

# **EXHIBIT 95**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ESSEX COUNTY  
DOCKET NO: L-9868-05

NEW JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, THE  
COMMISSIONER OF THE NEW  
JERSEY DEPARTMENT OF  
ENVIRONMENTAL PROTECTION, and  
THE ADMINISTRATOR OF THE NEW  
JERSEY SPILL COMPENSATION  
FUND,

Plaintiffs,  
v.

VIDEOTAPED  
DEPOSITION OF:

OCCIDENTAL CHEMICAL  
CORPORATION, TIERRA  
SOLUTIONS, INC., MAXUS ENERGY  
CORPORATION, MAXUS INTERNATIONAL:  
ENERGY COMPANY, REPSOL YPF,  
S.A., YPF, S.A., YPF  
HOLDINGS, INC., YPF  
INTERNATIONAL, S.A. (f/k/a  
YPF INTERNATIONAL, LTD.) and  
CLH HOLDINGS,

DAVID RABBE

Defendants/  
Cross-Claimants

----- X

TRANSCRIPT of the above-entitled matter  
as taken by and before CAROL ANN SHEPARD, a  
Certified Shorthand Reporter of the State of New  
Jersey, at DRINKER, BIDDLE & REATH, 105 College Road  
East, Princeton, New Jersey, on Wednesday, January  
18, 2012, commencing at 9:07 in the forenoon.

1 A P P E A R A N C E S:  
2 JACKSON, GILMOUR & DOBBS, P.C.  
BY: WILLIAM J. JACKSON, ESQ.

3 WILLIAM C. PETIT, ESQ.  
3900 Essex  
4 Suite 700  
Houston, Texas 77027  
5 713-355-5050  
bjackson@jgdpc.com  
6 wpetit@jgdpc.com  
Attorneys for the Plaintiffs

7  
8 DRINKER, BIDDLE & REATH, LLP  
BY: RONALD A. SARACHAN, ESQ.  
One Logan Square, Suite 2000  
9 Philadelphia, Pennsylvania 19103-6996  
215-988-1122  
10 Ronald.Sarachan@dbr.com

11 -and-

12 DRINKER BIDDLE & REATH, LLP  
BY: JOHN MITCHELL, ESQ.  
13 VINCENT GENTILE, ESQ.  
105 College Road East, P.O. Box 627  
14 Princeton, New Jersey 08542-0627  
609-716-6603  
15 john.mitchell@dbr.com  
vincent.gentile@dbr.com  
16 Attorneys for Defendants Maxus Energy and Tierra  
Solutions

17  
18 ARCHER & GREINER, P.C.  
BY: ROBERT T. LEHMAN, ESQ.  
One Centennial Square  
19 Haddonfield, New Jersey 08033  
856-354-3052  
20 rlehman@archerlaw.com  
Attorneys for Defendant Occidental

21  
22  
23  
24  
25

1 A P P E A R A N C E S (continued):

2 KIRKLAND & ELLIS, LLP

BY: ANDREW A. KASSOF, P.C.

3 300 North LaSalle Street

Chicago, IL 60654

4 312-862-2474

andrew.kassof@kirkland.com

5 Attorneys for Defendants Repsol/Ypf and Ypf

6 WOLFF & SAMSON

BY: LEE HENIG-ELONA, ESQ.

7 One Boland Drive West Orange, New Jersey 07052

973-325-1500

8 lhenigelona@wolffsamson.com

Attorneys for 41 Defendant/Liaison Parties and an

9 Associated Subgroup

10 MC CULLOUGH, GINSBERG, MONTANO & PARTNERS

BY: JASON L. SCHMOLZE, ESQ.

11 320 East 53rd Street

New York, New York 10022

12 646-321-8678

jschmolze@mgpllp.com

13 Attorneys for The Okonite Company

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

## INDEX

WITNESS		PAGE
DAVID RABBE		
BY MR. PETIT		6
E X H I B I T S		
NUMBER	DESCRIPTION	PAGE
Exhibit 1,	Plaintiffs' First Amended Notice	17
Exhibit 2,	Binder	19
Exhibit 3,	Letter dated 3/21/86, Maxus 443900-902	31
Exhibit 4,	Certificate of Amendment, Maxus 0443862-64	33
Exhibit 5,	Certificate of Amendment, Maxus 0443848-55	35
Exhibit 6,	Certificate of Amendment, Maxus 0443833-45	36
Exhibit 7,	State Qualifications Folder, Maxus 0443906-49	36
Exhibit 8,	Defendants Maxus Energy Corporation's and Tierra Solutions, Inc.'s Objections and Responses to Plaintiffs' Track III Trial Requests for Admissions	39
Exhibit 9,	Officer's Certificate, OCCNJ 0018389-403	48
Exhibit 10,	Schedule 2.09, OCC 033466-69	53
Exhibit 11,	Description of Chemical Land Holdings, Inc., YPF-AK-0041527	56
Exhibit 12,	Deed dated 8/28/86	58
Exhibit 13,	Deed dated 8/28/86	58

1	Exhibit 14, Estimate of Costs for 80	72
2	Lister Avenue, Maxus 228685961	
3	Exhibit 15, Letter dated 8/11/86, Maxus	73
4	0478710-14	
5	Exhibit 16, Letter dated 9/11/86 with	75
6	Statement of Facts and Memorandum of Law	
7	Exhibit 17, Interoffice Correspondence,	78
8	12/27/91, Maxus 2318102-106	
9	Exhibit 18, Appraisal April 1999, Maxus	80
10	3141634-98	
11	Exhibit 19, Project Summaries By Year,	84
12	AA-YPF-0039067	
13	Exhibit 20, Trial Balance Sheet, Maxus	90
14	3414515-30	
15	Exhibit 21, 1989 Income Tax Return	95
16	Exhibit 22, Trust Agreement OCCNJ	97
17	0039656-663	
18	Exhibit 23, Irrevocable Letter of Credit,	98
19	Maxus 3081835	
20	Exhibit 24, Letter dated 1/1/85, Maxus	99
21	3358669-78	
22	Exhibit 25, Trust Agreement, OCCNJ	101
23	0039641-53	
24	Exhibit 26, Trust Agreement, Maxus	101
25	0376848-55	
26	Exhibit 27, Amendment No. 5 to Irrevocable	103
27	Letter of Credit, OCCNJ 0039654	
28	Exhibit 28, Amendment No. 5 to Irrevocable	104
29	Letter of Credit No. 52060, OCCNJ 0039673	
30	Exhibit 29, Draft Trust Agreement, Maxus	104
31	3061239-43	
32	Exhibit 30, NCNB Texas National Bank	107
33	Letter of Credit, NJDEP 00104376-77	

1 THE VIDEOGRAPHER: We are now on the  
2 record. Please note that the microphones are  
3 sensitive and may pick whispering and private  
4 conversations. Please turn off all cell phones or  
5 place them away from the microphones as they can  
6 interfere with the deposition audio. Recording will  
7 continue until all parties agree to go off the  
8 record.

9 My name is Brent Wells, representing  
10 Veritext. The date today is January 18, 2012, and  
11 the time is approximately 9:07 A.M.

12 This deposition is being held at  
13 Drinker, Biddle & Reath, located at 105 College  
14 Road, Princeton, New Jersey.

15 The caption of this case is New Jersey  
16 Department of Environmental Protection, et al,  
17 versus Occidental Chemical Corporation, et al.  
18 this case is filed in the Superior Court of New  
19 Jersey, Law Division, Essex County, Docket No.  
20 L-9868-05.

21 The name of the witness is David Rabbe.  
22 At this time the attorneys present in the room  
23 will identify themselves and the parties they  
24 represent.

25 MR. PETIT: My name is Will Petit on

1 behalf of the Plaintiffs.

2 MR. JACKSON: Bill Jackson, also on  
3 behalf of the Plaintiffs.

4 MR. SCHMOLZE: Jason Schmolze on behalf  
5 of Defendant Okonite.

6 MR. GENTILE: Vincent Gentile, Drinker  
7 Biddle & Reath, on behalf of the Defendants.

8 MR. LEHMAN: Robert Lehman, Archer &  
9 Greiner, on behalf of Occidental Chemical.

10 MR. KASSOF: Andrew Kassof from  
11 Kirkland & Ellis on behalf of Repsol and Ypf.

12 MR. MITCHELL: John Mitchell, Drinker  
13 Biddle & Reath on behalf of Maxus Energy Corporation  
14 and Tierra Solutions, Inc.

15 MR. SARACHAN: Ronald Sarachan, on  
16 behalf of Defendants Maxus Energy Corporation and  
17 Tierra Solutions, Inc.

18 THE VIDEOGRAPHER: Our court reporter,  
19 Carol Shepard, representing Veritext, will swear in  
20 the witness, and we can proceed.

21 D A V I D R A B B E, Two Tower Center Boulevard,  
22 East Brunswick, New Jersey, having been duly sworn  
23 testifies as follows:

24 EXAMINATION BY MR. PETIT:

25 Q. Mr. Rabbe, would you please introduce



1 yourself on the record?

2 A. My name is David Rabbe.

3 Q. And you are here to testify on behalf  
4 of Tierra Solutions, Inc.?

5 A. That's correct.

6 Q. My name is Will Petit. You understand  
7 that I represent the Plaintiffs in a lawsuit against  
8 Tierra Solutions, Inc., Maxus Energy Corporation,  
9 and other Defendants?

10 A. That's correct.

11 Q. The court reporter just administered  
12 the oath. You understand that that means you are  
13 testifying here today as if you were in front of a  
14 judge and jury in this lawsuit?

15 A. I do.

16 Q. How many depositions have you given?

17 A. One.

18 Q. How long ago was that?

19 A. Approximately six years.

20 Q. Generally what matter did that  
21 involve?

22 A. The Painesville, Ohio site.

23 Q. Are you generally familiar with the  
24 deposition process?

25 A. Generally.

1 Q. Okay. I have been accused of being a  
2 slow talker. I say that because, please don't talk  
3 until I'm finished speaking, and I'll provide you  
4 the same courtesy and not talk until you are  
5 finished providing an answer. That way, we won't  
6 talk over each other.

7 Do you understand that?

8 A. Yes.

9 Q. The court reporter can't take us down  
10 at the same time.

11 Make sure you understand my question.  
12 If you have a problem with my question or you don't  
13 understand it, you can ask me to rephrase.

14 Try to limit your non-verbal responses.  
15 Try to respond using verbal responses.

16 A. Okay.

17 Q. Do you understand that?

18 Before we get started, I want to  
19 understand, you are testifying on behalf of Tierra  
20 Solutions, Inc., but I want to discuss a little with  
21 you your personal background.

22 Where were you educated?

23 A. I went to high school in Easton,  
24 Maryland.

25 Q. Easton?

1 A. Easton.

2 Q. Did you go to college immediately after  
3 high school?

4 A. Yes.

5 Q. Where was that?

6 A. University of Maryland, College Park.

7 Q. What did you study?

8 A. Civil engineering.

9 Q. Did you obtain a degree?

10 A. Yes. Bachelor of science.

11 Q. What did you do after that?

12 A. I went to work for Amerada Hess  
13 Corporation.

14 Q. Say that again.

15 A. Amerada Hess Corporation.

16 Q. So, after you obtained your degree from  
17 the University of Maryland, you immediately went  
18 into the work force?

19 A. Yes.

20 Q. Did you ever go back to school?

21 A. Yes.

22 Q. And when was that?

23 A. Various times, I took courses in  
24 business management.

25 Q. Where did you go?

1           A.       While I was still in Maryland, and  
2 locally I believe it was Rutgers.

3           Q.       Generally when -- well, what date did  
4 you graduate from the University of Maryland with  
5 your bachelors degree?

6           A.       December 1979.

7           Q.       And at what time did you go back and  
8 study for business management?

9           A.       I don't remember the exact years. I  
10 took courses as time permitted.

11          Q.       Did you obtain a degree?

12          A.       No.

13          Q.       Aside from your bachelor's degree, do  
14 you have any other degrees?

15          A.       No.

16          Q.       Have you obtained any qualifications or  
17 certifications as a result of extra study or  
18 experience?

19          A.       I go to a lot -- or I have gone to a  
20 lot of seminars and meetings that have continuing  
21 education credits. I don't collect them or keep  
22 track of them, but I do get those certificates from  
23 time to time.

24          Q.       What kind of continuing education?

25          A.       Primarily in -- in environmental.

1 Q. Anything else?

2 A. No.

3 Q. Any qualifications or certifications as  
4 it relates to business management?

5 A. No.

6 Q. Immediately after graduating from the  
7 University of Maryland with your bachelor's degree,  
8 you went to work for Amerada Hess Corporation?

9 A. Yes.

10 Q. And in what capacity?

11 A. Engineering trainee.

12 Q. And that was in 1979/1980?

13 A. 1980.

14 Q. How long did you work for Amerada Hess?

15 A. Approximately 11 years.

16 Q. I take it you weren't always a  
17 trainee --

18 A. No.

19 Q. -- during those 11 years.

20 A. No.

21 Q. What other positions did you have?

22 A. Supervisor, terminal operations,  
23 superintendent, superintendent, superintendent,  
24 manager gas station operations construction,  
25 maintenance and construction.

1 Q. And you left Amerada Hess in  
2 approximately 1991?

3 A. Yes.

4 Q. During that period of time, 1980 to  
5 1991, did you take your business management courses?

6 A. Yes.

7 Q. After you left Amerada Hess in 1991,  
8 what did you do?

9 A. I took a job or was hired by Maxus.

10 Q. Is that Maxus Energy Corporation?

11 A. Maxus Corporate Company.

12 Q. Maxus Corporate Company.

13 After you were hired by Maxus Corporate  
14 Company, did you take any other classes in business  
15 management?

16 A. I don't remember what the last course I  
17 took was.

18 Q. What position did you have when you  
19 were hired by Maxus Corporate Company in 1991?

20 A. Project manager.

21 Q. What did you manage?

22 A. What's called the Kearny, New Jersey  
23 site.

24 Q. How long did you do that?

25 Or excuse me. How long did you hold

1 that position?

2 A. Approximately one to two years.

3 Q. What did you do as a project manager of  
4 the Kearny, New Jersey site?

5 A. I managed the day-to-day activities  
6 related to the order that was signed with New Jersey  
7 DEP for investigation of the Kearny chrome sites.

8 Q. And the Kearny chrome sites includes  
9 the Kearny site that was owned by Tierra Solutions,  
10 Inc., but also some other sites?

11 A. Yes. At the time, it was called  
12 Chemical Land Holdings.

13 Q. And, after that one- to two-year  
14 period, what did you do for Maxus Corporate Company?

15 A. I took on added responsibilities as a  
16 manager of remediation.

17 Q. And what was your job responsibility as  
18 manager of remediation?

19 A. Along with the Kearny site, I started  
20 to become involved with other sites.

21 Q. What other sites did you become  
22 involved with?

23 A. Painesville, Ohio.

24 Q. Any others?

25 A. Newark, New Jersey.

1 Q. Any others?

2 A. Very limited role in some others at  
3 that time, miscellaneous third-party sites.

4 Q. Any other sites that were owned by  
5 Chemical Land Holdings?

6 A. Yes.

7 Q. Such as?

8 A. The Newark site, Painesville.

9 Q. Any others owned by Chemical Land  
10 Holdings?

11 A. At some point, Tuscaloosa.

12 Q. So you were manager of remediation from  
13 approximately 1993 until when?

14 A. I don't know if there was interim title  
15 changes, but the responsibilities were similar all  
16 the way up until about 1999.

17 Q. And during that entire time you were  
18 employed by Maxus Corporate Company?

19 A. No.

20 Q. From 1991 to 1999, you were employed by  
21 Maxus Corporate Company and who else?

22 A. At some point, Chemical Land Holdings.

23 Q. Do you remember what year that was?

24 A. I believe it was approximately 1996.

25 Q. From 1996 until 19 -- from 1996 until



1 1999, though, your responsibilities for Chemical  
2 Land Holdings were the same or similar to your  
3 responsibilities while employed by Maxus Corporate  
4 Company?

5 A. They were similar.

6 Q. What did you do after 1996?

7 A. Similar activities as I did prior to  
8 1996.

9 Q. I'm sorry. What did you do after 1999?

10 A. I became president of Chemical Land  
11 Holdings.

12 Q. And, eventually, Chemical Land Holdings  
13 became known as Tierra Solutions, Inc.?

14 A. That's correct.

15 Q. And you have been president of Chemical  
16 Land Holdings slash Tierra Solutions, Inc. from 1999  
17 until today?

18 A. Yes. It was either 1999 or 2000, I  
19 don't know the official date, but right in that  
20 period.

21 Q. From 1991 until 19 -- the end of 1994,  
22 you had experience -- particular experience with the  
23 Kearny, New Jersey site.

24 A. Primarily.

25 Q. The Newark, New Jersey site.

1 A. Yes.

2 Q. The Painesville, Ohio site.

3 A. Yes.

4 Q. And did you also have experience with  
5 the Tuscaloosa site from 1991 through the end of  
6 1994?

7 A. I don't believe I had direct  
8 experience. I had heard of the site, but that was  
9 about it.

10 (Exhibit 1, Plaintiffs' First Amended  
11 Notice, is received and marked for identification.)

12 Q. I am going to hand you what I have  
13 marked as Exhibit No. 1 to your deposition, which is  
14 "Plaintiffs' First Amended Notice of Intention to  
15 Take Oral and Videotaped Deposition of the Corporate  
16 Representatives of Tierra Solutions, Inc. Concerning  
17 Track III Alter Ego Issues."

18 Were you designated by Tierra  
19 Solutions, Inc. as the corporate representative?

20 A. Yes.

21 Q. And have you seen that document before?

22 A. Yes.

23 Q. How are you identified as the corporate  
24 representative of Tierra Solutions, Inc.?

25 A. I was told that I was -- after

1 interviewing and discussions, that I was the  
2 corporate representative.

3 Q. Without telling me the context of your  
4 discussions, who did you consult with regarding this  
5 deposition?

6 A. Could you repeat the question?

7 Q. Without telling me the content of those  
8 discussions, would you please tell me who you  
9 consulted with regarding the depositions?

10 A. Ron, John, Vince, Mark Lilly, Edward  
11 Nowacki.

12 Q. Pardon me?

13 A. Ed Nowacki -- I mean Jim Nowacki.

14 Q. Who is Jim Nowacki?

15 A. He is a lawyer with K&E.

16 Q. Did you consult with anybody else  
17 that's not a lawyer?

18 A. Yes.

19 Q. Who was that?

20 A. Cary Begun.

21 Q. C-A-R-Y B-U-G-U-N?

22 A. C-A-R-Y B-E-G-U-N.

23 Q. And did you review any materials to  
24 refresh your recollection on any of the topics that  
25 we might discuss today?

1 A. Yes.

2 Q. And what materials are those?

3 A. The ones in the binder in front of us.

4 MR. PETIT: I am going to mark this  
5 binder as Exhibit No. 2.

6 MR. SARACHAN: That would be fine.

7 (Exhibit 2, Binder, is received and  
8 marked for identification.)

9 Q. Just so I'm clear, you reviewed these  
10 materials to refresh your recollection as to the  
11 topics we've identified today, or did you review  
12 these materials in order to gain knowledge about the  
13 topics we would discuss today?

14 A. I would say both.

15 Q. Periodically in this deposition, I am  
16 going to ask you how you got the knowledge that you  
17 have; and if you could just tell me, well, it was  
18 refreshed by certain documents, or I gained it by  
19 certain documents, that's what I am getting at.

20 A. Okay.

21 Q. Understood?

22 Aside from the documents on Exhibit No.  
23 2, did you review any other materials in preparation  
24 for today's deposition?

25 A. I reviewed some submittals related to

1 this issue.

2 Q. What kind of submittals?

3 A. Submittals. Interrogatories.

4 Q. Discovery responses?

5 A. Yes. The ones that I signed before,  
6 but I reviewed them again.

7 Q. Anything else?

8 A. No.

9 Q. Are you testifying today as the  
10 corporate representative for Tierra Solutions, Inc.  
11 regarding all of the topics identified on Exhibit  
12 No. 1 to your deposition?

13 A. Yes.

14 Q. What does it mean to you to be  
15 designated as the corporate representative of Tierra  
16 Solutions, Inc.?

17 A. The one that's found most qualified to  
18 talk about most of the issues related to this  
19 period.

20 Q. Are you the most qualified to talk  
21 about all of the issues related to this period?

22 A. Probably not.

23 Q. There are others more qualified than  
24 you to discuss some of the topics listed on page 11  
25 to Exhibit No. 1 of your deposition?

1           A.       As far as details of those activities,  
2       yes.

3           Q.       Okay. I want to go through those.  
4                    As far as being the corporate  
5       representative of Tierra Solutions, Inc., you  
6       understood that you're the spokesperson for Tierra  
7       regarding these topics?

8           A.       Yes.

9           Q.       And you understand that you are to  
10      answer questions regarding these topics based on  
11      either personal knowledge or based on a review of  
12      materials or interview of persons who have personal  
13      knowledge on the identified topics?

14          A.       Yes.

15          Q.       And you understand that you are to make  
16      reasonable efforts to familiarize yourself with the  
17      topics outlined on page 11 of Exhibit No. 1 to your  
18      deposition?

19          A.       Yes.

20          Q.       Do you have -- with respect to  
21      subparagraph A on page 11, do you have personal  
22      knowledge of the issues outlined there?

23          A.       Yes. Knowledge that I gained through  
24      the review of these documents.

25          Q.       And, with respect to subparagraph B, is

1 it the same answer?

2 A. Yes.

3 Q. Did you consult with anybody regarding  
4 the topics identified in subparagraph B?

5 A. Yes.

6 Q. Who did you consult with?

7 A. Rick Hartline.

8 Q. Who is Rick Hartline?

9 A. He performed various accounting  
10 functions for the company during part of that period  
11 at least.

12 Q. And when you say "for the company," are  
13 you referring to Tierra Solutions, Inc.?

14 A. For Chemical Land Holdings, yes.

15 Q. Diamond Shamrock Process Chemicals,  
16 Inc., Diamond Shamrock Chemical Land Holdings, Inc.,  
17 and Chemical Land Holdings, Inc. are all former  
18 names of Tierra Solutions, Inc.; right?

19 A. They are all different names that were  
20 applied to certain properties during certain time  
21 periods.

22 Q. Can you explain your answer?

23 A. Well, in reviewing the Process  
24 Chemicals' paperwork, they mention other sites, or  
25 other states, that I'm not sure why they were

1 included, so it is slightly different than what I  
2 understand of later years of Chemical Land Holdings.

3 Q. Diamond Shamrock Process Chemicals,  
4 Inc. became Diamond Shamrock Chemical Land Holdings;  
5 correct?

6 A. Correct.

7 Q. And Diamond Shamrock Chemical Land  
8 Holdings, Inc. became Chemical Land Holdings, Inc.;  
9 correct?

10 A. Yes.

11 Q. And Chemical Land Holdings, Inc. became  
12 Tierra Solutions, Inc.; correct?

13 A. Correct.

14 Q. For ease of reference in this  
15 deposition, I would like to say Tierra; but when I  
16 say Tierra, I am referring specifically to the time  
17 period March of 1986, approximately the date of  
18 incorporation, until the end of 1994.

19 Do you understand that?

20 A. Okay.

21 Q. Can we have that agreement?

22 A. Yes.

23 Q. Okay. And then, if I discuss with you  
24 any document that is generated outside of that time  
25 period, March of 1986 to 1994, I am only using that



1 document for its potential relevance to something  
2 that occurred within that time period.

3 Do you understand that?

4 A. Yes.

5 Q. I am not trying to elicit any testimony  
6 from you regarding any activity of Tierra outside of  
7 that time period.

8 Do you understand that?

9 A. Yes.

10 Q. So if, in responding to any of my  
11 questions, you are discussing anything about Tierra  
12 outside of that time period, will you let us know?

13 A. Yes.

14 Q. And we are going to try to stick to  
15 this time period.

16 A. Okay.

17 Q. So would you say that Rick Hartline has  
18 -- is better qualified to discuss the topics  
19 outlined in subparagraph B than you are?

20 A. Some of the details of those topics,  
21 yes.

22 Q. What kind of details?

23 A. How the costs were accounted for on the  
24 spreadsheet ledger, or various accounting methods.

25 Q. Is there anybody else that you feel

1 would have -- would be better qualified to discuss  
2 the topics outlined in either subparagraph A or B?

3 A. I don't have direct knowledge of that.

4 Q. As you sit here today, other than Rick  
5 Hartline, you are the most qualified person to  
6 discuss the topics outlined there in subparagraphs A  
7 and B?

8 A. There may be individuals that were  
9 involved with certain transactions that have more  
10 detailed information. I generally know the sequence  
11 of events and the activities that were conducted.

12 Q. Do you have personal knowledge  
13 regarding the topics outlined in subparagraph C as  
14 it relates to the time period March 1986 to 1994,  
15 the end of 1994?

16 A. Yes. Information I garnered from  
17 reviewing documents.

18 Q. Did you acquire information from any  
19 other source?

20 A. No.

21 Q. Even from Mr. Hartline?

22 A. If it was a particular issue related to  
23 a ledger entry, he was the one that provided that  
24 information, or how the ledger entry was made.

25 Q. Same questions with respect to

1 subparagraph D.

2 Are you the person most qualified to  
3 discuss the topics outlined in subparagraph D?

4 A. Yes, generally. Others may have more  
5 particular details about particular events than --  
6 than I was able to gather from these documents.

7 Q. Do you have personal knowledge outside  
8 of what you reviewed from those documents in Exhibit  
9 No. 2?

10 A. No.

11 Q. So your knowledge of the issues  
12 outlined in subparagraph D come exclusively from the  
13 documents you reviewed in Exhibit No. 2.

14 A. Yes. There -- with the exception that  
15 there were certain documents related to the  
16 Executive Order that I reviewed years and years ago  
17 in relation to conducting a remediation on the 80  
18 Lister site.

19 Q. With respect to paragraph number 2 on  
20 page 11 of Exhibit No. 1, do you have personal  
21 knowledge of the record retention practices or  
22 policies of Tierra during that time period?

23 A. How I was informed about record  
24 retention is that everything related to the -- to  
25 the conduct of our orders, which was our primary

1 function, should be retained as specified in those  
2 orders, and all those orders are still in effect, so  
3 all of those records have been retained accordingly.

4 Q. So Tierra's policy, as it relates to  
5 records, would be governed by the orders --  
6 administrative consent orders that apply to certain  
7 properties that it held title to?

8 A. Yes. Generally, all records are  
9 required to be retained, because all the orders have  
10 that clause.

11 Q. From 1986 to 1994, what kind of records  
12 did Tierra generate?

13 A. Since Tierra was primarily a landowner,  
14 they were all the records related to activities  
15 associated with the management of those properties.

16 Q. Were all of those documents retained?

17 A. I don't have direct knowledge of that.

18 Q. Do you have any reason to believe the  
19 documents weren't retained regarding activities  
20 associated with the management of the properties  
21 that Tierra owned?

22 A. I believe they were retained.

23 Q. What other kind of documents were  
24 generated by Tierra during that time period?

25 A. Tax bills, or payment of tax bills,

1 lease agreements, sales agreements for certain  
2 properties. There were board functions that kept  
3 either notes or records of officers.

4 Q. Anything else?

5 A. I think those are the primary  
6 categories. There may be others.

7 Q. So you mentioned activities associated  
8 with the management of the properties that Tierra  
9 owned, payment of tax bills, lease agreements, sales  
10 agreements, relating to the same properties.

11 Board functions, like notes and records  
12 of officers and directors.

13 Can you think of anything else?

14 A. Not at this time, but there may have  
15 been others.

16 Q. What about employment records?

17 A. There were no employees in Tierra at  
18 that time.

19 Q. What about financial records of Tierra,  
20 like balance sheets, income statements, projections?

21 A. Yes.

22 Q. Tierra kept its own financial records?

23 A. Yes.

24 Q. Corporate minutes and resolutions?

25 A. Yes.

1           Q.       So these documents, the activities --  
2       the documents relating to activities associated with  
3       the management of the properties, payment of tax  
4       bills, lease agreements, sales agreements, board  
5       functions, such as notes and records of officers and  
6       directors, financial records of Tierra, and  
7       corporate minutes and resolutions, would all of  
8       those documents have been retained by Tierra,  
9       documents generated during that time period?

10          A.       I believe they would have been  
11       retained.

12          Q.       You mention that you've reviewed some  
13       of the discovery responses of Tierra generated in  
14       this lawsuit.

15          A.       Yes.

16          Q.       You understand that Plaintiffs have  
17       sent a number of document requests to Tierra in this  
18       lawsuit?

19          A.       Yes.

20          Q.       Would those documents that we just  
21       discussed, would they have been produced to the  
22       Plaintiffs in this lawsuit?

23          A.       I believe the ones that were available  
24       and they were able to obtain were produced.

25          Q.       Do you have any reason to believe that

1 some of the documents we just discussed weren't  
2 produced?

3 A. I don't have direct knowledge of that.

4 Q. Do you have any reason to believe that  
5 some documents were not produced?

6 A. No.

7 Q. Do you have any reason to believe that  
8 some of those documents were withheld?

9 A. I don't know that for a fact. I know  
10 that, from time to time, I've heard there have been  
11 privilege discussions on certain documents, and I  
12 don't know if any of these documents would be in  
13 that category.

14 Q. Were you involved in the investigation,  
15 identification, location of the documents that we  
16 have been discussing?

17 A. I made my office -- I made -- I gave  
18 access to all of our files in our offices in our  
19 off-site location for others to conduct that search.

20 Q. And there were no documents that were  
21 off limits for your lawyers to conduct those  
22 searches?

23 A. No.

24 Q. So if Tierra would have retained the  
25 corporate records we have been discussing, and those

1 corporate records were identified and located, they  
2 could have been produced?

3 A. Correct.

4 Q. Do you have any of reason to believe  
5 that the documents that were produced by Tierra  
6 Solutions, Inc. were anything but accurate and  
7 genuine copies of the documents maintained by  
8 Tierra?

9 A. I have no knowledge to suggest  
10 otherwise.

11 Q. I'm going to switch gears here for a  
12 little bit.

13 A lot of these documents I'm about to  
14 show you I think are in your notebook Exhibit No. 2.  
15 I would prefer to use the copies I have, because I  
16 know exactly where they are, and I think it will  
17 streamline the process. If you would like to refer  
18 to your Exhibit No. 2 while we're doing that, feel  
19 free.

20 A. Okay.

21 (Exhibit 3, Letter dated 3/21/86, Maxus  
22 443900-902, is received and marked for  
23 identification.)

24 Q. I am going to show you what I have  
25 marked as Exhibit No. 3 to your deposition, which is



1 the Certificate of Incorporation of Diamond Shamrock  
2 Process Chemicals, Inc.

3 MR. SARACHAN: Thank you.

4 MR. MITCHELL: I'll take an extra if  
5 you've got it. Thanks.

6 Q. You've seen this document before?

7 A. Yes, I believe I have.

8 Q. Diamond Shamrock Process Chemicals,  
9 Inc., according to this document, was incorporated  
10 on or about March of 1986; correct?

11 A. That's what this document says.

12 Q. The corporation's mailing address, as  
13 stated in paragraph 5, was 351 Phelps Court, P.O.  
14 Box 152300, Irving, Texas; correct?

15 A. That's what it says.

16 Q. If you look at the first page of that  
17 document, that is also the address for Diamond  
18 Shammrock Chemicals Company; correct?

19 A. Yes.

20 Q. Diamond Shamrock Chemicals Company, at  
21 that time, was the direct parent of Diamond  
22 Shammrock Process Chemicals, Inc.; correct?

23 A. I believe that to be the case.

24 Q. Paragraph number 4 of the Certificate  
25 of Incorporation states, "The total number of shares

1 of capital stock which the corporation shall have  
2 authority to issue is 1,000 of common stock, \$1.00  
3 par value"; correct?

4 A. That's what it says.

5 Q. Do you know whether or not those shares  
6 of common stock were ever issued by Diamond Shamrock  
7 Process Chemicals, Inc.?

8 A. I have seen reference to them being  
9 accounted for on statements later for Chemical Land  
10 Holdings.

11 (Exhibit 4, Certificate of Amendment,  
12 Maxus 0443862-64 is received and marked for  
13 identification.)

14 Q. I am going to show you what I've marked  
15 as Exhibit No. 4 to your deposition, which is a  
16 "Certificate of Amendment before Payment For Stock  
17 of Diamond Shamrock Process Chemicals, Inc."

18 Are you familiar with this document?

19 A. I believe I've seen it.

20 Q. And this was the Certificate of  
21 Amendment of the Certificate of Incorporation of  
22 Diamond Shamrock Process Chemicals, Inc. changing  
23 the name to Diamond Shammrock Chemical Land  
24 Holdings, Inc.; correct?

25 A. That's what it says.

1 Q. Paragraph number 4 of the Certificate  
2 of Amendment states that "The Corporation has not  
3 received payment for any capital stock."

4 Is that right?

5 A. That's what it says.

6 Q. So, between the time that Diamond  
7 Shamrock Process Chemicals, Inc. was incorporated  
8 and the time of this amendment, there had been no  
9 payment for the capital stock of the company;  
10 correct?

11 A. That's what this is saying.

12 Q. Do you know whether or not Diamond  
13 Shammrock Chemical Land Holdings, Inc. was initially  
14 capitalized at this time?

15 A. I don't have direct knowledge of the  
16 exact date, but there is reference to that event  
17 happening in statements I've seen.

18 Q. At some point.

19 A. At some point soon after that.

20 Q. That Certificate of Amendment changing  
21 the name to Diamond Shammrock Chemical Land  
22 Holdings, Inc. was dated on or about June 26, 1986;  
23 correct?

24 A. Are you referring to 3 or 4?

25 Q. Referring to --

1 A. 4?

2 Q. -- No. 4 to your deposition.

3 A. Could you repeat the date that you just  
4 said?

5 Q. The name of the company was changed to  
6 Diamond Shammrock Chemical Land Holdings, Inc. on or  
7 about June 26, 1986; correct?

8 A. That's correct.

9 (Exhibit 5, Certificate of Amendment,  
10 Maxus 0443848-55 is received and marked for  
11 identification.)

12 Q. I am going to hand you what I have  
13 marked as Exhibit 5 to your deposition, which is  
14 another Certificate of Amendment of the Certificate  
15 of Incorporation.

16 And this document provides for the name  
17 change to Chemical Land Holdings, Inc.; correct?

18 A. Correct.

19 Q. Which occurred on or about December 4,  
20 1987?

21 A. Correct.

22 Q. On the third page of that document, it  
23 has an address for Maxus Energy Corporation of 717  
24 North Harwood, Dallas, Texas, 75201?

25 A. That's what it says.

1 Q. And, at that point in time, Maxus  
2 Energy Corporation was the parent corporation of  
3 Chemical Land Holdings, Inc.; correct?

4 A. Correct.

5 (Exhibit 6, Certificate of Amendment,  
6 Maxus 0443833-45 is received and marked for  
7 identification.)

8 Q. I am going to hand you what I have  
9 marked as Exhibit 6 to your deposition, which is  
10 another Certificate of Amendment.

11 Are you familiar with this document?

12 A. Yes.

13 Q. And this provides for the name change  
14 of the corporation from Chemical Land Holdings, Inc.  
15 to Tierra Solutions, Inc.; correct?

16 A. Correct.

17 Q. And that's on or about February 25,  
18 2002?

19 MR. SARACHAN: Objection. I am just  
20 going to object because it is outside the time  
21 period.

22 A. Correct.

23 (Exhibit 7, State Qualifications  
24 Folder, Maxus 0443906-49 is received and marked for  
25 identification.)

1           Q.       I am going to hand you a set of  
2 documents which I have marked as Exhibit 7 to your  
3 deposition, which appear to me to be a folder from  
4 your records regarding state qualifications.

5                    Do you see the number on the bottom  
6 right-hand corner it says "Maxus 0443906"?

7                    If you look at the first page.

8           A.       Yes.

9           Q.       And that's the Bates stamp. I'll use  
10 these numbers for your reference.

11                    If you could turn to Maxus 0443917.

12                    Now, this is the application for  
13 Certificate of Authority of Diamond Shammrock Land  
14 Holdings, Inc. Is that right?

15           A.       Yes.

16           Q.       You've seen this document before;  
17 correct?

18           A.       I don't remember this particular  
19 document, but I've seen similar types of documents.  
20 It may be in the book, but I could look.

21           Q.       Well, it is dated -- or at least filed  
22 on or about August 5, 1986.

23                    Do you see that file stamp on the  
24 right-hand corner? It kind of looks like an '88 but  
25 it is '86. If you look at the page preceding it.

1           A.       I do see the stamp you are talking  
2 about. August of '86, on the previous page.

3           Q.       This document states that the business  
4 which Diamond Shammrock Chemical Land Holdings, Inc.  
5 is to transact in New Jersey is "To act as a Land  
6 Holdings Company"; correct? Right there --

7           A.       That's what it says.

8           Q.       It shows the business address for  
9 Diamond Shammrock Chemical Land Holdings, Inc. as  
10 351 Phelps Court, Irving, Texas; correct?

11                   MR. SARACHAN: I'm sorry. Where is  
12 that?

13                   MR. PETIT: Number 5.

14           A.       Yes. Number 5. I see it.

15           Q.       And that was the address that we had  
16 seen before, which was the address of Diamond  
17 Shamrock Chemicals Company; correct?

18           A.       Yeah. We have seen that before.

19           Q.       Was that also the address for Diamond  
20 Shammrock Corporation, now known as Maxus Energy  
21 Corporation?

22           A.       I don't have direct knowledge of that.  
23 I know they had the 717 address. I don't know when  
24 and what operations were at either location.

25           Q.       If you could turn to Maxus 0443922.

1                   Now, this is the "Application For an  
2 Amended Certificate of Authority of Chemical Land  
3 Holdings" that coincides with the name change from  
4 Diamond Shammrock Chemical Land Holdings to Chemical  
5 Land Holdings.

6                   Does that seem to be the case?

7           A.       Yes.

8           Q.       And it shows that address of 717 North  
9 Harwood, Dallas; correct?

10          A.       Correct.

11          Q.       And that is the address for Maxus  
12 Energy Corporation you were just discussing;  
13 correct?

14          A.       Yes.

15                   MR. PETIT: How are you doing?

16                   MR. SARACHAN: Fine.

17                   MR. PETIT: You haven't stood up yet.

18                   MR. SARACHAN: I will be.

19                   (Exhibit 8, Defendants Maxus Energy  
20 Corporation's and Tierra Solutions, Inc.'s  
21 Objections and Responses to Plaintiffs' Track III  
22 Trial Requests for Admissions is received and marked  
23 for identification.)

24          Q.       I hand you what I have marked as  
25 Exhibit No. 8 to your deposition, which are



1 Defendants Maxus and Tierra's Objections and  
2 Responses to Plaintiff's Track II Trial Requests For  
3 Admissions.

4 MR. SARACHAN: Thank you.

5 Q. You've seen this document before;  
6 correct?

7 A. I believe I have.

8 Q. Did you review this document in  
9 anticipation of today's deposition?

10 A. I don't remember this particular  
11 document, but I may have.

12 Q. Did you help prepare the responses to  
13 these Requests for Admissions?

14 A. No.

15 Q. Did anybody else from Tierra help  
16 prepare these responses?

17 A. No. I reviewed them after they were  
18 prepared.

19 Q. Did you sign off on these responses to  
20 Request for Admissions?

21 A. I have signed off on various  
22 interrogatories. I don't see my signature on this  
23 at all. Unless I saw it, I can't remember this  
24 exact document.

25 Q. You did not certify as to these

1 answers, and I want to go through a few of these to  
2 make sure these are correct statements.

3 If you look at your -- Tierra -- when I  
4 say "your," excuse me, I will try to say Tierra's  
5 answer to Request For Admission No. 2. Request For  
6 Admission No. 2 states, "Admit that, as of August  
7 1986, Tierra's sole function was to hold title to  
8 certain environmentally contaminated properties.

9 "Response:...Tierra's function was to  
10 hold title to certain real property, principally  
11 former chemical plants, some of which was  
12 contaminated."

13 Do you see that?

14 A. What line is that on?

15 Q. The first --

16 A. First through third?

17 Q. Um-hum.

18 A. Yes, I see that.

19 Q. It says, "as of August 1986, Tierra's  
20 function was to hold title to certain real property,  
21 principally former chemical plants, some of which  
22 was contaminated."

23 And if you skip down a couple lines, it  
24 says, "CLH's functions and purpose was expanded in  
25 1996."

1           So for purposes of these questions,  
2 from that March or August 1986 until the end of  
3 1994, that was Tierra's purpose. Is that a true  
4 statement?

5           A.       To be a landholder.

6           MR. SARACHAN: Objection. When you say  
7 "that is," could you be specific what you are  
8 referring to?

9           Q.       The first through third lines.

10          A.       Yes.

11          Q.       Just so I have a clean question, during  
12 that entire time period from August of 1986 until  
13 the end of 1994, "Tierra's function was to hold  
14 title to certain real property, principally former  
15 chemical plants, some of which was contaminated,"  
16 that is a true statement.

17          A.       Yes.

18          Q.       Can you identify the real property  
19 owned by Tierra during that time period?

20          A.       I believe it included the Kearny, New  
21 Jersey, 1015 Belleville plant, former plant site;  
22 the 80-120 Lister site in Newark; and -- I can't  
23 remember the exact acreage, but a very large parcel  
24 in Painesville, Ohio, and some associated properties  
25 off site of the main former plant site.

1 Q. So I have the Kearny, New Jersey former  
2 plant site; the Lister site, 80 and 120 Lister  
3 Avenue; a large parcel in Painesville, Ohio -- that  
4 was a former plant site?

5 A. Yes. Most of it was a former plant  
6 site.

7 Q. And associated parcels of land  
8 connected to that former plant site?

9 A. Not directly connected. They were  
10 associated because they were brine fields.

11 Q. How were those brine fields used?

12 A. My understanding is the plant used to  
13 use brine or brackish water, extracted it from these  
14 fields by well, and used that water in the process  
15 to make soda ash.

16 Q. Were there any other properties that  
17 Tierra owned during that time period?

18 A. Not that I recall.

19 Q. Out of those properties we've  
20 identified, which of those were not contaminated?

21 A. Well, there's parts of the Painesville  
22 site that were never in operation, never  
23 contaminated; but, if you look at the Administrative  
24 Order that we have with the State, it includes all  
25 the properties that are contiguous that were owned

1 or had operations.

2 Q. So does that include the large parcel  
3 in Painesville, Ohio and associated parcels, the  
4 brine fields?

5 A. No. The brine fields were not included  
6 in that order. There was no contamination of  
7 concern when we signed the Administrative Order to  
8 deal with that former plant site.

9 Q. So of the property that Tierra owned  
10 during -- of the properties that Tierra owned during  
11 that time period, the only property that was not  
12 subject to an order for remediation were the brine  
13 fields in Ohio?

14 A. That's not correct. The order for --  
15 there was a separate order to deal with part of the  
16 Painesville property during that period.

17 Q. So the large parcel in Painesville,  
18 Ohio, I thought you said originally was subject to  
19 a --

20 A. An order that was signed after the time  
21 period we are talking about.

22 Q. But part of it was subject to an  
23 order --

24 A. Yes.

25 Q. -- during the time period we are

1 talking about?

2 A. Yes.

3 Q. But at some point in time the rest of  
4 it was also subject to an order to remediate?

5 A. Define "rest."

6 Q. The remainder.

7 A. There is a -- a map with a line drawn  
8 around it, and everything within that line is in the  
9 order.

10 Q. Okay. What you are saying is that  
11 large parcel of land in Painesville, Ohio there  
12 could be pieces of that property owned by Tierra  
13 that were never subject to an order to remediate?

14 A. No. Repeat the question. Are we  
15 talking about the -- the area inside the line I  
16 described or something else?

17 Q. I haven't seen the area inside the  
18 line. I am just talking about the property that  
19 Tierra owned in Painesville, Ohio. We have a piece  
20 of property that was a -- had a former plan on it.

21 A. Yes.

22 Q. And then we had associated brine  
23 fields.

24 A. Yes.

25 Q. The brine fields were never part of an

1 order to remediate?

2 A. Not to my knowledge.

3 Q. During the time period or outside the  
4 time period.

5 A. Not to my knowledge.

6 Q. But this larger parcel was subject to  
7 two orders, one of which was during the time period  
8 and the other was after the time period?

9 A. Part of that large parcel was subject  
10 to an order during this time period.

11 Q. And was the entire other part subject  
12 to a later order, or was there also a piece that was  
13 never subject to an order?

14 A. All the property that was owned, that  
15 was contiguous to those plants, was included in the  
16 later order.

17 MR. PETIT: We have been going about an  
18 hour. Do you want to take a quick break?

19 MR. SARACHAN: That would be good.

20 THE VIDEOGRAPHER: We are going off the  
21 record. The time is 10:03 A.M.

22 (Recess was taken.)

23 THE VIDEOGRAPHER: We are back on the  
24 record. The time is 10:17 A.M. This is the  
25 beginning of disk 2.

1 Q. Mr. Rabbe, are you ready?

2 A. Yes.

3 Q. Going back to your response, Tierra's  
4 response to Request for Admission No. 2, which says  
5 that Tierra's function was "to hold title to certain  
6 real property, principally former chemical plants,  
7 some of which was contaminated," the "certain real  
8 property" refers to the properties we have been  
9 discussing; the Kearny, New Jersey property; the  
10 Lister Avenue property; the large parcel in  
11 Painesville, Ohio, and the associated brine fields.

12 A. Correct.

13 Q. There are no other properties we are  
14 talking about.

15 A. At some point, the Tuscaloosa property.

16 Q. Could that have been outside the time  
17 period?

18 A. It could have been. I don't remember  
19 the exact date.

20 Q. If the Tuscaloosa property was included  
21 within the time period, was that also a former  
22 chemical plant?

23 A. No. I believe the property is an old  
24 waste area. There is a chemical plant, but it's not  
25 part of what I would refer to as Tuscaloosa.



1           Q.        So, when we talk about principally  
2 former chemical plants, all of these properties  
3 we're discussing are former chemical plants, except  
4 the brine fields, which were associated with the  
5 chemical plant, and then possibly this Tuscaloosa  
6 property, which was a waste site.

7           A.        Yes.

8           Q.        The next phrase, "some of which was  
9 contaminated," when we say "some of which was  
10 contaminated," all of it was contaminated except for  
11 these associated brine fields?

12          A.        And some lots and blocks associated  
13 with the Painesville site.

14          Q.        Some small parcels?

15          A.        Some never had operations on them, so  
16 they were not contaminated.

17                    (Exhibit 9, Officer's Certificate,  
18 OCCNJ 0018389-403 is received and marked for  
19 identification.)

20          Q.        I am going to hand you what I have  
21 marked as Exhibit No. 9 to your deposition, which is  
22 an "Officer's Certificate" certifying certain  
23 resolutions were made on behalf of Diamond Shamrock  
24 Chemicals Company.

25                    MR. SARACHAN: Thank you.

1 Q. Have you seen this document before?

2 A. I'm not sure I've seen this particular  
3 document.

4 Q. Did --

5 A. It may be in the book. I'm not -- I  
6 don't remember it particularly.

7 Q. Are you familiar with the form?

8 A. I don't understand the question.

9 Q. Do you recognize these types of  
10 documents?

11 A. I have seen similar documents.

12 Q. It is dated September 4, 1986, which is  
13 around the time of the Stock Purchase Agreement?

14 A. Yes.

15 Q. And in here it's discussing certain  
16 resolutions whereby properties are being transferred  
17 from Diamond Shamrock Chemicals Company to Diamond  
18 Shamrock Chemical Land Holdings, Inc.

19 Do you see that on the second paragraph  
20 of the second page?

21 A. Yes.

22 Q. And if you will flip to page 5 of that  
23 document, you will see that there is a resolution  
24 for the transfer of the Kearny property from Diamond  
25 Shamrock Chemicals Company to Diamond Shamrock Land

1 Holdings, which is the name used herein for Diamond  
2 Shamrock Chemical Land Holdings, Inc.

3 A. Yes.

4 Q. Flip to page 11, where there is a  
5 resolution for the "Sale of Miscellaneous Ohio Real  
6 Properties and Interests" which are certain  
7 interests in real property located in lake -- and I  
8 am going to mispronounce this -- Geauga?

9 A. Geuaga? What is that word?

10 Q. G-E-A-U-G-A.

11 A. Okay.

12 Q. How do you pronounce that?

13 A. I'm not sure. I am not familiar with  
14 that county.

15 Q. In any event, this is the resolution  
16 for the parcels of property in Ohio that you were  
17 discussing; correct?

18 A. Yes.

19 Q. A little further down on page 11, you  
20 see the resolution whereby Diamond Shamrock  
21 Chemicals Company transfers the Lister Avenue  
22 properties to Diamond Shamrock Chemical Land  
23 Holdings; correct?

24 A. Yes.

25 Q. A little further down on page 12, under

1 "Miscellaneous Transfers," you see there on  
2 subparagraph "v" where it says, "10 shares of Common  
3 Stock of Diamond Shamrock Chemical Land Holdings,  
4 Inc."?

5 A. I see that.

6 Q. Would that have been all of the shares  
7 of Diamond Shamrock Chemical Land Holdings, Inc.?

8 A. I don't know that for a fact.

9 Q. Well, we have seen where the  
10 Certificate of Incorporation discusses the issuance  
11 of a thousand shares of common stock; correct?

12 A. Correct.

13 Q. And here it says Diamond Shamrock  
14 Chemicals Company, which at that time was the parent  
15 of Diamond Shamrock Chemical Land Holdings, Inc.,  
16 transferring stock to -- the stock of Diamond  
17 Shamrock Chemical Land Holdings, Inc. to Diamond  
18 Shamrock Corporate Company. Is that right?

19 A. Repeat -- repeat that, because I was  
20 looking at number v, and that just says "Diamond  
21 Shamrock Chemical Land Holdings." Your question?

22 Q. The opening paragraph of -- of that  
23 section discusses the transfer of 10 shares of  
24 common stock of Diamond Shamrock Chemical Land  
25 Holdings, Inc. to Diamond Shamrock Corporate

1 Company.

2 A. Yes.

3 Q. Which became the parent of Diamond  
4 Shamrock Chemical Land Holdings, Inc.?

5 A. Yes.

6 Q. And I'm concerned because it just says  
7 10 shares and not a thousand shares.

8 Did anybody else, did any other entity  
9 receive any shares of Diamond Shamrock Chemical Land  
10 Holdings, Inc.?

11 A. Not to my knowledge.

12 Q. It could be that Diamond Shamrock  
13 Chemical Land Holdings, Inc. was capitalized with  
14 just -- with just 10 shares of common stock with a  
15 dollar par value?

16 MR. SARACHAN: Objection.

17 A. I don't have direct knowledge of that.  
18 It's speculation.

19 Q. Are you aware of any other document  
20 where additional shares of Diamond Shamrock Chemical  
21 Land Holdings, Inc. were transferred to Diamond  
22 Shamrock Corporate Company?

23 A. I'm not aware of that particular  
24 document.

25 Q. Were there any shareholders, any other

1 shareholders of Diamond Shamrock Chemical Land  
2 Holdings, Inc., other than Diamond Shamrock  
3 Corporate Company?

4 A. I don't believe so.

5 (Exhibit 10, Schedule 2.09, OCC  
6 033466-69 is received and marked for  
7 identification.)

8 Q. What number exhibit was that?

9 A. 9.

10 Q. Thank you.

11 I am going to hand you what I have  
12 marked as Exhibit 10 to your deposition, which is  
13 schedule 2.09 of the Stock Purchase Agreement.

14 MR. SARACHAN: Thank you.

15 Q. Have you seen this document before?

16 A. I don't recall seeing this specific  
17 document.

18 Q. Do you know what the Stock Purchase  
19 Agreement was?

20 When I refer to the Stock Purchase  
21 Agreement, do you know what that is?

22 A. The Stock Purchase Agreement between  
23 Diamond Shamrock and Occidental?

24 Q. Correct.

25 A. Yes.

1 Q. The agreement by which the shares of  
2 Diamond Shamrock Chemicals Company were purchased by  
3 an affiliate of Occidental. Is that right?

4 A. I don't know if that's the exact term,  
5 but there was agreement where the chemicals were  
6 sold to Occi.

7 Q. So this Schedule 2.09, you understand  
8 that that is part of the Stock Purchase Agreement we  
9 are discussing?

10 A. I don't have direct knowledge of this  
11 part of it.

12 Q. I will represent to you that this is  
13 Schedule 2.09 of the Stock Purchase Agreement.

14 A. Okay.

15 Q. In here, in paragraph 21, it discusses  
16 -- I'm sorry. Go back to the front. It says  
17 "Conduct of Business." This is -- this is the  
18 business that is going to be undertaken in  
19 connection with the Stock Purchase Agreement.

20 Paragraph 21, it says, "Transfer of all  
21 real properties, located in Lake and Geauga  
22 Counties, Ohio and the mortgage with Lake  
23 Underground Storage unassociated with the chemicals  
24 business from Diamond Shamrock Corporate Company to  
25 Diamond Shamrock Chemical Land Holdings, Inc."

1           So this Stock Purchase Agreement, the  
2 schedule is discussing the transfer of properties  
3 from DSCC to Diamond Shamrock Chemical Land  
4 Holdings, which we have been talking about; correct?

5           A.       Yes.

6           Q.       And paragraph 23 similarly discusses  
7 the transfer of the properties associated with the  
8 Kearny plant site to Diamond Shamrock Chemical Land  
9 Holdings, Inc. Is that right?

10          A.       Yes.

11          Q.       And paragraph 26 here it discusses the  
12 transfer of properties located at 80 Lister Avenue  
13 and 120 Lister Avenue to Diamond Shamrock Chemical  
14 Land Holdings, Inc. Is that right?

15          A.       Yes.

16          Q.       This doesn't include the Tuscaloosa  
17 property, does it?

18          A.       Well, I would have to review all of the  
19 transfers. Do you want me to do that?

20          Q.       It doesn't, does it?

21          A.       I am going to read it. I don't  
22 remember reading this particular document.

23          Q.       Sure.

24          A.       Correct. I don't see the Tuscaloosa  
25 property referenced.



1 Q. Essentially, these properties in Ohio  
2 and in New Jersey were properties that were not  
3 going to be transferred, were real property that was  
4 not going to be transferred to Occidental in the  
5 Stock Purchase Agreement. Is that true?

6 A. True.

7 Q. Instead, these are properties that were  
8 going to be taken from Diamond Shamrock Chemicals  
9 Company, kept in the Diamond Shamrock family, and  
10 placed into Diamond Shamrock Chemical Land Holdings,  
11 Inc.

12 A. Yes.

13 (Exhibit 11, Description of Chemical  
14 Land Holdings, Inc., YPF-AK-0041527 is received and  
15 marked for identification.)

16 Q. I am going to hand you what I have  
17 marked as Exhibit No. 11 to your deposition.

18 Can you identify that document, tell me  
19 what it is?

20 MR. SARACHAN: Thank you.

21 A. It looks like a description of the  
22 entity Diamond Shamrock Chemicals Company.

23 Q. Have you seen this document before?

24 A. Yes.

25 Q. Is it a document that is generated by

1 Tierra, or at the time Chemical Land Holdings, Inc.?

2 A. I believe so.

3 Q. Kind of an intercompany description of  
4 Chemical Land Holdings?

5 A. Yes.

6 Q. Is that how you would describe it?

7 A. Yes.

8 Q. Down here at the bottom, it says,  
9 "Jurisdictions authorized to do business in," and on  
10 the second page it says, "Delaware, Ohio, and New  
11 Jersey." Is that right?

12 A. Yes.

13 Q. The company was incorporated in  
14 Delaware, so it is authorized to do business in  
15 Delaware; right?

16 A. Yes.

17 Q. The company did not own real property  
18 in Delaware.

19 A. Not to my knowledge.

20 Q. The company did own real property in  
21 Ohio and New Jersey; therefore, it applied to do  
22 business in those states; correct?

23 A. Correct.

24 Q. This document was dated October 26,  
25 1994. Do you see that on the bottom of the second

1 page?

2 A. Yes.

3 Q. So, at least as of October of 1994, it  
4 doesn't look like Tierra owned any property in  
5 Alabama.

6 A. That's correct.

7 (Exhibit 12, Deed dated 8/28/86, is  
8 received and marked for identification.)

9 MR. PETIT: This is going to be Exhibit  
10 12.

11 MR. SARACHAN: Thank you.

12 (Exhibit 13, Deed dated 8/28/86, is  
13 received and marked for identification.)

14 MR. PETIT: And this will be Exhibit  
15 13.

16 Q. I am going to hand you what I've marked  
17 as Exhibits 12 and 13 to your deposition, which are  
18 the deeds transferring 80 and 120 Lister Avenue from  
19 Diamond Shamrock Chemicals Company to Diamond  
20 Shamrock Chemical Land Holdings, Inc.

21 Have you seen those documents before?

22 A. Yes. I believe I have seen these.

23 Q. These are dated August 28, 1986;  
24 correct?

25 A. Correct.

1 Q. These deeds predated the certificate --  
2 the officer certificate I showed you earlier;  
3 correct? By a few days.

4 A. Correct.

5 Q. It shows that the properties were  
6 transferred from Diamond Shamrock Chemicals Company  
7 to Diamond Shamrock Chemical Land Holdings, Inc.,  
8 each for the sum of \$10; correct?

9 A. I believe so. Where is the \$10  
10 reference, for ease of review?

11 Q. You see in kind of the first page, a  
12 little above midway through the page, "Transfer of  
13 Ownership"?

14 A. Oh, up here on the top. Okay. Yes.

15 Q. I haven't seen them, but I would assume  
16 that there are similar deeds transferring the  
17 properties in Ohio and Kearny to Diamond Shamrock  
18 Chemical Land Holdings, Inc., and perhaps they are  
19 in here in Exhibit No. 2.

20 A. Is that a question?

21 Q. Do you know that to be the case, that  
22 there were deeds similar to this transferring the  
23 properties in --

24 A. There may have been. I know there were  
25 various deeds and sales, so there's various

1 documents related to the properties.

2 Q. Were the properties in Ohio and Kearny  
3 transferred under similar terms; that is, they were  
4 transferred for \$10?

5 A. I don't know that for a fact. I would  
6 have to review that document again.

7 MR. PETIT: Do you folks know?

8 MR. SARACHAN: I do not.

9 Q. Going back to Exhibit No. 8, which is  
10 Tierra's responses to Requests for Admissions.

11 If I can turn your attention to  
12 Tierra's response to Request for Admission No. 14.

13 The second line states: "Tierra's  
14 value was, instead, to hold title, primarily to  
15 facilitate Maxus's remediation of former DSCC  
16 properties on OCC's behalf in response to claims for  
17 indemnity under the SPA."

18 Is that a true statement?

19 A. That's what it says, yes.

20 Q. Is that a true statement on behalf of  
21 Tierra Solutions, Inc.?

22 A. I believe it is.

23 Q. It says, "Tierra's value was to hold  
24 title primarily to facilitate Maxus's remediation."  
25 Was there any other purpose for Tierra holding title

1 to these properties?

2 A. The purpose was to own the land. An  
3 offshoot of that was to facilitate the remediation,  
4 track costs associated with those remediations.

5 Q. So Tierra's purpose was to own the  
6 land, facilitate remediations being conducted on  
7 those lands, and to track costs associated with  
8 those remediations.

9 A. Correct.

10 Q. Was it Tierra's purpose to track the  
11 cost, or was that a purpose of Maxus Corporate  
12 Company?

13 A. I don't know how it was described when  
14 it was started, but in a -- in effect, the costs  
15 were tracked by site and -- and have been to this  
16 day.

17 Q. The costs were tracked by site under  
18 the terms of the relevant administrative orders;  
19 correct?

20 A. Yes.

21 Q. And my question to you is: Was  
22 Tierra's purpose, from the time of its incorporation  
23 until the end of 1994, was its purpose to track  
24 those costs, or was that something undertaken by  
25 another entity, like Maxus Corporate Company or

1 Diamond Shamrock Corporate Company, as it was known  
2 then?

3 A. The costs were undertaken by others,  
4 those cost trackings.

5 Q. Others, such as who?

6 A. Employees of -- either officers of  
7 Chemical Land Holdings or Maxus employees working to  
8 facilitate Chemical Land Holdings' tracking.

9 Q. You said the costs were tracked by  
10 employees of Chemical Land Holdings, or employees  
11 of --

12 A. There were no employees of Chemical  
13 Land Holdings.

14 Q. So the costs were tracked by employees  
15 of Maxus?

16 A. Or officers of Chemical Land Holdings.

17 Q. Was there any other purpose in having  
18 Tierra hold title to these properties?

19 A. Not to my knowledge.

20 Q. Did Tierra have any business plan,  
21 during this time period from March 1986 until the  
22 end of 1994?

23 A. The only reference to business plan or  
24 business operations was to hold land.

25 Q. Was there a written business plan for

1 Tierra during this time period?

2 A. Not that I've seen.

3 Q. Were there any financial projections  
4 generated on Tierra's behalf or generated by Tierra  
5 in 1986 to 1994?

6 A. Not to my knowledge.

7 Q. No forecasted balance sheets?

8 A. There were balance sheets related to  
9 taxes paid, land sales that could be then seen on  
10 the tax returns. Those are the only costs that I  
11 have seen.

12 Q. But nothing forecasted for Tierra as to  
13 what kind of revenue it would generate or income it  
14 would receive?

15 A. Not that I've seen.

16 Q. In fact, if you look at Request for  
17 Admission No. 14 -- excuse me. Go to Tierra's  
18 response to Request for Admission No. 2. It  
19 states, "Maxus and Tierra admit, as well, that as of  
20 August 1986, Tierra (then CLH) conducted no  
21 revenue-generating or income-producing business  
22 operations."

23 Is that a true statement?

24 A. That's true; although, I would caveat  
25 that there weren't land sales, and it depends on how



1 you would characterize those land sales. They could  
2 be construed as revenue.

3 Q. With the exception of that caveat, that  
4 statement's correct?

5 A. Correct.

6 Q. If you could look at Tierra's response  
7 to Request for Admission No. 15.

8 Request for Admission No. 15 states,  
9 "Admit that Tierra never intended to generate  
10 revenue between August of 1986 and December of  
11 1994."

12 The response was, "Admitted."

13 A. I believe that to be the case.

14 Q. And Request for Admission No. 16 states  
15 that, "Admit that Tierra never intended to make a  
16 profit between August 1986 and December 1994."

17 That was, "Admitted." Is that also the  
18 case?

19 A. Yes.

20 Q. If you can also look at Tierra's answer  
21 to Request for Admission No. 2.

22 Bear with me a second.

23 Request for Admission No. 4. Excuse  
24 me.

25 Tierra's answer states, "Maxus and

1 Tierra admit that during the period in question, and  
2 thereafter, Tierra received all or substantially all  
3 of its funding from Maxus."

4 Is that a true statement?

5 A. I believe it to be the case.

6 Q. A little further down it says, "Maxus  
7 and Tierra further admit that, inasmuch as Tierra  
8 had a limited business purpose during this period,  
9 namely holding title to and granting access to  
10 defunct plant sites, Tierra had relatively nominal  
11 expenses which Maxus and Tierra admit were paid  
12 using funds supplied by Maxus."

13 That's a true statement?

14 A. Yes.

15 Q. Tierra had no bank accounts. Is that  
16 right?

17 A. Not to my knowledge.

18 Q. Did Tierra file its own tax returns?

19 A. There were tax returns filed, either  
20 separately or consolidated with other entities.

21 Q. During the time period in question,  
22 were tax returns filed by Tierra separately at any  
23 time?

24 A. I've seen copies of at least two that I  
25 believe were filed separately.

1 Q. What years were those?

2 A. I would have to look in the book.

3 Q. Please.

4 A. I think -- let me look.

5 '88 -- well, I don't know if these are  
6 the whole returns, but there are segments of '88 and  
7 '89.

8 Q. Are you certain that wasn't a  
9 consolidated return?

10 A. Yes. The one in '88 was.

11 Q. A consolidated return?

12 A. Yes. It looks like.

13 Q. So in 1988 Tierra didn't file its own  
14 independent tax return.

15 A. No. I don't believe so. I think it  
16 was just part of this. The line item is what I was  
17 referring to.

18 Q. And in 1989 that tax return was also  
19 filed by Maxus on behalf of Maxus Energy Corporation  
20 and its subsidiaries, as well; correct?

21 A. Yes.

22 Q. So there was no point in time between  
23 1986 and 1994 that Tierra filed its own independent  
24 tax return.

25 A. I don't have direct knowledge of that.

1 The only two I have seen are these two years.

2 Q. And both of those are consolidated  
3 returns.

4 A. Yes.

5 Q. It is true that Tierra never paid  
6 dividends to any shareholders during this time  
7 period, as well.

8 A. I don't believe so, but I don't have  
9 direct knowledge of that.

10 Q. If you could take a look again at  
11 Exhibit No. 8. In response to Request for Admission  
12 No. 13, it says, "Admit Tierra never paid dividends  
13 to any shareholder between March 1986 and December  
14 1994." Tierra's response was, "Admitted."

15 A. Correct.

16 Q. You don't have any knowledge to  
17 contradict that statement.

18 A. That's correct.

19 Q. The statement that Maxus and Tierra  
20 admit that Tierra received all, or substantially  
21 all, of its funding from Maxus during this time  
22 period, referring to that statement, was there any  
23 agreement by which Tierra was to reimburse Maxus for  
24 those expenses paid by Maxus?

25 A. I don't -- I have not seen that

1 agreement if there was one.

2 Q. Did Tierra, during this time period,  
3 reimburse Maxus for any of the expenses that Maxus  
4 paid on Tierra's behalf?

5 A. Not to my knowledge.

6 Q. Was there any agreement under which  
7 Maxus was to pay Tierra for accessing properties  
8 Tierra owned during this time period?

9 A. Not to my knowledge.

10 Q. Maxus never paid a fee to access  
11 properties owned by Tierra during this time period,  
12 did they?

13 A. They may have. I haven't seen any  
14 indication that they did.

15 Q. How did Tierra grant access to Maxus to  
16 access these properties owned by Tierra?

17 A. I don't have direct knowledge how that  
18 was accomplished.

19 Q. So you don't think that Maxus had to  
20 call Tierra each time it wanted to access a property  
21 owned by Tierra during this time period, do you?

22 A. I don't believe so, but I don't have  
23 direct knowledge of that.

24 Q. Just to be clear, Maxus never paid rent  
25 to Tierra for access of any of these properties

1 owned by Tierra in that time period.

2 A. They may have. I don't remember, or I  
3 don't have direct knowledge of that.

4 Q. Do you have any reason to believe that  
5 Maxus paid rent or any fee to access properties  
6 owned by Tierra during this time period?

7 A. No.

8 Q. Other than these properties that we  
9 were discussing, the properties in Kearny, New  
10 Jersey; Lister Avenue, New Jersey; and in Ohio, did  
11 Tierra own any assets between 1986 and 1994?

12 A. There was certain fixed assets that may  
13 still have existed on some of the properties, such  
14 as the remains of buildings, tanks, pipelines. I  
15 just don't have the exact dates that all those were  
16 removed.

17 Q. Is it fair to say that these buildings,  
18 tanks and pipelines were part of each of the  
19 properties that were subject to the administrative  
20 orders governing those properties?

21 A. They were on the properties, yes.

22 Q. And they were part of the remediation  
23 that was ongoing at those properties; right?

24 A. Some. I think there was some salvage  
25 operations in Painesville, but Newark was all part

1 of the remediation.

2 Q. What kind of expenses did Tierra have  
3 from 1986 to 1994?

4 A. Property taxes, primarily.

5 Q. Anything else? Filing fees?

6 A. Maybe permit fees or filing fees for  
7 being a landowner, but I think taxes were probably  
8 the primary expense.

9 Q. Land purchases?

10 A. Not in Newark or Kearny. There may  
11 have been purchases during that period or after that  
12 period in Painesville.

13 Q. You say not in Newark or Kearny. No  
14 money switched hands between Diamond Shamrock  
15 Chemical Land Holdings and Diamond Shamrock  
16 Chemicals Company for the transfer of the Lister and  
17 Kearny sites. Is that right?

18 A. Not to my knowledge.

19 Q. Do you have any reason to believe that  
20 any monies switched hands between Diamond Shamrock  
21 Chemical Land Holdings, Inc. and Diamond Shamrock  
22 Chemicals Company for the transfer of properties in  
23 Ohio?

24 A. No. I mean, I would have to review  
25 every document. Sometimes sales like that are done

1 for a dollar or \$10, but it was nominal, if  
2 anything.

3 Q. Beyond these expenses, primarily  
4 property taxes, filing fees, and whatever nominal  
5 expenses Tierra had, Tierra also owned this real  
6 property, and these properties were burdened with  
7 significant environmental liabilities. Is that a  
8 true statement?

9 A. Yes.

10 Q. These properties, the property in Ohio,  
11 the property in Kearny, the property in Newark, the  
12 Lister Avenue properties, each of those properties  
13 were subject to significant remedial measures  
14 costing millions of dollars. Is that true?

15 A. Yes.

16 Q. It was never intended that Tierra would  
17 ever be able to satisfy the cost of remediating  
18 those properties. Is that true?

19 A. That's true.

20 Q. And never, during the time period from  
21 1986 to 1994, could Tierra have covered the cost to  
22 remediate the properties that Tierra owned. Is that  
23 true?

24 A. That's true.

25 Q. To be a little bit more specific, I am



1 going to show you a few documents that I hope we can  
2 breeze through pretty quickly.

3 (Exhibit 14, Estimate of Costs for 80  
4 Lister Avenue, Maxus 228685961 is received and  
5 marked for identification.)

6 Q. I hand you what I have marked as  
7 Exhibit No. 14 to your deposition.

8 MR. SARACHAN: Thank you.

9 Q. Have you ever seen this document?

10 A. No, I don't believe I have.

11 MR. SARACHAN: I am just going to  
12 object because it is outside the period.

13 Q. The document appears to me to be  
14 estimates -- estimates of remediation costs for the  
15 Lister Avenue site. It is dated September of 1984.

16 Is that an accurate description?

17 A. Repeat that.

18 Q. The document looks to me to be an  
19 estimate of costs for remediating the 80 Lister  
20 Avenue site in Newark, New Jersey, and it is dated  
21 September of 1984.

22 Is that an accurate description?

23 A. The site and associated properties, or  
24 associated issues.

25 Q. It looks like here, in September of

1 1984, it was estimated that the cleanup of 80 Lister  
2 Avenue would cost between 11 and \$14 million. Is  
3 that what it says?

4 A. Yes.

5 Q. And from the time it was incorporated  
6 until the end of 1994, Tierra could have never paid  
7 for remediation costs between 11 and \$14 million.

8 MR. SARACHAN: Objection.

9 Q. Is that true?

10 A. True.

11 Q. Similarly, Tierra could have never  
12 covered remediation costs between 20 and \$30  
13 million, which is what this document estimates in  
14 totality.

15 MR. SARACHAN: Objection.

16 A. True.

17 Q. Do you know whose handwriting that is  
18 on the second page of Exhibit No. 14?

19 A. No.

20 (Exhibit 15, Letter dated 8/11/86,  
21 Maxus 0478710-14 is received and marked for  
22 identification.)

23 Q. I am going to hand you what I have  
24 marked as Exhibit 15 to your deposition.

25 Have you ever seen this document?

1           A.       I may have. I would have to refer to  
2 the book to be sure.

3           Q.       It is dated -- the cover letter, at  
4 least, is dated August 11th of 1986, which is  
5 immediately prior to Diamond Shamrock Chemicals  
6 Company's transfer of the Lister site to Diamond  
7 Shamrock Chemical Land Holdings, Inc.; correct?

8           A.       Yes.

9           Q.       The document appears to be an appeal of  
10 the tax assessed value -- of the assessed value for  
11 tax purposes of the Lister site. Is that right?

12          A.       Yes.

13          Q.       And this appeal was filed on behalf of  
14 Diamond Shamrock Chemicals Company, which at that  
15 time was the landowner of the Lister site?

16          A.       Yes.

17          Q.       Diamond Shamrock Chemicals Company is  
18 arguing that the assessed value of the property  
19 should be zero.

20          A.       Yes.

21          Q.       And if you look at the bottom of the  
22 next page it says, "This property contains dioxin in  
23 the soil and in the subject building. The property  
24 is completely encapsulated and quarantined by order  
25 of the NJDEP. It is unusable for any purpose,

1 unsaleable, and the cost to cure the present  
2 condition is far above the value set by the  
3 assessor"; correct?

4 A. Correct.

5 Q. Would you have any reason to disagree  
6 with those statements?

7 A. No.

8 (Exhibit 16, Letter dated 9/11/86 with  
9 Statement of Facts and Memorandum of Law, is  
10 received and marked for identification.)

11 Q. I hand you what I have marked as  
12 Exhibit 16 to your deposition, which is a Memorandum  
13 of Law -- Statement of Facts and Memorandum of Law  
14 in support of that appeal.

15 MR. PETIT: I'm sorry. Vince -- this  
16 has got a Bates stamp. It is purportedly  
17 privileged. That privilege argument was waived  
18 prior to this deposition, by Maxus.

19 John, do you want to take a look at  
20 that? This is the only copy of this document that  
21 we have.

22 MR. JACKSON: When you say the  
23 privileged argument was waived, you mean it was  
24 withdrawn.

25 MR. PETIT: It was withdrawn by Maxus.

1 MR. SARACHAN: Just give us a moment  
2 just to look at it.

3 MR. PETIT: You bet.

4 That's what happens when I get going so  
5 quickly.

6 MR. SARACHAN: We can proceed. It's  
7 fine.

8 Q. That's Exhibit 16.

9 Have you seen this document before?

10 A. I don't believe I have.

11 Q. It is dated -- at least the cover  
12 letter is dated September 11, 1986, which is  
13 immediately after the sale from Diamond Shamrock  
14 Chemicals Company to Diamond Shamrock Chemical Land  
15 Holdings, Inc. Is that right?

16 A. Yes.

17 Q. Still the memorandum is filed on behalf  
18 of Diamond Shamrock Chemicals Company, which at that  
19 time had already been sold to Occidental; correct?

20 A. Correct.

21 Q. The memorandum recites that the  
22 property, the Lister site, was sold by Marisol to  
23 Diamond Shamrock Chemicals Company in order to  
24 settle claims between Marisol and Diamond Shamrock  
25 Chemicals Company. Is that right?

1 A. Yes.

2 Q. On page 3 it states, "The property is  
3 unsalable, and was purchased by Diamond Shamrock  
4 only to free Marisol from continuing liability and  
5 to dispose of litigation claims by Marisol against  
6 Diamond Shamrock." Is that right?

7 A. That's what it says.

8 Q. And Marisol was the previous owner of  
9 the Lister site; right?

10 A. That's what it says.

11 Q. To your knowledge, Marisol wasn't  
12 operating on the Lister site, was it?

13 A. I don't have direct knowledge of the  
14 time period that they were there so -- and their  
15 operations, so I don't know.

16 Q. Bottom paragraph, the paragraph 3 -- I  
17 mean bottom paragraph, page 3, it says, "In  
18 addition, the cost to cure the above condition,"  
19 which refers to the condition of the Lister site at  
20 that time, "will far outstrip the assessed value on  
21 the property."

22 As far as you know, is that a true  
23 statement?

24 A. Yes.

25 Q. The next line says, "Pursuant to the

1 March 1984 order of the NJDEP, a letter of credit  
2 for \$12 million was committed to the remedial  
3 efforts by Diamond Shamrock, while alternatives  
4 which may be implemented range as high as \$188  
5 million." Is that right?

6 A. That's what it says.

7 Q. Do you have any reason to disagree with  
8 the statements made?

9 A. Well, it didn't cost anywhere near 188  
10 million to remediate that site.

11 Q. Did it cost more than \$12 million to  
12 remediate the site?

13 A. Yes.

14 Q. At any time in this time period, from  
15 March 1986 to the end of 1980 -- 1994, Tierra was in  
16 no position to cover the remediation costs that are  
17 described here in this document.

18 A. Correct.

19 (Exhibit 17, Interoffice  
20 Correspondence, 12/27/91, Maxus 2318102-106 is  
21 received and marked for identification.)

22 Q. I am going to show you what I have  
23 marked as Exhibit 17 to your deposition.

24 MR. SARACHAN: Thank you.

25 Q. Have you seen this document before?

1 A. Yeah. I may have seen this.

2 Q. This document appears to be a copy of  
3 the tax refund received by Diamond Shamrock Chemical  
4 Land Holdings related to the Lister site; correct?

5 A. Correct.

6 Q. It appears as if the arguments made by  
7 Diamond Shamrock Chemicals Company were accepted,  
8 and the tax value of the Lister site was reduced;  
9 correct?

10 A. I don't see direct reference to that  
11 statement, but it may have been.

12 Q. Do you know of any other reason why a  
13 tax refund would have been received by Diamond  
14 Shamrock Chemical Land Holdings, Inc.?

15 A. No.

16 Q. Looks like payment was made to Diamond  
17 Shamrock Chemical Land Holdings, Inc., and a couple  
18 pages later it shows, looking specifically at Maxus  
19 231805 is the Bates number, there is a designee of  
20 "Property Tax Dept., Amarillo, Texas." Do you see  
21 that on the top left?

22 A. Yes.

23 Q. Whose property tax department was that?

24 A. They represent Diamond Shamrock  
25 Chemicals, Chemical Land Holdings.



1 Q. Was that the property tax department  
2 for anyone else?

3 A. I don't have direct knowledge of that.

4 Q. So are you saying, at this period of  
5 time in 1991, Diamond Shamrock Chemical Land  
6 Holdings, Inc. had its own tax department?

7 A. No.

8 Q. Would it have been the tax department  
9 of either Diamond Shamrock Corporate Company, or  
10 Diamond Shamrock Corporation known as Maxus?

11 A. It may have been.

12 Q. Do you know?

13 A. Not for sure, no.

14 MR. SARACHAN: Will, is this a good  
15 type for a short break?

16 MR. PETIT: Can we go through two quick  
17 documents?

18 MR. SARACHAN: Absolutely.

19 (Exhibit 18, Appraisal April 1999,  
20 Maxus 3141634-98 is received and marked for  
21 identification.)

22 Q. I am going to hand you what I have  
23 marked as Exhibit 18 to your deposition.

24 Have you seen this document before?

25 A. I may have, but I don't remember.

1 Q. It appears to be an appraisal of the  
2 Lister site, dated April 1999.

3 A. Correct.

4 Q. It is addressed to a Mr. Cary Begun.  
5 I think you mentioned that was one of the gentleman  
6 who may have knowledge regarding the topics  
7 identified on the corporate representative  
8 deposition notice?

9 A. Yes.

10 Q. It shows here that he was also with  
11 Maxus Energy Corporation Administrative Services?

12 A. Yes.

13 Q. Was he also an officer of Tierra at  
14 that time?

15 A. What period are we talking about?

16 Q. Well, this is 1999. I think he may  
17 have been an officer and director late -- in the  
18 period of time we are talking about today. I am  
19 assuming this carried over, but he had another  
20 position at Maxus, as well.

21 A. I didn't review the officers' names  
22 past 1995 or so into this period.

23 Q. I apologize regarding the copy. You  
24 are going to have to twist this around a little bit,  
25 but --

1 MR. SARACHAN: I am going to object to  
2 these questions in that they are on a document that  
3 is five years after our time period.

4 Q. If you could look at page 2 of the  
5 appraisal.

6 Towards the bottom of the second  
7 paragraph, it says, "Property representatives  
8 estimate that approximately \$32 million has been  
9 spent in containment efforts to date, with at least  
10 another estimated \$18 million in near term costs  
11 anticipated."

12 A. Where are you on this?

13 Q. It's at page 2 of the actual  
14 appraisal --

15 A. Page --

16 Q. -- report.

17 A. Okay.

18 That's what it says.

19 Q. Are those true statements?

20 MR. SARACHAN: Objection.

21 A. I don't have direct knowledge of that  
22 -- of those exact costs.

23 Q. Do you have any reason to disagree that  
24 those costs were expended or anticipated at the time  
25 of this appraisal?

1 MR. SARACHAN: Objection.

2 A. They may have been in that range.

3 Q. Look at page 1 of the appraisal, if you  
4 will, please. It is, according to this appraiser,  
5 at least, that this site, as if clean, would be  
6 valued at \$875,000. Is that right?

7 MR. SARACHAN: Objection.

8 A. That's what it says.

9 Q. And at least according to this  
10 appraiser, given the \$18 million in anticipated  
11 remedial costs that were anticipated, the property  
12 had a value of negative \$17,125,000. Is that right?

13 MR. SARACHAN: Objection.

14 A. That's what it says.

15 Q. Can you look at page 3? It says,  
16 "Function of the Appraisal." Do you see that?

17 A. Yes.

18 Q. Are you familiar with why this  
19 appraisal was requested?

20 MR. SARACHAN: Objection. You know, I  
21 have objected because it is outside of the time. I  
22 understand you are trying to use it for certain  
23 valuation estimations, but now you are talking about  
24 activities that occurred, and we know that the  
25 entities were all evolved over time. So I really

1 don't see how this is relevant to Track III.

2 MR. PETIT: Fair enough. I'm going to  
3 move on, but the deposition protocol states that you  
4 can state an objection to relevance. You can't  
5 instruct your witness not to answer based on  
6 objection to relevance. But I am going to move on  
7 anyway.

8 MR. SARACHAN: I appreciate that. I  
9 think we are all trying to be reasonable about this.

10 (Exhibit 19, Project Summaries By Year,  
11 AA-YPF-0039067 is received and marked for  
12 identification.)

13 Q. I am going to hand you what I've marked  
14 as Exhibit 19 to your deposition.

15 MR. SARACHAN: Thank you.

16 Q. Are you familiar with this document?

17 A. Yes.

18 Q. Can you identify it for the record,  
19 please?

20 A. This is a spreadsheet that was kept to  
21 track costs by project code associated with the  
22 various sites.

23 Q. Are the numbers identified on here  
24 accurate to the best of your knowledge?

25 MR. SARACHAN: I am just going to

1 object to the extent that it extends beyond our time  
2 period.

3 A. Yes.

4 Q. Now, with respect to the project names,  
5 the first one identified as "Newark," would that be  
6 the Lister Avenue site?

7 A. I believe so.

8 Q. Do you see the "Painesville 1 acre"?

9 A. Yes.

10 Q. Would that be one of the Ohio  
11 properties owned by Chemical Land Holdings during  
12 the time period?

13 A. Yes.

14 Q. Do you see the "Kearny" site? Would  
15 that be the actual chemical plant site owned by  
16 Chemical Land Holdings during the time period?

17 A. Yes.

18 Q. The "Kearny off-sites," would they have  
19 been owned by Chemical Land Holdings or Tierra  
20 during the time period?

21 A. No.

22 Q. What about the "Painesville chrome"  
23 site? Would that have been owned by Tierra during  
24 the time period?

25 A. Yes.

1 Q. What about the "Painesville plant"  
2 site? Would that have been owned by Tierra during  
3 the time period?

4 A. Yes.

5 Q. Do you see any other properties on here  
6 that would have been owned by Tierra during the time  
7 period?

8 A. No. However, Painesville group was  
9 associated with those properties mentioned above,  
10 not an actual property.

11 MR. PETIT: Okay. I think we're ready  
12 to take a break.

13 MR. SARACHAN: Okay. Thank you.

14 THE VIDEOGRAPHER: We are going off the  
15 record. The time is 11:19 A.M.

16 (Recess was taken.)

17 THE VIDEOGRAPHER: We are back on the  
18 record. The time is 11:35 A.M. This is the  
19 beginning of disk 3.

20 Q. Looking back at Exhibit No. 19, which  
21 is this spreadsheet we identified earlier, the  
22 properties owned by CLH during the time period that  
23 are listed on the spreadsheet, who owned the other  
24 properties on there?

25 A. I don't know. Various owners.

1 Q. Like who?

2 A. Well, you have "Passaic River." I  
3 think the state owns that.

4 Q. Okay.

5 A. You have "Fieldsbrook" associated with  
6 an ongoing operation that Occi had. I think this is  
7 actually the brook. So the state of Ohio probably  
8 owned that.

9 Some of these are what we call  
10 third-party sites, where there's a landfill and a  
11 number of parties that are potentially liable, a  
12 former group to deal with that property, so they're  
13 also on here.

14 Q. What about "Atlanta"?

15 A. I'm not that familiar with Atlanta. It  
16 was nothing, as you can see, that I really had any  
17 involvement with after I arrived, because it was a  
18 closed-out site. So I don't know who owned it or  
19 what the issues related to Atlanta were, and I  
20 haven't reviewed anything in prep on that site, or  
21 that third-party site, whatever it may be.

22 Q. Did Maxus or Maxus Corporate Company  
23 own any of these sites?

24 A. I don't believe so.

25 Q. Of these sites that were owned by



1 somebody within this Diamond family, those sites  
2 were owned exclusively by Chemical Land Holdings or  
3 Tierra?

4 A. The properties we have talked about,  
5 yes.

6 Q. You testified earlier that one of the  
7 purposes of Tierra was to track expenses relating to  
8 the sites that it owned. Are you referring to these  
9 kinds of expenses, or are you referring to property  
10 taxes or other nominal expenses that we've  
11 discussed?

12 A. I think both.

13 Q. It was Tierra's job to track these  
14 kinds of expenses during the time period in  
15 question?

16 A. Well, Tierra didn't have any employees,  
17 so someone, an officer or a member of one of the  
18 Maxus entities, did that tracking.

19 Q. And what was done with that  
20 information?

21 A. It was put on spreadsheets.

22 Q. What did Tierra do with the  
23 information?

24 A. Tierra had no employees, so it was just  
25 an accounting function.

1 Q. These were Maxus expenses; correct?

2 A. The reason I hesitate is there were  
3 charge-backs to Chemical Land Holdings associated  
4 with taxes, time spent dealing on property issues,  
5 and we tracked that in much more detail outside of  
6 this period. During this period, they would  
7 potentially have been rolled up in this admin  
8 category.

9 Q. So some of Tierra's expenses, like  
10 property taxes, would have been under this admin  
11 category?

12 A. That's the way they are today. Over  
13 time, they would have either been in an admin  
14 charge-back category or charged directly to the  
15 project code.

16 Q. The lion's share of these expenses were  
17 relating to the remediation of these particular  
18 sites; correct?

19 A. Yes.

20 Q. And those would have been Maxus  
21 expenses?

22 A. Yes.

23 Q. And those would have been tracked by  
24 Maxus personnel?

25 A. Yes.

1 Q. Do you know who Gregory Castelan is?

2 A. No.

3 Q. Do you see that on the second page of  
4 the -- of Exhibit 19?

5 A. Yes.

6 Q. It looks like he's with Maxus Energy  
7 Corporation, possibly in the tax department?

8 A. Possibly.

9 Can I ask a question? Is this a  
10 separate document that should have been put in the  
11 record?

12 Q. This was produced by Repsol and YPF,  
13 and my guess is --

14 MR. KASSOF: No, it isn't. It was  
15 produced by Arthur Andersen.

16 MR. PETIT: Stand corrected.

17 A. The reason I say, I've never seen this  
18 type of document associated with this spreadsheet.

19 Q. I don't know the answer to that. I  
20 think this is the same document; otherwise, we  
21 wouldn't have combined them. It looks like it was  
22 produced that way.

23 (Exhibit 20, Trial Balance Sheet, Maxus  
24 3414515-30 is received and marked for  
25 identification.)

1 Q. I am going to hand you what I have  
2 marked as Exhibit 20 to your deposition.

3 Mr. Rabbe, may I see that back real  
4 quick?

5 This is the Trial Balance Sheet you  
6 were referring to earlier where you saw the line  
7 item for Chemical Land Holdings attached to the  
8 consolidated tax return of Maxus Energy Corporation  
9 for 1988. Is that right?

10 A. Yes.

11 Q. You've seen this document before?

12 A. I have seen some, if not all of this  
13 document.

14 Q. And I will represent to you this is  
15 just an excerpt from that. This Trial Balance Sheet  
16 is 160 some odd pages long. I have just attached 16  
17 pages here.

18 If you look on Maxus 3414528, it shows  
19 the line for the subsidiary Chemical Land. Do you  
20 see that?

21 A. Yes.

22 Q. Is this the type of balance sheet you  
23 were referring to maintained by Tierra?

24 A. Yes.

25 Q. It looks like this balance sheet,

1       however, was filed on behalf of Maxus Energy  
2       Corporation and its subsidiaries; right?

3             A.       Yes.

4             Q.       As part of a consolidated tax return.

5                     I am interested, you mention that some  
6       of the assets that Tierra had during the time period  
7       would have been buildings and pipelines, and that  
8       kind of thing, associated with the chemical plant  
9       facilities. Is that right?

10            A.       Correct. I just don't know what years  
11       that they were all removed.

12            Q.       Well, this shows, at least, as far as  
13       your -- as far as Maxus's 1988 balance sheet shows,  
14       it shows depreciable assets for Chemical Land, and  
15       has a net depreciable assets of \$12,416.

16                     Do you see that?

17            A.       Yes.

18            Q.       Would that have been the types of  
19       things -- the types of things you were discussing  
20       earlier, would that be what is shown here on lines  
21       9A and 9B of this balance sheet?

22            A.       I would assume so, but I would have to  
23       see the entries to verify that.

24            Q.       We would, too.

25                     Could you think of anything else that

1 those could be?

2 A. No.

3 Q. On line 11 it says "Land," and it has a  
4 value \$606,741.

5 Do you see that?

6 A. Yes.

7 Q. How was that land valued?

8 A. I don't have direct knowledge of that.

9 Q. Do you know what land was valued for  
10 purposes of this return?

11 A. I don't have direct knowledge, but I  
12 would assume it is the properties that they owned at  
13 the time.

14 Q. Do you see line 13 says, "Other  
15 Assets," and it has a negative \$298,688 figure?

16 A. Yes.

17 Q. And do you know what that entails?

18 A. No.

19 Q. Do you see where it says, line 17,  
20 "Other Current Liabilities" \$75,919?

21 Do you know what those liabilities  
22 would have been?

23 A. No. But that is typically where you  
24 put bills that haven't been paid yet that are due,  
25 so I would assume that maybe they had some invoices

1 for taxes or something.

2 Q. Do you see where it says,  
3 "Unappropriated Retained Earnings"?

4 A. Yes.

5 Q. Negative \$147,539?

6 A. Yes.

7 Q. That would have been Tierra's  
8 accumulated losses over time; right?

9 A. I'm not sure of the exact term. I'm  
10 not an accountant. I don't know how that is  
11 characterized on the books.

12 Q. What -- what do you think that negative  
13 \$147,000 figure describes?

14 A. I'm not sure.

15 Q. Do you see line 22, "Paid-in Or Capital  
16 Surplus"?

17 A. Yes.

18 Q. And you have a thousand dollars for  
19 "Common Stock," line 21B, and then line 22, 391,000.

20 Do you know when that was paid in by  
21 the shareholders?

22 A. No.

23 Q. Do you know what that figure  
24 represents?

25 A. No.

1 Q. In any event, it is clear, based on  
2 this balance sheet for Chemical Land, that Chemical  
3 Land in 1988 was not in a position to cover the  
4 remediation costs associated with the Lister site;  
5 true?

6 A. Correct.

7 (Exhibit 21, 1989 Income Tax Return, is  
8 received and marked for identification.)

9 Q. I hand you what I have marked as  
10 Exhibit 21 to your deposition.

11 Have you seen this document?

12 A. I'm not sure if I've seen this  
13 particular document, no.

14 Q. This looks to be the 1989 income tax  
15 return for Maxus Energy Corporation and its  
16 subsidiaries?

17 A. Yes.

18 Q. And you referred to that 1989 tax  
19 return earlier in your testimony.

20 A. Yes. I have seen pieces. I just don't  
21 know if I've seen these pages.

22 Q. Again, this is an excerpt of what was  
23 originally attached, the as-filed return. This is  
24 not a Bates stamped copy. I think we may have  
25 received in the meantime a Bates stamped copy of



1 this same document, but this is what we received  
2 from Mr. Gentile about a week ago.

3 A. Okay. Fine.

4 Q. If you look on page 1.10. In the upper  
5 right-hand corner, you have the page numbers.

6 A. Excuse me? I didn't hear that.

7 Q. Look at page 1.10. Do you see that?

8 A. Yes. The last page.

9 Q. And it has the line for subsidiary  
10 Chemical Land.

11 A. Yes.

12 Q. And it shows taxes incurred in that  
13 year were \$669,020?

14 A. Yes.

15 Q. And, again, it shows a figure for net  
16 depreciation.

17 It looks like the only liabilities  
18 incurred by Chemical Land for this year were the  
19 taxes. Is that what it looks like to you?

20 A. Yes.

21 Q. And Chemical Land shows taxable income  
22 of minus \$671,728.

23 A. Yes.

24 Q. During the time period 1986 to 1994,  
25 Tierra knew that there was a risk of exposure as

1 landowner for the remediation costs incurred  
2 remediating properties it owned; correct?

3 A. I don't believe that that's the case.

4 Q. You don't believe that Tierra knew that  
5 there was a risk of exposure?

6 A. Tierra was the landowner.

7 Q. As landowner, Tierra didn't think there  
8 was a risk of exposure?

9 A. No one ever told me that they thought  
10 that.

11 Q. Do you think that, Mr. Rabbe?

12 A. No.

13 (Exhibit 22, Trust Agreement OCCNJ  
14 0039656-663, is received and marked for  
15 identification.)

16 Q. I am going to show you what I've marked  
17 as Exhibit 22 to your deposition.

18 MR. SARACHAN: Thank you.

19 Q. Do you recognize this document?

20 A. I may have seen it. I know there's  
21 been various Trust Agreements and changes in  
22 financial assurance over time.

23 Q. In your own words, could you describe  
24 this document for the record?

25 A. As part of the orders that were being

1 negotiated or had been agreed to, financial  
2 assurance of some kind was required, and this Trust  
3 Agreement appears to have satisfied that request.

4 Q. And this Trust Agreement is dated on or  
5 about March 19, 1984? The very last page. Turn the  
6 page.

7 A. Yes.

8 Q. And, in the second paragraph of the  
9 first page, it states that the New Jersey Department  
10 of Environmental Protection is requiring Diamond  
11 Shamrock Chemicals Company provide financial  
12 assurance to cover anticipated remediation costs at  
13 the Lister Avenue site. Is that right?

14 MR. SARACHAN: I am just going to  
15 object because this is also outside our time.

16 You can go ahead and answer.

17 A. That's what it says.

18 Q. And the financial assurance that the  
19 DEP is requiring is \$12 million?

20 A. That's what it says.

21 (Exhibit 23, Irrevocable Letter of  
22 Credit, Maxus 3081835, is received and marked for  
23 identification.)

24 Q. Exhibit 23 to your deposition is the  
25 Irrevocable Letter of Credit No. 52060 in favor of

1 the DEP in the amount of \$12 million on the account  
2 of Diamond Shamrock Chemicals Company. Is that  
3 right?

4 A. Yes.

5 Q. And these letters of credit were  
6 effective for about a one-year period; correct?

7 MR. SARACHAN: Same objection. You can  
8 go ahead and answer.

9 A. It appears to be that.

10 Q. And they were amended thereafter for  
11 each year that the letter of credit was required;  
12 correct?

13 A. I don't know if it was every year, but  
14 when it was required to be.

15 (Exhibit 24, Letter dated 1/1/85, Maxus  
16 3358669-78 is received and marked for  
17 identification.)

18 Q. I show you Exhibit 24 to your  
19 deposition, which is another Trust Agreement.

20 Are you familiar with that document?

21 MR. SARACHAN: Thank you.

22 A. Yeah. I may have reviewed this.

23 Q. And this Trust Agreement relates to an  
24 additional requirement of the DEP to provide  
25 financial assurance for the remediation of some of

1 the off-site locations associated with the Lister  
2 site; correct?

3 A. Correct.

4 Q. And it requires financial assurance of  
5 \$4 million; correct?

6 MR. SARACHAN: Same objection to these  
7 questions.

8 Go ahead and answer.

9 A. Yes.

10 Q. In this Letter of Credit, which is the  
11 second page in the Trust Agreement, which is the  
12 remainder of this Exhibit No. 24, is on the account  
13 of Diamond Shamrock Chemicals Company.

14 A. I'm not sure what page we're looking  
15 at.

16 Q. The Letter of Credit is the second  
17 page, and then the Trust Agreement that relates to  
18 that Letter of Credit is the remainder of the  
19 document. It is on account of Diamond Shamrock  
20 Chemicals Company; correct?

21 A. Yes.

22 Q. At that time Diamond Shamrock Chemicals  
23 Company was the owner of the Lister site; correct?

24 A. Yes.

25 Q. I'm sorry. Was that Exhibit No. 24?

1 A. Yes.

2 Q. Thanks.

3 (Exhibit 25, Trust Agreement, OCCNJ  
4 0039641-53 is received and marked for  
5 identification.)

6 Q. I will show you Exhibit 25 to your  
7 deposition, which I believe is just another copy of  
8 that same Trust Agreement we were just talking  
9 about, but it also includes the Administrative  
10 Consent Order.

11 Do you see that?

12 A. Yes.

13 Q. Paragraph 8 of the Administrative  
14 Consent Order is the provision of that order that  
15 requires -- provision of financial assurance;  
16 correct?

17 MR. SARACHAN: Same objection.

18 Go ahead and answer.

19 A. Correct.

20 Q. And paragraph 8 refers to paragraph 16  
21 of the first Administrative Consent Order that  
22 required a provision of financial assurance of \$12  
23 million; correct?

24 A. That's what it refers to.

25 (Exhibit 26, Trust Agreement, Maxus

1 0376848-55 is received and marked for  
2 identification.)

3 Q. I will show you what I have marked as  
4 Exhibit 26 to your deposition.

5 This is another Trust Agreement, but  
6 this time on the account of Diamond Shamrock  
7 Chemical Land Holdings, Inc.; correct?

8 MR. SARACHAN: Thank you.

9 A. Yes.

10 Q. Just like the other Trust Agreements,  
11 this Trust Agreement provides that the DEP is  
12 requiring financial assurances in that Diamond  
13 Shamrock Chemical Land Holdings, Inc. is doing so  
14 instead of Diamond Shamrock Chemicals Company in the  
15 amount of \$4 million; right?

16 A. Right.

17 Q. How is Diamond Shamrock Chemical Land  
18 Holding able to provide the financial assurance and  
19 obligate itself to the bank in the amount of  
20 \$4 million?

21 A. I assume at this period Maxus Chemical  
22 Corporate Company was doing it for them on their  
23 behalf.

24 Q. By guaranty.

25 Just to get a clean question out there,

1 in other words, at this period of time, between 1986  
2 and 1994, that obligation of Diamond Shamrock  
3 Chemical Land Holdings, Inc. would have been  
4 guarantied by either Maxus Energy or Maxus  
5 Corporate?

6 MR. SARACHAN: Objection.

7 A. Maxus Corporate.

8 (Exhibit 27, Amendment No. 5 to  
9 Irrevocable Letter of Credit, OCCNJ 0039654 is  
10 received and marked for identification.)

11 Q. I am showing you what I have marked as  
12 Exhibit 27 to your deposition, which is an amendment  
13 to the Letter of Credit No. 540 -- 54906. Excuse  
14 me.

15 This amendment to the Letter of Credit  
16 is in the favor of DEP on the account of Diamond  
17 Shamrock Chemical Land Holdings; correct?

18 A. Yes.

19 Q. And this is the Letter of Credit in the  
20 amount of \$4 million; true?

21 A. This was just a letter. Can you reask  
22 the question?

23 Q. And this Letter of Credit No. 54906,  
24 that's the Letter of Credit in the amount of \$4  
25 million; true?



1           A.       Yes.

2           Q.       And we know that because that's the  
3 same number used in Exhibit 24; correct?

4           A.       Yes. It appears someone has also noted  
5 it on this document.

6                   (Exhibit 28, Amendment No. 5 to  
7 Irrevocable Letter of Credit No. 52060, OCCNJ  
8 0039673 is received and marked for identification.)

9           Q.       I am going to hand you what I have  
10 marked as Exhibit 26 to your deposition, which is an  
11 amendment to the Letter of Credit No. 52060.

12                   Have you seen this document?

13          A.       I don't remember if I have.

14          Q.       Like the one before it, this is an  
15 amendment to the Letter of Credit in favor of the  
16 DEP for the account of Diamond Shamrock Chemical  
17 Land Holdings, Inc. Is that right?

18          A.       Yes.

19          Q.       And this refers to the Letter of Credit  
20 in the amount of \$12 million.

21          A.       I would assume so. I would have to  
22 look at that number again, but...

23          Q.       Is it number 23, Exhibit 23?

24          A.       Yes.

25                   (Exhibit 29, Draft Trust Agreement,

1 Maxus 3061239-43 is received and marked for  
2 identification.)

3 Q. I am going to hand you what I am going  
4 to mark as Exhibit No. 29 to your deposition, which  
5 is a draft Trust Agreement --

6 MR. PETIT: Oh, I'm sorry. There's 29.

7 MR. SARACHAN: Thank you.

8 Q. -- dated April 11, 1989.  
9 Have you seen this document before?

10 A. I may have.

11 Q. It looks like here that Maxus Energy  
12 Corporation, Maxus Exploration Company, Maxus  
13 Corporate Company and Chemical Land Holdings, Inc.  
14 are applying for an amendment to the Letter of  
15 Credit 52060, which is the one in the amount of  
16 \$12 million, to extend the time that Letter of  
17 Credit is effective. Is that right?

18 A. Yes.

19 Q. And the Letter of Credit is going to be  
20 for the account of Diamond -- at this time, it is  
21 known as Chemical Land Holdings; correct?

22 A. Yes.

23 Q. It says here, "Chemical Land had  
24 acquired in a prior intracompany transfer certain of  
25 the land burdened with such environmental

1 liabilities." Is that right?

2 A. That's what it says.

3 Q. And the environmental liabilities are  
4 those liabilities associated with the remediation  
5 that was ongoing at that time; correct?

6 A. Correct.

7 Q. It looks like InterFirst Bank -- excuse  
8 me. It looks like this is going to be on the  
9 letterhead of NCNB Texas National Bank, which as  
10 stated in the first paragraph on the second page was  
11 the receiver for First Republic Bank in Dallas and  
12 the successor in interest to InterFirst Bank.  
13 InterFirst Bank was the bank that provided the  
14 previous Letters of Credit; right?

15 A. I believe so.

16 Q. A little bit before that, this document  
17 states that Maxus Energy Company -- excuse me --  
18 Maxus Energy Corporation and Maxus Exploration  
19 Company fully and unconditionally guaranteed the  
20 obligations of Chemical Land in connection with this  
21 \$12 million Letter of Credit. Is that right?

22 A. That's what it says.

23 Q. Do you know whether or not this  
24 document was ever finalized?

25 A. I don't have firsthand knowledge of

1 that.

2 Q. Have you ever seen this April 2, 1987  
3 guaranty?

4 A. It's not familiar to me. I may have  
5 seen it, but it's not familiar to me. I don't  
6 remember if it is in the book or not.

7 Q. We haven't seen it either, and I don't  
8 think it's been produced.

9 MR. PETIT: I would like a copy of it,  
10 if you could find it in your records, and I will ask  
11 that of Mr. Gentile or Mr. Mitchell, as well, unless  
12 you have seen it and think it's been produced.

13 MR. SARACHAN: We'll follow up.

14 MR. PETIT: Okay.

15 (Exhibit 30, NCNB Texas National Bank  
16 Letter of Credit, NJDEP 00104376-77 is received and  
17 marked for identification.)

18 Q. I am going to hand you what I have  
19 marked as Exhibit 30.

20 MR. SARACHAN: Thank you.

21 Q. Which is NCNB Texas National Bank's  
22 Letter of Credit No. 103399, established for the  
23 benefit of the DEP for the account of Chemical Land  
24 Holdings in the amount of \$12 million.

25 A. Yes.

1           Q.       Does this look to you to be the Letter  
2 of Credit that the Trust Agreement, Exhibit 29,  
3 refers to?

4           A.       Yes.

5                   MR. SARACHAN: The line you read "for  
6 the account of Chemical Land Holdings, Inc. (on  
7 behalf of Occidental Chemical Corporation)", is that  
8 what you were reading?

9                   MR. PETIT: Yes.

10                   THE WITNESS: And that's what I  
11 assumed.

12           Q.       As landowner of the Lister site, why  
13 was Chemical Land Holdings, Inc. obligating itself  
14 on behalf of Occidental Chemical Corporation?

15           A.       I'm not sure of the thought process at  
16 that particular time; but, from time to time, they  
17 had to provide access, so they were involved in that  
18 way.

19           Q.       And are you stating, in order to  
20 provide access to the Lister site, for the benefit  
21 of someone else, Chemical Land Holdings obligated  
22 itself in the amount of \$12 million?

23           A.       No. That's not what I am saying. From  
24 time to time, there were orders that had Chemical  
25 Land Holdings on them as a property owner for access

1 purposes, and so there may have been instances where  
2 that occurred.

3 Q. Where Chemical Land Holdings obligated  
4 itself in the amount of \$12 million towards the  
5 remediation of the Lister site?

6 A. No. I think it is Occidental was  
7 obligated, because they were the liable party.  
8 Certain parties were doing it on their behalf.

9 Q. Well, again, the DEP required the  
10 financial assurance; correct?

11 A. Yes.

12 Q. And the financial assurance was on the  
13 account of Chemical Land Holdings, Inc.; correct?

14 A. It appears to be.

15 Q. And, at that time, Chemical Land  
16 Holdings, Inc.'s only connection to the Lister site  
17 was as landowner; correct?

18 A. Correct.

19 MR. PETIT: I'm at a stopping point.

20 MR. SARACHAN: Still on schedule?

21 MR. PETIT: Still on schedule.

22 MR. SARACHAN: About an hour after  
23 lunch?

24 MR. PETIT: That would be great.

25 MR. SARACHAN: I mean the amount of

1 time.

2 MR. PETIT: I am thinking about an hour  
3 after lunch and that -- that would be it. Now is a  
4 clear break.

5 MR. SARACHAN: Okay.

6 THE VIDEOGRAPHER: Going off the  
7 record?

8 MR. SARACHAN: Off the record, please.

9 THE VIDEOGRAPHER: Going off the  
10 record. The time is 12:15 P.M.

11 (Recess was taken.)

12 THE VIDEOGRAPHER: We are back on the  
13 record. The time is 1:35 P.M. This is the  
14 beginning of disk 4.

15 Q. Mr. Rabbe, are you ready to go?

16 A. Yes.

17 Q. I think I can limit the rest of my  
18 questions to some of the documents and information  
19 in your Exhibit No. 2. Exhibit No. 2, again, is the  
20 notebook of documents that you reviewed in  
21 preparation for today's deposition; right?

22 A. Yes.

23 Q. If you could turn to tab 4.

24 Are you familiar with this document?

25 A. Yes.

1 Q. Now, this is a list of officers and  
2 directors for Tierra from 1986 to 1995, prepared by  
3 your counsel, I believe. Is that right?

4 A. Yes.

5 Q. Do you have any reason to dispute that  
6 these folks listed as officers and directors of  
7 Tierra were actually the officers and directors for  
8 those years?

9 A. Could you repeat that?

10 Q. Do you have any reason to dispute the  
11 identities of the officers and directors on this  
12 chart?

13 A. No.

14 MR. MITCHELL: Well, if I could just  
15 make one point. This chart was enclosed in a letter  
16 that was previously sent to you. There's been one  
17 change to the chart that we made, we noticed an  
18 error on it. It is on the final page of tab 4,  
19 under 1994. Cary Begun was pointed vice president  
20 on January 15th of 1994.

21 MR. PETIT: Perfect.

22 MR. MITCHELL: Other than that, it is  
23 identical to the chart that was previously provided  
24 to you.

25 MR. PETIT: Great. Thank you.



1 Q. How were the officers and directors  
2 elected for Tierra during these years?

3 A. Well, in some, if not all cases, there  
4 was resolutions that the Board approved.

5 Q. How were the persons elected to various  
6 positions identified as being the persons that would  
7 fill those positions for Tierra?

8 A. By name and title?

9 Q. Was there any process for identifying  
10 what persons would be elected to which positions?

11 A. I'm not aware of that process.

12 Q. Is it your understanding that each of  
13 these persons identified as officers and directors  
14 of Tierra from 1986 to 1995, that they also held  
15 officer and director positions with either Maxus  
16 Energy Corporation or Maxus Corporate Company?

17 A. I don't know that information.

18 Q. Do you know of any individual listed on  
19 this chart, as an officer and director of Tierra  
20 from 1986 to 1995, was an independent officer and  
21 director of Tierra, and that they did not hold an  
22 officer and director position with either Maxus  
23 Energy Corporation or Maxus Corporate Company?

24 A. I don't know that information.

25 Q. Do you have any reason to suspect that

1 there was an independent officer and director for  
2 Tierra from 1986 to 1995?

3 MR. SARACHAN: Objection -- sorry.  
4 Objection.

5 A. I don't have direct knowledge of that.

6 Q. What did the officers and directors  
7 undertake on behalf of Tierra in 199 -- excuse me.

8 What did the officers and directors of  
9 Tierra undertake on behalf of Tierra in 1986? Can  
10 you identify any of those activities?

11 A. In an individual year? I know  
12 generally what they did through that period.

13 Q. Can you identify any individual  
14 activities undertaken in 1986, for instance, by the  
15 officers of --

16 A. I would have to refer to resolutions in  
17 the attachments.

18 Q. And are you referring to the  
19 resolutions assembled in tab 5?

20 A. Yes.

21 Q. Would those have been all of the  
22 activities? Would these resolutions describe all of  
23 the activities of Tierra from 1986 to 1995?

24 A. I don't know --

25 MR. SARACHAN: Let me just explain, for

1 your information, 5 is not a complete set --

2 A. That's what I was going to say.

3 MR. SARACHAN: -- of these corporate  
4 documents for this period. It's a sampling from  
5 this period. It is not all of them.

6 Q. Do you know what kind of activities  
7 were undertaken that are not described in  
8 resolutions assembled in tab 5 of Exhibit No. 2?

9 A. No.

10 Q. You can't identify any?

11 A. No. Because I think the ones that I  
12 know of were covered, which was the appointment,  
13 naming of officers and directors, and an occasion  
14 when there was a need to approve a property sale.

15 Q. So, essentially, that would be the  
16 universe of activities undertaken by Tierra during  
17 the time period, whether it be the election of  
18 officers and directors, a resolution to enable the  
19 entering into of a Letter of Credit, for instance,  
20 or a resolution allowing property sale.

21 A. Or lease.

22 Q. Or lease.

23 Can you think of any other activities  
24 undertaken by Tierra from 1986 to 1995?

25 A. Pay taxes. But I don't know if they

1 are defined in resolutions.

2 Q. Did Tierra pay taxes itself from 1986?

3 A. Well, they didn't have a bank account,  
4 so it was paid for them.

5 Q. Can I turn your attention back to tab  
6 5?

7 Each one of these resolutions  
8 identified and assembled behind tab 5 of Exhibit 2  
9 describes a meeting -- each one of the resolutions  
10 assembled behind tab 5 to Exhibit No. 2 were made  
11 without a meeting.

12 Do you know if the Board of Directors  
13 or stockholders of Diamond Shamrock Chemical Land  
14 Holdings, do you know if they ever met?

15 A. I don't know that.

16 Q. I turn your attention to tab 7.

17 Exhibit C is described on the first  
18 page as an "Assignment", dated September 2, 1996,  
19 assigning real estate located in Lake, Ashtabula and  
20 Geauga Counties, Ohio, from Diamond Shamrock  
21 Chemicals Company to Diamond Shamrock Chemical Land  
22 Holdings. Is that right?

23 A. Yes.

24 Q. Turn to Exhibit C.

25 In the opening paragraph it describes,

1 essentially, what properties are going to be  
2 transferred from Diamond Shamrock Chemicals Company  
3 to Diamond Shamrock Chemical Land Holdings. Is that  
4 right?

5 A. Properties in Ohio.

6 Q. Properties in Ohio, with the exception  
7 of those properties listed in A and B; right?

8 A. Yes.

9 Q. And it says, "for value received";  
10 correct?

11 A. Yes.

12 Q. And paragraph number 1 states that  
13 Diamond Shammrock Chemical Land Holdings hereby  
14 assumes all obligations and liabilities associated  
15 with the real estate that was assigned by Diamond  
16 Shamrock Chemicals Company; correct?

17 A. Yes.

18 Q. Now, it looks like in paragraph 3 it's  
19 describing the fact that legal title to these  
20 properties were not being transferred. Is that  
21 correct?

22 A. That's what it says.

23 Q. Can you explain why that was?

24 A. I don't know why they were defining it  
25 this way, no.

1 Q. Is that -- I assume that's the reason  
2 why there aren't any deeds associated with the  
3 transfers of property in Ohio.

4 MR. SARACHAN: Objection.

5 A. I don't know that for sure.

6 Q. Has Tierra ever been in the position to  
7 satisfy the liabilities that it received pursuant to  
8 this assignment in Ohio?

9 MR. SARACHAN: Objection.

10 A. From time to time, properties have been  
11 sold in those -- I think receipts were used to  
12 offset certain costs, but not all costs.

13 Q. If Tierra, pursuant to this assignment,  
14 received all of the liabilities associated with the  
15 Painesville, Ohio sites, are you saying that Tierra  
16 had enough assets and income to satisfy those  
17 liabilities?

18 MR. SARACHAN: Objection.

19 A. I don't think Tierra was a liable  
20 party. They were a landowner.

21 Q. So what liabilities did Tierra assume  
22 by virtue of this assignment?

23 A. I don't know the answer to that  
24 question.

25 Q. Did Tierra pay its officers and

1 directors, those that were identified in tab 4?

2 A. I don't have that information.

3 Q. If they were paid, would they have been  
4 paid by Maxus Energy Corporation or Maxus Corporate  
5 Company?

6 A. I don't know who would have paid them.

7 Q. I turn your attention to tab 27, the  
8 last one.

9 Are these the documents, assembled  
10 behind tab 27, that you discussed with Rick  
11 Hartline?

12 A. They may have been associated with what  
13 I spoke to him about.

14 Q. Well, specifically, did you ask him  
15 about these documents in tab 27?

16 A. No.

17 Q. Do you know what this first page  
18 represents?

19 A. It appears to be the value of certain  
20 parcels and certain fixtures, buildings, for  
21 instance.

22 Q. Can you identify on this page where the  
23 Lister site is valued?

24 A. It's not apparent to me it's on here.  
25 I would have to get definition of item -- the first

1 item, plant Maxus, 21 acres. That's larger than the  
2 Newark site, to my understanding, so...

3 Q. By a lot; correct?

4 A. Huh?

5 Q. By a lot.

6 A. Yeah. So other than that I'd say it  
7 doesn't appear to be on here.

8 Q. Can you identify where the Kearny site  
9 was valued on this page?

10 A. I don't believe it's on this page.

11 Q. Can you identify where the Painesville,  
12 Ohio, plant site was valued on this page?

13 A. I think these -- most of these are  
14 parcels associated with that plant site, if not all.

15 Q. How can you identify that?

16 A. We have, to this day, called certain  
17 properties by these same names, like the one-acre  
18 site, which is a small parcel. It is one acre on  
19 the 1,000 acres covered by the order. The chrome  
20 site is where the chrome plant was on that -- on  
21 that site. The waste lake was where the water, that  
22 we talked about before that was extracted, the brine  
23 solution was held. Some of these other properties  
24 may have been off site, not directly in that line I  
25 talked about earlier.



1 Q. So could all of these pieces be  
2 associated with the Ohio properties?

3 A. It appears to be.

4 Q. In any event, it is showing a net book  
5 value of these assets at \$2,350,485 as of February  
6 1994?

7 A. Yes.

8 Q. Turning to the second page, this looks  
9 to me to be another example of that intercompany --

10 A. Are you looking at the page following  
11 the next blue page?

12 Q. Correct. It looks to be -- looks to me  
13 to be another one of those intercompany descriptions  
14 of Tierra. We have seen one of these before. Is  
15 that right?

16 A. Yes.

17 Q. This one has some more information with  
18 respect to assets and liabilities, and here it has  
19 the land as described on the first page as having a  
20 value of \$2,350,485.96; right?

21 A. Yes.

22 Q. That doesn't include the Lister site.

23 A. It appears to be associated with the  
24 Painesville property.

25 Q. It doesn't appear to include, that

1 figure, the Kearny site.

2 A. There's not enough information on here  
3 for me to know that for sure.

4 Q. It shows under "Assets" these notes  
5 receivable, also one related to Track Land  
6 Development, Inc. and one related to the Heisley  
7 Center, or however that is pronounced.

8 Those were, also, with respect to Ohio?

9 A. Yes.

10 Q. Correct?

11 And under "Liabilities" it talks about  
12 "Intercompany Payables," and it's got a negative  
13 \$2,896,729.09?

14 A. Yes.

15 Q. Do you know what that figure  
16 represents?

17 A. It is an accounting term for -- to  
18 balance the books, intercompany valuations.

19 Q. So is that money owed by Chemical --  
20 monies that were paid on behalf of Chemical Land  
21 Holdings by another entity?

22 A. I don't know that for sure.

23 Q. Do you know how they got that figure?

24 A. No.

25 Q. Could it have been the amount of money

1 paid in property taxes?

2 MR. SARACHAN: Objection.

3 A. I don't know that for sure.

4 Q. Who would know?

5 A. Whoever was doing the accounting  
6 functions at the time.

7 Q. Who would that be?

8 A. It might have been Rick Hartline. I  
9 don't know the exact years that he was -- he was at  
10 the company, but he would be the first person I  
11 would ask.

12 Q. This shows "Administrative Cost" in  
13 addition to the "Liabilities" is the amount of money  
14 owed to CT Corporation, which was the registered  
15 agent of Tierra; correct?

16 A. Correct.

17 Q. And it also shows liabilities or  
18 potential liabilities owed for property taxes;  
19 correct?

20 A. Yes.

21 Q. Other than that, there were no expenses  
22 of Tierra at this time?

23 A. Not captured on this form separately.

24 Q. There is a note on the back of this, on  
25 the last page, and it says, "Should Track & Heisley

1 notes be on 261 or 314?"

2 Now, accounting entity 314 is Tierra;  
3 correct?

4 A. I would have to confirm that.

5 Q. Would you look on the page right before  
6 that, the second page of the document?

7 A. Yes.

8 Q. Now, the accounting entity 261, that is  
9 Corporate Company; correct?

10 A. I don't know that for sure. I would  
11 have to confirm that.

12 MR. SARACHAN: In order to cut through  
13 this, we will stipulate that 261 is Corporate  
14 Company.

15 Q. Okay. Do you know whether or not those  
16 notes, the Track and Heisley notes, do you know  
17 whether they -- whether they should have been  
18 attributed to the Tierra accounting entity number or  
19 the Corporate Company accounting entity number?

20 A. I don't know the details on these two  
21 properties, but there were certain properties that  
22 Corporate Company owned and certain properties that  
23 Chemical Land Holdings owned.

24 Like I said before, the ones associated  
25 with the brine wells would have been Chemical Land

1 Holdings, and there were other properties the  
2 Corporate Company or someone may have owned. I'm  
3 not sure of the entity.

4 MR. PETIT: I'll pass the witness.

5 MR. LEHMAN: We have no questions.

6 MR. SARACHAN: I think we're done.

7 MR. PETIT: Okay.

8 THE VIDEOGRAPHER: Going off the  
9 record. The time is 1:57 P.M.

10 (Proceedings concluded.)

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

1  
2  
3 I, CAROL ANN SHEPARD, a Certified Court  
4 Reporter of the State of New Jersey, License No.  
5 30X100101900, do hereby certify that prior to the  
6 commencement of the examination, DAVID RABBE was  
7 duly sworn by me to testify the truth, the whole  
8 truth and nothing but the truth.

9 I DO FURTHER CERTIFY that the foregoing  
10 is a true and accurate transcript of the testimony  
11 as taken stenographically by and before me at the  
12 time, place and on the date hereinbefore set forth.

13 I DO FURTHER CERTIFY that I am neither  
14 a relative nor employee nor attorney nor counsel of  
15 any of the parties to this action, and that I am  
16 neither a relative nor employee of such attorney or  
17 counsel, and that I am not financially interested in  
18 the action.

19  
20  
21 \_\_\_\_\_  
22 Certified Court Reporter of the State of New Jersey

23  
24 Dated: January 20, 2012  
25

<b>&amp;</b>	<b>1.10.</b> 96:4,7	<b>16</b> 5:4 64:14 75:8,12	58:3 61:23 62:22
<b>&amp;</b> 1:22 2:2,7,12,17 3:2,6,10 6:13 7:7,8 7:11,13 122:25	<b>1/1/85</b> 5:16 99:15	76:8 91:16 101:20	63:5 64:11,16 66:23
<b>0</b>	<b>10</b> 4:22 51:2,23 52:7 52:14 53:5,12 59:8 59:9 60:4 71:1	<b>160</b> 91:16	67:14 69:11 70:3
<b>00104376-77</b> 5:25 107:16	<b>10022</b> 3:11	<b>17</b> 4:8 5:6 78:19,23 93:19	71:21 73:6 78:15
<b>0018389-403</b> 4:21 48:18	<b>101</b> 5:17,19	<b>17,125,000</b> 83:12	96:24 103:2 111:19
<b>0039067</b> 5:9 84:11	<b>1015</b> 42:21	<b>18</b> 1:24 5:7 6:10	111:20 120:6
<b>0039641-53</b> 5:18 101:4	<b>103</b> 5:20	80:19,23 82:10	<b>1995</b> 81:22 111:2
<b>0039654</b> 5:21 103:9	<b>103399</b> 107:22	83:10	112:14,20 113:2,23
<b>0039656-663</b> 5:13 97:14	<b>104</b> 5:22,23	<b>188</b> 78:4,9	114:24
<b>0039673</b> 5:22 104:8	<b>105</b> 1:22 2:13 6:13	<b>19</b> 4:9 5:9 15:25	<b>1996</b> 15:24,25,25
<b>0041527</b> 4:23 56:14	<b>107</b> 5:25	16:21 84:10,14	16:6,8 41:25 115:18
<b>033466-69</b> 4:22 53:6	<b>10:03</b> 46:21	86:20 90:4 98:5	<b>1999</b> 5:7 15:16,20
<b>0376848-55</b> 5:19 102:1	<b>10:17</b> 46:24	<b>19103-6996</b> 2:9	16:1,9,16,18 80:19
<b>0443833-45</b> 4:15 36:6	<b>11</b> 4:23 12:15,19 20:24 21:17,21	<b>1979</b> 11:6	81:2,16
<b>0443848-55</b> 4:14 35:10	26:20 50:4,19 56:13	<b>1979/1980</b> 12:12	<b>1:35</b> 110:13
<b>0443862-64</b> 4:12 33:12	56:17 73:2,7 76:12	<b>1980</b> 12:13 13:4	<b>1:57</b> 124:9
<b>0443906</b> 37:6	93:3 105:8	78:15	<b>2</b>
<b>0443906-49</b> 4:17 36:24	<b>11:19</b> 86:15	<b>1984</b> 72:15,21 73:1	<b>2</b> 4:9 19:5,7,23 26:9
<b>0443917</b> 37:11	<b>11:35</b> 86:18	78:1 98:5	26:13,19 31:14,18
<b>0443922</b> 38:25	<b>11th</b> 74:4	<b>1986</b> 23:17,25 25:14	41:5,6 46:25 47:4
<b>0478710-14</b> 5:3 73:21	<b>12</b> 4:24 50:25 58:7	27:11 32:10 34:22	59:19 63:18 64:21
<b>07052</b> 3:7	58:10,17 78:2,11	35:7 37:22 41:7,19	82:4,13 107:2
<b>08033</b> 2:19	98:19 99:1 101:22	42:2,12 49:12 58:23	110:19,19 114:8
<b>08542-0627</b> 2:14	104:20 105:16	62:21 63:5,20 64:10	115:8,10,18
<b>1</b>	106:21 107:24	64:16 66:23 67:13	<b>2,350,485</b> 120:5
<b>1</b> 4:8 17:10,13 20:12 20:25 21:17 26:20	108:22 109:4	69:11 70:3 71:21	<b>2,350,485.96</b> 120:20
83:3 85:8 116:12	<b>12,416</b> 92:15	74:4 76:12 78:15	<b>2,896,729.09</b> 121:13
<b>1,000</b> 33:2 119:19	<b>12/27/91</b> 5:6 78:20	96:24 103:1 111:2	<b>2.09</b> 4:22 53:5,13
<b>1.00</b> 33:2	<b>120</b> 43:2 55:13	112:14,20 113:2,9	54:7,13
	58:18	113:14,23 114:24	<b>20</b> 5:10 73:12 90:23
	72:3,7 73:2,7,18	115:2	91:2 125:24
	<b>147,000</b> 94:13	<b>1987</b> 35:20 107:2	<b>2000</b> 2:8 16:18
	<b>147,539</b> 94:5	<b>1988</b> 66:13 91:9	<b>2002</b> 36:18
	<b>15</b> 5:3 64:7,8 73:20	92:13 95:3	<b>2012</b> 1:24 6:10
	73:24	<b>1989</b> 5:12 66:18	125:24
	<b>152300</b> 32:14	95:7,14,18 105:8	<b>21</b> 5:12 54:15,20
	<b>15th</b> 111:20	<b>199</b> 113:7	95:7,10 119:1
		<b>1991</b> 13:2,5,7,19	<b>215-988-1122</b> 2:9
		15:20 16:21 17:5	<b>21b</b> 94:19
		80:5	<b>22</b> 5:13 94:15,19
		<b>1993</b> 15:13	97:13,17
		<b>1994</b> 16:21 17:6	<b>228685961</b> 5:2 72:4
		23:18,25 25:14,15	<b>23</b> 5:14 55:6 98:21
		27:11 42:3,13 57:25	98:24 104:23,23

<p><b>231805</b> 79:19  <b>2318102-106</b> 5:6                  78:20  <b>24</b> 5:16 99:15,18                  100:12,25 104:3  <b>25</b> 5:17 36:17 101:3                  101:6  <b>26</b> 5:19 34:22 35:7                  55:11 57:24 101:25                  102:4 104:10  <b>261</b> 123:1,8,13  <b>27</b> 5:20 103:8,12                  118:7,10,15  <b>28</b> 5:22 58:23 104:6  <b>29</b> 5:23 104:25                  105:4,6 108:2  <b>298,688</b> 93:15</p>	<p><b>351</b> 32:13 38:10  <b>36</b> 4:15,16  <b>39</b> 4:18  <b>3900</b> 2:3  <b>391,000</b> 94:19</p>	<p><b>7</b></p> <p><b>7</b> 4:16 36:23 37:2                  115:16  <b>700</b> 2:4  <b>713-355-5050</b> 2:5  <b>717</b> 35:23 38:23                  39:8  <b>72</b> 5:1  <b>73</b> 5:3  <b>75</b> 5:4  <b>75,919</b> 93:20  <b>75201</b> 35:24  <b>77027</b> 2:4  <b>78</b> 5:6</p>	<p><b>9b</b> 92:21</p> <p><b>a</b></p> <p><b>a.m.</b> 6:11 46:21,24                  86:15,18  <b>aa</b> 5:9 84:11  <b>able</b> 26:6 29:24                  71:17 102:18  <b>absolutely</b> 80:18  <b>accepted</b> 79:7  <b>access</b> 30:18 65:9                  68:10,15,16,20,25                  69:5 108:17,20,25  <b>accessing</b> 68:7  <b>accomplished</b> 68:18  <b>account</b> 99:1 100:12                  100:19 102:6                  103:16 104:16                  105:20 107:23                  108:6 109:13 115:3  <b>accountant</b> 94:10  <b>accounted</b> 24:23                  33:9  <b>accounting</b> 22:9                  24:24 88:25 121:17                  122:5 123:2,8,18,19  <b>accounts</b> 65:15  <b>accumulated</b> 94:8  <b>accurate</b> 31:6 72:16                  72:22 84:24 125:10  <b>accused</b> 9:1  <b>acquire</b> 25:18  <b>acquired</b> 105:24  <b>acre</b> 85:8 119:17,18  <b>acreage</b> 42:23  <b>acres</b> 119:1,19  <b>act</b> 38:5  <b>action</b> 125:15,18  <b>activities</b> 14:5 16:7                  21:1 25:11 27:14,19                  28:7 29:1,2 83:24                  113:10,14,22,23                  114:6,16,23  <b>activity</b> 24:6</p>
<p><b>3</b></p>	<p><b>4</b></p>	<p><b>8</b></p>	
<p><b>3</b> 4:10 31:21,25                  34:24 77:2,16,17                  83:15 86:19 116:18  <b>3/21/86</b> 4:10 31:21  <b>30</b> 5:25 73:12                  107:15,19  <b>300</b> 3:3  <b>3061239-43</b> 5:24                  105:1  <b>3081835</b> 5:15 98:22  <b>30x100101900</b> 125:5  <b>31</b> 4:10  <b>312-862-2474</b> 3:4  <b>314</b> 123:1,2  <b>3141634-98</b> 5:8                  80:20  <b>32</b> 82:8  <b>320</b> 3:11  <b>33</b> 4:12  <b>3358669-78</b> 5:16                  99:16  <b>3414515-30</b> 5:11                  90:24  <b>3414528</b> 91:18  <b>35</b> 4:13</p>	<p><b>4</b> 4:12 32:24 33:11                  33:15 34:1,24 35:1                  35:2,19 49:12 64:23                  100:5 102:15,20                  103:20,24 110:14                  110:23 111:18                  118:1  <b>41</b> 3:8  <b>443900-902</b> 4:11                  31:22  <b>48</b> 4:20</p>	<p><b>8</b> 4:18 39:19,25 60:9                  67:11 101:13,20  <b>8/11/86</b> 5:3 73:20  <b>8/28/86</b> 4:24,25 58:7                  58:12  <b>80</b> 5:1,7 26:17 43:2                  55:12 58:18 72:3,19                  73:1  <b>80-120</b> 42:22  <b>84</b> 5:9  <b>856-354-3052</b> 2:19  <b>86</b> 37:25 38:2  <b>875,000</b> 83:6  <b>88</b> 37:24 66:5,6,10  <b>89</b> 66:7</p>	
	<p><b>5</b></p>	<p><b>9</b></p>	
	<p><b>6</b> 4:4,15 36:5,9  <b>606,741</b> 93:4  <b>60654</b> 3:3  <b>609-716-6603</b> 2:14  <b>627</b> 2:13  <b>646-321-8678</b> 3:12  <b>669,020</b> 96:13  <b>671,728</b> 96:22</p>	<p><b>9</b> 4:20 48:17,21 53:9  <b>9/11/86</b> 5:4 75:8  <b>90</b> 5:10  <b>95</b> 5:12  <b>97</b> 5:13  <b>973-325-1500</b> 3:7  <b>98</b> 5:14  <b>9868-05</b> 1:2 6:20  <b>99</b> 5:16  <b>9:07</b> 1:24 6:11  <b>9a</b> 92:21</p>	



<p><b>actual</b> 82:13 85:15 86:10</p> <p><b>added</b> 14:15</p> <p><b>addition</b> 77:18 122:13</p> <p><b>additional</b> 52:20 99:24</p> <p><b>address</b> 32:12,17 35:23 38:8,15,16,19 38:23 39:8,11</p> <p><b>addressed</b> 81:4</p> <p><b>admin</b> 89:7,10,13</p> <p><b>administered</b> 8:11</p> <p><b>administrative</b> 27:6 43:23 44:7 61:18 69:19 81:11 101:9 101:13,21 122:12</p> <p><b>administrator</b> 1:6</p> <p><b>admission</b> 41:5,6 47:4 60:12 63:17,18 64:7,8,14,21,23 67:11</p> <p><b>admissions</b> 4:19 39:22 40:3,13,20 60:10</p> <p><b>admit</b> 41:6 63:19 64:9,15 65:1,7,11 67:12,20</p> <p><b>admitted</b> 64:12,17 67:14</p> <p><b>affiliate</b> 54:3</p> <p><b>agent</b> 122:15</p> <p><b>ago</b> 8:18 26:16 96:2</p> <p><b>agree</b> 6:7</p> <p><b>agreed</b> 98:1</p> <p><b>agreement</b> 5:13,17 5:19,23 23:21 49:13 53:13,19,21,22 54:1 54:5,8,13,19 55:1 56:5 67:23 68:1,6 97:13 98:3,4 99:19 99:23 100:11,17 101:3,8,25 102:5,11 104:25 105:5 108:2</p>	<p><b>agreements</b> 28:1,1,9 28:10 29:4,4 97:21 102:10</p> <p><b>ahead</b> 98:16 99:8 100:8 101:18</p> <p><b>ak</b> 4:23 56:14</p> <p><b>al</b> 6:16,17</p> <p><b>alabama</b> 58:5</p> <p><b>allowing</b> 114:20</p> <p><b>alter</b> 17:17</p> <p><b>alternatives</b> 78:3</p> <p><b>amarillo</b> 79:20</p> <p><b>amended</b> 4:8 17:10 17:14 39:2 99:10</p> <p><b>amendment</b> 4:12,13 4:15 5:20,22 33:11 33:16,21 34:2,8,20 35:9,14 36:5,10 103:8,12,15 104:6 104:11,15 105:14</p> <p><b>amerada</b> 10:12,15 12:8,14 13:1,7</p> <p><b>amount</b> 99:1 102:15 102:19 103:20,24 104:20 105:15 107:24 108:22 109:4,25 121:25 122:13</p> <p><b>andersen</b> 90:15</p> <p><b>andrew</b> 3:2 7:10</p> <p><b>andrew.kassof</b> 3:4</p> <p><b>ann</b> 1:20 125:3</p> <p><b>answer</b> 9:5 21:10 22:1,22 41:5 64:20 64:25 84:5 90:19 98:16 99:8 100:8 101:18 117:23</p> <p><b>answers</b> 41:1</p> <p><b>anticipated</b> 82:11 82:24 83:10,11 98:12</p> <p><b>anticipation</b> 40:9</p> <p><b>anybody</b> 18:16 22:3 24:25 40:15 52:8</p>	<p><b>anyway</b> 84:7</p> <p><b>apologize</b> 81:23</p> <p><b>apparent</b> 118:24</p> <p><b>appeal</b> 74:9,13 75:14</p> <p><b>appear</b> 37:3 119:7 120:25</p> <p><b>appears</b> 72:13 74:9 79:2,6 81:1 98:3 99:9 104:4 109:14 118:19 120:3,23</p> <p><b>application</b> 37:12 39:1</p> <p><b>applied</b> 22:20 57:21</p> <p><b>apply</b> 27:6</p> <p><b>applying</b> 105:14</p> <p><b>appointment</b> 114:12</p> <p><b>appraisal</b> 5:7 80:19 81:1 82:5,14,25 83:3,16,19</p> <p><b>appraiser</b> 83:4,10</p> <p><b>appreciate</b> 84:8</p> <p><b>approve</b> 114:14</p> <p><b>approved</b> 112:4</p> <p><b>approximately</b> 6:11 8:19 12:15 13:2 14:2 15:13,24 23:17 82:8</p> <p><b>april</b> 5:7 80:19 81:2 105:8 107:2</p> <p><b>archer</b> 2:17 7:8</p> <p><b>archerlaw.com</b> 2:20</p> <p><b>area</b> 45:15,17 47:24</p> <p><b>arguing</b> 74:18</p> <p><b>argument</b> 75:17,23</p> <p><b>arguments</b> 79:6</p> <p><b>arrived</b> 87:17</p> <p><b>arthur</b> 90:15</p> <p><b>ash</b> 43:15</p> <p><b>ashtabula</b> 115:19</p> <p><b>aside</b> 11:13 19:22</p> <p><b>assembled</b> 113:19 114:8 115:8,10 118:9</p>	<p><b>assessed</b> 74:10,10,18 77:20</p> <p><b>assessor</b> 75:3</p> <p><b>assets</b> 69:11,12 92:6 92:14,15 93:15 117:16 120:5,18 121:4</p> <p><b>assigned</b> 116:15</p> <p><b>assigning</b> 115:19</p> <p><b>assignment</b> 115:18 117:8,13,22</p> <p><b>associated</b> 3:9 27:15 27:20 28:7 29:2 42:24 43:7,10 44:3 45:22 47:11 48:4,11 48:12 55:7 61:4,7 72:23,24 84:21 86:9 87:5 89:3 90:18 92:8 95:4 100:1 106:4 116:14 117:2 117:14 118:12 119:14 120:2,23 123:24</p> <p><b>assume</b> 59:15 92:22 93:12,25 102:21 104:21 117:1,21</p> <p><b>assumed</b> 108:11</p> <p><b>assumes</b> 116:14</p> <p><b>assuming</b> 81:19</p> <p><b>assurance</b> 97:22 98:2,12,18 99:25 100:4 101:15,22 102:18 109:10,12</p> <p><b>assurances</b> 102:12</p> <p><b>atlanta</b> 87:14,15,19</p> <p><b>attached</b> 91:7,16 95:23</p> <p><b>attachments</b> 113:17</p> <p><b>attention</b> 60:11 115:5,16 118:7</p> <p><b>attorney</b> 125:14,16</p> <p><b>attorneys</b> 2:6,16,20 3:5,8,13 6:22</p> <p><b>attributed</b> 123:18</p>
--	---	--	---

<p><b>audio</b> 6:6  <b>august</b> 37:22 38:2  41:6,19 42:2,12  58:23 63:20 64:10  64:16 74:4  <b>authority</b> 33:2  37:13 39:2  <b>authorized</b> 57:9,14  <b>available</b> 29:23  <b>avenue</b> 5:2 43:3  47:10 50:21 55:12  55:13 58:18 69:10  71:12 72:4,15,20  73:2 85:6 98:13  <b>aware</b> 52:19,23  112:11</p>	<p><b>bear</b> 64:22  <b>beginning</b> 46:25  86:19 110:14  <b>begun</b> 18:20 81:4  111:19  <b>behalf</b> 7:1,3,4,7,9,11  7:13,16 8:3 9:19  48:23 60:16,20 63:4  66:19 68:4 74:13  76:17 92:1 102:23  108:7,14 109:8  113:7,9 121:20  <b>believe</b> 11:2 15:24  17:7 27:18,22 29:10  29:23,25 30:4,7  31:4 32:7,23 33:19  40:7 42:20 47:23  53:4 57:2 58:22  59:9 60:22 64:13  65:5,25 66:15 67:8  68:22 69:4 70:19  72:10 76:10 85:7  87:24 97:3,4 101:7  106:15 111:3  119:10  <b>belleville</b> 42:21  <b>benefit</b> 107:23  108:20  <b>best</b> 84:24  <b>bet</b> 76:3  <b>better</b> 24:18 25:1  <b>beyond</b> 71:3 85:1  <b>biddle</b> 1:22 2:7,12  6:13 7:7,13  <b>bill</b> 7:2  <b>bills</b> 27:25,25 28:9  29:4 93:24  <b>binder</b> 4:9 19:3,5,7  <b>bit</b> 31:12 71:25  81:24 106:16  <b>bjackson</b> 2:5  <b>blocks</b> 48:12  <b>blue</b> 120:11  <b>board</b> 28:2,11 29:4  112:4 115:12</p>	<p><b>boland</b> 3:7  <b>book</b> 37:20 49:5  66:2 74:2 107:6  120:4  <b>books</b> 94:11 121:18  <b>bottom</b> 37:5 57:8,25  74:21 77:16,17 82:6  <b>boulevard</b> 7:21  <b>box</b> 2:13 32:14  <b>brackish</b> 43:13  <b>break</b> 46:18 80:15  86:12 110:4  <b>breeze</b> 72:2  <b>brent</b> 6:9  <b>brine</b> 43:10,11,13  44:4,5,12 45:22,25  47:11 48:4,11  119:22 123:25  <b>brook</b> 87:7  <b>brunswick</b> 7:22  <b>building</b> 74:23  <b>buildings</b> 69:14,17  92:7 118:20  <b>burdened</b> 71:6  105:25  <b>business</b> 10:24 11:8  12:4 13:5,14 38:3,8  54:17,18,24 57:9,14  57:22 62:20,23,24  62:25 63:21 65:8</p>	<p><b>carol</b> 1:20 7:19  125:3  <b>carried</b> 81:19  <b>cary</b> 18:20 81:4  111:19  <b>case</b> 6:15,18 32:23  39:6 59:21 64:13,18  65:5 97:3  <b>cases</b> 112:3  <b>castelan</b> 90:1  <b>categories</b> 28:6  <b>category</b> 30:13 89:8  89:11,14  <b>caveat</b> 63:24 64:3  <b>cell</b> 6:4  <b>centennial</b> 2:18  <b>center</b> 7:21 121:7  <b>certain</b> 19:18,19  22:20,20 25:9 26:15  27:6 28:1 30:11  41:8,10,20 42:14  47:5,7 48:22 49:15  50:6 66:8 69:12  83:22 105:24 109:8  117:12 118:19,20  119:16 123:21,22  <b>certificate</b> 4:12,13  4:15,20 32:1,24  33:11,16,20,21 34:1  34:20 35:9,14,14  36:5,10 37:13 39:2  48:17,22 51:10 59:1  59:2 125:1  <b>certificates</b> 11:22  <b>certifications</b> 11:17  12:3  <b>certified</b> 1:21 125:3  125:22  <b>certify</b> 40:25 125:5  125:9,13  <b>certifying</b> 48:22  <b>change</b> 35:17 36:13  39:3 111:17  <b>changed</b> 35:5</p>
<p><b>b</b></p>			
<p><b>b</b> 4:6 7:21,21 18:21  18:22 21:25 22:4  24:19 25:2,7 116:7  <b>bachelor</b> 10:10  <b>bachelor's</b> 11:13  12:7  <b>bachelors</b> 11:5  <b>back</b> 10:20 11:7  46:23 47:3 54:16  60:9 86:17,20 89:14  91:3 110:12 115:5  122:24  <b>background</b> 9:21  <b>backs</b> 89:3  <b>balance</b> 5:10 28:20  63:7,8 90:23 91:5  91:15,22,25 92:13  92:21 95:2 121:18  <b>bank</b> 5:25 65:15  102:19 106:7,9,11  106:12,13,13  107:15 115:3  <b>bank's</b> 107:21  <b>based</b> 21:10,11 84:5  95:1  <b>bates</b> 37:9 75:16  79:19 95:24,25</p>			
<p><b>c</b></p>			
		<p><b>c</b> 2:1,3 3:1 18:21,22  25:13 115:17,24  <b>call</b> 68:20 87:9  <b>called</b> 13:22 14:11  119:16  <b>capacity</b> 12:10  <b>capital</b> 33:1 34:3,9  94:15  <b>capitalized</b> 34:14  52:13  <b>caption</b> 6:15  <b>captured</b> 122:23</p>	

<p><b>changes</b> 15:15 97:21  <b>changing</b> 33:22  34:20  <b>characterize</b> 64:1  <b>characterized</b> 94:11  <b>charge</b> 89:3,14  <b>charged</b> 89:14  <b>chart</b> 111:12,15,17  111:23 112:19  <b>chemical</b> 1:9 4:23  6:17 7:9 14:12 15:5  15:9,22 16:1,10,12  16:15 22:14,16,17  23:2,4,7,8,11 33:9  33:23 34:13,21 35:6  35:17 36:3,14 38:4  38:9 39:2,4,4 41:11  41:21 42:15 47:6,22  47:24 48:2,3,5  49:18 50:2,22 51:3  51:7,15,17,21,24  52:4,9,13,20 53:1  54:25 55:3,8,13  56:10,13 57:1,4  58:20 59:7,18 62:7  62:8,10,12,16 70:15  70:21 74:7 76:14  79:3,14,17,25 80:5  85:11,15,16,19 88:2  89:3 91:7,19 92:8  92:14 95:2,2 96:10  96:18,21 102:7,13  102:17,21 103:3,17  104:16 105:13,21  105:23 106:20  107:23 108:6,7,13  108:14,21,24 109:3  109:13,15 115:13  115:21 116:3,13  121:19,20 123:23  123:25  <b>chemicals</b> 22:15,24  23:3 32:2,8,18,20  32:22 33:7,17,22  34:7 38:17 48:24</p>	<p>49:17,25 50:21  51:14 54:2,5,23  56:8,22 58:19 59:6  70:16,22 74:5,14,17  76:14,18,23,25 79:7  79:25 98:11 99:2  100:13,20,22  102:14 115:21  116:2,16  <b>chicago</b> 3:3  <b>chrome</b> 14:7,8 85:22  119:19,20  <b>civil</b> 10:8  <b>claimants</b> 1:15  <b>claims</b> 60:16 76:24  77:5  <b>classes</b> 13:14  <b>clause</b> 27:10  <b>clean</b> 42:11 83:5  102:25  <b>cleanup</b> 73:1  <b>clear</b> 19:9 68:24  95:1 110:4  <b>clh</b> 1:14 63:20 86:22  <b>clh's</b> 41:24  <b>closed</b> 87:18  <b>code</b> 84:21 89:15  <b>coincides</b> 39:3  <b>collect</b> 11:21  <b>college</b> 1:22 2:13  6:13 10:2,6  <b>combined</b> 90:21  <b>come</b> 26:12  <b>commencement</b>  125:6  <b>commencing</b> 1:24  <b>commissioner</b> 1:5  <b>committed</b> 78:2  <b>common</b> 33:2,6 51:2  51:11,24 52:14  94:19  <b>company</b> 1:11 3:13  13:11,12,14,19  14:14 15:18,21 16:4  22:10,12 32:18,20</p>	<p>34:9 35:5 38:6,17  48:24 49:17,25  50:21 51:14,18 52:1  52:22 53:3 54:2,24  56:9,22 57:13,17,20  58:19 59:6 61:12,25  62:1 70:16,22 74:14  74:17 76:14,18,23  76:25 79:7 80:9  87:22 98:11 99:2  100:13,20,23  102:14,22 105:12  105:13 106:17,19  112:16,23 115:21  116:2,16 118:5  122:10 123:9,14,19  123:22 124:2  <b>company's</b> 74:6  <b>compensation</b> 1:7  <b>complete</b> 114:1  <b>completely</b> 74:24  <b>concern</b> 44:7  <b>concerned</b> 52:6  <b>concerning</b> 17:16  <b>concluded</b> 124:10  <b>condition</b> 75:2  77:18,19  <b>conduct</b> 26:25 30:19  30:21 54:17  <b>conducted</b> 25:11  61:6 63:20  <b>conducting</b> 26:17  <b>confirm</b> 123:4,11  <b>connected</b> 43:8,9  <b>connection</b> 54:19  106:20 109:16  <b>consent</b> 27:6 101:10  101:14,21  <b>consolidated</b> 65:20  66:9,11 67:2 91:8  92:4  <b>construction</b> 12:24  12:25  <b>construed</b> 64:2</p>	<p><b>consult</b> 18:4,16 22:3  22:6  <b>consulted</b> 18:9  <b>containment</b> 82:9  <b>contains</b> 74:22  <b>contaminated</b> 41:8  41:12,22 42:15  43:20,23 47:7 48:9  48:10,10,16  <b>contamination</b> 44:6  <b>content</b> 18:7  <b>context</b> 18:3  <b>contiguous</b> 43:25  46:15  <b>continue</b> 6:7  <b>continued</b> 3:1  <b>continuing</b> 11:20,24  77:4  <b>contradict</b> 67:17  <b>conversations</b> 6:4  <b>copies</b> 31:7,15 65:24  <b>copy</b> 75:20 79:2  81:23 95:24,25  101:7 107:9  <b>corner</b> 37:6,24 96:5  <b>corporate</b> 13:11,12  13:13,19 14:14  15:18,21 16:3 17:15  17:19,23 18:2 20:10  20:15 21:4 28:24  29:7 30:25 31:1  51:18,25 52:22 53:3  54:24 61:11,25 62:1  80:9 81:7 87:22  102:22 103:5,7  105:13 112:16,23  114:3 118:4 123:9  123:13,19,22 124:2  <b>corporation</b> 1:10,11  6:17 7:13,16 8:8  10:13,15 12:8 13:10  33:1 34:2 35:23  36:2,2,14 38:20,21  39:12 66:19 80:10  81:11 90:7 91:8</p>
---	--	---	---

<p>92:2 95:15 105:12 106:18 108:7,14 112:16,23 118:4 122:14 <b>corporation's</b> 4:18 32:12 39:20 <b>correct</b> 8:5,10 16:14 23:5,6,9,12,13 31:3 32:10,14,18,22 33:3 33:24 34:10,23 35:7 35:8,17,18,21 36:3 36:4,15,16,22 37:17 38:6,10,17 39:9,10 39:13 40:6 41:2 44:14 47:12 50:17 50:23 51:11,12 53:24 55:4,24 57:22 57:23 58:6,24,25 59:3,4,8 61:9,19 64:4,5 66:20 67:15 67:18 74:7 75:3,4 76:19,20 78:18 79:4 79:5,9 81:3 89:1,18 92:10 95:6 97:2 99:6,12 100:2,3,5 100:20,23 101:16 101:19,23 102:7 103:17 104:3 105:21 106:5,6 109:10,13,17,18 116:10,16,21 119:3 120:12 121:10 122:15,16,19 123:3 123:9 <b>corrected</b> 90:16 <b>correspondence</b> 5:6 78:20 <b>cost</b> 61:11 62:4 71:17,21 73:2 75:1 77:18 78:9,11 122:12 <b>costing</b> 71:14 <b>costs</b> 5:1 24:23 61:4 61:7,14,17,24 62:3 62:9,14 63:10 72:3</p>	<p>72:14,19 73:7,12 78:16 82:10,22,24 83:11 84:21 95:4 97:1 98:12 117:12 117:12 <b>counsel</b> 111:3 125:14,17 <b>counties</b> 54:22 115:20 <b>county</b> 1:1 6:19 50:14 <b>couple</b> 41:23 79:17 <b>course</b> 13:16 <b>courses</b> 10:23 11:10 13:5 <b>court</b> 1:1 6:18 7:18 8:11 9:9 32:13 38:10 125:3,22 <b>courtesy</b> 9:4 <b>cover</b> 74:3 76:11 78:16 95:3 98:12 <b>covered</b> 71:21 73:12 114:12 119:19 <b>credit</b> 5:14,21,22,25 78:1 98:22,25 99:5 99:11 100:10,16,18 103:9,13,15,19,23 103:24 104:7,11,15 104:19 105:15,17 105:19 106:14,21 107:16,22 108:2 114:19 <b>credits</b> 11:21 <b>cross</b> 1:15 <b>ct</b> 122:14 <b>cullough</b> 3:10 <b>cure</b> 75:1 77:18 <b>current</b> 93:20 <b>cut</b> 123:12</p> <hr/> <p style="text-align: center;"><b>d</b></p> <hr/> <p><b>d</b> 7:21,21 26:1,3,12 <b>dallas</b> 35:24 39:9 106:11</p>	<p><b>date</b> 6:10 11:3 16:19 23:17 34:16 35:3 47:19 82:9 125:12 <b>dated</b> 4:10,24,25 5:3 5:4,16 31:21 34:22 37:21 49:12 57:24 58:7,12,23 72:15,20 73:20 74:3,4 75:8 76:11,12 81:2 98:4 99:15 105:8 115:18 125:24 <b>dates</b> 69:15 <b>david</b> 1:9 4:3 6:21 8:2 125:6 <b>day</b> 14:5,5 61:16 119:16 <b>days</b> 59:3 <b>dbr.com</b> 2:10,15,15 <b>deal</b> 44:8,15 87:12 <b>dealing</b> 89:4 <b>december</b> 11:6 35:19 64:10,16 67:13 <b>deed</b> 4:24,25 58:7 58:12 <b>deeds</b> 58:18 59:1,16 59:22,25 117:2 <b>defendant</b> 2:20 3:8 7:5 <b>defendants</b> 1:15 2:16 3:5 4:18 7:7,16 8:9 39:19 40:1 <b>define</b> 45:5 <b>defined</b> 115:1 <b>defining</b> 116:24 <b>definition</b> 118:25 <b>defunct</b> 65:10 <b>degree</b> 10:9,16 11:5 11:11,13 12:7 <b>degrees</b> 11:14 <b>delaware</b> 57:10,14 57:15,18 <b>dep</b> 14:7 98:19 99:1 99:24 102:11 103:16 104:16</p>	<p>107:23 109:9 <b>department</b> 1:4,5 6:16 79:23 80:1,6,8 90:7 98:9 <b>depends</b> 63:25 <b>deposition</b> 1:8 6:6 6:12 8:24 17:13,15 18:5 19:15,24 20:12 20:25 21:18 23:15 31:25 33:15 35:2,13 36:9 37:3 39:25 40:9 48:21 53:12 56:17 58:17 72:7 73:24 75:12,18 78:23 80:23 81:8 84:3,14 91:2 95:10 97:17 98:24 99:19 101:7 102:4 103:12 104:10 105:4 110:21 <b>depositions</b> 8:16 18:9 <b>depreciable</b> 92:14 92:15 <b>depreciation</b> 96:16 <b>dept</b> 79:20 <b>describe</b> 57:6 97:23 113:22 <b>described</b> 45:16 61:13 78:17 114:7 115:17 120:19 <b>describes</b> 94:13 115:9,25 <b>describing</b> 116:19 <b>description</b> 4:7,23 56:13,21 57:3 72:16 72:22 <b>descriptions</b> 120:13 <b>designated</b> 17:18 20:15 <b>designee</b> 79:19 <b>detail</b> 89:5 <b>detailed</b> 25:10 <b>details</b> 21:1 24:20 24:22 26:5 123:20</p>
---	--	---	---

<p><b>development</b> 121:6  <b>diamond</b> 22:15,16                  23:3,4,7 32:1,8,17                  32:20,21 33:6,17,22                  33:23 34:6,12,21                  35:6 37:13 38:4,9                  38:16,19 39:4 48:23                  49:17,17,24,25 50:1                  50:20,22 51:3,7,13                  51:15,16,17,20,24                  51:25 52:3,9,12,20                  52:21 53:1,2,23                  54:2,24,25 55:3,8                  55:13 56:8,9,10,22                  58:19,19 59:6,7,17                  62:1 70:14,15,20,21                  74:5,6,14,17 76:13                  76:14,18,23,24 77:3                  77:6 78:3 79:3,7,13                  79:16,24 80:5,9,10                  88:1 98:10 99:2                  100:13,19,22 102:6                  102:12,14,17 103:2                  103:16 104:16                  105:20 115:13,20                  115:21 116:2,3,13                  116:15  <b>different</b> 22:19 23:1  <b>dioxin</b> 74:22  <b>direct</b> 17:7 25:3                  27:17 30:3 32:21                  34:15 38:22 52:17                  54:10 66:25 67:9                  68:17,23 69:3 77:13                  79:10 80:3 82:21                  93:8,11 113:5  <b>directly</b> 43:9 89:14                  119:24  <b>director</b> 81:17                  112:15,19,21,22                  113:1  <b>directors</b> 28:12 29:6                  111:2,6,7,11 112:1                  112:13 113:6,8                  114:13,18 115:12</p>	<p>118:1  <b>disagree</b> 75:5 78:7                  82:23  <b>discovery</b> 20:4                  29:13  <b>discuss</b> 9:20 18:25                  19:13 20:24 23:23                  24:18 25:1,6 26:3  <b>discussed</b> 29:21                  30:1 88:11 118:10  <b>discusses</b> 51:10,23                  54:15 55:6,11  <b>discussing</b> 24:11                  30:16,25 39:12 47:9                  48:3 49:15 50:17                  54:9 55:2 69:9                  92:19  <b>discussions</b> 18:1,4,8                  30:11  <b>disk</b> 46:25 86:19                  110:14  <b>dispose</b> 77:5  <b>dispute</b> 111:5,10  <b>dividends</b> 67:6,12  <b>division</b> 1:1 6:19  <b>dobbs</b> 2:2  <b>docket</b> 1:2 6:19  <b>document</b> 17:21                  23:24 24:1 29:17                  32:6,9,11,17 33:18                  35:16,22 36:11                  37:16,19 38:3 40:5                  40:8,11,24 49:1,3                  49:23 52:19,24                  53:15,17 55:22                  56:18,23,25 57:24                  60:6 70:25 72:9,13                  72:18 73:13,25 74:9                  75:20 76:9 78:17,25                  79:2 80:24 82:2                  84:16 90:10,18,20                  91:11,13 95:11,13                  96:1 97:19,24 99:20                  100:19 104:5,12                  105:9 106:16,24</p>	<p>110:24 123:6  <b>documents</b> 19:18,19                  19:22 21:24 25:17                  26:6,8,13,15 27:16                  27:19,23 29:1,2,8,9                  29:20 30:1,5,8,11                  30:12,15,20 31:5,7                  31:13 37:2,19 49:10                  49:11 58:21 60:1                  72:1 80:17 110:18                  110:20 114:4 118:9                  118:15  <b>doing</b> 31:18 39:15                  102:13,22 109:8                  122:5  <b>dollar</b> 52:15 71:1  <b>dollars</b> 71:14 94:18  <b>draft</b> 5:23 104:25                  105:5  <b>drawn</b> 45:7  <b>drinker</b> 1:22 2:7,12                  6:13 7:6,12  <b>drive</b> 3:7  <b>dsc</b> 55:3 60:15  <b>due</b> 93:24  <b>duly</b> 7:22 125:7</p> <p style="text-align: center;"><b>e</b></p> <p><b>e</b> 2:1,1 3:1,1 4:6                  7:21 18:22 50:10  <b>earlier</b> 59:2 86:21                  88:6 91:6 92:20                  95:19 119:25  <b>earnings</b> 94:3  <b>ease</b> 23:14 59:10  <b>east</b> 1:23 2:13 3:11                  7:22  <b>easton</b> 9:23,25 10:1  <b>ed</b> 18:13  <b>educated</b> 9:22  <b>education</b> 11:21,24  <b>edward</b> 18:10  <b>effect</b> 27:2 61:14  <b>effective</b> 99:6                  105:17</p>	<p><b>efforts</b> 21:16 78:3                  82:9  <b>ego</b> 17:17  <b>either</b> 16:18 21:11                  25:2 28:3 38:24                  62:6 65:19 80:9                  89:13 103:4 107:7                  112:15,22  <b>elected</b> 112:2,5,10  <b>election</b> 114:17  <b>elicit</b> 24:5  <b>ellis</b> 3:2 7:11  <b>elona</b> 3:6  <b>employed</b> 15:18,20                  16:3  <b>employee</b> 125:14,16  <b>employees</b> 28:17                  62:6,7,10,10,12,14                  88:16,24  <b>employment</b> 28:16  <b>enable</b> 114:18  <b>encapsulated</b> 74:24  <b>enclosed</b> 111:15  <b>energy</b> 1:10,11 2:16                  4:18 7:13,16 8:8                  13:10 35:23 36:2                  38:20 39:12,19                  66:19 81:11 90:6                  91:8 92:1 95:15                  103:4 105:11                  106:17,18 112:16                  112:23 118:4  <b>engineering</b> 10:8                  12:11  <b>entails</b> 93:17  <b>entering</b> 114:19  <b>entire</b> 15:17 42:12                  46:11  <b>entities</b> 65:20 83:25                  88:18  <b>entitled</b> 1:19  <b>entity</b> 52:8 56:22                  61:25 121:21 123:2                  123:8,18,19 124:3</p>
---	---	--	--

<p><b>entries</b> 92:23  <b>entry</b> 25:23,24  <b>environmental</b> 1:4,6          6:16 11:25 71:7          98:10 105:25 106:3  <b>environmentally</b>          41:8  <b>error</b> 111:18  <b>esq</b> 2:2,3,8,12,13,18          3:6,10  <b>essentially</b> 56:1          114:15 116:1  <b>essex</b> 1:1 2:3 6:19  <b>established</b> 107:22  <b>estate</b> 115:19 116:15  <b>estimate</b> 5:1 72:3,19          82:8  <b>estimated</b> 73:1          82:10  <b>estimates</b> 72:14,14          73:13  <b>estimations</b> 83:23  <b>et</b> 6:16,17  <b>event</b> 34:16 50:15          95:1 120:4  <b>events</b> 25:11 26:5  <b>eventually</b> 16:12  <b>evolved</b> 83:25  <b>exact</b> 11:9 34:16          40:24 42:23 47:19          54:4 69:15 82:22          94:9 122:9  <b>exactly</b> 31:16  <b>examination</b> 7:24          125:6  <b>example</b> 120:9  <b>exception</b> 26:14          64:3 116:6  <b>excerpt</b> 91:15 95:22  <b>exclusively</b> 26:12          88:2  <b>excuse</b> 13:25 41:4          63:17 64:23 96:6          103:13 106:7,17          113:7</p>	<p><b>executive</b> 26:16  <b>exhibit</b> 4:8,9,10,12          4:13,15,16,18,20,22          4:23,24,25 5:1,3,4,6          5:7,9,10,12,13,14,16          5:17,19,20,22,23,25          17:10,13 19:5,7,22          20:11,25 21:17 26:8          26:13,20 31:14,18          31:21,25 33:11,15          35:9,13 36:5,9,23          37:2 39:19,25 48:17          48:21 53:5,8,12          56:13,17 58:7,9,12          58:14 59:19 60:9          67:11 72:3,7 73:18          73:20,24 75:8,12          76:8 78:19,23 80:19          80:23 84:10,14          86:20 90:4,23 91:2          95:7,10 97:13,17          98:21,24 99:15,18          100:12,25 101:3,6          101:25 102:4 103:8          103:12 104:3,6,10          104:23,25 105:4          107:15,19 108:2          110:19,19 114:8          115:8,10,17,24  <b>exhibits</b> 58:17  <b>existed</b> 69:13  <b>expanded</b> 41:24  <b>expended</b> 82:24  <b>expense</b> 70:8  <b>expenses</b> 65:11          67:24 68:3 70:2          71:3,5 88:7,9,10,14          89:1,9,16,21 122:21  <b>experience</b> 11:18          16:22,22 17:4,8  <b>explain</b> 22:22          113:25 116:23  <b>exploration</b> 105:12          106:18</p>	<p><b>exposure</b> 96:25 97:5          97:8  <b>extend</b> 105:16  <b>extends</b> 85:1  <b>extent</b> 85:1  <b>extra</b> 11:17 32:4  <b>extracted</b> 43:13          119:22</p> <hr/> <p style="text-align: center;"><b>f</b></p> <hr/> <p><b>f</b> 1:13  <b>facilitate</b> 60:15,24          61:3,6 62:8  <b>facilities</b> 92:9  <b>fact</b> 30:9 51:8 60:5          63:16 116:19  <b>facts</b> 5:5 75:9,13  <b>fair</b> 69:17 84:2  <b>familiar</b> 8:23 33:18          36:11 49:7 50:13          83:18 84:16 87:15          99:20 107:4,5          110:24  <b>familiarize</b> 21:16  <b>family</b> 56:9 88:1  <b>far</b> 21:1,4 75:2          77:20,22 92:12,13  <b>favor</b> 98:25 103:16          104:15  <b>february</b> 36:17          120:5  <b>fee</b> 68:10 69:5  <b>feel</b> 24:25 31:18  <b>fees</b> 70:5,6,6 71:4  <b>fields</b> 43:10,11,14          44:4,5,13 45:23,25          47:11 48:4,11  <b>fieldsbrook</b> 87:5  <b>figure</b> 93:15 94:13          94:23 96:15 121:1          121:15,23  <b>file</b> 37:23 65:18          66:13  <b>filed</b> 6:18 37:21          65:19,22,25 66:19</p>	<p>66:23 74:13 76:17          92:1 95:23  <b>files</b> 30:18  <b>filing</b> 70:5,6 71:4  <b>fill</b> 112:7  <b>final</b> 111:18  <b>finalized</b> 106:24  <b>financial</b> 28:19,22          29:6 63:3 97:22          98:1,11,18 99:25          100:4 101:15,22          102:12,18 109:10          109:12  <b>financially</b> 125:17  <b>find</b> 107:10  <b>fine</b> 19:6 39:16 76:7          96:3  <b>finished</b> 9:3,5  <b>first</b> 4:8 17:10,14          32:16 37:7 41:15,16          42:9 59:11 85:5          98:9 101:21 106:10          106:11 115:17          118:17,25 120:19          122:10  <b>firsthand</b> 106:25  <b>five</b> 82:3  <b>fixed</b> 69:12  <b>fixtures</b> 118:20  <b>flip</b> 49:22 50:4  <b>folder</b> 4:16 36:24          37:3  <b>folks</b> 60:7 111:6  <b>follow</b> 107:13  <b>following</b> 120:10  <b>follows</b> 7:23  <b>force</b> 10:18  <b>forecasted</b> 63:7,12  <b>foregoing</b> 125:9  <b>forenoon</b> 1:24  <b>form</b> 49:7 122:23  <b>former</b> 22:17 41:11          41:21 42:14,21,25          43:1,4,5,8 44:8          45:20 47:6,21 48:2</p>
--	--	---	---

<p>48:3 60:15 87:12  <b>forth</b> 125:12  <b>found</b> 20:17  <b>free</b> 31:19 77:4  <b>front</b> 8:13 19:3              54:16  <b>fully</b> 106:19  <b>function</b> 27:1 41:7,9              41:20 42:13 47:5              83:16 88:25  <b>functions</b> 22:10 28:2              28:11 29:5 41:24              122:6  <b>fund</b> 1:7  <b>funding</b> 65:3 67:21  <b>funds</b> 65:12  <b>further</b> 50:19,25              65:6,7 125:9,13</p>	<p><b>gilmour</b> 2:2  <b>ginsberg</b> 3:10  <b>give</b> 76:1  <b>given</b> 8:16 83:10  <b>go</b> 6:7 10:2,20,25              11:7,19 21:3 41:1              54:16 63:17 80:16              98:16 99:8 100:8              101:18 110:15  <b>going</b> 17:12 19:4,16              24:14 31:11,24              33:14 35:12 36:8,20              37:1 46:17,20 47:3              48:20 50:8 53:11              54:18 55:21 56:3,4              56:8,16 58:9,16              60:9 72:1,11 73:23              76:4 78:22 80:22              81:24 82:1 84:2,6              84:13,25 86:14 91:1              97:16 98:14 104:9              105:3,3,19 106:8              107:18 110:6,9              114:2 116:1 124:8  <b>good</b> 46:19 80:14  <b>governed</b> 27:5  <b>governing</b> 69:20  <b>graduate</b> 11:4  <b>graduating</b> 12:6  <b>grant</b> 68:15  <b>granting</b> 65:9  <b>great</b> 109:24 111:25  <b>gregory</b> 90:1  <b>greiner</b> 2:17 7:9  <b>group</b> 86:8 87:12  <b>guaranteed</b> 106:19  <b>guarantied</b> 103:4  <b>guaranty</b> 102:24              107:3  <b>guess</b> 90:13</p>	<p><b>hand</b> 17:12 35:12              36:8 37:1,6,24              39:24 48:20 53:11              56:16 58:16 72:6              73:23 75:11 80:22              84:13 91:1 95:9              96:5 104:9 105:3              107:18  <b>hands</b> 70:14,20  <b>handwriting</b> 73:17  <b>happening</b> 34:17  <b>happens</b> 76:4  <b>hartline</b> 22:7,8              24:17 25:5,21              118:11 122:8  <b>harwood</b> 35:24 39:9  <b>hear</b> 96:6  <b>heard</b> 17:8 30:10  <b>heisley</b> 121:6 122:25              123:16  <b>held</b> 6:12 27:7              112:14 119:23  <b>help</b> 40:12,15  <b>henig</b> 3:6  <b>hereinbefore</b> 125:12  <b>hesitate</b> 89:2  <b>hess</b> 10:12,15 12:8              12:14 13:1,7  <b>high</b> 9:23 10:3 78:4  <b>hired</b> 13:9,13,19  <b>hold</b> 13:25 41:7,10              41:20 42:13 47:5              60:14,23 62:18,24              112:21  <b>holding</b> 60:25 65:9              102:18  <b>holdings</b> 1:12,14              4:23 14:12 15:5,10              15:22 16:2,11,12,16              22:14,16,17 23:2,4              23:8,8,11 33:10,24              34:13,22 35:6,17              36:3,14 37:14 38:4              38:6,9 39:3,4,5              49:18 50:1,2,23</p>	<p>51:3,7,15,17,21,25          52:4,10,13,21 53:2          54:25 55:4,9,14          56:10,14 57:1,4          58:20 59:7,18 62:7          62:8,10,13,16 70:15          70:21 74:7 76:15          79:4,14,17,25 80:6          85:11,16,19 88:2          89:3 91:7 102:7,13          103:3,17 104:17          105:13,21 107:24          108:6,13,21,25          109:3,13,16 115:14          115:22 116:3,13          121:21 123:23          124:1  <b>hope</b> 72:1  <b>hour</b> 46:18 109:22              110:2  <b>houston</b> 2:4  <b>huh</b> 119:4  <b>hum</b> 41:17</p>
<p style="text-align: center;"><b>g</b></p>			
<p><b>g</b> 18:21,22 50:10,10  <b>gain</b> 19:12  <b>gained</b> 19:18 21:23  <b>garnered</b> 25:16  <b>gas</b> 12:24  <b>gather</b> 26:6  <b>gears</b> 31:11  <b>geauga</b> 50:8 54:21              115:20  <b>generally</b> 8:20,23,25              11:3 25:10 26:4              27:8 113:12  <b>generate</b> 27:12              63:13 64:9  <b>generated</b> 23:24              27:24 29:9,13 56:25              63:4,4  <b>generating</b> 63:21  <b>gentile</b> 2:13 7:6,6              96:2 107:11  <b>gentleman</b> 81:5  <b>genuine</b> 31:7  <b>getting</b> 19:19  <b>geuaga</b> 50:9</p>	<p style="text-align: center;"><b>h</b></p>		
	<p><b>h</b> 4:6  <b>haddonfield</b> 2:19</p>		<p style="text-align: center;"><b>i</b></p> <p><b>identical</b> 111:23  <b>identification</b> 17:11              19:8 30:15 31:23              33:13 35:11 36:7,25              39:23 48:19 53:7              56:15 58:8,13 72:5              73:22 75:10 78:21              80:21 84:12 90:25              95:8 97:15 98:23              99:17 101:5 102:2              103:10 104:8 105:2              107:17  <b>identified</b> 17:23              19:11 20:11 21:13              22:4 31:1 43:20              81:7 84:23 85:5              86:21 112:6,13              115:8 118:1  <b>identify</b> 6:23 42:18              56:18 84:18 113:10</p>

<p>113:13 114:10 118:22 119:8,11,15 <b>identifying</b> 112:9 <b>identities</b> 111:11 <b>ii</b> 40:2 <b>iii</b> 4:19 17:17 39:21 84:1 <b>il</b> 3:3 <b>immediately</b> 10:2,17 12:6 74:5 76:13 <b>implemented</b> 78:4 <b>inasmuch</b> 65:7 <b>inc.'s</b> 4:18 39:20 109:16 <b>include</b> 44:2 55:16 120:22,25 <b>included</b> 23:1 42:20 44:5 46:15 47:20 <b>includes</b> 14:8 43:24 101:9 <b>income</b> 5:12 28:20 63:13,21 95:7,14 96:21 117:16 <b>incorporated</b> 32:9 34:7 57:13 73:5 <b>incorporation</b> 23:18 32:1,25 33:21 35:15 51:10 61:22 <b>incurred</b> 96:12,18 97:1 <b>indemnity</b> 60:17 <b>independent</b> 66:14 66:23 112:20 113:1 <b>index</b> 4:1 <b>indication</b> 68:14 <b>individual</b> 112:18 113:11,13 <b>individuals</b> 25:8 <b>information</b> 25:10 25:16,18,24 88:20 88:23 110:18 112:17,24 114:1 118:2 120:17 121:2 <b>informed</b> 26:23</p>	<p><b>initially</b> 34:13 <b>inside</b> 45:15,17 <b>instance</b> 113:14 114:19 118:21 <b>instances</b> 109:1 <b>instruct</b> 84:5 <b>intended</b> 64:9,15 71:16 <b>intention</b> 17:14 <b>intercompany</b> 57:3 120:9,13 121:12,18 <b>interest</b> 106:12 <b>interested</b> 92:5 125:17 <b>interests</b> 50:6,7 <b>interfere</b> 6:6 <b>interfirst</b> 106:7,12 106:13 <b>interim</b> 15:14 <b>international</b> 1:11 1:13,13 <b>interoffice</b> 5:6 78:19 <b>interrogatories</b> 20:3 40:22 <b>interview</b> 21:12 <b>interviewing</b> 18:1 <b>intracompany</b> 105:24 <b>introduce</b> 7:25 <b>investigation</b> 14:7 30:14 <b>invoices</b> 93:25 <b>involve</b> 8:21 <b>involved</b> 14:20,22 25:9 30:14 108:17 <b>involvement</b> 87:17 <b>irrevocable</b> 5:14,20 5:22 98:21,25 103:9 104:7 <b>irving</b> 32:14 38:10 <b>issuance</b> 51:10 <b>issue</b> 20:1 25:22 33:2 <b>issued</b> 33:6</p>	<p><b>issues</b> 17:17 20:18 20:21 21:22 26:11 72:24 87:19 89:4 <b>item</b> 66:16 91:7 118:25 119:1</p> <p style="text-align: center;"><b>j</b></p> <p><b>j</b> 2:2 <b>jackson</b> 2:2,2 7:2,2 75:22 <b>january</b> 1:23 6:10 111:20 125:24 <b>jason</b> 3:10 7:4 <b>jersey</b> 1:1,4,5,7,22 1:23 2:14,19 3:7 6:14,15,19 7:22 13:22 14:4,6,25 16:23,25 38:5 42:21 43:1 47:9 56:2 57:11,21 69:10,10 72:20 98:9 125:4,22 <b>jpgdpc.com</b> 2:5,6 <b>jim</b> 18:13,14 <b>job</b> 13:9 14:17 88:13 <b>john</b> 2:12 7:12 18:10 75:19 <b>john.mitchell</b> 2:15 <b>jschmolze</b> 3:12 <b>judge</b> 8:14 <b>june</b> 34:22 35:7 <b>jurisdictions</b> 57:9 <b>jury</b> 8:14</p> <p style="text-align: center;"><b>k</b></p> <p><b>k</b> 1:13 <b>k&amp;e</b> 18:15 <b>kassof</b> 3:2 7:10,10 90:14 <b>kearny</b> 13:22 14:4,7 14:8,9,19 16:23 42:20 43:1 47:9 49:24 55:8 59:17 60:2 69:9 70:10,13 70:17 71:11 85:14 85:18 119:8 121:1</p>	<p><b>keep</b> 11:21 <b>kept</b> 28:2,22 56:9 84:20 <b>kind</b> 11:24 20:2 24:22 27:11,23 37:24 57:3 59:11 63:13 70:2 92:8 98:2 114:6 <b>kinds</b> 88:9,14 <b>kirkland</b> 3:2 7:11 <b>kirkland.com</b> 3:4 <b>knew</b> 96:25 97:4 <b>know</b> 15:14 16:19 24:12 25:10 30:9,9 30:12 31:16 33:5 34:12 38:23,23 51:8 53:18,21 54:4 59:21 59:24 60:5,7 61:13 66:5 73:17 77:15,22 79:12 80:12 83:20 83:24 86:25 87:18 90:1,19 92:10 93:9 93:17,21 94:10,20 94:23 95:21 97:20 99:13 104:2 106:23 112:17,18,24 113:11,24 114:6,12 114:25 115:12,14 115:15 116:24 117:5,23 118:6,17 121:3,15,22,23 122:3,4,9 123:10,15 123:16,20 <b>knowledge</b> 19:12,16 21:11,13,22,23 25:3 25:12 26:7,11,21 27:17 30:3 31:9 34:15 38:22 46:2,5 52:11,17 54:10 57:19 62:19 63:6 65:17 66:25 67:9,16 68:5,9,17,23 69:3 70:18 77:11,13 80:3 81:6 82:21 84:24 93:8,11 106:25</p>
---	--	---	---



<p>113:5  <b>known</b> 16:13 38:20          62:1 80:10 105:21</p>	<p><b>lands</b> 61:7  <b>large</b> 42:23 43:3          44:2,17 45:11 46:9          47:10  <b>larger</b> 46:6 119:1  <b>lasalle</b> 3:3  <b>late</b> 81:17  <b>law</b> 1:1 5:5 6:19          75:9,13,13  <b>lawsuit</b> 8:7,14 29:14          29:18,22  <b>lawyer</b> 18:15,17  <b>lawyers</b> 30:21  <b>lease</b> 28:1,9 29:4          114:21,22  <b>ledger</b> 24:24 25:23          25:24  <b>lee</b> 3:6  <b>left</b> 13:1,7 79:21  <b>legal</b> 116:19  <b>lehman</b> 2:18 7:8,8          124:5  <b>letter</b> 4:10 5:3,4,14          5:16,21,22,25 31:21          73:20 74:3 75:8          76:12 78:1 98:21,25          99:11,15 100:10,16          100:18 103:9,13,15          103:19,21,23,24          104:7,11,15,19          105:14,16,19          106:21 107:16,22          108:1 111:15          114:19  <b>letterhead</b> 106:9  <b>letters</b> 99:5 106:14  <b>lhenigelona</b> 3:8  <b>liabilities</b> 71:7 93:20          93:21 96:17 106:1,3          106:4 116:14 117:7          117:14,17,21          120:18 121:11          122:13,17,18  <b>liability</b> 77:4</p>	<p><b>liable</b> 87:11 109:7          117:19  <b>liaison</b> 3:8  <b>license</b> 125:4  <b>lilly</b> 18:10  <b>limit</b> 9:14 110:17  <b>limited</b> 15:2 65:8  <b>limits</b> 30:21  <b>line</b> 41:14 45:7,8,15          45:18 60:13 66:16          77:25 91:6,19 93:3          93:14,19 94:15,19          94:19 96:9 108:5          119:24  <b>lines</b> 41:23 42:9          92:20  <b>lion's</b> 89:16  <b>list</b> 111:1  <b>listed</b> 20:24 86:23          111:6 112:18 116:7  <b>lister</b> 5:2 26:18          42:22 43:2,2 47:10          50:21 55:12,13          58:18 69:10 70:16          71:12 72:4,15,19          73:1 74:6,11,15          76:22 77:9,12,19          79:4,8 81:2 85:6          95:4 98:13 100:1,2,3          108:12,20 109:5,16          118:23 120:22  <b>litigation</b> 77:5  <b>little</b> 9:20 31:12          50:19,25 59:12 65:6          71:25 81:24 106:16  <b>llp</b> 2:7,12 3:2  <b>locally</b> 11:2  <b>located</b> 6:13 31:1          50:7 54:21 55:12          115:19  <b>location</b> 30:15,19          38:24  <b>locations</b> 100:1  <b>logan</b> 2:8</p>	<p><b>long</b> 8:18 12:14          13:24,25 91:16  <b>look</b> 32:16 37:7,20          37:25 41:3 43:23          58:4 63:16 64:6,20          66:2,4 67:10 74:21          75:19 76:2 82:4          83:3,15 91:18 96:4          96:7 104:22 108:1          123:5  <b>looking</b> 51:20 79:18          86:20 100:14          120:10  <b>looks</b> 37:24 56:21          66:12 72:18,25          79:16 90:6,21 91:25          95:14 96:17,19          105:11 106:7,8          116:18 120:8,12,12  <b>losses</b> 94:8  <b>lot</b> 11:19,20 31:13          119:3,5  <b>lots</b> 48:12  <b>lunch</b> 109:23 110:3</p>
<b>m</b>			
<p><b>mailing</b> 32:12  <b>main</b> 42:25  <b>maintained</b> 31:7          91:23  <b>maintenance</b> 12:25  <b>manage</b> 13:21  <b>managed</b> 14:5  <b>management</b> 10:24          11:8 12:4 13:5,15          27:15,20 28:8 29:3  <b>manager</b> 12:24          13:20 14:3,16,18          15:12  <b>map</b> 45:7  <b>march</b> 23:17,25          25:14 32:10 42:2          62:21 67:13 78:1,15          98:5</p>			

<p><b>marisol</b> 76:22,24 77:4,5,8,11 <b>mark</b> 18:10 19:4 105:4 <b>marked</b> 17:11,13 19:8 31:22,25 33:12 33:14 35:10,13 36:6 36:9,24 37:2 39:22 39:24 48:18,21 53:6 53:12 56:15,17 58:8 58:13,16 72:5,6 73:21,24 75:10,11 78:21,23 80:20,23 84:11,13 90:24 91:2 95:8,9 97:14,16 98:22 99:16 101:4 102:1,3 103:10,11 104:8,10 105:1 107:17,19 <b>maryland</b> 9:24 10:6 10:17 11:1,4 12:7 <b>materials</b> 18:23 19:2,10,12,23 21:12 <b>matter</b> 1:19 8:20 <b>maxus</b> 1:10,11 2:16 4:10,12,13,15,17,18 5:2,3,6,7,10,15,16 5:19,23 7:13,16 8:8 13:9,10,11,12,13,19 14:14 15:18,21 16:3 31:21 33:12 35:10 35:23 36:1,6,24 37:6,11 38:20,25 39:11,19 40:1 61:11 61:25 62:7,15 63:19 64:25 65:3,6,11,12 66:19,19 67:19,21 67:23,24 68:3,3,7 68:10,15,19,24 69:5 72:4 73:21 75:18,25 78:20 79:18 80:10 80:20 81:11,20 87:22,22 88:18 89:1 89:20,24 90:6,23 91:8,18 92:1 95:15</p>	<p>98:22 99:15 101:25 102:21 103:4,4,7 105:1,11,12,12 106:17,18,18 112:15,16,22,23 118:4,4 119:1 <b>maxus's</b> 60:15,24 92:13 <b>mc</b> 3:10 <b>mean</b> 18:13 20:14 70:24 75:23 77:17 109:25 <b>means</b> 8:12 <b>measures</b> 71:13 <b>meeting</b> 115:9,11 <b>meetings</b> 11:20 <b>member</b> 88:17 <b>memorandum</b> 5:5 75:9,12,13 76:17,21 <b>mention</b> 22:24 29:12 92:5 <b>mentioned</b> 28:7 81:5 86:9 <b>met</b> 115:14 <b>methods</b> 24:24 <b>mgpllp.com</b> 3:12 <b>microphones</b> 6:2,5 <b>midway</b> 59:12 <b>million</b> 73:2,7,13 78:2,5,10,11 82:8 82:10 83:10 98:19 99:1 100:5 101:23 102:15,20 103:20 103:25 104:20 105:16 106:21 107:24 108:22 109:4 <b>millions</b> 71:14 <b>minus</b> 96:22 <b>minutes</b> 28:24 29:7 <b>miscellaneous</b> 15:3 50:5 51:1 <b>mispronounce</b> 50:8 <b>mitchell</b> 2:12 7:12 7:12 32:4 107:11</p>	<p>111:14,22 <b>moment</b> 76:1 <b>money</b> 70:14 121:19 121:25 122:13 <b>monies</b> 70:20 121:20 <b>montano</b> 3:10 <b>mortgage</b> 54:22 <b>move</b> 84:3,6</p> <hr/> <p style="text-align: center;"><b>n</b></p> <hr/> <p><b>n</b> 2:1 3:1 18:21,22 <b>name</b> 6:9,21,25 8:2 8:6 33:23 34:21 35:5,16 36:13 39:3 50:1 112:8 <b>names</b> 22:18,19 81:21 85:4 119:17 <b>naming</b> 114:13 <b>national</b> 5:25 106:9 107:15,21 <b>ncnb</b> 5:25 106:9 107:15,21 <b>near</b> 78:9 82:10 <b>need</b> 114:14 <b>negative</b> 83:12 93:15 94:5,12 121:12 <b>negotiated</b> 98:1 <b>neither</b> 125:13,16 <b>net</b> 92:15 96:15 120:4 <b>never</b> 43:22,22 45:13,25 46:13 48:15 64:9,15 67:5 67:12 68:10,24 71:16,20 73:6,11 90:17 <b>new</b> 1:1,4,5,6,21,23 2:14,19 3:7,11,11 6:14,15,18 7:22 13:22 14:4,6,25 16:23,25 38:5 42:20 43:1 47:9 56:2 57:10,21 69:9,10</p>	<p>72:20 98:9 125:4,22 <b>newark</b> 14:25 15:8 16:25 42:22 69:25 70:10,13 71:11 72:20 85:5 119:2 <b>njdep</b> 5:25 74:25 78:1 107:16 <b>nominal</b> 65:10 71:1 71:4 88:10 <b>non</b> 9:14 <b>north</b> 3:3 35:24 39:8 <b>note</b> 6:2 122:24 <b>notebook</b> 31:14 110:20 <b>noted</b> 104:4 <b>notes</b> 28:3,11 29:5 121:4 123:1,16,16 <b>notice</b> 4:8 17:11,14 81:8 <b>noticed</b> 111:17 <b>nowacki</b> 18:11,13 18:13,14 <b>number</b> 4:7 26:19 29:17 32:24,25 34:1 37:5 38:13,14 51:20 53:8 79:19 87:11 104:3,22,23 116:12 123:18,19 <b>numbers</b> 37:10 84:23 96:5</p> <hr/> <p style="text-align: center;"><b>o</b></p> <hr/> <p><b>oath</b> 8:12 <b>object</b> 36:20 72:12 82:1 85:1 98:15 <b>objected</b> 83:21 <b>objection</b> 36:19 42:6 52:16 73:8,15 82:20 83:1,7,13,20 84:4,6 99:7 100:6 101:17 103:6 113:3,4 117:4 117:9,18 122:2 <b>objections</b> 4:19 39:21 40:1</p>
---	--	--	---

<p><b>obligate</b> 102:19  <b>obligated</b> 108:21  109:3,7  <b>obligating</b> 108:13  <b>obligation</b> 103:2  <b>obligations</b> 106:20  116:14  <b>obtain</b> 10:9 11:11  29:24  <b>obtained</b> 10:16  11:16  <b>occ</b> 4:22 53:5  <b>occ's</b> 60:16  <b>occasion</b> 114:13  <b>occi</b> 54:6 87:6  <b>occidental</b> 1:9 2:20  6:17 7:9 53:23 54:3  56:4 76:19 108:7,14  109:6  <b>occnj</b> 4:20 5:13,17  5:21,22 48:18 97:13  101:3 103:9 104:7  <b>occurred</b> 24:2 35:19  83:24 109:2  <b>october</b> 57:24 58:3  <b>odd</b> 91:16  <b>office</b> 30:17  <b>officer</b> 59:2 81:13  81:17 88:17 112:15  112:19,20,22 113:1  <b>officer's</b> 4:20 48:17  48:22  <b>officers</b> 28:3,12 29:5  62:6,16 81:21 111:1  111:6,7,11 112:1,13  113:6,8,15 114:13  114:18 117:25  <b>offices</b> 30:18  <b>official</b> 16:19  <b>offset</b> 117:12  <b>offshoot</b> 61:3  <b>oh</b> 59:14 105:6  <b>ohio</b> 8:22 14:23 17:2  42:24 43:3 44:3,13  44:18 45:11,19</p>	<p>47:11 50:5,16 54:22  56:1 57:10,21 59:17  60:2 69:10 70:23  71:10 85:10 87:7  115:20 116:5,6  117:3,8,15 119:12  120:2 121:8  <b>okay</b> 9:1,16 19:20  21:3 23:20,23 24:16  31:20 45:10 50:11  54:14 59:14 82:17  86:11,13 87:4 96:3  107:14 110:5  123:15 124:7  <b>okonite</b> 3:13 7:5  <b>old</b> 47:23  <b>ones</b> 19:3 20:5 29:23  114:11 123:24  <b>ongoing</b> 69:23 87:6  106:5  <b>opening</b> 51:22  115:25  <b>operating</b> 77:12  <b>operation</b> 43:22  87:6  <b>operations</b> 12:22,24  38:24 44:1 48:15  62:24 63:22 69:25  77:15  <b>oral</b> 17:15  <b>orange</b> 3:7  <b>order</b> 14:6 19:12  26:16 43:24 44:6,7  44:12,14,15,20,23  45:4,9,13 46:1,10  46:12,13,16 74:24  76:23 78:1 101:10  101:14,14,21  108:19 119:19  123:12  <b>orders</b> 26:25 27:2,2  27:5,6,9 46:7 61:18  69:20 97:25 108:24  <b>originally</b> 44:18  95:23</p>	<p><b>outlined</b> 21:17,22  24:19 25:2,6,13  26:3,12  <b>outside</b> 23:24 24:6  24:12 26:7 36:20  46:3 47:16 72:12  83:21 89:5 98:15  <b>outstrip</b> 77:20  <b>owed</b> 121:19 122:14  122:18  <b>owned</b> 14:9 15:4,9  27:21 28:9 42:19  43:17,25 44:9,10  45:12,19 46:14 58:4  68:8,11,16,21 69:1  69:6 71:5,22 85:11  85:15,19,23 86:2,6  86:22,23 87:8,18,25  88:2,8 93:12 97:2  123:22,23 124:2  <b>owner</b> 77:8 100:23  108:25  <b>owners</b> 86:25  <b>ownership</b> 59:13  <b>owns</b> 87:3</p>	<p>120:10,11,19  122:25 123:5,6  <b>pages</b> 79:18 91:16  91:17 95:21  <b>paid</b> 63:9 65:11 67:5  67:12,24 68:4,10,24  69:5 73:6 93:24  94:15,20 115:4  118:3,4,6 121:20  122:1  <b>painesville</b> 8:22  14:23 15:8 17:2  42:24 43:3,21 44:3  44:16,17 45:11,19  47:11 48:13 69:25  70:12 85:8,22 86:1  86:8 117:15 119:11  120:24  <b>paperwork</b> 22:24  <b>par</b> 33:3 52:15  <b>paragraph</b> 26:19  32:13,24 34:1 49:19  51:22 54:15,20 55:6  55:11 77:16,16,17  82:7 98:8 101:13,20  101:20 106:10  115:25 116:12,18  <b>parcel</b> 42:23 43:3  44:2,17 45:11 46:6  46:9 47:10 119:18  <b>parcels</b> 43:7 44:3  48:14 50:16 118:20  119:14  <b>pardon</b> 18:12  <b>parent</b> 32:21 36:2  51:14 52:3  <b>park</b> 10:6  <b>part</b> 22:10 44:15,22  45:25 46:9,11 47:25  54:8,11 66:16 69:18  69:22,25 92:4 97:25  <b>particular</b> 16:22  25:22 26:5,5 37:18  40:10 49:2 52:23  55:22 89:17 95:13</p>
<b>p</b>			
		<p><b>p</b> 2:1,1 3:1,1  <b>p.c.</b> 2:2,17 3:2  <b>p.m.</b> 110:10,13  124:9  <b>p.o.</b> 2:13 32:13  <b>page</b> 4:2,7 20:24  21:17,21 26:20  32:16 35:22 37:7,25  38:2 49:20,22 50:4  50:19,25 57:10 58:1  59:11,12 73:18  74:22 77:2,17 82:4  82:13,15 83:3,15  90:3 96:4,5,7,8 98:5  98:6,9 100:11,14,17  106:10 111:18  115:18 118:17,22  119:9,10,12 120:8</p>	

<p>108:16  <b>particularly</b> 49:6  <b>parties</b> 3:8 6:7,23              87:11 109:8 125:15  <b>partners</b> 3:10  <b>parts</b> 43:21  <b>party</b> 15:3 87:10,21              109:7 117:20  <b>pass</b> 124:4  <b>passaic</b> 87:2  <b>pay</b> 68:7 114:25              115:2 117:25  <b>payables</b> 121:12  <b>payment</b> 27:25 28:9              29:3 33:16 34:3,9              79:16  <b>pennsylvanis</b> 2:9  <b>perfect</b> 111:21  <b>performed</b> 22:9  <b>period</b> 13:4 14:14              16:20 20:19,21              22:10 23:17,25 24:2              24:7,12,15 25:14              26:22 27:24 29:9              36:21 42:12,19              43:17 44:11,16,21              44:25 46:3,4,7,8,10              47:17,21 62:21 63:1              65:1,8,21 67:7,22              68:2,8,11,21 69:1,6              70:11,12 71:20              72:12 77:14 78:14              80:4 81:15,18,22              82:3 85:2,12,16,20              85:24 86:3,7,22              88:14 89:6,6 92:6              96:24 99:6 102:21              103:1 113:12 114:4              114:5,17  <b>periodically</b> 19:15  <b>periods</b> 22:21  <b>permit</b> 70:6  <b>permitted</b> 11:10  <b>person</b> 25:5 26:2              122:10</p>	<p><b>personal</b> 9:21 21:11              21:12,21 25:12 26:7              26:20  <b>personnel</b> 89:24  <b>persons</b> 21:12 112:5              112:6,10,13  <b>petit</b> 2:3 4:4 6:25,25              7:24 8:6 19:4 38:13              39:15,17 46:17 58:9              58:14 60:7 75:15,25              76:3 80:16 84:2              86:11 90:16 105:6              107:9,14 108:9              109:19,21,24 110:2              111:21,25 124:4,7  <b>phelps</b> 32:13 38:10  <b>philadelphia</b> 2:9  <b>phones</b> 6:4  <b>phrase</b> 48:8  <b>pick</b> 6:3  <b>piece</b> 45:19 46:12  <b>pieces</b> 45:12 95:20              120:1  <b>pipelines</b> 69:14,18              92:7  <b>place</b> 6:5 125:12  <b>placed</b> 56:10  <b>plaintiff's</b> 40:2  <b>plaintiffs</b> 1:8 2:6 4:8              4:19 7:1,3 8:7 17:10              17:14 29:16,22              39:21  <b>plan</b> 45:20 62:20,23              62:25  <b>plant</b> 42:21,21,25              43:2,4,5,8,12 44:8              47:22,24 48:5 55:8              65:10 85:15 86:1              92:8 119:1,12,14,20  <b>plants</b> 41:11,21              42:15 46:15 47:6              48:2,3  <b>please</b> 6:2,4 7:25 9:2              18:8 66:3 83:4              84:19 110:8</p>	<p><b>point</b> 15:11,22              34:18,19 36:1 45:3              47:15 66:22 109:19              111:15  <b>pointed</b> 111:19  <b>policies</b> 26:22  <b>policy</b> 27:4  <b>position</b> 13:18 14:1              78:16 81:20 95:3              112:22 117:6  <b>positions</b> 12:21              112:6,7,10,15  <b>possibly</b> 48:5 90:7,8  <b>potential</b> 24:1              122:18  <b>potentially</b> 87:11              89:7  <b>practices</b> 26:21  <b>preceding</b> 37:25  <b>predated</b> 59:1  <b>prefer</b> 31:15  <b>prep</b> 87:20  <b>preparation</b> 19:23              110:21  <b>prepare</b> 40:12,16  <b>prepared</b> 40:18              111:2  <b>present</b> 6:22 75:1  <b>president</b> 16:10,15              111:19  <b>pretty</b> 72:2  <b>previous</b> 38:2 77:8              106:14  <b>previously</b> 111:16              111:23  <b>primarily</b> 11:25              16:24 27:13 60:14              60:24 70:4 71:3  <b>primary</b> 26:25 28:5              70:8  <b>princeton</b> 1:23 2:14              6:14  <b>principally</b> 41:10,21              42:14 47:6 48:1</p>	<p><b>prior</b> 16:7 74:5              75:18 105:24 125:5  <b>private</b> 6:3  <b>privilege</b> 30:11              75:17  <b>privileged</b> 75:17,23  <b>probably</b> 20:22 70:7              87:7  <b>problem</b> 9:12  <b>proceed</b> 7:20 76:6  <b>proceedings</b> 124:10  <b>process</b> 8:24 22:15              22:23 23:3 31:17              32:2,8,22 33:7,17              33:22 34:7 43:14              108:15 112:9,11  <b>produced</b> 29:21,24              30:2,5 31:2,5 90:12              90:15,22 107:8,12  <b>producing</b> 63:21  <b>profit</b> 64:16  <b>project</b> 5:9 13:20              14:3 84:10,21 85:4              89:15  <b>projections</b> 28:20              63:3  <b>pronounce</b> 50:12  <b>pronounced</b> 121:7  <b>properties</b> 22:20              27:7,15,20 28:2,8              28:10 29:3 41:8              42:24 43:16,19,25              44:10 47:8,13 48:2              49:16 50:6,22 54:21              55:2,7,12 56:1,2,7              59:5,17,23 60:1,2              60:16 61:1 62:18              68:7,11,16,25 69:5              69:8,9,13,19,20,21              69:23 70:22 71:6,10              71:12,12,18,22              72:23 85:11 86:5,9              86:22,24 88:4 93:12              97:2 116:1,5,6,7,20              117:10 119:17,23</p>
--	---	---	---

<p>120:2 123:21,21,22 124:1</p> <p><b>property</b> 41:10,20 42:14,18 44:9,11,16 45:12,18,20 46:14 47:6,8,9,10,15,20,23 48:6 49:24 50:7,16 55:17,25 56:3 57:17 57:20 58:4 68:20 70:4 71:4,6,10,11 71:11 74:18,22,23 76:22 77:2,21 79:20 79:23 80:1 82:7 83:11 86:10 87:12 88:9 89:4,10 108:25 114:14,20 117:3 120:24 122:1,18</p> <p><b>protection</b> 1:4,6 6:16 98:10</p> <p><b>protocol</b> 84:3</p> <p><b>provide</b> 9:3 98:11 99:24 102:18 108:17,20</p> <p><b>provided</b> 25:23 106:13 111:23</p> <p><b>provides</b> 35:16 36:13 102:11</p> <p><b>providing</b> 9:5</p> <p><b>provision</b> 101:14,15 101:22</p> <p><b>purchase</b> 49:13 53:13,18,20,22 54:8 54:13,19 55:1 56:5</p> <p><b>purchased</b> 54:2 77:3</p> <p><b>purchases</b> 70:9,11</p> <p><b>purportedly</b> 75:16</p> <p><b>purpose</b> 41:24 42:3 60:25 61:2,5,10,11 61:22,23 62:17 65:8 74:25</p> <p><b>purposes</b> 42:1 74:11 88:7 93:10 109:1</p> <p><b>pursuant</b> 77:25 117:7,13</p>	<p><b>put</b> 88:21 90:10 93:24</p> <p style="text-align: center;"><b>q</b></p> <p><b>qualifications</b> 4:16 11:16 12:3 36:23 37:4</p> <p><b>qualified</b> 20:17,20 20:23 24:18 25:1,5 26:2</p> <p><b>quarantined</b> 74:24</p> <p><b>question</b> 9:11,12 18:6 42:11 45:14 49:8 51:21 59:20 61:21 65:1,21 88:15 90:9 102:25 103:22 117:24</p> <p><b>questions</b> 21:10 24:11 25:25 42:1 82:2 100:7 110:18 124:5</p> <p><b>quick</b> 46:18 80:16 91:4</p> <p><b>quickly</b> 72:2 76:5</p> <p style="text-align: center;"><b>r</b></p> <p><b>r</b> 2:1 3:1 7:21 18:21 18:22</p> <p><b>rabbe</b> 1:9 4:3 6:21 7:25 8:2 47:1 91:3 97:11 110:15 125:6</p> <p><b>range</b> 78:4 83:2</p> <p><b>read</b> 55:21 108:5</p> <p><b>reading</b> 55:22 108:8</p> <p><b>ready</b> 47:1 86:11 110:15</p> <p><b>real</b> 41:10,20 42:14 42:18 47:6,7 50:5,7 54:21 56:3 57:17,20 71:5 91:3 115:19 116:15</p> <p><b>really</b> 83:25 87:16</p> <p><b>reask</b> 103:21</p> <p><b>reason</b> 27:18 29:25 30:4,7 31:4 69:4 70:19 75:5 78:7</p>	<p>79:12 82:23 89:2 90:17 111:5,10 112:25 117:1</p> <p><b>reasonable</b> 21:16 84:9</p> <p><b>reath</b> 1:22 2:7,12 6:13 7:7,13</p> <p><b>recall</b> 43:18 53:16</p> <p><b>receipts</b> 117:11</p> <p><b>receivable</b> 121:5</p> <p><b>receive</b> 52:9 63:14</p> <p><b>received</b> 17:11 19:7 31:22 33:12 34:3 35:10 36:6,24 39:22 48:18 53:6 56:14 58:8,13 65:2 67:20 72:4 73:21 75:10 78:21 79:3,13 80:20 84:11 90:24 95:8,25 96:1 97:14 98:22 99:16 101:4 102:1 103:10 104:8 105:1 107:16 116:9 117:7 117:14</p> <p><b>receiver</b> 106:11</p> <p><b>recess</b> 46:22 86:16 110:11</p> <p><b>recites</b> 76:21</p> <p><b>recognize</b> 49:9 97:19</p> <p><b>recollection</b> 18:24 19:10</p> <p><b>record</b> 6:2,8 8:1 26:21,23 46:21,24 84:18 86:15,18 90:11 97:24 110:7,8 110:10,13 124:9</p> <p><b>recording</b> 6:6</p> <p><b>records</b> 27:3,5,8,11 27:14 28:3,11,16,19 28:22 29:5,6 30:25 31:1 37:4 107:10</p> <p><b>reduced</b> 79:8</p> <p><b>refer</b> 31:17 47:25 53:20 74:1 113:16</p>	<p><b>reference</b> 23:14 33:8 34:16 37:10 59:10 62:23 79:10</p> <p><b>referenced</b> 55:25</p> <p><b>referred</b> 95:18</p> <p><b>referring</b> 22:13 23:16 34:24,25 42:8 66:17 67:22 88:8,9 91:6,23 113:18</p> <p><b>refers</b> 47:8 77:19 101:20,24 104:19 108:3</p> <p><b>refresh</b> 18:24 19:10</p> <p><b>refreshed</b> 19:18</p> <p><b>refund</b> 79:3,13</p> <p><b>regarding</b> 18:4,9 20:11 21:7,10 22:3 24:6 25:13 27:19 37:4 81:6,23</p> <p><b>registered</b> 122:14</p> <p><b>reimburse</b> 67:23 68:3</p> <p><b>related</b> 14:6 19:25 20:18,21 25:22 26:15,24 27:14 60:1 63:8 79:4 87:19 121:5,6</p> <p><b>relates</b> 12:4 25:14 27:4 99:23 100:17</p> <p><b>relating</b> 28:10 29:2 88:7 89:17</p> <p><b>relation</b> 26:17</p> <p><b>relative</b> 125:14,16</p> <p><b>relatively</b> 65:10</p> <p><b>relevance</b> 24:1 84:4 84:6</p> <p><b>relevant</b> 61:18 84:1</p> <p><b>remainder</b> 45:6 100:12,18</p> <p><b>remains</b> 69:14</p> <p><b>remedial</b> 71:13 78:2 83:11</p> <p><b>remediate</b> 45:4,13 46:1 71:22 78:10,12</p>
--	--	---	--

<p><b>remediating</b> 71:17 72:19 97:2</p> <p><b>remediation</b> 14:16 14:18 15:12 26:17 44:12 60:15,24 61:3 69:22 70:1 72:14 73:7,12 78:16 89:17 95:4 97:1 98:12 99:25 106:4 109:5</p> <p><b>remediations</b> 61:4,6 61:8</p> <p><b>remember</b> 11:9 13:16 15:23 37:18 40:10,23 42:23 47:18 49:6 55:22 69:2 80:25 104:13 107:6</p> <p><b>removed</b> 69:16 92:11</p> <p><b>rent</b> 68:24 69:5</p> <p><b>repeat</b> 18:6 35:3 45:14 51:19,19 72:17 111:9</p> <p><b>rephrase</b> 9:13</p> <p><b>report</b> 82:16</p> <p><b>reporter</b> 1:21 7:18 8:11 9:9 125:4,22</p> <p><b>represent</b> 6:24 8:7 54:12 79:24 91:14</p> <p><b>representative</b> 17:19,24 18:2 20:10 20:15 21:5 81:7</p> <p><b>representatives</b> 17:16 82:7</p> <p><b>representing</b> 6:9 7:19</p> <p><b>represents</b> 94:24 118:18 121:16</p> <p><b>repsol</b> 1:11 3:5 7:11 90:12</p> <p><b>republic</b> 106:11</p> <p><b>request</b> 40:20 41:5,5 47:4 60:12 63:16,18 64:7,8,14,21,23 67:11 98:3</p>	<p><b>requested</b> 83:19</p> <p><b>requests</b> 4:19 29:17 39:22 40:2,13 60:10</p> <p><b>required</b> 27:9 98:2 99:11,14 101:22 109:9</p> <p><b>requirement</b> 99:24</p> <p><b>requires</b> 100:4 101:15</p> <p><b>requiring</b> 98:10,19 102:12</p> <p><b>resolution</b> 49:23 50:5,15,20 114:18 114:20</p> <p><b>resolutions</b> 28:24 29:7 48:23 49:16 112:4 113:16,19,22 114:8 115:1,7,9</p> <p><b>respect</b> 21:20,25 25:25 26:19 85:4 120:18 121:8</p> <p><b>respond</b> 9:15</p> <p><b>responding</b> 24:10</p> <p><b>response</b> 41:9 47:3,4 60:12,16 63:18 64:6 64:12 67:11,14</p> <p><b>responses</b> 4:19 9:14 9:15 20:4 29:13 39:21 40:2,12,16,19 60:10</p> <p><b>responsibilities</b> 14:15 15:15 16:1,3</p> <p><b>responsibility</b> 14:17</p> <p><b>rest</b> 45:3,5 110:17</p> <p><b>result</b> 11:17</p> <p><b>retained</b> 27:1,3,9,16 27:19,22 29:8,11 30:24 94:3</p> <p><b>retention</b> 26:21,24</p> <p><b>return</b> 5:12 66:9,11 66:14,18,24 91:8 92:4 93:10 95:7,15 95:19,23</p> <p><b>returns</b> 63:10 65:18 65:19,22 66:6 67:3</p>	<p><b>revenue</b> 63:13,21 64:2,10</p> <p><b>review</b> 18:23 19:11 19:23 21:11,24 40:8 55:18 59:10 60:6 70:24 81:21</p> <p><b>reviewed</b> 19:9,25 20:6 26:8,13,16 29:12 40:17 87:20 99:22 110:20</p> <p><b>reviewing</b> 22:23 25:17</p> <p><b>rick</b> 22:7,8 24:17 25:4 118:10 122:8</p> <p><b>right</b> 16:19 22:18 34:4 37:6,14,24 38:6 51:18 54:3 55:9,14 57:11,15 65:16 69:23 70:17 74:11 76:15,25 77:6 77:9 78:5 83:6,12 91:9 92:2,9 94:8 96:5 98:13 99:3 102:15,16 104:17 105:17 106:1,14,21 110:21 111:3 115:22 116:4,7 120:15,20 123:5</p> <p><b>risk</b> 96:25 97:5,8</p> <p><b>river</b> 87:2</p> <p><b>rlehman</b> 2:20</p> <p><b>road</b> 1:22 2:13 6:14</p> <p><b>robert</b> 2:18 7:8</p> <p><b>role</b> 15:2</p> <p><b>rolled</b> 89:7</p> <p><b>ron</b> 18:10</p> <p><b>ronald</b> 2:8 7:15</p> <p><b>ronald.sarachan</b> 2:10</p> <p><b>room</b> 6:22</p> <p><b>rutgers</b> 11:2</p> <hr/> <p style="text-align: center;"><b>s</b></p> <hr/> <p><b>s</b> 2:1 3:1 4:6</p>	<p><b>s.a.</b> 1:12,12,13</p> <p><b>sale</b> 50:5 76:13 114:14,20</p> <p><b>sales</b> 28:1,9 29:4 59:25 63:9,25 64:1 70:25</p> <p><b>salvage</b> 69:24</p> <p><b>sampling</b> 114:4</p> <p><b>samson</b> 3:6</p> <p><b>sarachan</b> 2:8 7:15 7:15 19:6 32:3 36:19 38:11 39:16 39:18 40:4 42:6 46:19 48:25 52:16 53:14 56:20 58:11 60:8 72:8,11 73:8 73:15 76:1,6 78:24 80:14,18 82:1,20 83:1,7,13,20 84:8 84:15,25 86:13 97:18 98:14 99:7,21 100:6 101:17 102:8 103:6 105:7 107:13 107:20 108:5 109:20,22,25 110:5 110:8 113:3,25 114:3 117:4,9,18 122:2 123:12 124:6</p> <p><b>satisfied</b> 98:3</p> <p><b>satisfy</b> 71:17 117:7 117:16</p> <p><b>saw</b> 40:23 91:6</p> <p><b>saying</b> 34:11 45:10 80:4 108:23 117:15</p> <p><b>says</b> 32:11,15 33:4 33:25 34:5 35:25 37:6 38:7 41:19,24 47:4 51:2,13,20 52:6 54:16,20 57:8 57:10 60:19,23 65:6 67:12 73:3 74:22 77:7,10,17,25 78:6 82:7,18 83:8,14,15 93:3,14,19 94:2 98:17,20 105:23</p>
---	--	--	---

<p>106:2,22 116:9,22 122:25 <b>schedule</b> 4:22 53:5 53:13 54:7,13 55:2 109:20,21 <b>schmolze</b> 3:10 7:4,4 <b>school</b> 9:23 10:3,20 <b>science</b> 10:10 <b>search</b> 30:19 <b>searches</b> 30:22 <b>second</b> 49:19,20 57:10,25 60:13 64:22 73:18 82:6 90:3 98:8 100:11,16 106:10 120:8 123:6 <b>section</b> 51:23 <b>see</b> 37:5,23 38:1,14 40:22 41:13,18 49:19,23 50:20 51:1 51:5 55:24 57:25 59:11 79:10,20 83:16 84:1 85:8,14 86:5 87:16 90:3 91:3,20 92:16,23 93:5,14,19 94:2,15 96:7 101:11 <b>seeing</b> 53:16 <b>seen</b> 17:21 32:6 33:8 33:19 34:17 37:16 37:19 38:16,18 40:5 45:17 49:1,2,11 51:9 53:15 56:23 58:21,22 59:15 63:2 63:9,11,15 65:24 67:1,25 68:13 72:9 73:25 76:9 78:25 79:1 80:24 90:17 91:11,12 95:11,12 95:20,21 97:20 104:12 105:9 107:2 107:5,7,12 120:14 <b>segments</b> 66:6 <b>seminars</b> 11:20 <b>sensitive</b> 6:3</p>	<p><b>sent</b> 29:17 111:16 <b>separate</b> 44:15 90:10 <b>separately</b> 65:20,22 65:25 122:23 <b>september</b> 49:12 72:15,21,25 76:12 115:18 <b>sequence</b> 25:10 <b>services</b> 81:11 <b>set</b> 37:1 75:2 114:1 125:12 <b>settle</b> 76:24 <b>shammrock</b> 32:18 32:22 33:23 34:13 34:21 35:6 37:13 38:4,9,20 39:4 116:13 <b>shamrock</b> 22:15,16 23:3,4,7 32:1,8,20 33:6,17,22 34:7 38:17 48:23 49:17 49:18,25,25 50:2,20 50:22 51:3,7,13,15 51:17,18,21,24,25 52:4,9,12,20,22 53:1,2,23 54:2,24 54:25 55:3,8,13 56:8,9,10,22 58:19 58:20 59:6,7,17 62:1 70:14,15,20,21 74:5,7,14,17 76:13 76:14,18,23,24 77:3 77:6 78:3 79:3,7,14 79:17,24 80:5,9,10 98:11 99:2 100:13 100:19,22 102:6,13 102:14,17 103:2,17 104:16 115:13,20 115:21 116:2,3,16 <b>share</b> 89:16 <b>shareholder</b> 67:13 <b>shareholders</b> 52:25 53:1 67:6 94:21</p>	<p><b>shares</b> 32:25 33:5 51:2,6,11,23 52:7,7 52:9,14,20 54:1 <b>sheet</b> 5:10 90:23 91:5,15,22,25 92:13 92:21 95:2 <b>sheets</b> 28:20 63:7,8 <b>shepard</b> 1:20 7:19 125:3 <b>short</b> 80:15 <b>shorthand</b> 1:21 <b>show</b> 31:14,24 33:14 72:1 78:22 97:16 99:18 101:6 102:3 <b>showed</b> 59:2 <b>showing</b> 103:11 120:4 <b>shown</b> 92:20 <b>shows</b> 38:8 39:8 59:5 79:18 81:10 91:18 92:12,13,14 96:12,15,21 121:4 122:12,17 <b>sign</b> 40:19 <b>signature</b> 40:22 <b>signed</b> 14:6 20:5 40:21 44:7,20 <b>significant</b> 71:7,13 <b>similar</b> 15:15 16:2,5 16:7 37:19 49:11 59:16,22 60:3 <b>similarly</b> 55:6 73:11 <b>sit</b> 25:4 <b>site</b> 8:22 13:23 14:4 14:9,19 15:8 16:23 16:25 17:2,5,8 26:18 30:19 42:21 42:22,25,25 43:2,2 43:4,6,8,22 44:8 48:6,13 55:8 61:15 61:17 72:15,20,23 74:6,11,15 76:22 77:9,12,19 78:10,12 79:4,8 81:2 83:5 85:6,14,15,23 86:2</p>	<p>87:18,20,21 95:4 98:13 100:1,2,23 108:12,20 109:5,16 118:23 119:2,8,12 119:14,18,20,21,24 120:22 121:1 <b>sites</b> 14:7,8,10,20,21 15:3,4 22:24 65:10 70:17 84:22 85:18 87:10,23,25 88:1,8 89:18 117:15 <b>six</b> 8:19 <b>skip</b> 41:23 <b>slash</b> 16:16 <b>slightly</b> 23:1 <b>slow</b> 9:2 <b>small</b> 48:14 119:18 <b>soda</b> 43:15 <b>soil</b> 74:23 <b>sold</b> 54:6 76:19,22 117:11 <b>sole</b> 41:7 <b>solution</b> 119:23 <b>solutions</b> 1:10 2:16 4:18 7:14,17 8:4,8 9:20 14:9 16:13,16 17:16,19,24 20:10 20:16 21:5 22:13,18 23:12 31:6 36:15 39:20 60:21 <b>somebody</b> 88:1 <b>soon</b> 34:19 <b>sorry</b> 16:9 38:11 54:16 75:15 100:25 105:6 113:3 <b>source</b> 25:19 <b>spa</b> 60:17 <b>speaking</b> 9:3 <b>specific</b> 42:7 53:16 71:25 <b>specifically</b> 23:16 79:18 118:14 <b>specified</b> 27:1 <b>speculation</b> 52:18</p>
--	--	--	--

<p><b>spent</b> 82:9 89:4  <b>spill</b> 1:7  <b>spoke</b> 118:13  <b>spokesperson</b> 21:6  <b>spreadsheet</b> 24:24  84:20 86:21,23  90:18  <b>spreadsheets</b> 88:21  <b>square</b> 2:8,18  <b>stamp</b> 37:9,23 38:1  75:16  <b>stamped</b> 95:24,25  <b>stand</b> 90:16  <b>started</b> 9:18 14:19  61:14  <b>state</b> 1:21 4:16  36:23 37:4 43:24  84:4 87:3,7 125:4  125:22  <b>stated</b> 32:13 106:10  <b>statement</b> 5:5 42:4  42:16 60:18,20  63:23 65:4,13 67:17  67:19,22 71:8 75:9  75:13 77:23 79:11  <b>statement's</b> 64:4  <b>statements</b> 28:20  33:9 34:17 41:2  75:6 78:8 82:19  <b>states</b> 22:25 32:25  34:2 38:3 41:6  57:22 60:13 63:19  64:8,14,25 77:2  84:3 98:9 106:17  116:12  <b>stating</b> 108:19  <b>station</b> 12:24  <b>stenographically</b>  125:11  <b>stick</b> 24:14  <b>stipulate</b> 123:13  <b>stock</b> 33:1,2,6,16  34:3,9 49:13 51:3  51:11,16,16,24  52:14 53:13,18,20</p>	<p>53:22 54:8,13,19  55:1 56:5 94:19  <b>stockholders</b> 115:13  <b>stood</b> 39:17  <b>stopping</b> 109:19  <b>storage</b> 54:23  <b>streamline</b> 31:17  <b>street</b> 3:3,11  <b>study</b> 10:7 11:8,17  <b>subgroup</b> 3:9  <b>subject</b> 44:12,18,22  45:4,13 46:6,9,11  46:13 69:19 71:13  74:23  <b>submittals</b> 19:25  20:2,3  <b>subparagraph</b>  21:21,25 22:4 24:19  25:2,13 26:1,3,12  51:2  <b>subparagraphs</b> 25:6  <b>subsidiaries</b> 66:20  92:2 95:16  <b>subsidiary</b> 91:19  96:9  <b>substantially</b> 65:2  67:20  <b>successor</b> 106:12  <b>suggest</b> 31:9  <b>suite</b> 2:4,8  <b>sum</b> 59:8  <b>summaries</b> 5:9  84:10  <b>superintendent</b>  12:23,23,23  <b>superior</b> 1:1 6:18  <b>supervisor</b> 12:22  <b>supplied</b> 65:12  <b>support</b> 75:14  <b>sure</b> 9:11 22:25 41:2  49:2 50:13 55:23  74:2 80:13 94:9,14  95:12 100:14  108:15 117:5 121:3  121:22 122:3</p>	<p>123:10 124:3  <b>surplus</b> 94:16  <b>suspect</b> 112:25  <b>swear</b> 7:19  <b>switch</b> 31:11  <b>switched</b> 70:14,20  <b>sworn</b> 7:22 125:7    <b>t</b>    <b>t</b> 2:18 4:6  <b>tab</b> 110:23 111:18  113:19 114:8 115:5  115:8,10,16 118:1,7  118:10,15  <b>take</b> 9:9 12:16 13:5  13:14 17:15 32:4  46:18 67:10 75:19  86:12  <b>taken</b> 1:20 46:22  56:8 86:16 110:11  125:11  <b>talk</b> 9:2,4,6 20:18,20  48:1  <b>talked</b> 88:4 119:22  119:25  <b>talker</b> 9:2  <b>talking</b> 38:1 44:21  45:1,15,18 47:14  55:4 81:15,18 83:23  101:8  <b>talks</b> 121:11  <b>tanks</b> 69:14,18  <b>tax</b> 5:12 27:25,25  28:9 29:3 63:10  65:18,19,22 66:14  66:18,24 74:10,11  79:3,8,13,20,23  80:1,6,8 90:7 91:8  92:4 95:7,14,18  <b>taxable</b> 96:21  <b>taxes</b> 63:9 70:4,7  71:4 88:10 89:4,10  94:1 96:12,19  114:25 115:2 122:1  122:18</p>	<p><b>tell</b> 18:8 19:17 56:18  <b>telling</b> 18:3,7  <b>term</b> 54:4 82:10  94:9 121:17  <b>terminal</b> 12:22  <b>terms</b> 60:3 61:18  <b>testified</b> 88:6  <b>testifies</b> 7:23  <b>testify</b> 8:3 125:7  <b>testifying</b> 8:13 9:19  20:9  <b>testimony</b> 24:5  95:19 125:10  <b>texas</b> 2:4 5:25 32:14  35:24 38:10 79:20  106:9 107:15,21  <b>thank</b> 32:3 40:4  48:25 53:10,14  56:20 58:11 72:8  78:24 84:15 86:13  97:18 99:21 102:8  105:7 107:20  111:25  <b>thanks</b> 32:5 101:2  <b>thing</b> 92:8  <b>things</b> 92:19,19  <b>think</b> 28:5,13 31:14  31:16 66:4,15 68:19  69:24 70:7 81:5,16  84:9 86:11 87:3,6  88:12 90:20 92:25  94:12 95:24 97:7,11  107:8,12 109:6  110:17 114:11,23  117:11,19 119:13  124:6  <b>thinking</b> 110:2  <b>third</b> 15:3 35:22  41:16 42:9 87:10,21  <b>thought</b> 44:18 97:9  108:15  <b>thousand</b> 51:11 52:7  94:18  <b>tierra</b> 1:10 2:16 4:18  7:14,17 8:4,8 9:19</p>
---	--	---	---



<p>14:9 16:13,16 17:16 17:18,24 20:10,15 21:5,6 22:13,18 23:12,15,16 24:6,11 26:22 27:12,13,21 27:24 28:8,17,19,22 29:6,8,13,17 30:24 31:5,8 36:15 39:20 40:15 41:3 42:19 43:17 44:9,10 45:12 45:19 57:1 58:4 60:21,25 62:18,20 63:1,4,12,19,20 64:9,15 65:1,2,7,7 65:10,11,15,18,22 66:13,23 67:5,12,19 67:20,23 68:2,7,8 68:11,15,16,20,21 68:25 69:1,6,11 70:2 71:5,5,16,21 71:22 73:6,11 78:15 81:13 85:19,23 86:2 86:6 88:3,7,16,22 88:24 91:23 92:6 96:25 97:4,6,7 111:2,7 112:2,7,14 112:19,21 113:2,7,9 113:9,23 114:16,24 115:2 117:6,13,15 117:19,21,25 120:14 122:15,22 123:2,18 <b>tierra's</b> 27:4 40:1 41:4,7,9,19 42:3,13 47:3,5 60:10,12,13 60:23 61:5,10,22 63:4,17 64:6,20,25 67:14 68:4 88:13 89:9 94:7 <b>time</b> 6:11,22 9:10 11:7,10,23,23 13:4 14:11 15:3,17 22:20 23:16,24 24:2,7,12 24:15 25:14 26:22 27:24 28:14,18 29:9</p>	<p>30:10,10 32:21 34:6 34:8,14 36:1,20 42:12,19 43:17 44:11,20,25 45:3 46:3,4,7,8,10,21,24 47:16,21 49:13 51:14 57:1 61:22 62:21 63:1 65:21,23 66:22 67:6,21 68:2 68:8,11,20,21 69:1 69:6 71:20 73:5 74:15 76:19 77:14 77:20 78:14,14 80:5 81:14,18 82:3,24 83:21,25 85:1,12,16 85:20,24 86:3,6,15 86:18,22 88:14 89:4 89:13 92:6 93:13 94:8 96:24 97:22 98:15 100:22 102:6 103:1 105:16,20 106:5 108:16,16,16 108:24,24 109:15 110:1,10,13 114:17 117:10,10 122:6,22 124:9 125:12 <b>times</b> 10:23 <b>title</b> 15:14 27:7 41:7 41:10,20 42:14 47:5 60:14,24,25 62:18 65:9 112:8 116:19 <b>today</b> 6:10 8:13 16:17 18:25 19:11 19:13 20:9 25:4 81:18 89:12 <b>today's</b> 19:24 40:9 110:21 <b>told</b> 17:25 97:9 <b>top</b> 59:14 79:21 <b>topics</b> 18:24 19:11 19:13 20:11,24 21:7 21:10,13,17 22:4 24:18,20 25:2,6,13 26:3 81:6</p>	<p><b>total</b> 32:25 <b>totality</b> 73:14 <b>tower</b> 7:21 <b>track</b> 4:19 11:22 17:17 39:21 40:2 61:4,7,10,23 84:1 84:21 88:7,13 121:5 122:25 123:16 <b>tracked</b> 61:15,17 62:9,14 89:5,23 <b>tracking</b> 62:8 88:18 <b>trackings</b> 62:4 <b>trainee</b> 12:11,17 <b>transact</b> 38:5 <b>transactions</b> 25:9 <b>transcript</b> 1:19 125:10 <b>transfer</b> 49:24 51:23 54:20 55:2,7,12 59:12 70:16,22 74:6 105:24 <b>transferred</b> 49:16 52:21 56:3,4 59:6 60:3,4 116:2,20 <b>transferring</b> 51:16 58:18 59:16,22 <b>transfers</b> 50:21 51:1 55:19 117:3 <b>trial</b> 4:19 5:10 39:22 40:2 90:23 91:5,15 <b>true</b> 42:3,16 56:5,6 60:18,20 63:23,24 65:4,13 67:5 71:8 71:14,18,19,23,24 73:9,10,16 77:22 82:19 95:5 103:20 103:25 125:10 <b>trust</b> 5:13,17,19,23 97:13,21 98:2,4 99:19,23 100:11,17 101:3,8,25 102:5,10 102:11 104:25 105:5 108:2 <b>truth</b> 125:7,8,8</p>	<p><b>try</b> 9:14,15 24:14 41:4 <b>trying</b> 24:5 83:22 84:9 <b>turn</b> 6:4 37:11 38:25 60:11 98:5 110:23 115:5,16,24 118:7 <b>turning</b> 120:8 <b>tuscaloosa</b> 15:11 17:5 47:15,20,25 48:5 55:16,24 <b>twist</b> 81:24 <b>two</b> 7:21 14:2,13 46:7 65:24 67:1,1 80:16 123:20 <b>type</b> 80:15 90:18 91:22 <b>types</b> 37:19 49:9 92:18,19 <b>typically</b> 93:23</p>
			<b>u</b>
			<p><b>u</b> 18:21,21,22 50:10 <b>um</b> 41:17 <b>unappropriated</b> 94:3 <b>unassociated</b> 54:23 <b>unconditionally</b> 106:19 <b>underground</b> 54:23 <b>understand</b> 8:6,12 9:7,11,13,17,19 21:9,15 23:2,19 24:3,8 29:16 49:8 54:7 83:22 <b>understanding</b> 43:12 112:12 119:2 <b>understood</b> 19:21 21:6 <b>undertake</b> 113:7,9 <b>undertaken</b> 54:18 61:24 62:3 113:14 114:7,16,24 <b>universe</b> 114:16</p>

<p><b>university</b> 10:6,17 11:4 12:7 <b>unsalable</b> 77:3 <b>unsaleable</b> 75:1 <b>unusable</b> 74:25 <b>upper</b> 96:4 <b>use</b> 31:15 37:9 43:13 83:22</p>	<p><b>wanted</b> 68:20 <b>waste</b> 47:24 48:6 119:21 <b>water</b> 43:13,14 119:21 <b>way</b> 9:5 15:16 89:12 90:22 108:18 116:25</p>	<p>26:16,16 66:1 67:1 82:3 92:10 111:8 112:2 122:9 <b>york</b> 3:11,11 <b>ypf</b> 1:11,12,12,12,13 3:5,5 4:23 5:9 7:11 56:14 84:11 90:12</p>
<p style="text-align: center;"><b>v</b></p>	<p><b>we've</b> 19:11 43:19 88:10 <b>wednesday</b> 1:23 <b>week</b> 96:2 <b>wells</b> 6:9 123:25 <b>went</b> 9:23 10:12,17 12:8 <b>west</b> 3:7 <b>whispering</b> 6:3 <b>william</b> 2:2,3 <b>withdrawn</b> 75:24,25 <b>withheld</b> 30:8 <b>witness</b> 4:2 6:21 7:20 84:5 108:10 124:4 <b>wolff</b> 3:6 <b>wolffsamson.com</b> 3:8 <b>word</b> 50:9 <b>words</b> 97:23 103:1 <b>work</b> 10:12,18 12:8 12:14 <b>working</b> 62:7 <b>wpetit</b> 2:6 <b>written</b> 62:25</p>	<p style="text-align: center;"><b>z</b></p>
<p><b>v</b> 1:8 7:21 51:2,20 <b>valuation</b> 83:23 <b>valuations</b> 121:18 <b>value</b> 33:3 52:15 60:14,23 74:10,10 74:18 75:2 77:20 79:8 83:12 93:4 116:9 118:19 120:5 120:20 <b>valued</b> 83:6 93:7,9 118:23 119:9,12 <b>various</b> 10:23 22:9 24:24 40:21 59:25 59:25 84:22 86:25 97:21 112:5 <b>verbal</b> 9:14,15 <b>verify</b> 92:23 <b>veritext</b> 6:10 7:19 <b>versus</b> 6:17 <b>vice</b> 111:19 <b>videographer</b> 6:1 7:18 46:20,23 86:14 86:17 110:6,9,12 124:8 <b>videotaped</b> 1:8 17:15 <b>vince</b> 18:10 75:15 <b>vincent</b> 2:13 7:6 <b>vincent.gentile</b> 2:15 <b>virtue</b> 117:22</p>	<p style="text-align: center;"><b>x</b></p>	<p><b>zero</b> 74:19</p>
<p style="text-align: center;"><b>w</b></p>	<p><b>x</b> 1:16 4:6</p>	<p style="text-align: center;"><b>y</b></p>
<p><b>waived</b> 75:17,23 <b>want</b> 9:18,20 21:3 41:1 46:18 55:19 75:19</p>	<p><b>y</b> 18:21,22 <b>yeah</b> 38:18 79:1 99:22 119:6 <b>year</b> 5:9 14:13 15:23 84:10 96:13,18 99:6 99:11,13 113:11 <b>years</b> 8:19 11:9 12:15,19 14:2 23:2</p>	