

1 CONSISTENT WITH YOUR EXPERIENCE IN CONDUCTING
2 HYDROTEST FOR VARIOUS COMPANIES?

3 A. NO. THAT'S A VERY EXCESSIVELY HIGH
4 FAIL RATE, SIR.

5 Q. NOW, IN REVIEWING THE SHELL OIL
6 DOCUMENTS THAT WERE MADE AVAILABLE ABOUT THE
7 INTER-REFINERY PIPELINES, LET'S -- LET ME JUST GIVE
8 YOU, LET'S SAY, SIX MONTHS, DID YOU REVIEW AND SEE
9 ANY DOCUMENTS THAT INDICATE, THAT INDICATED THAT
10 AFTER THERE WAS A HYDROTEST FAILURE, SHELL OIL HAD
11 TAKEN SOME CORRECTIVE ACTION AND EITHER RUN A NEW
12 PASSING HYDROTEST OR DONE SOME REPAIR ON THE
13 PIPELINE WITHIN SIX MONTHS OF THE TEST FAILURE?

14 A. MY REVIEW HAS NOT REVEALED ANY
15 DOCUMENTS INDICATING THAT, SIR, NO.

16 MR. BRIGHT: THANK YOU. YOUR HONOR, NO
17 FURTHER QUESTIONS OF MR. KARLOZIAN AT THIS TIME.

18 THE COURT: CROSS-EXAMINE.

19

20 CROSS-EXAMINATION

21 BY MR. EARLE:

22 Q. MR. KARLOZIAN, NICE TO SEE YOU
23 AGAIN.

24 A. IT'S A PLEASURE.

25 Q. LOOKING AT Y-MAP 5158, IS YOUR
26 TESTIMONY EARLIER THIS AFTERNOON THAT THE SIX-INCH
27 IDLE LINE THAT HAS THE ASTERISKS BY IT WAS ONE OF
28 THE LINES THAT WAS PLACED INTO SERVICE BY SHELL IN

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SEE YOU TOMORROW MORNING AT 9
O'CLOCK.

HAVE A GOOD EVENING.

(THE PROCEEDINGS IN THE ABOVE-ENTITLED
MATTER WERE ADJOURNED AND CONTINUED
TO THURSDAY, MAY 31, 2001.)

-000-



COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

WATSON LAND COMPANY,)

PLAINTIFF-RESPONDENT,)

VS.)

ATLANTIC RICHFIELD COMPANY,)
ETC., ET AL.,)

DEFENDANTS-APPELLANTS,)

) SUPERIOR COURT
) CASE NO. BC 150161

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY

HONORABLE WENDELL MORTIMER, JR., JUDGE PRESIDING

REPORTER'S TRANSCRIPT ON APPEAL

JUNE 4, 2001

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RESPONDENT:

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VOLUME 11 OF 37 VOLUMES
PAGES 1212 THROUGH 1455, INCLUSIVE

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OFFICIAL REPORTER

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT 308 HON. WENDELL MORTIMER, JR., JUDGE

WATSON LAND COMPANY, A CALIFORNIA)
CORPORATION,)

PLAINTIFF,)

VS.)

ATLANTIC RICHFIELD COMPANY, ETC.,)
ET AL,)

DEFENDANTS.)

SUPERIOR COURT
CASE NO. BC 150161

REPORTER'S DAILY TRANSCRIPT OF PROCEEDINGS

MONDAY, JUNE 4TH, 2001

VOLUME 1A

PAGES 1212 THROUGH 1455, INCLUSIVE

APPEARANCES:
(SEE APPEARANCE PAGE)

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FOR THE COUNTY OF LOS ANGELES	
DEPARTMENT 308	HON. WENDELL MORTIMER, JR., JUDGE
WATSON LAND COMPANY, A CALIFORNIA))
CORPORATION,))
PLAINTIFF,))
SUPERIOR COURT	
CASE NO. BC 150161	
VS.))
ATLANTIC RICHFIELD COMPANY, ETC.,))
ET AL,))
DEFENDANTS.))

REPORTER'S DAILY TRANSCRIPT OF PROCEEDINGS

MONDAY, JUNE 4TH, 2001

VOLUME 10

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APPEARANCES:
(SEE APPEARANCE PAGE)

COPY LISA C. RIDLEY, CSR NO. 5886
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1 CASE NUMBER: BC 150161
2 CASE NAME: WATSON LAND COMPANY V. ARCO
3 LOS ANGELES, CALIFORNIA MONDAY, JUNE 4TH, 2001
4 DEPARTMENT 307 HON. WENDELL MORTIMER, JR., JUDGE
5 APPEARANCES: (AS NOTED ON TITLE PAGE)

6 REPORTER: LISA C. RIDLEY, CSR NO. 5886
7 TIME: 10:00 A.M.

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11

(THE FOLLOWING PROCEEDINGS

12

WERE HELD IN OPEN COURT OUT

13

OF THE PRESENCE OF THE JURY:)

14

15

THE COURT: IN THE WATSON LAND VERSUS

16

SHELL CASE, THIS IS THE TIME WE'VE SET ASIDE FOR A

17

KELLY HEARING REGARDING THE TESTIMONY OF A

18

PARTICULAR WITNESS, DR. SCHMIDT, IS IT?

19

MR. BRIGHT: IT IS.

20

THE COURT: REGARDING DOWNHOLE FLUX

21

METHODS.

22

FIRST OF ALL, PRELIMINARILY, I

23

RECEIVED WATSON LAND COMPANY'S MOTION THIS MORNING

24

FOR SANCTIONS SAYING THIS IS A FRIVOLOUS MOTION OR

25

THE HEARING IS FRIVOLOUS, THE REQUEST FOR HEARING

26

IS FRIVOLOUS. AND I NOTE IN THE PAPERS THAT

27

APPARENTLY SHELL HAS HIRED DR. SCHMIDT IN THE PAST

28

FOR OTHER LOCATIONS AND HE HAS USED THIS SAME

1 UP AND DOWN THE DWP PIPELINE CORRIDOR.

2 AND IF YOU LOOK CAREFULLY, IT'S
3 HARD TO SEE, BUT IF YOU LOOK CAREFULLY, THERE'S
4 ACCOMPANIED THAT'S ASSOCIATED WITH EACH ONE OF
5 THESE THINGS. SOME OF THESE POINTS WHAT ARE DONE
6 BY, PREPARED BY ARCO, SOME OF THEM BY GATX. SOME
7 OF THEM BY VARIOUS CONSULTANTS THAT WORK FOR
8 WATSON.

9 SO THE CODE, BASICALLY REFLECTS WHO
10 DID IT AND THEN THEIR NUMBERING SYSTEM FOR EACH ONE
11 OF THESE SAMPLES.

12 Q. DR. DAGDIGIAN, HAVE YOU FORMED AN
13 OPINION AS TO WHETHER OR NOT THERE'S ANY
14 CONTAMINATION ON THE WATSON CENTER?

15 A. YES, I HAVE.

16 Q. WHAT IS THAT OPINION?

17 A. THERE WAS DEFINITELY CONTAMINATION
18 ON THE WATSON CENTER.

19 Q. CAN YOU GIVE US AN OVERVIEW OF
20 WHERE THE CONTAMINATION IS THAT YOU HAVE IDENTIFIED
21 ON THE WATSON CENTER?

22 A. SURE. IT BASICALLY EXISTS IN FIVE
23 DIFFERENT AREAS.

24 IF YOU LOOK DOWN WILMINGTON,
25 THERE'S DEFINITELY CONTAMINATION COMING FROM THE
26 ARCO REFINERY. BOTH THE FREE PRODUCT, THE LNAPL
27 AND DISSOLVE PHASE CONTAMINATION.

28 IF YOU LOOK RIGHT HERE AT 233

1 STREET AND THE DWP PIPELINE CORRIDOR THERE'S
2 DEFINITELY A GATX. JET FUEL RELEASE FROM THEIR
3 PIPELINE. AND THIS GENERAL VICINITY RIGHT HERE
4 (INDICATING).

5 AND THEN THERE ARE THREE AREAS

6 WHERE SHELL GASOLINE PIPELINES HAVE RELEASED
7 GASOLINE. THE FIRST AREA IS UP HERE, ON THE
8 NORTHERN PART OF THE FACILITY, WE CALL THAT THE
9 A-PLUME AND THAT'S IMPACTED SOIL AND GROUND WATER.

10 AND THEN DOWN HERE WE HAVE OUR
11 B-PLUME, AND THE B1 PLUME IS GENERALLY IN THE AREA
12 WHERE THE GATX RELEASE IS, AND HAS COMMINGLED WITH
13 IT AND THAT'S IMPACTED SOIL AND GROUND WATER.

14 AND THEN THE B2 PLUME IS THE
15 LARGEST PLUME BY FAR, IT'S IN THIS GENERAL AREA
16 RIGHT HERE (INDICATING) AND IT'S IMPACTED SOIL,
17 GROUND WATER AND THERE'S ALSO FREE PRODUCT IN A
18 NUMBER OF WELLS BELOW THAT PLUME.

19 Q. HAVE YOU PREPARED PLUME MAPS FOR
20 EACH OF THE AREAS OF YOUR CONTAMINATION YOU JUST
21 IDENTIFIED?

22 A. YES, I HAVE.

23 Q. BEFORE WE MOVE TO THOSE PLUME MAPS,
24 DR. DAGDIGIAN, I WONDER IF YOU COULD TELL ME
25 SOMETHING ABOUT THE WAY THAT GASOLINE AND JET FUEL
26 MOVE THROUGH SOIL AND THROUGH GROUND WATER.

27 FIRST QUESTION, IN FACT, BEFORE I
28 EVEN ASK YOU THAT, IS THERE A DIFFERENCE BETWEEN

1. MOST PART ARE LESS DENSE THAN WATER, SO THEY WILL
2. FLOAT ON THE GROUND WATER SURFACE.

3. THEY ARE BOTH FAIRLY INSOLUBLE AND,
4. YOU KNOW, THEY WILL FORM, THE LNAPL WILL SLOWLY
5. DISSOLVE WITH TIME. GASOLINE IS PROBABLY A LITTLE
6. BIT MORE SOLUBLE BECAUSE IT HAS SMALLER MOLECULES
7. SO IT TENDS TO GET INTO THE WATER A LITTLE FASTER
8. AND IT ALSO TENDS TO MOVE A LOT QUICKER WITH THE
9. GROUND WATER FOR THE SAME REASONS AS I JUST TALKED
10. ABOUT.

11. Q. ALL RIGHT. SO LET'S GO BACK FOR A
12. MINUTE AND LET'S STARTS ON THE PLUME MAPS.

13. LET'S TALK ABOUT THE PLUME MAPS,
14. HOW MANY PLUME MAPS HAVE YOU PREPARED?

15. A. GEE --

16. Q. LET'S START WITH ONE OF THE PLUMES,
17. LET'S TAKE B2?

18. A. OKAY.

19. Q. OKAY. HOW MANY PLUME MAPS ARE
20. THERE FOR B2?

21. A. FOR B2, I HAVE PREPARED, I BELIEVE,
22. THREE DIFFERENT PLUME MAPS.

23. Q. ALL RIGHT. LET'S BRING UP FOR THE
24. WITNESS THE MAPS THAT HAVE BEEN MARKED FOR
25. IDENTIFICATION AS EXHIBIT 1498 AND 1499.

26. 1498, 1499 IS WITH THE MYLAR.

27. Q BY MS. BRIGHT: IS THIS A MAP YOU
28. RECOGNIZE, DR. DAGDIGIAN?

1 A. YES, IT IS.

2 Q. DID YOU CAUSE THIS TO BE PREPARED?

3 A. I SURE DID.

4 Q. WOULD YOU TELL US WHAT THIS MAP
5 DEPICTS?

6 A. OKAY.

7 WELL, THIS MAP, AGAIN, WE HAVE THE
8 WATSON CENTER, SAME MAP WE HAD BEFORE, THE PIPELINE
9 CORRIDORS WHICH WE SAW BEFORE, BUT NOW WE HAVE
10 DRAWN IN THE PLUMES, SO WE ARE LOOKING DOWN ON THE
11 PROPERTY, SO YOU ARE KIND OF LIKE AN AERIAL VIEW,
12 AND WE WERE LOOKING AT IT AT NIGHT AND IF GASOLINE
13 COULD FLUORESCENCE FROM THE GROUND WATER, THIS IS WHAT
14 WE WOULD SEE.

15 WE COULD SEE THESE PLUME MAPS.

16 NOW, THERE'S LOTS OF DIFFERENT WAYS
17 TO DESCRIBE PLUMES AND I MENTIONED A COUPLE OF
18 CHEMICALS THAT WE LOOK AT.

19 I AM USING THIS PARTICULAR DRAWING,
20 BENZENE.

21 AGAIN, BENZENE IS ONE OF MORE TOXIC
22 CHEMICALS AND IT USUALLY DRIVES THE CLEAN UP. SO
23 WHEN WE ASK THE QUESTION, HOW BIG IS THIS PLUME, A
24 LOT OF TIMES BENZENE IS A CONVENIENT CHEMICAL TO
25 LOOK AT.

26 NOW, WHAT YOU ARE LOOKING AT IS THE
27 YELLOW IS THE LEAST CONCENTRATED, THE ORANGE AND, I
28 BELIEVE IT GOES FROM 10 -- FROM 55 PARTS PER

1 BILLION TO 10,000.

2 SO THIS OUTER LINE RIGHT HERE IS 55
3 PARTS PER BILLION, WHICH I HAVE CALCULATED TO BE
4 THE CLEANUP LEVEL, THEN WE GO TO 5,000 PARTS PER
5 BILLION, AND THEN FROM 5 TO 10 -- EXCUSE ME, FROM 5
6 TO, THE YELLOW, TO 10,000 IN YELLOW -- 10, 10 TO 20
7 AND THEN FROM 20 TO 40. SO THIS LITTLE HOT SPOT IN
8 THE CENTER IS 40,000 PARTS PER MILLION.

9 AND SO WE SEE HERE OUR B2 PLUME,
10 OUR B1 GASOLINE PLUME AND AGAIN THIS IS BENZENE
11 THAT WE ARE LOOKING AT AND THEN UP HERE IS THE
12 A-PLUME. AND SO WHAT YOU ARE SEEING IS THE COLOR
13 SHOWS YOU HOW CONCENTRATED. THE HOTTER THE COLOR,
14 THE MORE BENZENE, THE MORE GASOLINE, IS IN THAT
15 PARTICULAR AREA.

16 SO YOU CAN SEE IT'S LIGHT ON THE
17 OUTSIDE AND GETS DARKER AND WE MOVE TO THE CENTER
18 POINTS.

19 Q. BY THE WAY, BEFORE WE MOVE ON, HOW
20 DO YOU KNOW THOSE PLUME DRAWINGS YOU HAVE GOT UP
21 THERE ARE ACCURATE?

22 A. WELL, WE ARE ALWAYS QAQC'ING THE
23 DATA AS IT IS BEING DEVELOPED AND I THINK I TALKED
24 EARLIER ABOUT HOW WE KNOW THE LABORATORY REPORTS
25 ARE ACCURATE.

26 AND SO THE NEXT STEP IS GETTING THE
27 LABORATORY REPORTS, YOU KNOW, INTO TABLES AND FROM
28 TABLES INTO FIGURES AND ALONG THE WAY WE MAKE

1 MISTAKES AND SO WE ARE ALWAYS TRYING TO FIND THOSE
2 MISTAKES, CORRECT THOSE MISTAKES AND COME UP WITH A
3 CORRECT PICTURE.

4 SO WE WILL GO THROUGH A PROCESS NOT
5 TOO DISSIMILAR FROM WHAT I HAVE DESCRIBED EARLIER
6 FOR THE LAB REPORTS. WE WILL LOOK AT THE DRAWINGS
7 AND I WILL GIVE THE DRAWINGS AND A TABLE TO
8 SOMEBODY AND SAY, CHECK EVERY NUMBER ON THIS TABLE
9 WITH WHAT'S ON THE DRAWINGS AND CHECK, CHECK,
10 CHECK, CHECK EVERYTHING IS ACCURATE OR THEY WILL
11 FIND A MISTAKE AND CORRECT IT.

12 WE WILL REPEAT THAT PROCESS MAYBE
13 TWICE.

14 AND THEN FOR A DOUBLE CHECK,
15 BECAUSE LOTS OF TIMES THERE ARE, A LOCALITY OF THIS
16 DATA, IN FACT, CAME FROM OTHER CONSULTANTS, THERE
17 MAY HAVE BEEN AN ERROR IN CREATING THE TABLE.

18 AND SO SORT OF THE LAST CHECK,
19 MAYBE THE SECOND TO THE LAST CHECK, IS TO TAKE THE
20 ACTUAL ANALYTICAL DATA SHEET AND COMPARE IT TO THE
21 DRAWING AND SEE IF WE CAN FIND ANY MISTAKES. AND
22 THE LAST CHECK IS WHEN YOU PRESENT IT IN COURT.

23 Q. THIS IS THE FINAL CHECK.

24 WELL, EVERYTHING GOES THROUGH THAT
25 QAQC PROCEDURE, DID YOU FIND SOME ERRORS THAT
26 REQUIRED CORRECTION?

27 A. YEAH, WE DID. WE FOUND A FEW.
28 NOTHING THAT WOULD AFFECT OUR OPINIONS.

1 WE FOUND A FEW PLACES WHERE THE
2 NUMBERS ARE SLIGHTLY HIGHER AND A FEW LACES WHERE
3 WE HAD REPORTED NUMBERS AND THERE WERE IN, REALITY,
4 NON-DETECT.

5 Q. WHY DON'T YOU EXPLAIN FOR US WHAT
6 NON-DETECT MEANS, WHAT DOES THAT MEAN?

7 A. I AM SORRY, ANOTHER ACRONYM.
8 NON-DETECT MEANS, OR MEANS NON-DETECT, AND
9 NON-DETECT IS A RESULT THAT WE WOULD GET FROM THE
10 ANALYTICAL DATA SHEETS SO THE LABORATORY HAS SOME
11 ABILITY TO REPORT THE SAMPLE DATA BACK TO US, HOW
12 MUCH BENZENE IS IN IT.

13 THEY MAY REPORT A NUMBER, SAY, 50,
14 AND AT SOME POINT THEY CAN'T SEE ANY FURTHER.

15 THEY CAN'T SENSE THE NUMBER ANY
16 LOWER AND THAT LOWEST NUMBER THEY CAN DETECT IT AT
17 IS THE DETECTION LIMIT. AND SO THE DETECTION LIMIT
18 MIGHT BE 5 PARTS PER BILLION.

19 AND ONCE THEY GET BELOW 5 PARTS PER
20 BILLION, THEY CAN'T DETECT IT, THEY REPORTED IT AS
21 NOT DETECTED OR NON-DETECTABLE, SO THAT'S, IN
22 ENVIRONMENTAL PARLANCE, THAT'S ZERO.

23 Q. NOW, YOU ARE SHOWING US A MAP THAT
24 DEPICTS THE PLUMES IN TERMS OF BENZENE.

25 DID YOU LOOK AT THESE PLUMES IN
26 TERMS OF ANY OTHER CHEMICALS?

27 A. YES, I DID.

28 Q. I THINK I HAVE AN OVERLAY HERE THAT

1 SHOWS THE OXYGENATE CONCENTRATIONS.

2 WHY DON'T YOU FLIP THAT OVER?

3 A. OKAY. SO WHAT THE MYLAR SHEET

4 SHOWS IS OUR NEXT SET OF ANALYSIS, REMEMBER EARLIER

5 I TALKED ABOUT TOTAL PETROLEUM HYDROCARBONS, BTEX,

6 BENZENE WITH B AND BTEX, THEN WE WENT TO

7 OXYGENATES, MTBE AND DIPE. AND THAT'S WHAT I

8 PLOTTED ON THIS NEXT GRAPH, AND THIS IS GOING TO

9 START TO GET A LITTLE FUZZY HERE.

10 THE MOST IMPORTANT THING HERE IS

11 THAT WE HAVE DIPE, THIS BLUE AREA RIGHT HERE, AND

12 THIS BLUE AREA RIGHT HERE, AND THE DIPE AND THE

13 BENZENE PERFECTLY OVERLAP ONE ANOTHER.

14 AND WHEN THEY PERFECTLY OVERLAP OR

15 THEY COEXIST IN THE SAME AREA, WHAT THAT IS TELLING

16 YOU IS, THAT THEY CAME FROM THE SAME SOURCE.

17 SO NOW WE HAVE A PLUME THAT HAS

18 BENZENE IN IT, HAS TPH GASOLINE IN IT, AND IT HAS

19 DIPE IN IT. THESE TWO RIGHT HERE.

20 THEN DOWN HERE, THIS IS, AGAIN, THE

21 B2 AND THIS IS THE A-PLUME, NOW IN THE B1 PLUME, WE

22 HAVE NOT ONLY DIPE, WHICH IS DOWN HERE, BUT WE HAVE

23 SOME MTBE IN THIS AREA RIGHT HERE (INDICATING).

24 AND REMEMBER, I SAID EARLIER THAT

25 WE DO THESE ANALYSIS FOR A REASON. IT HELPS US

26 UNDERSTAND WHEN THE GASOLINE WAS MANUFACTURED AND

27 THAT WILL HELP US UNDERSTAND WHAT THE SOURCE WAS.

28 AND SO THE FACT THAT WE DON'T HAVE

1 ANY MTBE IN THESE TWO PLUMES RIGHT HERE TELLS US
2 THAT THIS GASOLINE WAS MADE BEFORE LEAD WAS PHASED
3 OUT.

4 SO THIS IS MOST LIKELY GOING TO BE
5 A LEADED GASOLINE.

6 IN FACT, IT IS A LEADED GASOLINE,
7 AS WE ARE TALKING ABOUT LATER IN MY PRESENTATION.

8 THE FACT THAT THIS GASOLINE HAS
9 MTBE IN IT STARTS TO TELL US, WELL, THIS GASOLINE
10 OBVIOUSLY WAS MANUFACTURED AFTER LEAD WAS PHASED
11 OUT.

12 SO IT STARTS ONSET WHERE THIS IS.
13 SO WE ARE NOW STARTING TO HAVE SOME INFORMATION,
14 AND IN ACTUALITY, WE START TO HONE IN ON THIS A
15 LITTLE BIT MORE. THERE'S MORE CLUES. MR. LESLIE
16 SAID THIS WAS A MYSTERY OR DETECTIVE STORY. THAT'S
17 EXACTLY RIGHT, EXACTLY RIGHT.

18 YOU ARE GOING TO HAVE CLUES, YOU
19 MAY EVEN TAKE SOME WRONG TURNS BUT AS YOU START TO
20 PUT ALL THE CLUES TOGETHER, YOU WILL SEE WHAT THE
21 FINAL PICTURE IS GOING TO EVOLVE TO.

22 SO THE FACT OF MTBE IS STARTING TO
23 TELL US LEADED GASOLINE, IN FACT, WE HAVE MTB HERE
24 IS STARTING TO TELL US THAT THIS IS A MORE MODERN
25 GASOLINE.

26 AND ALSO THE FACT THAT WE HAVE DIPE
27 HERE IS STARTING TO TELL ME, BASED ON MY RESEARCH
28 OF THE SHELL FACILITIES THAT THIS GASOLINE CAME

1 FROM ONE OF THOSE FACILITIES.

2 Q. ALL RIGHT. LET'S ZERO IN ON THAT
3 B2 PLUME. HAVE YOU GOT ANY PLUME MAPS THAT ARE A
4 LITTLE BETTER THAN WE ARE CAN SEE A LITTLE EASIER?

5 A. YES, I DO.

6 Q. THEN BY ALL MEANS LET'S BRING THEM
7 UP.

8 LET'S BRING UP THREE EXHIBITS,
9 EXHIBIT 1500, 1501 AND 1502.

10 ALL RIGHT, LET'S JUST START WITH
11 THE FIRST ONE, LET'S LEAVE THE OTHER TWO THERE.

12 SO, RECOGNIZE THIS EXHIBIT,
13 DR. DAGDIGIAN?

14 A. YES, I DO.

15 Q. DID YOU CAUSE THIS TO BE PREPARED?

16 A. YES, I DID.

17 Q. WHY DON'T YOU TELL US WHAT THIS
18 EXHIBIT SHOWS US?

19 A. WELL, NOW, THIS IS A BLOWUP OF WHAT
20 WE ARE JUST LOOKING AT, THE B2 PLUME, SO THERE WAS
21 THE TWO, THE B1 AND THE B2 PLUMES AND THE LOWER
22 HALF OF THE WATSON CENTER. SO NOW I JUST FOCUS IN
23 AND BLOWN UP THAT AREA FOR US TO LOOK AT.

24 AND NOW WE ARE STARTING TO SEE, NOT
25 ONLY THE PLUME MAPS, BUT THE ACTUAL NUMBERS AND
26 WHERE WE TOOK SAMPLE AND WHAT WE FOUND AT EACH OF
27 THE SAMPLING LOCATIONS.

28 AGAIN, JUST TO REVIEW, THE GREEN

1 AREAS ARE OUR PIPELINE CORRIDORS, SO IN THE FAR
2 LEFT WE HAVE THE DWP PIPELINE CORRIDOR, PRETTY MUCH
3 IN THE MIDDLE. WE HAVE THE UTILITY WAY PIPELINE
4 CORRIDOR, AND OVER HERE WE HAVE WILMINGTON AND WHAT
5 USED TO BE PART OF THE EASTERN CORRIDOR.

6 Q. BEFORE I GO ON, I WANTED TO ASK YOU
7 A QUESTION ABOUT HOW YOU DECIDE WHERE YOU DRAW
8 THOSE LINES.

9 HOW DID YOU DETERMINE WHERE THAT 55
10 PART PER BILLION LINE IS THAT DEFINES THE BENZENE
11 IN THE PLUME B2?

12 A. WELL, WHEN YOU FIRST START LOOKING
13 AT THIS, IT'S AN ITERATIVE PROCESS I GUESS IS THE
14 SIMPLE ANSWER. YOU WILL HAVE MAYBE NOT ALL THIS
15 DATA SO YOU WILL TAKE THE DATA THAT YOU HAVE AND
16 YOU WILL TRY AND DRAW THE BEST SET OF LINES AS YOU
17 POSSIBLY CAN.

18 I AM GOING TO ILLUSTRATE THAT IN A
19 SECOND.

20 AS YOU GET MORE DATA YOU HAVE GOT
21 TO USE ALL OF THE DATA TO CONTINUE TO REFINE THE
22 SHAPE OF THIS PLUME, THE NATURE OF THIS PLUME AND
23 WHERE THE DIFFERENT MATERIALS ARE.

24 AND IN THE END ANALYSIS YOU WILL
25 HAVE A PRETTY GOOD UNDERSTANDING BUT IT WON'T BE
26 PERFECT.

27 AND IN THE NON-PERFECT AREAS WILL
28 INDICATE WITH SOME QUESTION MARKS OR SOME DASHED

1 LINES AND THIS WILL INDICATE, IN THIS PARTICULAR
2 CASE, OUR ND, NON-DETECT, ZERO, IS, YOU KNOW, WE
3 THINK IT'S FOR THIS PLUME CAUSE FROM THIS SOURCE IS
4 RIGHT HERE, AND WE FEEL VERY COMFORTABLE WITH THAT,
5 I WILL TELL YOU WHY IN A SECOND.

6 DOWN HERE WE ARE LESS COMFORTABLE,
7 SAYING WE ARE PRETTY COMFORTABLE HERE, PRETTY
8 COMFORTABLE HERE, WE THINK IT FOLLOWS LIKE THIS,
9 BUT WE DON'T HAVE ENOUGH DATA IN FACT THE DATA THAT
10 WE HAVE HERE. THOSE, THERE'S SOME CONCENTRATIONS
11 AND THAT'S TELLING US SOMETHING.

12 AND WE WANT TO KNOW WHAT THAT'S
13 TELLING US.

14 SO LIKE I SAID, IT'S AN ITERATIVE
15 PROCESS AND WHAT YOU DO, AND I WILL TAKE A FEW
16 EXAMPLES, LET'S TAKE, LET'S TAKE 18,000 RIGHT HERE,
17 AND 25,000 RIGHT HERE. OKAY, NOW, I WANT TO DRAW A
18 LINE THAT'S A 20,000 CONTOUR. SO EVERYTHING INSIDE
19 HERE IS GOING TO BE 20,000 OR GREATER.

20 WELL, ALTHOUGH THAT LINE CANNOT GO
21 AND CANNOT CIRCLE AROUND THAT 18,000, BECAUSE
22 THAT'S OBVIOUSLY LESS.

23 AND I GOT A 25,000 HERE, SO WHAT DO
24 I DO?

25 AND BASICALLY WHAT I DO IS, WITH A
26 LITTLE BIT OF EXPERIENCE, I SAY, WELL, OKAY, I
27 SHOULD DIVIDE THAT UP INTO 6 OR 8, LET'S SAY, 7, 5,
28 7 LITTLE EQUAL BLOBS AND THE LINE SHOULD BE IN FROM

1 HERE A LITTLE BIT.

2 SAME THING HERE, 2,500 AND 2,700.
3 THAT'S A MUCH BIGGER DISTANCE FROM 500. AND I AM
4 GOING TO HAVE OBVIOUSLY A 10,000 AND 20,000 LINES
5 SOMEWHERE BETWEEN THOSE TWO.

6 HERE I HAVE A 41,000 AND THAT HAS
7 GOT TO, YOU KNOW, BE CIRCLED BY THE 40,000 LINE.

8 AFTER I AM DONE WITH THAT, THAT
9 SHAPE, ALL I HAVE REALLY DONE IS TAKEN THE DATA
10 HERE AND FIT A MAP TO IT.

11 I HAVEN'T USED ALL OF THE DATA.

12 THERE'S OTHER PIECES OF DATA THAT
13 YOU WOULD LIKE TO KNOW. IT'S LIKE, FOR EXAMPLE,
14 WHAT IS HAPPENING OVER HERE. ON THE ARCO SIDE.

15 WHAT DO THE OTHER CHEMICAL PLUMES
16 TELL US?

17 WHICH WAY IS THE DIRECTION OF
18 GROUND WATER FLOW, WHICH WAY SHOULD THIS PLUME BE
19 ELONGATED?

20 IN THE CASE OF THIS PLUME, GROUND
21 WATER IS BASICALLY, THIS IS POINTING IN THE
22 DIRECTION OF GROUND WATER. IT IS BASICALLY DOING
23 THIS OVER TIME. SO IT IS BASICALLY GOING SOUTH,
24 MAYBE WITH A WESTERN TILT OR WITH AN EASTERN TILT.

25 SO WHEN I TAKE ALL THE DATA AND I
26 START TO INTEGRATE IT, I CAN THEN REFINE THIS MAP
27 AND START TO COME UP WITH, YOU KNOW, WHAT I BELIEVE
28 TO BE THE REAL SHAPE OF THIS THING.

1 Q. WHY DON'T WE START LOOKING AT THE
2 OTHER DATA, DR. DAGDIGIAN.

3 HAVE YOU DEFINED THIS PLUME IN
4 TERMS OF OTHER CHEMICALS?

5 A. YES, I HAVE.

6 Q. WHY DON'T YOU GRAB ONE OF THOSE
7 BOARDS AND EXPLAIN TO US WHAT CHEMICALS YOU
8 SELECTED?

9 A. OKAY, FINE.

10 WE SAW THE MTBE AND DIPE EARLIER,
11 AND THE NEXT MAP IS A BLOWUP OF WHAT WE SAW EARLIER
12 NOW FOCUSED IN ON THE PLUME.

13 NOW, AGAIN, REMEMBER, THAT WE HAVE
14 FAIRLY GOOD DEFINITION OF A ZERO LINE HERE, WE HAVE
15 GOT A TWO, WE HAVE GOT A FOUR, WE KNOW THERE'S
16 SOMETHING COMING OUT FROM OVER HERE FROM ARCO, BUT
17 IT'S NOT VERY HIGH AT THIS PARTICULAR POINT.

18 SO THE IDEA IS WE HAVE OUR PLUME
19 WHICH HAS SPREAD A CERTAIN DISTANCE THIS AWAY AND
20 THIS PLUME HAS FORMED A CERTAIN DISTANCE THIS WAY,
21 SOMEWHERE IN THE MIDDLE IS NON-DETECT, IS ZERO.

22 DON'T KNOW EXACTLY WHERE IT IS BUT
23 WE HAVE GUESSED IT'S RIGHT HERE (INDICATING).

24 SO NOW WE'RE LOOKING FOR THE OTHER
25 DATA FOR THESE OTHER CHEMICALS TO START TO SUPPORT
26 HOW WE HAVE DRAWN THESE LINES.

27 OKAY. IN THIS PARTICULAR CASE, WE
28 HAVE THE DIISOPROPYL ETHER PLUME THAT WE HAVE

1 DRAWN, AGAIN, HAVE BEEN, VERY SIMILAR SHAPE.
2 WHEN I SAY VERY SIMILAR SHAPE, WHAT
3 DO I MEAN?
4 WELL, THE HOT SPOT IS BASICALLY IN
5 THE SAME SPOT AS BEFORE. HERE WE HAVE A 14,000,
6 AND AN 8,000.
7 DIFFERENT CONCENTRATION LEVELS,
8 DIFFERENT CHEMICAL. THE HOT SPOT IS IN THE SAME
9 GENERAL AREA.
10 WE NOTICE ALSO THESE PLUMES ARE
11 RIGHT UNDERNEATH THE UTILITY WAY CORRIDOR AND THE
12 DEPARTMENT OF WATER AND POWER CORRIDOR.
13 AND WE KNOW THAT IN THOSE CORRIDORS
14 THERE WERE SHELL PIPELINES, GASOLINE PIPELINES, AND
15 WE KNOW THOSE GASOLINE PIPELINES CARRY THE KIND OF
16 GASOLINE THAT WE ARE GOING TO EVENTUALLY SEE THAT
17 WE HAVE HERE.
18 SO WE KNOW THAT IT CARRIED GASOLINE
19 WITHIN THE TIME PERIODS THAT THIS GASOLINE WAS
20 MANUFACTURED.
21 WE SEE THAT THE PLUME IS ELONGATED
22 ALONG THE AXIS, AND WE CAN SEE FAIRLY GOOD
23 DEFINITION OVER HERE (INDICATING), THE NON-DETECTS
24 FOR MTBE, BUT THERE'S NO MTBE ANYWHERE IN THIS
25 PLUME. YOU LOOK AT OUR NUMBERING SYSTEMS, THE
26 FIRST NUMBER IS MTBE AND THE SECOND NUMBER IS DIPE,
27 SO WE SEE HERE, WELL, 2 -- I HAVE AN 8 FOR DIPE.
28 THE DASH LINE MEANS IT WASN'T

1 SAMPLED.

2 THERE'S LOTS OF REASONS WHY IT
3 DIDN'T GET SAMPLED. BUT IN THE EARLY DAYS NOBODY
4 WAS LOOKING FOR DIPE, THEY DIDN'T KNOW THAT THAT
5 CHEMICAL WAS OUT THERE OR WAS IMPORTANT, SO THEY
6 DIDN'T SAMPLE FOR IT.

7 SO WE HAVE NO INFORMATION DOWN
8 HERE, WE HAVE SOME NON-DETECT HERE, WE HAVE AN 8
9 HERE, WE HAVE A COUPLE OF NOT TESTED HERE, A COUPLE
10 NON-TESTED HERE, AND YOU CAN SEE 130 HERE, 140 HERE
11 (INDICATING).

12 SO WE HAVE A PRETTY GOOD DEFINITION
13 BUT, AGAIN, WE CAN'T MAKE THE ULTIMATE TESTS ABOUT
14 HOW FAR THIS PLUME SHOULD BE OVER HERE AND WE KNOW,
15 WE KNOW HERE WE HAVE AN 8 BUT WE NEED MORE
16 INFORMATION ALONG THE ARCO TO FINALIZE THIS.

17 THE KEY THING THAT I THINK WE SEE
18 HERE IS THAT IT'S ELONGATED PLUME, HOT SPOT, NOT
19 THE SAME AREA AND THE GOOD OVERLAP BETWEEN THE TWO
20 TELLING US THEY ARE FROM THE SAME CONTAMINANT, SAME
21 GASOLINE.

22 HERE WE SEE MTBE, WE HAVE DEFINITE
23 BORDERS, NON-DETECT, NON-DETECT, NON-DETECT, AROUND
24 IT. SO WE ARE PRETTY MUCH SURROUNDED. SO WE KNOW
25 EXACTLY HOW BIG THIS PLUME GOES. IN FACT, WE COULD
26 FILL IN THE INFORMATION WITH OUR DATA THAT WE HAVE
27 WITHIN THE CENTER OF THE PLUME TO MAP THE
28 CONCENTRATION CONTOURS THAT WE ARE LOOKING AT.

1 AND THEN FOR DIPE WE OBVIOUSLY HAVE
2 THREE HITS, THE REST ARE NON-DETECT SO THAT FAIRLY
3 SIMPLY DEFINES THAT.

4 Q. WHAT OTHER CHEMICALS DID YOU LOOK
5 AT?

6 A. WELL, AS I MENTIONED EARLIER, WE
7 LOOK AT THE FUEL SCAVENGERS, LEAD SCAVENGERS.

8 SO I HAVE A MAP OF EDB AND EDC.

9 EDC IS IN THE GREEN, AND THE EDB IS
10 IN OUR CHARTREUSE COLOR, THE PINK.

11 AND WHAT WE SEE IS THAT, LET'S
12 START WITH THE EASY ONE, B1, THERE IS NO EDB THAT
13 WE CAN SEE THERE.

14 SO, AGAIN, THIS WAS USED TO GET THE
15 LEAD OUT OF OUR LEADED GASOLINE. WE HAVE ALREADY
16 GOT MTBE THERE SO THAT IS STARTING TO TELL US THAT
17 IF THERE'S LEADED GASOLINE HERE, IT MUST HAVE BEEN
18 TOWARDS THE VERY END OF THE LEADED ERA BECAUSE WE
19 ARE NOT SEEING ANYTHING THAT'S REALLY -- OTHER THAN
20 DIPE THAT COULD SUPPORT THAT COULD POSSIBLY BE
21 THERE.

22 AGAIN, WE ARE LOOKING AT PLUMES
23 WITH THE GENERAL SHAPE THAT WE SAW EARLIER. IN
24 OTHER WORDS, THESE PLUMES HAVE THE HOT SPOT IN THE
25 SAME SPOT, THEY ARE ELONGATED ALONG UNDERNEATH,
26 DIRECTLY UNDERNEATH THE UTILITY WAY PIPELINE
27 CORRIDOR. THE HOT SPOTS IN THE SAME OTHER, THE
28 SAME GENERAL SHAPE THAT YOU PUT THEM ON OVERLAYS,

1 THEY OVERLAY PHYSICALLY AND THAT'S TELLING US THAT
2 THIS GASOLINE HAD THE LEAD SCAVENGER IN IT, WHICH
3 IS IN OUR NEXT PIECE OF EVIDENCE THAT THIS IS A
4 LEADED GASOLINE.

5 NOW, WE ARE STARTING TO GET SOME
6 BETTER DEFINITION.

7 IF THIS EDB AND EDC IS ALL PART OF
8 THE SAME PLUME, BUT ON THE MTBE AND THE DIPE, WE
9 DIDN'T HAVE PERFECT DEFINITION THIS WAY AND ON THE
10 BENZENE WE DIDN'T HAVE PERFECT DEFINITION ON THIS
11 BUT NOW THIS ONE WE DO HAVE EXCELLENT DEFINITION
12 ON, AND THEY ARE ALL PART OF THE SAME PLUME, WHAT
13 DOES THAT TELL YOU ABOUT HOW TO DRAW THE BENZENE
14 AND THE MTBE PLUMES OR DIPE PLUMES?

15 IT TELLS YOU YOU ARE GOING TO DRAW
16 THEM SIMILARLY.

17 SO AS WE START TO LOOK HERE,
18 NON-DETECT, NON-DETECT, NON-DETECT, NON-DETECT.
19 .052, VERY SMALL, AND NON-DETECT, HERE'S A
20 NON-DETECT, NON-DETECT, SO THERE'S A LITTLE ISLAND
21 RIGHT THERE.

22 NON-DETECT, NON-DETECT.

23 NON-DETECT, NON-DETECT.

24 SO ALL THE WAY AROUND THIS THINK,
25 WE HAVE SAMPLES WHICH ARE SHOWING, WE HAVEN'T, I
26 MIGHT HAVE CHEATED A LITTLE BIT, YOU HAVE TO WATCH
27 ME BECAUSE THERE'S NO SAMPLES UP HERE. WE WILL
28 HAVE TO LOOK AT THOSE LATER.

1 BUT ALL THE WAY AROUND, AS FAR AS
2 WE CAN SEE ON THIS MAP, WE SEE THAT THIS PLUME IS
3 COMPLETELY DEFINED AND WE CAN TELL BECAUSE THIS
4 PLUME OVERLAPS THE OTHERS, THAT MAKES THOSE OTHER
5 PLUMES VERY WELL DEFINED.

6 BUT NOT PERFECTLY. WE STILL NEED
7 TO LOOK AT OVER HERE WHAT'S HAPPENING AT ARCO. NOW
8 WE ARE GETTING A REAL SENSE THAT THESE PLUMES ARE,
9 INDEED, CAUSED BY A RELEASE THAT CAME FROM THE
10 UTILITY WAY CORRIDOR.

11 THE COURT: LET'S ADJOURN FOR THE DAY.

12 WE WILL BE IN RECESS UNTIL 9
13 O'CLOCK TOMORROW MORNING. HAVE A GOOD EVENING, WE
14 WILL SEE YOU THEN.

15

16

17 (THE PROCEEDINGS IN THE ABOVE-ENTITLED
18 MATTER WERE ADJOURNED AND CONTINUED TO
TUESDAY, JUNE 5, 2001, AT 9:00 A.M..)

19

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-000-

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COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

WATSON LAND COMPANY,)

PLAINTIFF-RESPONDENT,)

VS.)

ATLANTIC RICHFIELD COMPANY,)
ETC., ET AL.,)

DEFENDANTS-APPELLANTS,)

SUPERIOR COURT
CASE NO. BC 150161

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY

HONORABLE WENDELL MORTIMER, JR., JUDGE PRESIDING

REPORTER'S TRANSCRIPT ON APPEAL

JUNE 5, 2001

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VOLUME 12 OF 37 VOLUMES
PAGES 1456 THROUGH 1670, INCLUSIVE

COPY

LISA RIDLEY, CSR NO. 5886
OFFICIAL REPORTER

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1 (THE FOLLOWING PROCEEDINGS WERE
2 HELD IN OPEN COURT, IN THE
3 PRESENCE OF THE JURY:)

4
5 JEFFREY DAGDIGIAN,

6 CALLED AS A WITNESS BY THE PLAINTIFF, HAVING
7 PREVIOUSLY BEEN SWORN, RESUMED THE STAND AND
8 TESTIFIED FURTHER AS FOLLOWS:

9 THE COURT: ALL RIGHT, WE ARE BACK ON THE
10 RECORD WITH THE JURY AND DR. DAGDIGIAN.

11 IS THAT THE WAY YOU PRONOUNCE IT?

12 THE WITNESS: PERFECTLY.

13 THE COURT: PERFECTLY CLOSE.

14 I WANT TO REMIND YOU YOU ARE STILL
15 UNDER OATH.

16 DO YOU UNDERSTAND?

17 THE WITNESS: I DO.

18 THE COURT: PROCEED, COUNSEL.

19

20 DIRECT EXAMINATION (CONTINUED)

21 BY MS. BRIGHT:

22 Q. GOOD MORNING, DR. DAGDIGIAN.

23 A. GOOD MORNING.

24 Q. BEFORE WE MOVE ON, I'D LIKE TO HAVE
25 YOU, IF YOU COULD, PICK UP THAT BIG EXHIBIT THAT'S
26 GOT THE BENZENE PLUME ON IT FOR A SECOND.

27 WE WERE TALKING ABOUT SOME OF OUR
28 CAST OF CHARACTERS YESTERDAY ON THIS. AND ONE OF

1 THE CAST OF CHARACTERS YOU TOLD US ABOUT LOOKED --
2 IS BTEX; RIGHT?

3 A. THAT IS CORRECT.

4 Q. AND WHAT IS IT ON THAT PARTICULAR
5 PLUME MAP FOR GASOLINE THAT WE ARE LOOKING AT?

6 A. THIS PLUME MAP LOOKS AT BENZENE,
7 WHICH IS THE "B" IN BTEX.

8 Q. GIVE US AN IDEA OF HOW BIG THAT
9 THING IS, CAN YOU?

10 A. THIS IS A FAIRLY LARGE PLUME. IT'S
11 ABOUT 1,300 FEET LONG BY ABOUT 6- OR 700 FEET WIDE.
12 TO GIVE YOU SOME PERSPECTIVE ON THAT, IN TERMS THAT
13 I THINK EVERYBODY WOULD UNDERSTAND, I HAVE MADE AN
14 OVERLAY OF A FOOTBALL FIELD WHICH IS ON THE SAME
15 SCALE AS THE DRAWING. ONE INCH EQUALS 50 FEET.

16 SO A FOOTBALL FIELD IS 100 YARDS
17 LONG PLUS 10 YARDS AT EACH END ZONE AND 53 AND A
18 THIRD YARDS WIDE.

19 AND SO THIS IS WHAT A FOOTBALL
20 FIELD WOULD LOOK LIKE IF WE PUT IT NEXT TO OUR
21 PLUME.

22 SO IF YOU START UP HERE, THAT'S
23 ABOUT ONE, TWO, THREE, A LITTLE BIT MORE THAN THREE
24 FOOTBALL FIELDS LONG AND, SOMEPLACE LESS THAN
25 THREE, SOMEPLACE MORE THAN THREE FOOTBALL FIELDS
26 WIDE.

27 Q. AND YESTERDAY YOU TOLD US HOW YOU
28 DREW THE -- YOU WERE TALKING ABOUT HOW YOU DREW THE