet No 1 of 1

Priced by

Department

Called by

Extended by

Location

Entered by

Examined by

QUANTITY	DESCRIPTION	PRICE	EXTENSIONS
1 3,626 gals.	Emulsifying Base	0.39	1,414.14
2 1,892 "	Fuel Oil #2	0.095	179.74
3 -----			
4 2,156 "	Caustic soda Sol. (50%)	0.212	457.07
5 8,046 "	Emulsifying Base	0.39	3,137.94
6	Water Storage Tank		
7 8,316 "	6% Sodium Arsenite Sol.	0.3375	2,806.65
8 1,340 "	4% Sodium Arsenite Sol.	0.225	301.50
9 9,216 "	Crude Cresylic Acid	0.31	2,856.96
10	EMPTY		
11 750 gals.	Sodium Chlorate Sol.	0.45	337.50
800 lbs.	2,4-D Acid (in Drums)	0.3244	259.52
10 gals.	Tergitol	2.00	20.00
3,650 lbs.	Sodium Chlorate (in Drums)	0.89	324.85
8,400 lbs.	Nitre Cake	0.028	235.20
1,200 lbs.	T.C.A. (in Drums)	0.24	288.00
6,300 lbs.	Boric Acid	0.0681	429.03
420 lbs.	Amate	0.17	71.40
3-55 gal. drums	4% Arsenite		60.00
30-55 gal. drums	(Empty)		174.00
			\$ 13,357.15

45790  
7010

2/19/64  
A. Ross T. Trade  
J. [Signature]

Amount Forward

REDACTED

HOSTETLER  
Musselman  
DEPOSITION  
EXHIBIT  
37  
4-8-04 RC

February 1, 1968

REDACTED

Dr. Carl L. Randolph  
U. S. Borax & Chemical Company  
3075 Wilshire Boulevard  
Los Angeles, California

Dear Dr. Randolph:

With further reference to agreements between our respective companies as forwarded by your legal department and our recent phone conversation:

We attach hereto list of materials included in your inventory at various locations which we are willing to accept. It has taken considerable work and effort to make these determinations and thus, the delay. Considering the fact that your valuations of most chemicals are higher than we normally pay and the fact that, in the case of several of the item materials, our sale of these materials this year is an unknown factor, in fact, doubtful regarding some of the materials, we have arrived at a lump sum of \$28,800.00 for the lot as indicated on the attached list. As previously agreed, we are prepared to forward our check for \$17,760 representing a 20% down payment, the balance to be paid on or before the end of the spraying season, 1968 at 6% interest rate per annum.

The attached list of materials also indicates where we would prefer shipment. You will note several items are to be held at your plant(s) until we determine where we wish shipment. We would guarantee that all materials listed would be out of the plants by the end of the spray season of 1968.

REDACTED

REDACTED

REDACTED

BX 003660

Dr. Carl L. Randolph (Continued)

February 1, 1968

REDACTED

If you agree to accept our offer, we can make it a part of the agreement as received from your legal department, such corrections to be made by our attorney and forwarded to you as soon as possible.

Our attorney, Jim Thomson, has a copy of the documents forwarded to us and will be prepared to discuss them with us Saturday morning of this week. We should, therefore, be in a position early next week to write you in this regard.

Our representatives are in your offices and plant at Kansas City today checking the progress of the spray car repair and replacement.

With kind personal regards, I am,

Very truly yours,

THE R. H. BOGLE COMPANY

Ralph H. Bogle, Jr.  
President

RHBjr/wfm

BX 003661

INVENTORY  
PROPERTY OF U. S. BORAX AND CHEMICAL COMPANY

ACCEPTABLE TO  
THE R. H. BOGLE COMPANY

January 31, 1968

<u>LOCATION</u>	<u>ITEM</u>	<u>DELIVERY TO</u>
Jersey City	7,972 gals. Sodium Arsenite (4#)	Alexandria, Va.
	13,800 lbs. refined White Arsenic	"
	48,660 lbs. French White Arsenic	"
Kansas City	4,714 gals. Sodium Arsenite (6#)	Hold temporarily
	1,370 gals. Sodium Chlorate (5#)	Memphis, Tenn.
	112 gals. 2,4-D Amine	"
	275 lbs. 2,4-D acid	Alexandria, Va.
	2,200 gals. 2,4-D	Memphis, Tenn.
	12,322 lbs. Atrazine	Hold temporarily
	4,100 lbs. Bromacil	"
	15,900 lbs. Calcium Chloride	Memphis, Tenn.
	220 gals. Ansar 170	"
	875 gals. Esteron Brush Killer (OS)	"
1,335 gals. 2,4-D ester	Hold temporarily	
2,400 lbs. Hyvar-X	Memphis, Tenn.	
5,324 lbs. Karmex	"	
Port Worth	100 lbs. Bromacil	Memphis, Tenn.
	200 lbs. Karmex	"
	30 gals. Fenac	"
Minneapolis	7,789 gals. Sodium Arsenite (4#)	Hold temporarily
	10,212 gals. Sodium Arsenite (6#)	"
	6,337 gals. Sodium Chlorate (5#)	Memphis, Tenn.
Texarkana	335 gals. Sodium Arsenite (4#)	Memphis, Tenn.
Birmingham	3,942 gals. Sodium Chlorate (5#)	Memphis, Tenn.

REDACTED

BX 003662

HOSTETLER  
Musselman  
DEPOSITION  
EXHIBIT  
38  
4-8-04

LOS ANGELES

G. L. ANTON

J. O. BROWN

MINNEAPOLIS PLANT

E. A. McDONALD

On January 23, the Rollins Fuel Oil Company which has property adjoining us in Minneapolis telephoned, advising that chemical had leaked out of one of our tanks and on a considerable portion of the Milwaukee Railroad Yard. We arrived in Minneapolis, Monday and found a large hole in the bottom of the # 4 Storage Tank, resulting from rust or freezing pressures. Possibly a combination of both. The tank contained approximately 4,000 gallons of Sodium Arsenite; with approximately 3,000 gallons leaking out of the tank and on the Milwaukee property.

I contacted Mr. L. N. Blanchard, Roadmaster of the Milwaukee and the area contaminated was inspected. The combined area measures approximately 300' x 300' with Sodium Arsenite covering approximately 100' x 250' of this area. In discussing the problem with Mr. Blanchard, we suggested covering the contaminated area with rock. Mr. Blanchard indicated that railroad employees object to having to walk over the rock in their switching duties so we covered the area with sand. At this time of year the ground freezes to a depth of three to five feet, so Mr. Blanchard provided us with trucks and salt which was spread over the contaminated area to help break the sand and permit the Sodium Arsenite to leach into the ground. On top of the sand we spread 250 tons of sand. Mr. Blanchard was most cooperative and also put at our disposal a power shovel. After applying the sand to the contaminated area, Mr. Blanchard and I made an inspection, with Mr. Blanchard being supplied with the results.

In cold weather, the Sodium Arsenite will concentrate at the bottom of the tank. A small concentration of a Sodium Arsenite solution in the winter time could be of serious consequence at the bottom and reducing to perhaps a 10% solution at the top. Therefore to remove the bulk of the material from the # 4 tank we were left with a small amount of Sodium Arsenite which had frozen in the tank. Holes were cut in the tank and heat applied with steam and burners, reducing it to a liquid and then pumped to our storage tanks. The # 4 tank is now empty with no possibility of any further contamination.

As soon as they have a thaw in the Minneapolis area, this material will leach into the ground. However, until the time of the thaw, we will be able to be certain that we have eliminated the hazard. The final inspection is scheduled in about 10 days and depending on the traffic through the contaminated area, will determine whether wire sand is necessary.

3/2/05

*Nothing for us to do, exposure*

BX 002560

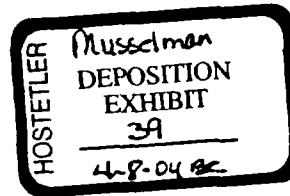
LOS ANGELES

2/6/68

G.L. ANTON

J.O. BROWN

MINNEAPOLIS PLANT



E. A. MCDONALD

On January 29, the Rollins Fuel Oil Company which has property adjoining us in Minneapolis telephoned, advising that chemical had leaked out of one of our tanks and on a considerable portion of the Milwaukee Railroad Yard. I arrived in Minneapolis, Monday and found a large hole in the bottom of the #4 Storage Tank, resulting from rust or freezing pressures. Possibly a combination of both. The tank contained approximately 4,000 gallons of Sodium Arsenite, with approximately 3,000 gallons leaking out of the tank and on the Milwaukee property.

I contacted Mr. L. \_ Blanchard, Roadmaster of the Milwaukee and the area contaminated was inspected. The combined area measures approximately 300' x 300' with Sodium Arsenite covering approximately 40' x 250' of this area. In discussing the problem with Mr. Blanchard, we suggested covering this contaminated area with rock. Mr. Blanchard indicated that railroad employees object to having to walk over rock to their switching duties so we covered the area with sand. At this time of year the ground freezes to a depth of three to five feet, so Mr. Blanchard provided us with trucks and salt which was spread over the contaminated area to help thaw the ground and permit the Sodium Arsenite to leech into the ground. On top of the salt we spread 230 tons of sand. Mr. Blanchard was most cooperative and also put at our disposal a power shovel. After applying the sand to the contaminated area, Mr. Blanchard and I made an inspection, with Mr. Blanchard being satisfied with the results.

In cold weather, the Sodium Arsenite will concentrate at the bottom of the tank. \_\_\_\_\_ concentration of \_\_\_\_\_ Sodium Arsenite solution in the winter time could \_\_\_\_\_ at the bottom and reducing to perhaps \_\_\_\_\_ solution at the top. After we lost the bulk of this material from the #4 tank we(?) were left with a \_\_\_\_\_ solution of Sodium Arsenite which had frozen in the tank. Holes were cut in the tank and heat applied with steam and burpers, reducing it to a liquid and then poured to our mixing tank. The #4 tank is now empty with no possibility of any further contamination.

As soon as they have a thaw in the Minneapolis area, this product will leech into the ground. However(?) until that time inspections will be made to be certain that we have eliminated the hazard. The first inspection(?) is scheduled in about \_\_\_\_\_ and \_\_\_\_\_ the traffic through the contaminated area, will determine whether more sand is necessary.

JOB/sb      Nothing for us to  
do, i presume

BX 002560

INTEROFFICE CORRESPONDENCE

NORTH KANSAS CITY

CONFIDENTIAL 1959

TO LOS ANGELES  
ATTENTION G. L. ANTON  
FROM J. O. BROWN  
SUBJECT TERMINATION OF READE OPERATION

HOSTETLER  
Musselman  
DEPOSITION  
EXHIBIT  
4D  
4-8-04 ec

DATE: 7/25/68  
L. A. FILE  
YOUR FILE  
COPIES TO E. A. McDONALD  
REDACTED  
JUL 26 1968

John Musselman and I met with Mr. C. H. Reade, Mr. C. F. Reade (Chuck) and Mr. L. J. Reade at Lakehurst, New Jersey on the closing and turn back of the Reade plants and equipment.

Mr. Chuck Reade proved a little difficult at the beginning of the meeting for he feels that U. S. Borax was not fair with Reades by not notifying them as to exercising the option. He advised that although he would discuss the turn back of the facilities, he would not consider it official until he has been notified in writing by U. S. Borax.

Mr. C. H. Reade's immediate reaction was for a settlement...He wanted money. He indicated that he would have not gone into this contractual agreement with U. S. Borax if he had known that Borax was not going to exercise the option. He felt that he was entitled to some monetary settlement because of wear and tear on the equipment. I mentioned that normal wear and tear was included in our contractual agreement. Also Mr. C. H. Reade indicated a problem with the Internal Revenue Service because they had treated the transaction as a sale instead of a lease agreement. Mr. Chuck Reade had a more realistic approach and later in the day Chuck said he would have a talk with "Dad" and probably iron out some of these problems.

The Reades indicated that they would not continue in the weed killing business, and would dispose of the plants. One request by Chuck Reade was that all of the storage tanks be emptied of chemical and cleaned. In our original estimate of closing the operation, we did not take this into consideration, however, I believe that Chuck's request is reasonable. Since he is not going to operate, the tanks would have to be empty and clean for sale to someone else or empty and clean if they are going to be cut up for scrap and sold to the junk dealer.

The Pellet Mill, the Bucket Elevator and Blender which was shipped to the Boron Research group is to be shipped back to the Reade Manufacturing Company, Lakehurst, New Jersey. Boron should check this unit over and see that the proper maintenance is performed, etc., before the unit is shipped. Boron should also notify me when this goes forward.

As I indicated to you in Los Angeles, Mr. Musselman and I had inventoried the spare parts inventory, hose, fittings, etc., at all the locations with the exception of Kansas City. Mr. Reade was agreeable to accepting our inventory count for these plants. At Kansas City, he will send Bert Strong to inventory with us, and we expect to make this count starting Monday, August 5.

On Thursday, August 1, we will start the tour of plants with Mr. Chuck Reade and plan to go to Chicago and from there to Minneapolis.


CONFIDENTIAL

No discussion was held on the Spray Car 1016 which was lost in the accident, nor on Spray Car 1017 which was damaged by fire by Bogle. I am not sure that Chuck Reade is aware of the 1017 damage, but I felt that it would be better to discuss these two cars with him when we are out on the road.

Reades would be agreeable to taking the plants back earlier than November 17, 1968, providing we are finished with our maintenance, inspection, etc., program. However, U. S. Borax would be required to pay the property taxes, etc., until November 17, 1968.

There is one area that I do expect problems and that is with the Jersey City plant. As you are aware this facility was hardly used and damage resulted because of vandalism. Also the building sitting idle all of these years with no heat, etc., has resulted in deterioration to the paint, plaster, etc. The Reades are also aware of this and we are going to leave the Jersey City plant for the last location on our tour and really won't know what their demands will be until after we inspect the facility. At Jersey City, the storage tanks, mixing tanks and the corrugated warehouse are in very good condition and as stated the main problem will be with the building which they used as an office and warehouse. This building as we all know was in poor condition when we took over, however, I believe the Reades in the last five years have forgotten how bad it was.

In summary, our first contact with Reades in my opinion was very favorable. Providing Chuck Reade's attitude continues, we should have little difficulty in returning the operation. We should remember however, that there will no doubt have to be a cash settlement made for Spray Car 1016 and two tank cars and possibly a cash settlement for Spray Car 1017.

  
J. O. BROWN

JOB/sh

REDACTED

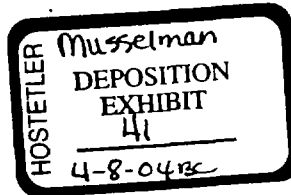
CMC 018545



INTEROFFICE CORRESPONDENCE  
NORTH KANSAS CITY

CONFIDENTIAL

TO LOS ANGELES  
ATTENTION G. L. ANTON  
FROM J. O. BROWN  
SUBJECT TERMINATION - READE OPERATION



DATE: 8/6/68  
L. A. FILE  
YOUR FILE  
COPIES TO E. A. McDONALD

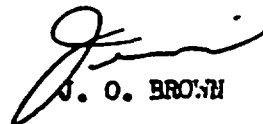
On August 1, we met with Chuck Reade at Chicago and toured this location. Mr. Reade could find nothing wrong with the plant, with the exception of one pump which did not work. This pump was in our Sodium Chlorate line and it is not unusual for pumps to bind when used for a Sodium Chlorate solution. This is a very minor problem which could be resolved with two or three manhours to free the pump.

We also inspected the Minneapolis plant and Mr. Reade could find nothing wrong. In fact, he didn't even make a comment on the Tank # 4, which as you recall, was the storage tank containing the Arsenic that leaked out on the Milwaukee Railroad yards. We had cut numerous holes in the tank, but this apparently did not concern Chuck.

I indicated to Chuck Reade that we had to use some form which would reflect his signature, or his representative, when touring the plants, stating that they found the plants acceptable. Mr. Reade was reluctant to sign such a form and advised that he would talk this over with his Attorney, Mr. Reich. I don't really believe this presents any problems to us as Chuck indicated he didn't anticipate finding any problems at any of the plant locations with the exception of Jersey City. He said his main concern would be the spray cars, and of course, I know he was referring to spray car 1016 and 1017. Chuck also asked me about 1017 and was a little perturbed because he had found out that the car had caught on fire while leased to Bogle, and we of course had not told Chuck of this incident.

We discussed in some detail spray car 1016 which was lost in the Missouri Pacific accident, trying to arrive at some dollar figure. Mr. Reade sidestepped this continually. We finally agreed to reconstruct the cost of the spray car basing these costs on all used equipment. After we do this, perhaps this will give us some idea of what amount we are talking about for payment to Reade.

Mr. Bert Strong, representative of the Reade Manufacturing Co., is at Kansas City today and we are starting the inventories at this location.

  
J. O. BROWN

REDACTED

*R.P.R.*

Date 6-4-63

# RAW MATERIALS REQUIRED

To Fill The Following Contract

Chicago, Milwaukee, St. Paul and Pacific Railroad  
System Division

Type of Weed Killer Reade's "Pentamul"

Quantity 8,000 conc. gals. (to be shipped diluted 5:1- 40,000 gals. solutio

Contract Dated \_\_\_\_\_  ANTICIPATED

Order No. 80-522-526-47 (5/31/63)

To be shipped from N.K.C.

Shipments to start June 10, 1963

HOSTETLER  
Musselman  
DEPOSITION  
EXHIBIT  
42  
4-8-04

## RAW MATERIALS REQUIRED

7,600 Gallons (approx.) Oil to make 8,000 gals.

..... Gallons .....

..... Gallons .....

..... Gallons .....

..... Gallons .....

3,200 Pounds Pentachlorophenol

800 Pounds Emulsifier #213-124 Stepan Chemical Co.

..... Pounds .....

..... Pounds .....

..... Pounds .....

Formulation for 1,000 gallons  
400 Lbs. Pentachlorophenol  
100 Lbs. Emulsifier #213-124  
950 Gals. Oil (approx.) to make 1,000 gals.

BX 002459

Signature \_\_\_\_\_ Oz

As soon as a Contract or Order is received, it should immediately be Estimated in Terms of Raw Materials Required.

This same form should also be used for Contracts or Orders which we are quite certain of getting, in which case put a check mark in front of the word ANTICIPATED.

Date 6-4-63

# RAW MATERIALS REQUIRED

To Fill The Following Contract

Chicago, Milwaukee, St. Paul and Pacific

Railroad

System

Division

Type of Weed Killer 2,4-D Amine (Dow Formula 40)

Quantity 400 gals.

Contract Dated

ANTICIPATED

Order No. 80-522-526-47 (5/31/63)

To be shipped from N.K.C.

Shipments to start June 10, 1963

## RAW MATERIALS REQUIRED

Gallons

400 Gallons 2,4-D Amine (Dow Formula 40)

Gallons To be used with "Pentamul"

Gallons

Gallons

Pounds

Pounds

Pounds

Pounds

Pounds

Formulation for 1,000 gallons

50 Gals. 2,4-D Amine

BX 002460

Signature

Oz

As soon as a Contract or Order is received, it should immediately be Estimated in Terms of Raw Materials Required.

This same form should also be used for Contracts or Orders which we are quite certain of getting, in which case put a check mark in front of the word ANTICIPATED.

29 R-

Date July 1, 1963

# RAW MATERIALS REQUIRED

To Fill The Following Contract

Chicago, Milwaukee, St. Paul & Pacific Railroad

Division

Type of Weed Killer Chlorate Borate Weed Killer

Quantity 664,000 Gals.

Contract Dated June 26, 1963  ANTICIPATED

Order No. 80-624-525-47

To be shipped from 526-47  
527-47

Shipments to start 529-47  
530-47

## RAW MATERIALS REQUIRED

1328	Gallons	2,4-D Amine
9960	Gallons	Caustic Soda
166	Gallons	Triton X 100
	Gallons	
	Gallons	

398,400	Pounds	Sodium Chlorate
249,000	Pounds	Tronabor
	Pounds	
	Pounds	
	Pounds	

Formulation for 1,000 gallons

Sodium Chlorate	600#
Tronabor	375#
Caustic Soda	15 gals.
2,4-D Amine	2 gals.
Triton X100	1 quart
Water to make 1,000 gallons	

BX 002461

Signature I. Minsky

As soon as a Contract or Order is received, it should immediately be Estimated in Terms of Raw Materials Required.

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Myra Zwickler

6/25/63

664,000 gal

Chlorate	600 lb	@ 9c	54.00
Trorobor	375 "	.039	14.65
Caustic	15 gal	.22 gal	3.30
S.U. D Ami	2 gal	2.17 gal	4.34
Treat x 100	1/4 gal	2.00	.50

76.79

8.

664,000 gal  
.02

\$ 3,288.00

BX 002462

**WEED KILLER**  
**FORMULA - PROCEDURE - SPECIFICATION**

REDACTED  
**CONFIDENTIAL**

Date Dec. 27, 1953

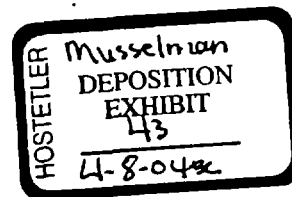
Product Chlorate - Borate Weed Killer (Milwaukee RD Formula)

**Formulation for 1,000 Gallons (Solution)**

Sodium Chlorate	_____	600#
Borax - 5 - Mol	_____	375#
Caustic Soda	_____	15 gals.
2,4D Amine	_____	2 gals.
Triton X-100	_____	1/4 gal.
Water to make	_____	1000 gals.

Specific Gravity ..... 1.0924

Weight per Gallon ..... 9.15



**Manufacturing Procedure**

1. Put 600 gals. water in mixer
2. Add 15 gals. 50% Caustic Soda - agitate
3. Add 375# Borax 5 Mol - agitate
4. Stop agitation and measure in 120 gals. Sodium Chlorate Soln. (5#/gal) agitate
5. Bring water up to almost 1000 gals. - agitate
6. Add 2 gals. 2,4D Amine - agitate
7. Stop agitation - bring up to 1000 gals. with water
8. Add 1/4 gal. Triton X-100 - agitate.

**Specification Information on Concentrated Basis for Railroads**

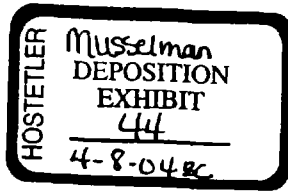
This is the formulation requested by the Milwaukee Rd. and applied by their forces.

**Label Information - Percentages Active and Inert Ingredients**

Sodium Chlorate	_____	6.590%
Sodium Metaborate (ANHYD)	_____	3.570%
2,4D Acid Eq.	_____	0.088%
Active Ingredients	_____	10.248%
Inert Ingredients	_____	89.752%

OVER

CMC 018578



Date April 14, 1961

RAW MATERIALS REQUIRED

To Fill The Following Contract

Chicago, Milwaukee, St. Paul and Pacific Railroad System Division

Type of Weed Killer Herbicide- N.P. with 2,4-D-(See their spels)

Quantity 368,000 Dilute Gals (3:1)- (92,000 conc. gals @ \$0.43)

Contract Dated [ ] ANTICIPATED

Order No. 80-406-531-47, 80-406-532-47 and 80-406-533-47 (over) 4-11-61

To be shipped from Minneapolis

Shipments to start May 8th See reverse side

RAW MATERIALS REQUIRED

5,520 Gallons Caustic Soda (50%)

736 Gallons 2,4D Amine

92 Gallons Triton X 100

Gallons

Gallons

220,800 Pounds Sodium Chlorate

138,000 Pounds Tronabor

Pounds

Pounds

Pounds

Formulation for 1,000 gallons

Sodium Chlorate 600#
Tronabor 375#
Caustic Soda (50%) 15 gals (or less)
2,4D Amine 2 gals
Triton X 100 1 qt. (or less)
Water to make 1000 gals.

BX 002655

Signature Ish M.

As soon as a Contract or Order is received, it should immediately be Estimated in Terms of Raw Materials Required.

This same form should also be used for Contracts or Orders which we are quite certain of getting, in which case put a check mark in front of the word ANTICIPATED.

Date 6-7-61

# RAW MATERIALS REQUIRED

To Fill The Following Contract

Chicago, Milwaukee, St. Paul and Pacific Railroad

System Division

Type of Weed Killer Chlorate-Borate with 2,4-D- (see their specs)

Quantity 20,000 Gals. concentrate (80,000 gals. dilute)

Contract Dated  ANTICIPATED

Order No. added to order #80-406-531-47 of 4-11-61

To be shipped from Minneapolis

Shipments to start See John's message of 6-6-61

## RAW MATERIALS REQUIRED

1200 Gallons Caustic Soda

20 Gallons Triton X100

160 Gallons 2,4-D Amine

Gallons

Gallons

48,000 Pounds Sodium Chlorate

30,000 Pounds Tronabor

Pounds

Pounds

Pounds

Formulation for 1,000 gallons

Sodium Chlorate	-----600#
Tronabor	-----375#
Caustic Soda (50%)	----- 15 Gals. (or more)
2,4-D Amine	----- 2 Gals.
Triton X-100	----- 1 Qt. (or less)
Water to make 1,000 Gals.	

BX 002656

Signature Ish

As soon as a Contract or Order is received, it should immediately be Estimated in Terms of Raw Materials Required.

This same form should also be used for Contracts or Orders which we are quite certain of getting, in which case put a check mark in front of the word ANTICIPATED.



**In The Matter Of:**

*KC 1986 LMTD PARTNERSHIP v.  
READE MANUFACTURING*

---

*JOHN MUSSELMAN  
August 7, 2003*

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*HOSTETLER & ASSOCIATES, INC.  
9200 WEST 67TH STREET  
MERRIAM, KS 66203  
(913) 262-0100*

*Original File MUSSELMN.ASC, 122 Pages  
Min-U-Script® File ID: 3596613323*

**Word Index included with this Min-U-Script®**

EXCERPTS:

9:10 - 14:25  
33:22 - 36:18  
62:25 - 64:10  
64:11 - 69:4  
89:13 - 96:10  
96:11 - 99:3

EXHIBITS:

112 - List of Reade Employees 1963  
114 - Photo Album  
123 - Inventory  
127 - Interoffice Correspondence, 9/25/68

1 Q. Certainly.

2 A. That's a little bit getting back.

3 They might not have been there.

4 Q. The good news is we do have some

5 historical aerial photographs and other

6 documents that help show or establish time

7 frames, and I'll use some of those in a moment

8 to see if that also helps refresh your memory.

9 A. Uh-huh.

10 Q. But let's start by trying to figure

11 out when exactly you went to work for Reade

12 Manufacturing. I'm going to show you a document

13 and see if maybe this will help and we'll mark

14 this as Exhibit 112.

15 (Whereupon, Musselman Deposition

16 Exhibit 112 was marked by the reporter for

17 identification.)

18 Q. (By Mr. Beard) Now, Mr. Musselman, if

19 you'll take a look at the second page of this

20 document it's Exhibit 112. It's referred to as

21 Reade Manufacturing Company employees. And it

22 looks like on the second page at the top under

23 the Chicago plant it lists your name and

24 provides a birthdate and the date employed and

25 then your position at that time. First of all,

1 in 1959 I was transferred to Chicago and worked

2 there through the end of 1954 (sic). That was

3 with Reade at which time I went to work for US

4 Borax.

5 Q. Let me make sure I heard you

6 correctly. You were transferred -- so you

7 started out at the Armour Road site?

8 A. Correct.

9 Q. And that would be in 1952. And then

10 between 1952 and 1958 you were splitting time

11 between Armour Road and Minneapolis?

12 A. That is right.

13 Q. And for Minneapolis you were there

14 between 1952 and 1958 only during the summers;

15 is that correct?

16 A. Well, in Minneapolis I didn't really

17 go to Minneapolis until 1955.

18 Q. Okay. And so between '55 and '58 you

19 would spend -- you spent three summers?

20 A. Splitting, right.

21 Q. Three summers or thereabout.

22 A. Right.

23 Q. Okay. And when you say you were there

24 for the summers, would that -- would that be two

25 or three months approximately?

1 is the birthdate correct?

2 A. Yes.

3 Q. And does it look like the date that

4 you were first employed by Reade, does that look

5 correct to you?

6 A. I would say that is pretty close to

7 being right, yes.

8 Q. Okay. And from this document is it

9 accurate that you first began working for Reade

10 at their Chicago plant?

11 A. No.

12 Q. So you started in --

13 A. I started out in North Kansas City.

14 Q. Okay. And let's actually get those

15 dates clarified as best we can. You started

16 working for Reade at the Armour Road site in

17 about 1952, and it sounds like you did spend

18 some time at some of Reade's other facilities;

19 is that correct?

20 A. Yes, that is right.

21 Q. Which other facilities did you spend

22 time at?

23 A. Minneapolis was the first place that

24 they sent me to, and I worked there in the

25 summertime only through 1958. Then after that

1 A. Yes. Sometimes three months.

2 Q. Now, why was it that you were only

3 there for three months? Was that the only time

4 they operated that facility?

5 A. That is right. It would be a closed

6 facility in the wintertime. In the spring it

7 would be opened up and whatever orders was to be

8 filled we'd get out, and then a little closing

9 of the plant and so forth. It might run into

10 the first of August.

11 Q. Now, you would come back to the Armour

12 Road site after those summers. Was there

13 someone on behalf of Reade that stayed on the

14 site to kind of, you know, manage things and

15 look things over?

16 A. No, not normally. It was just closed

17 up.

18 Q. And do you know if during that time

19 frame when you were with Reade, was anyone going

20 to inspect that property at any time?

21 A. At some times we would go back and

22 make inventories or something like that. And

23 there would be some people go back but not very

24 often.

25 Q. Okay. Now, the rest of the time

1 between 1952 and 1958 you spent at the Armour  
2 Road facility?  
3 A. Yes.  
4 Q. What were you doing during that time?  
5 A. Well, that was generally maintenance,  
6 plant maintenance, and equipment maintenance and  
7 so forth.  
8 Q. Did you ever go out on the railroad to  
9 spray the rights-of-way?  
10 A. I've been out on the railroads on  
11 inspection trips and so forth. Riding the  
12 equipment, to check the equipment and little  
13 engineering work on the equipment and so forth.  
14 Q. Now, between 1952 and '58 -- well,  
15 between '55 and '58 when you were splitting time  
16 between Minneapolis and Kansas City, can you  
17 describe just size wise what was the difference  
18 in size of those operations. Was one larger  
19 than the other?  
20 A. Oh, yes. Kansas City has always been  
21 a larger operation than Minneapolis.  
22 Q. By quite a bit?  
23 A. Quite a bit, yes. I would say almost  
24 double.  
25 Q. And then you said that starting in

1 1959 that's when you went to Chicago?  
2 A. Right.  
3 Q. And that was until 1964, correct?  
4 A. Right --  
5 Q. Now --  
6 A. -- with Reade.  
7 Q. With Reade. When you went to Chicago  
8 did you work at that facility full-time?  
9 A. Yes.  
10 Q. And by that I mean you didn't split  
11 your time between Chicago and Armour Road?  
12 A. There was times I'd be at Armour Road  
13 but only in a supervisory capacity. I was  
14 western manager at that time and I went to all  
15 the plants, all the Reade plants.  
16 Q. So between '59 and '64 you spent most  
17 of your time in Chicago; is that correct?  
18 A. Yes, that was my office.  
19 Q. And then on average how much time  
20 would you say you spent at the Reade facility at  
21 the Armour Road facility during '59 and '64  
22 during your, you know, supervisory visits?  
23 A. That's hard to say. Maybe once a  
24 month. Sometimes twice a month for a short time  
25 one or two days.

1 of that track --

2 A. Right.

3 Q. -- correct?

4 A. Right.

5 Q. And that's -- that's the mixing vat

6 that was used for the sodium arsenite solution?

7 A. Sodium arsenite.

8 Q. Okay.

9 A. Right.

10 Q. If you'll take a look now at Exhibit

11 114. This is the photo album. It's the one

12 exhibit we haven't looked at there yet in front

13 of you. Now, there are no Bates numbers on this

14 one. So what we're going to do is we're going

15 to flip through the exhibit and we'll come to

16 some photos that say that they're from the

17 Kansas City facility. Let's see if I can locate

18 those real quick.

19 Okay. It looks like the first one

20 comes right after -- there's some photos that

21 show various new cars and that type of -- new

22 railroad cars, and finally we come to the first

23 picture that it's of a railroad car and it shows

24 up in the upper left-hand corner it's typed

25 Kansas City. Have you gotten to that picture

29

1 Q. Okay. So we've already discussed on

2 the left-hand side of that picture we can see

3 that office building. On the right-hand side of

4 the picture looks like there's a brick

5 building. What was that building?

6 A. The brick building had a steam

7 generator in it to produce steam.

8 Q. What was that used for?

9 A. There was some steam applied at times

10 to chemicals that would come in to dissolve

11 chemical. Like sodium chlorite we sometimes

12 used steam on it.

13 Q. And was that used both by Reade and

14 Borax?

15 A. Yes, to some extent.

16 Q. And by some extent do you mean it was

17 used to a lesser extent by Borax?

18 MR. RYAN: Objection. Leading.

19 THE WITNESS: I would say so,

20 possibly.

21 Q. (By Mr. Beard) If you'll go ahead and

22 turn two more pages. There's another photo

23 again. Looks like it's taken from coming across

24 the Armour Road itself looking back toward the

25 site so looking back toward the south. Do you

31

1 yet?

2 A. I haven't found it.

3 Q. It looks like this.

4 A. Okay.

5 Q. You're almost there. There it is.

6 Okay. We'll start at this photograph and move

7 forward. I don't know if this particular

8 photograph is going to help us with the site

9 itself.

10 So if you'll turn two more pages

11 you'll come to another photograph that looks

12 like it's taken from the inside of the spray car

13 looking towards a railroad tank car. And does

14 that look like that would be on the railroad

15 spur that's located just to the west of the

16 property? So between the --

17 A. That's right.

18 Q. Okay. If you'll go two more pages to

19 the next picture. It looks like an old spray

20 train. And then one more picture looks like

21 we'll be able to make out some more of the site

22 here. Do you see the picture where it has a

23 railroad tank car and you can make out some of

24 the buildings in the background?

25 A. Yes.

30

1 see the station wagon parked just to the right

2 of the office building?

3 A. Yes.

4 Q. And then it looks like there's another

5 building right in front of where the station

6 wagon is that has a large door.

7 A. Right.

8 Q. What was that building used for?

9 A. That is that steam generator building.

10 Q. Okay. That's the same one. And it

11 looks like the next -- the next photograph which

12 is two pages later is again from the Armour Road

13 site of the building, but off more to the site

14 where those two large storage tanks were.

15 It looks like there's a -- was that a grain mill

16 that was next door?

17 A. They built that to -- a concrete

18 plant. It was a storage facility for rock and

19 so forth. It never was used. Not on the Reade

20 property, in other words.

21 Q. Okay. So is that where the --

22 ultimately the Payless Cashways was put?

23 A. It is.

24 MR. RYAN: What was the name of

25 that company? Do you know, Mr. Musselman?

32

1 THE WITNESS: No, I don't. I  
 2 know who the person was who owned it but I don't  
 3 know the name of the company.  
 4 Q. (By Mr. Beard) And did they -- you  
 5 said that they used it to store --  
 6 A. They was building it to store rock,  
 7 sand and so forth to produce concrete.  
 8 Q. Okay. Do you know if they were doing  
 9 any -- I don't know if the right word is mining  
 10 there. Were they --  
 11 A. No, no.  
 12 Q. All the product was brought to that  
 13 facility?  
 14 A. That is right. It was just a storage,  
 15 mixing plant so to speak.  
 16 Q. And it was just for concrete; is that  
 17 correct?  
 18 A. It never was used so I don't know  
 19 fully what they were going to use it for.  
 20 Q. Do you know why it was never used?  
 21 A. No, I don't.  
 22 Q. Now, just for comparison purposes why  
 23 don't we look at the next two photographs which  
 24 are of the Minneapolis site which is one of the  
 25 other sites that you worked at.

33

1 about the same except the two large  
 2 125,000-gallon tanks was not included in  
 3 Minneapolis or even close to it.  
 4 Q. Okay.  
 5 A. The smaller tanks, the numbers would  
 6 have been about the same.  
 7 Q. But they did not have the  
 8 125,000-gallon tanks?  
 9 A. Right. Now, the picture you see of  
 10 those tanks over to the right, far right side,  
 11 are not Reade tanks.  
 12 Q. Do you recall whose tanks those were?  
 13 A. They were Rollins Fuel Oil.  
 14 Q. And do you know what Rollins was doing  
 15 there?  
 16 A. Stored fuel oil. There was a station  
 17 to pick up other trucks and deliver to the city,  
 18 customers.  
 19 Q. Now, one thing that appears in this  
 20 picture I didn't see in the Kansas City pictures  
 21 is just to the right of the tracks you'll see  
 22 some large what looks like pipes that go up into  
 23 the air. Do you see those in the picture?  
 24 A. Yes.  
 25 Q. Were those part of the Reade

35

1 And the first picture looks like it's  
 2 from the main road looking at the Reade office  
 3 building; is that correct?  
 4 A. Yes.  
 5 Q. And then you can make out a couple of  
 6 the storage tanks in the left portion of that  
 7 picture.  
 8 A. Yes.  
 9 Q. Were those the Reade tanks?  
 10 A. Those are Reade tanks.  
 11 Q. Why don't you go ahead and turn two  
 12 more pages, and this is the last picture for  
 13 Minneapolis. It looks like this is looking from  
 14 exactly the opposite direction so we're on the  
 15 other side of the Reade property; is that  
 16 correct?  
 17 A. Yes. It's on the railroad track  
 18 leading up into the Reade property.  
 19 Q. And for this property was there only  
 20 one railroad track that came on to it?  
 21 A. That is right.  
 22 Q. And it looks like from the tanks -- so  
 23 I think you had said before this was a smaller  
 24 facility than Kansas City?  
 25 A. Yes. The amount of tanks would be

34

1 operation?  
 2 A. Yes.  
 3 Q. What were those used for?  
 4 A. It was for loading tank cars.  
 5 Q. And did the Kansas City facility have  
 6 similar piping for loading tank cars?  
 7 A. There was some on that west track.  
 8 The track actually outside the Reade property it  
 9 was. I think it was on the Burlington property  
 10 that had loading stanchions.  
 11 Q. Okay. And you said that there was  
 12 some in Kansas City. Were there -- was that  
 13 used less at Kansas City than it was at  
 14 Minneapolis?  
 15 A. I don't know. No, not necessarily  
 16 because Kansas City had two areas for loading  
 17 and they used lots of hoses and so forth rather  
 18 than the pipes.  
 19 Q. Okay. You can set that aside. Now,  
 20 one thing that may be helpful by having those  
 21 photographs is as we're going through if you  
 22 think it would be helpful to look back at those  
 23 pictures when answering questions, you know,  
 24 feel free to do so. Just let us know if you're  
 25 going to do that.

36

1 ended?

2 A. I doubt it. That would have been  
3 because they -- well, I don't know. Just  
4 getting it ready for the spring.

5 Q. Do you recall whether when you were at  
6 the Armour Road site during the winter whether  
7 any of those large tanks were showing any  
8 evidence of leaking?

9 A. No, not necessarily so. Of course,  
10 you can't tell underneath of them. They had a  
11 berm around them, a dam around them, you know,  
12 to keep the excess out. And I don't ever  
13 remember seeing any exposed on the surface but  
14 that don't mean it couldn't be going under the  
15 tank.

16 Q. So to your knowledge no one ever tried  
17 to test, you know, to look under the tank and  
18 figure out if it was leaking; is that correct?

19 A. No, there's no way hardly in this  
20 particular case.

21 Q. It's a little hard to pick up a  
22 125,000-gallon tank?

23 A. Yes, and digging under it and checking  
24 it out.

25 (Whereupon, Musselman Deposition

1 A. It could have been. It could have  
2 been not even produced yet but somebody was  
3 running some figures down about what was needed  
4 or prospective orders. That's more like I think  
5 is the case because these quantities are just  
6 entirely too much to store at one time.

7 Q. Okay. You testified earlier this  
8 morning that while you were with Reade starting  
9 in the early '50s that arsenic-based herbicides  
10 were kind of on a decline, correct?

11 A. I think so.

12 Q. Now, I'm just -- do you know if in the  
13 1962 time frame that there was still quite a bit  
14 of arsenic-based herbicides being used?

15 A. In '62? I'm a little bit doubtful if  
16 those were arsenic but I think they used the  
17 herbicide -- see, this is Herbicidox, and if we  
18 had a formula for it we could tell but we don't  
19 have a formula.

20 Q. I may have one elsewhere. I don't  
21 think I brought it with me but we can look back  
22 at that.

23 A. Yeah.

24 Q. Okay.

25 A. You see going on the third page

1 Exhibit 123 was marked by the reporter for  
2 identification.)

3 Q. (By Mr. Beard) Okay. So, now, this  
4 is Exhibit 123. It's another Reade document.  
5 On the upper right-hand corner it's dated  
6 5-16-62, and it identifies on the first page  
7 North Kansas City and then subsequent pages are  
8 some of the other facilities.

9 So focusing on the first page, can you  
10 identify or tell us in 1962 which of those three  
11 products listed there were arsenic-based  
12 products.

13 A. No, I can't. Herbicidol MP may have  
14 had arsenic in it. I'm not sure. Herbicidox I  
15 don't know. Herbicidox-TCA 212,000. That don't  
16 sound right at all.

17 Q. So it looks like what this is, is  
18 perhaps the amount of a product that's being  
19 ordered by a railroad. So the MOP I would think  
20 that's Missouri Pacific for those last two, and  
21 then the Santa Fe Railroad for the top one.

22 Does that sound right that maybe this  
23 is the way that Reade would keep track of what  
24 was being ordered by railroads or what would be  
25 used to spray their rights-of-way?

1 Granicide and all those but that's a different  
2 formula altogether and the materials in it.

3 Q. Okay. If you look at the Minneapolis  
4 site and it refers to a chlorate borate product  
5 only.

6 A. Right.

7 Q. Does that surprise you that in 1962 --

8 A. No, that doesn't. That was very much  
9 Milwaukee Railroad at that time was using a lot  
10 of chlorate borate products and that's future.  
11 I'm sure.

12 Q. Okay. Now, I know you spent some time  
13 in Minneapolis. Was it your experience that the  
14 Minneapolis facility that its largest client was  
15 the Milwaukee Road?

16 A. Pretty much so, yes.

17 Q. And was it more than -- you know, more  
18 than 50 percent of the product coming out of  
19 there going to the Milwaukee Road?

20 A. I would say so. Milwaukee would have  
21 been probably the largest customer from the time  
22 I was around there, and there was some other  
23 railroads that did take it out of there but it  
24 was primarily Milwaukee.

25 Q. What's your best estimate for the

1 percentage of business coming from Milwaukee  
2 Road as compared to other -- others out of  
3 Minneapolis?

4 A. Possibly 90 percent.

5 Q. So when we see the volume figures here  
6 that are being at least proposed to be produced  
7 in Minneapolis or whatever that reflects, that  
8 would be the bulk of what would be coming out of  
9 Minneapolis; is that correct?

10 A. Yes, I think so.

11 Q. Let's turn to the time that you  
12 started working with Borax, and one thing that I  
13 thought might be helpful and I'll let you decide  
14 for yourself is, as I ask some of the questions  
15 specific about the facility in Kansas City, the  
16 Armour Road facility, to the best you can try to  
17 picture things that happened when Jim Brown was  
18 around as opposed to Mr. Parrish or Mr. Becker,  
19 for example. I don't know if that will help,  
20 you know, make some distinction but just keep it  
21 in the back of your mind as we go through this.

22 So it sounds like when Borax first  
23 took over the Reade property in 1963 that you  
24 continued to work out of Chicago at least for  
25 the first year or so; is that correct?



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18 around as opposed to Mr. Parrish or Mr. Becker,  
19 for example. I don't know if that will help.  
20 you know, make some distinction but just keep it  
21 in the back of your mind as we go through this.

22 So it sounds like when Borax first  
23 took over the Reade property in 1963 that you  
24 continued to work out of Chicago at least for  
25 the first year or so; is that correct?

1 Q. Yes.

2 A. It would have been Chicago. Time  
3 spent in Minneapolis. Even New Jersey,  
4 Birmingham and, well, nothing Texarkana. The  
5 U.S. Borax plant in Fort Worth some.

6 Q. During these trips with Mr. Brown how  
7 long would you stay at each of those other  
8 facilities?

9 A. Sometimes a day or two. Sometimes a  
10 week, as much as a week.

11 Q. Was there -- for example, was Chicago,  
12 was that a place you would end up staying longer  
13 because it was a larger facility?

14 A. No, not necessarily. It wouldn't be  
15 no different. There was not much business going  
16 on out of Chicago at that time so I doubt if  
17 we'd have been there very long.

18 Q. Okay. How about Minneapolis?

19 A. Very little time at Minneapolis.

20 Q. So between October of '64 and November  
21 of '68 would you visit these sites once a year?  
22 Twice a year?

23 A. Oh, some of them two or three times a  
24 year, yes.

25 Q. Okay. And Minneapolis, you testified

1 A. That is right.

2 Q. And do you recall what month in 1964  
3 you came back to the Armour Road site or what  
4 part of the season?

5 A. Well, it would have been in the fall.  
6 I think possibly about the first of October,  
7 around October.

8 Q. Are you confident that it was either  
9 after or at the end of the spray season in '64?

10 A. Yes, it was. It was before school  
11 started because I had children that would have  
12 entered into school and they did start school in  
13 the North Kansas City School District.

14 Q. That's a good time reference. Thank  
15 you.

16 A. Uh-huh.

17 Q. Now, starting in the fall of 1964 up  
18 until Borax left in November of 1968, did you  
19 spend your entire time at Kansas City?

20 A. Well, that was my home port. I did do  
21 a lot of traveling with Jim Brown to the  
22 different plants during that time.

23 Q. And do you recall which plants you  
24 were traveling to?

25 A. Which plants?

1 that during the Reade era the Minneapolis  
2 facility only operated about two months out of  
3 the year.

4 A. Yes.

5 Q. Was that the same for Borax?

6 A. About the same, yes.

7 Q. So how often do you think you visited  
8 the Minneapolis site between October of '64 and  
9 November of '68? How frequently per year?  
10 Would that be a once-per-year trip?

11 A. Between '64 --

12 Q. And '68.

13 A. Oh, you might be about right, about  
14 once or twice. That plant wasn't even open two  
15 or three years, two of those years I think that  
16 US Borax controlled it.

17 Q. So when Borax was there they -- out of  
18 the five years that they leased Minneapolis your  
19 recollection is they did not even operate there  
20 for two or three years?

21 A. Well, maybe two years that they  
22 didn't. I think we did have business there the  
23 other years.

24 Q. And New Jersey, how often would you  
25 visit New Jersey?

1 A. I don't remember, but probably once a  
2 year at least. Sometimes Mr. Brown would go up  
3 there and sometimes I would on some little thing  
4 that we had to do, and the plant wasn't always  
5 open after US Borax took over. That plant was  
6 closed a lot of the time.

7 Q. Okay. So the reason I'm asking these  
8 questions is it sounds like you still spent most  
9 of your time at Armour Road; is that correct?

10 A. Yes, that is right.

11 Q. Now, during the Borax period was the  
12 North Kansas City facility the largest operation  
13 for Borax?

14 A. Yes.

15 Q. And was that by far the largest  
16 operation?

17 A. I would say so, yes.

18 Q. And what was the, you know, the  
19 smallest of the operations for Borax?

20 A. Well, the smallest -- and I don't  
21 know. There's other plants like Fort Worth,  
22 Texas and Texarkana and so forth. It was one of  
23 those, but Texarkana was -- I don't think -- we  
24 probably didn't even operate but one year at  
25 Texarkana while Borax had it and I recall one

1 year, yes. Birmingham, Alabama was small, not  
2 too much activity.

3 Q. Minneapolis the same?

4 A. That's the same with Minneapolis.

5 Q. Okay. Were you involved -- in the  
6 1963 time frame were you involved with the  
7 negotiations between Reade and Borax when they  
8 were talking about the lease and option to buy?

9 A. Well, I was with Charles F. Reade when  
10 we showed the plant to US Borax.

11 Q. Okay.

12 A. In other words, I accompanied him and  
13 took the group from US Borax around to all the  
14 plants.

15 Q. So you helped show Borax around, but  
16 you weren't involved directly with the  
17 negotiations themselves?

18 A. No.

19 Q. Okay. As part of your being involved  
20 at least with showing the plants to Borax, did  
21 anyone ever tell you why it was that Borax was  
22 interested in the Reade operations?

23 A. No. Well, natural, US Borax had  
24 product to sell, raw product, and that was a  
25 market for it. Buy the facility and then make

1 THE VIDEOGRAPHER: Stand by.  
 2 please. 11:03 a.m. End of tape two.  
 3 (Whereupon, a recess was taken.)  
 4 THE VIDEOGRAPHER: Time is 11:14  
 5 a.m. This is the start of videotape three.  
 6 Back on record. Please proceed.  
 7 Q. (By Mr. Beard) So, Mr. Musselman,  
 8 we're moving along here. The good news is I  
 9 don't have a whole lot more exhibits to show  
 10 you, but it seems like the ones that I have  
 11 shown you at least helped some with you  
 12 remembering things. I'm glad that helped.  
 13 One thing I would like to do, it is an  
 14 important issue in this case is, you know,  
 15 distinctions between what happened and what you  
 16 observed during the Reade era and versus the  
 17 Borax era. I know it's very difficult given the  
 18 number of years so like I said, you know,  
 19 sometimes documents help and we'll just do the  
 20 best we can.  
 21 I know that you spent some time in  
 22 Minneapolis with Reade and in Chicago with  
 23 Reade. And then the rest of your time was at  
 24 the Armour Road site and then when it came to  
 25 Borax you spent most of your time at Armour Road

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1 Q. Now, looking through the rest of the  
 2 entries I don't see any other references to  
 3 installing or replacing storage tanks. I know  
 4 it's a long time, but seeing the two replacement  
 5 tanks here does that comport with your  
 6 recollection?  
 7 A. To my recollection that's about what  
 8 it was, yes.  
 9 Q. Okay. So, for example, you don't  
 10 remember Borax ever replacing a tank at  
 11 Minneapolis?  
 12 A. No, not to replace it. I remember  
 13 putting new tanks in at Minneapolis but that was  
 14 under Reade.  
 15 Q. Under Reade. When you made your --  
 16 this is again during the Borax era. Between  
 17 October 4 -- excuse me -- October of 1964 and  
 18 November of 1968 when you would take your day  
 19 trips to other facilities, did you ever observe  
 20 arsenic being unloaded from hopper cars during  
 21 those -- during those trips? And we'll take  
 22 Minneapolis as the test case.  
 23 A. I just can't remember.  
 24 Q. Okay. Now, when you were in  
 25 Minneapolis with Reade you did observe arsenic

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1 but took, you know, one- or two-day trips to the  
 2 other facilities, correct?  
 3 A. Right.  
 4 Q. Okay. Focusing on the time that you  
 5 were with Borax, do you remember Borax ever  
 6 installing any storage tanks at any of the  
 7 facilities as opposed to just using the ones  
 8 that were left there by Reade?  
 9 A. I believe they did renew some tanks.  
 10 Q. And by that you mean replace them?  
 11 A. Replace the tank if the tank was  
 12 leaking or had signs it had to be replaced. One  
 13 or two tanks US Borax replaced them.  
 14 Q. Okay. So if you look back at Exhibit  
 15 277 I think it's the last one you had, we had  
 16 talked how on page three of that document it  
 17 identifies in Kansas City that they replaced one  
 18 of the 12,000-gallon tanks and they put in a new  
 19 15,000 gallon tank.  
 20 A. Uh-huh.  
 21 Q. And then if you look on the next page  
 22 at Birmingham, it looks like under item four  
 23 they installed one new 15,500-gallon storage  
 24 tank on a concrete pad. Do you see that entry?  
 25 A. Yes, I do see it.

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1 being unloaded from hopper cars; is that  
 2 correct?  
 3 A. In Minneapolis, yes.  
 4 Q. That was during the Reade time but you  
 5 do not remember seeing that done in Minneapolis  
 6 yourself during the Borax time?  
 7 A. No, I don't.  
 8 Q. We also talked about the piping that  
 9 was used at Armour Road and at Minneapolis to  
 10 put the chemical into the railroad tank cars.  
 11 A. Yes.  
 12 Q. Do you remember if that pipe -- and  
 13 let's start with Armour Road -- if that piping  
 14 was above ground or underground?  
 15 A. That was above ground.  
 16 Q. And was it the same at Minneapolis?  
 17 Was it above ground there as well?  
 18 A. Yes.  
 19 Q. When you were with Reade you testified  
 20 that you did do -- you did take inventory of  
 21 chemical on a regular basis, and rather than me  
 22 saying regular basis, how frequently when you  
 23 were with Reade was that done?  
 24 A. It seemed like we tried to do it every  
 25 month pretty much. It may have been a little

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1 different just as a refinement of the  
2 inventory. Sometimes it was just a quick  
3 observation oh, it's about where it was last  
4 month and so forth. No right down to the very  
5 inch and so forth. It is measured by sticks  
6 down to the liquid.

7 Q. And that was during the Reade era,  
8 correct?

9 A. Yes.

10 Q. Now, during the Borax era did you --  
11 were you involved in taking inventory at the  
12 Armour Road site?

13 A. Not always. There was some time,  
14 particularly the first year that I was in  
15 Chicago with US Borax, I probably didn't take  
16 and was not around, and maybe even sometimes I  
17 wouldn't be in on it at North Kansas City.

18 Q. So by your testimony is it correct  
19 that it was being done; you just weren't  
20 involved?

21 A. Right. That is right.

22 Q. Do you recall who was taking inventory  
23 during that time frame at Armour Road?

24 A. Well, it could have been a foreman or  
25 some employee.

1 A. Well, I think so but I'm not sure with  
2 US Borax. Whether they sold some, I don't know.

3 Q. And just so I'm clear, at Minneapolis  
4 you were only there, you know, once or twice a  
5 year, correct, during the Borax time?

6 A. Right.

7 Q. Did you ever observe any drums or  
8 tanks at the Armour Road site that were leaking  
9 during the Borax era?

10 A. No, I can't tell you that I remember.

11 Q. And the same question with regards to  
12 the Minneapolis facility. When you would visit  
13 that facility during the Borax era, did you  
14 observe any leaking drums or leaking tanks?

15 A. No, I don't. If there was any leak  
16 it was very, very minor.

17 Q. When you say if there was one, is  
18 that --

19 A. You know, get a little dampness or  
20 something on the thing and then they would have  
21 to tighten up and repair it.

22 Q. And do you recall that happening  
23 during the Borax era?

24 A. No, I don't, not really.

25 Q. Did you ever observe Borax

1 Q. And did you -- when you were taking  
2 your, you know, your trips to the other  
3 facilities, did you ever get involved in  
4 chemical inventory at those sites?

5 A. I have in the past. Jim Brown and I  
6 have taken inventories.

7 Q. And you would do that on your trips to  
8 the other facilities?

9 A. Right.

10 Q. Now, we went over some documents  
11 earlier that showed that Reade was selling, you  
12 know, product in drums to other entities. Do  
13 you recall if Borax also was packaging chemical  
14 at its Armour Road facility to sell to others?

15 A. I can't say. I don't remember.

16 Q. And is that the same answer for the  
17 Minneapolis facility?

18 A. That's right. I don't remember ever  
19 sending any barrels or anything out of  
20 Minneapolis after Borax took over. Reade did  
21 it. I remember loading truck loads after truck  
22 loads at Minneapolis to go into the lakes and  
23 what have you for arsenic.

24 Q. And what was during the Reade era  
25 only, correct?

1 intentionally disposing of any arsenic product,  
2 whether it be powder or liquid product, at the  
3 Armour Road site?

4 A. Well, actually disposing of it?

5 Q. Correct.

6 A. Of arsenic?

7 Q. Correct. Wasting it. When product  
8 comes in would they just, you know, here's some  
9 left over, we don't need it, just get rid of it?

10 A. I don't think so, no.

11 Q. And based on your earlier testimony  
12 you observed that when product was being  
13 transferred from hopper cars to the mixing vat  
14 during the Borax era that they had installed a  
15 concrete pad, and if some fell they would sweep  
16 it up and put it into the mixing vat; is that  
17 correct?

18 A. That's right. Now, if the wind got a  
19 hold and blew away why naturally there was a  
20 possibility of a little of it getting astray if  
21 a strong wind was blowing in there. I'm talking  
22 about whatever would go into the air.

23 Q. Sure.

24 A. Airborne.

25 Q. Start with both the Reade and Borax

1 intentionally disposing of any arsenic product,  
 2 whether it be powder or liquid product, at the  
 3 Armour Road site?  
 4 A. Well, actually disposing of it?  
 5 Q. Correct.  
 6 A. Of arsenic?  
 7 Q. Correct. Wasting it. When product  
 8 comes in would they just, you know, here's some  
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 10 A. I don't think so, no.  
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 14 during the Borax era that they had installed a  
 15 concrete pad, and if some fell they would sweep  
 16 it up and put it into the mixing vat; is that  
 17 correct?  
 18 A. That's right. Now, if the wind got a  
 19 hold and blew away why naturally there was a  
 20 possibility of a little of it getting astray if  
 21 a strong wind was blowing in there. I'm talking  
 22 about whatever would go into the air.  
 23 Q. Sure.  
 24 A. Airborne.  
 25 Q. Start with both the Reade and Borax

1 chemical product?  
 2 MR. RYAN: Objection leading.  
 3 THE WITNESS: Oh, I'd say so,  
 4 yes.  
 5 MR. BEARD: I'll re-ask the  
 6 question.  
 7 Q. (By Mr. Beard) Did you -- was it your  
 8 observation that Borax made any effort to avoid  
 9 wasting any chemical product?  
 10 A. I don't -- what is the question  
 11 again?  
 12 Q. When you were working for Borax did  
 13 you -- did Borax make an effort to avoid wasting  
 14 its chemical product? A better way to ask it,  
 15 did it try to use as much of the product as it  
 16 possibly could?  
 17 A. Well, I would say so. That's kind of  
 18 the only thing is they purposely would not waste  
 19 it I don't think if it can be avoided.  
 20 Q. Is that because it was expensive?  
 21 A. No, it wasn't very expensive. I think  
 22 arsenic is a very cheap product.  
 23 Q. Why would -- why would the company  
 24 then try not to -- why would they be concerned  
 25 about wasting chemical?

1 era combined, but during the Reade and Borax era  
 2 was it -- and while you were there -- was it  
 3 Reade and Borax's practice to avoid unloading  
 4 hopper cars on particularly windy days?  
 5 A. Somewhat, yes. There was no definite  
 6 setup well, if it's blowing 25 mile an hour you  
 7 don't do it. If it's blowing 10 mile or 5 mile  
 8 you do it and so forth. There's no set figure  
 9 but it was just for our own protection. The one  
 10 thing was that we wouldn't want to get out there  
 11 and have it blowing.  
 12 Q. And you described earlier what a screw  
 13 conveyor is and you said that was an enclosed  
 14 conveyor. So on windy days would -- how would  
 15 that -- would that benefit the --  
 16 A. That would benefit. An open duct  
 17 conveyor the entire top of it was open the  
 18 length of it. They was ten foot. As long as  
 19 this room is wide. The wind could get to that.  
 20 But if it was a screw conveyor most of the area  
 21 is closed except where it's falling into it, a  
 22 very short narrow space. I would say there  
 23 would be less blow on a screw conveyor away.  
 24 Q. Was it your observation that Borax  
 25 made every effort not to waste any of its

1 A. Well, you just don't throw it away or,  
 2 you know, why throw it away when they can put it  
 3 into the product? That's the thing.  
 4 Q. Now, during the time that Mr. Brown  
 5 was acting as the manager what was his attitude  
 6 toward cleanliness around the shop?  
 7 A. Very strict.  
 8 Q. Can you --  
 9 A. He wanted it cleaned up and I mean  
 10 cleaned up. He was very strict on it.  
 11 Q. Now, on that plat survey that we  
 12 looked at earlier -- you don't need to pull it  
 13 back out. First of all, if you remember. We  
 14 talked about the two sets of railroad tracks  
 15 that came one on to the middle of the property  
 16 and one just to the west of the property. Do  
 17 you recall those two tracks?  
 18 A. Yes.  
 19 Q. And do you recall which railroad --  
 20 well, first of all, do you recall switching  
 21 operations associated with operations during  
 22 both the Reade and Borax era?  
 23 A. Somewhat.  
 24 Q. Do you recall which railroad was  
 25 providing those switching operations or