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11.22.25
Civil Litigation
Assoc. Professor Rimas

DEPOSITION SUMMARY

Case: *Emhart Industries, Inc., v. New England Container Company, et al.*

Deponent: Joseph Nadeau

Deposition Date: June 24, 2013

PAGE(S)	SUMMARY	SUBJECT
150	Introduction of parties present during deposition. Identity of witness, JOSEPH NADEAU. Mr. Pirozzolo, representative for Emhart Industries, Inc. begins examination.	Deposition Begins, Plaintiff's Examination
150-152	Joseph Nadeau worked at Metro-Atlantic and NECC as a summer job during the years between 1962 and 1965 when he was a student in high school. Nadeau ceased working at either business in 1965 after being drafted by the US Army.	Personal Background, Employment History
152-154	Nadeau confirms that a building referred to as the Texas Tower was not on location at the job site in Centredale, Rhode Island when he started working. It was built between one summer and the next.	Employment History, Prior Conditions
153-154	CONTRADICTION – Mr. Pirozzolo inquires about the manufacture of hexachlorophene at the Texas Tower. Previously Nadeau had stated he believed it was manufactured there for about 8-9 months. Nadeau now states he does not know how long it was manufactured there, stating the 50 years since the time as a factor in his memory.	Lack of Memory/Knowledge, Contradictions/Inconsistencies
154-157	EXHIBIT 1 - Mr. Pirozzolo introduces Nadeau's deposition from December 17, 2002. The exhibit indicates statements from Nadeau that he worked full-time for about a year and he "guessed" that the Texas Tower was in production 8 or 9 months.	Exhibits Reviewed
157-161	Nadeau describes layout aspects of the main building. In particular: the main building was on a slope, the building's basement was below grade, it was on a slope, there were French drains, and there were chemical storage tanks outside against one wall.	Prior Conditions, Incident Location

161-164	Nadeau describes the placement of the main building on a peninsula in relation to the Woonasquatucket River, as well as a “tail.” He also describes the method filling the storage tanks when chemicals were delivered and on what side the delivery trucks did so.	Prior Conditions, Incident Location
164-167	Nadeau describes the drains at the building site. He also describes a variety of waste disposal methods involving non-liquid materials. EXHIBIT – Mr. Pirozzolo refers to Exhibit 1 once again.	Exhibits Reviewed, Prior Knowledge
167-168	Nadeau states he’s no awareness of a two buildings existing where the Texas Tower was, and that he never worked in the Texas Tower.	Lack of Memory/Knowledge
168-171	EXHIBIT – Exhibit 8, a large Sanborn map with markings created by Nadeau during deposition on November 24, 2008 is introduced. Nadeau describes and explains the markings. He describes his perception of a lack of corporate distinction between Metro-Atlantic and NECC, and that the respective companies were run by brothers or relatives with the surname Buonanno.	Exhibits Reviewed, Employment History
171-180	Nadeau describes the production, delivery, cleaning, and processing of the chemicals handled on site. He also marks a copy of Exhibit 8 per Mr. Pirozzolo’s requests as he does so.	Prior Conditions, Prior Knowledge, Exhibits Reviewed
180-183	INCONSISTENCY – Nadeau describes the “loading area” east of the Texas Tower where barrels were stored. He is unable to recall why Exhibit 8 has markings listed as “A” and “B” are on the map.	Lack of Memory/Knowledge, Contradictions/Inconsistencies
183-185	Nadeau describes the process involved in burning the drums/barrels to remove residue.	Prior Knowledge, Standard of Care
185-187	Nadeau describes wash station and how the barrels would drain into an area underneath the station. He indicates the location he worked in relation to the station, and his ability to see the process.	Prior Conditions, Witness Observations
187-190	Nadeau describes the “drum storage” area along the Woonasquatucket River where “rows of barrels” were stored. He also describes barrel restoration after they are returned to the site.	Prior Conditions
190-191	Nadeau describes barrels that could not be recondition called “leakers.” He provides as much awareness of their disposal as he is aware of.	Prior Knowledge

191-193	Nadeau asserts he saw water run from the French drains into the “tail” described earlier. EXHIBIT, INCONSISTENCY – Mr. Pirozollo details former deposition in which Nadeau states uncertainty regarding drain water flowing into the river. Nadeau states there was nowhere else for it to go.	Contradictions/Inconsistencies, Prior Knowledge
193-195	Miscommunication and/or mishandling of exhibits leads to an off-the-record conversation.	Break/Recess, Document Production Issues
195-197	CONTRADICTION – Pirozollo quotes 2006 deposition in which Nadeau states, “I never looked.” He now states he saw water changing color in the basement and outside the building during cleaning.	Contradictions/Inconsistencies
197-199	Mr. Bryan, representative for Dept. of Justice moves to strike, leading to a recess. Mr. Pirozollo concludes his examination.	Objections, Break/Recess, Plaintiff’s Examination Ends
199	Ms. Baroni, representative for Emhart Industries, Inc. begins examination.	Baroni Examination Begins
199-202	Ms. Baroni emphasizes through questioning that Nadeau did not usually work in the basement of the main building. Nadeau states “there was nothing to do outside.” She concludes her examination.	Witness Observations, Scope of Employment, Baroni Examination Ends
203	Mr. Bryant begins his examination.	DOJ Examination Begins
203-207	Reestablishing dates of work history. EXHIBIT – Nadeau describes further that the two businesses felt interlinked, states that employees often worked for either one when assigned to do so.	Employment History, Exhibits Reviewed
207-208	Nadeau discusses the Texas Tower’s appearance.	Prior Conditions
208-213	Nadeau asserts he saw the “tail” water turn murky, that it was at times clear, that he logically believed the murky water flowed into the tail, and that the tail and the Woonasquatucket River joined and were connected.	Prior Conditions, Causation
214-216	Nadeau asserts that the barrels for cleaning had plastic liners. He discusses the established procedure for disposal of these liners, which involved leaving them in the dump area beside the tail before being removed later. Mr. Bryant concludes his examination.	Prior Knowledge, DOJ Examination Ends
216-219	Mr. Pirozollo begins second examination. Nadeau describes his role at the company and its limitations to simply being a “laborer.” Examination concludes.	Redirect – Plaintiff, Scope of Employment, End of Deposition