	IN THE COMMON PLEAS COURT OF ERIE COUNTY, OHIO	
	ALVIN F. CLARK, : $DOC, 27$ Et al.	
	Plaintiffs :	
	-vs- No. 46819	
	THE DOW CHEMICAL COMPANY and : : LAKESHORE EQUIPMENT & SUPPLY COMPANY :	
	And SHORT FREIGHT LINES :	
(: Defendant	
	:	
	Deposition of <u>WILLIAM R. BAUER, M.D.,</u> a witness here	ir
E	taken by the Defendant as upon cross-examination bef	or
5	Brenda S. Huntley, Registered Profession-ai Reporter	an
5	Notary Public in and for the State of Ohio, at the E	ri
7	County Courthouse, Conference Room, Sandusky, Ohio o	n
3	Friday, May 13, 1988 at ll:50 a.m., pursuant to	
•	Notice.	
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1	<u>APPEARANCE S</u> :
2	Murray & Murray Co., L.P.A., by W. Patrick Murray, Esquire
3	For the Plaintiff
4	Rivkin, Radler, Dunn & Bayh, by James Ruger, Esquire and
5	Stanley Pierce, Esquire and
6	Buckingham, Holzapfel, Zeiher, Waldock & Schell Co., L.P.A., by
7	M. L. McDermond, Jr., Esquire
8	For the Defendant Dow Chemical Flynn, Py & Kruse Co., L.P.A., by
9	James W. Hart, Esquire
	For the Defendant
10	Arter & Hadden, by
11	Dale F. Kainski, Esquire
12	For the Defendant LESCO
13	;
14	
15	STIPULATIONS ·
16	It was stipulated by and between counsel for the
17	Plaintiff and Defendant that this deposition may be
18	taken in stenotype by Brenda S. Huntley; that said
19	stenotype notes may be transcribed out of the presence
20	of the witness and the signing of the deposition by the
2 1	witness was waived by counsel; that the reading and
22	signing of the deposition was specifically waived by
23	the witness; and that all formalities with regard to
24	Notice of time and place of taking this deposition are

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waived .

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WILLIAM R. BAUER, M.D., of lawful age, a witness herein, called by the Defendant as upon cross-examination, pursuant to the Rules of Civil Procedure, being first duly sworn according to law, was examined and testified as follows:

CROSS-EXAMINATION OF WILLIAM R. BAUER, M.D.

1	Q	Good morning, Doctor. I took your deposition in the
1:		last session here just to refresh your recollection.
1:		My name is Jim Ruger, and I'm an attorney with the firm
13		of Rivkin, Radler, Dunn & Bayh which represents the Dow
14		Chemical Company in this case along with Mr.
15		McDermond's firm. Dr. Bauer, did you bring with you
l€		today, pursuant to order of the Court, the
17		toxicological material from Science Magazine which you
18		have stated in past depositions that you have reviewed
19		in relation to this case?
20	А	Not that particular article, because review of it
2 1		indicates that it's not directly relevant to the case.
22	Q	Do you recall the name of the article?
23	А	It was, I believe it was a dioxin article and I do not
24		recall the specific title, but it was on dioxins and

1		environmental exposure. It was about a year and a half
2		old article, and I did not feel it was directly related
3		to this instance.
4	Q	Did you bring with you, pursuant to the Court order,
5		the material or a copy of the materials or the
6		references which you reviewed in the Clinical Handbook
7		of Neurology, which was edited by Pinkin and Bruen?
8	Α	Here, it's right here.
9		MR. MURRAY: Let the record show that the
10		handbook the Clinical Neurology is with Dr. Bauer
11		Volume 36, by Pinkin and Bruen. This book is important
12		that he retain information, information can be copied
13		from it.
14	Q	May I see that book, please? This is Volume 36 of the
15		book entitled, Intoxications of the Nervous System,
16		Part One. Doctor, I'll hand you this book, and if you
17		can, for the record, and pursuant to the Court order,
18		indicate which sections of this book you have reviewed
19		in relation to this case?
20	Α	Chapter 16, which is on organochlorine and other
21		insecticides and that runs from pages 391 through 456,
22		455.
23	Q	Are there any other sections of that book you reviewed
24		in relation to this case?

1	А	Not in relation to this case, no.
2	Q	Are there any chemicals in particular in that Chapter
Е		16 of that book which you have specif cally paid
4		attention to or feel is specifically relevant to this
5		litigation?
6	А	Well, particularly the pages 411 through 418 which
7		relate to Endrin, Aldrin, Dieldrin, and Telodrin, whick
8		are basically similar molecules.
9	Q	Similar in that they are similar to themselves, that
10		being Endrin', Aldrin Dieldrin and Telodrin?
11	А	Correct -
12	Q	Not similar to MCPP, correct?
13	А	Correct.
14	Q	Are there any other sections of that chapter?
15	А	That particular chapter has some other chemical
16		compounds in there that are similar to MCPP, but not sc
17		similar that I felt that they served other than
18		background and I have other sources of reference that I
19		used that I reviewed specifically for MCPP.
20	Q	All right, where are these sources?
21	А	They are here. There are one, two, three, four, five
22		articles out of this computer list, which you also
23		asked for and is here, which is a tox line printout
24		that I obtained and these are the five articles that 1

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reviewed relating to the phenoxy proprionic acid. 1 And 2 also in place of the science articles, I brought З something from JAMA 1986 regarding herbicide exposure and cancer, two articles on that, one an editorial, and 4 С the other an original contribution from the JAMA, 6 September 5, 1986, Volume 256, Number Nine, the 7 editorial from the same journal. Those are presented а there for you. 9 Okay, what I will do at this MR, RUGER: time is we will mark as Bauer Deposition Exhibit 5 the 10 computer printout which the doctor has brought with hin 11 12 which he has indicated is a printout from tox line? 13 From a tox line. Α Ŧ From a tox line? 14 0 15 Α I believe the record will r flect that I indicate it 16 was to this point. THEREUPON, Bauer Exhibit 4 was marked for 17 identification. 18 19 THEREUPON, Bauer Exhibit 5 was marked for 20 identification. 21 We will mark as Bauer MR. RUGER: 22 Exhibit 6 the first of the, or one of the five articles 23 which the doctor has indicated is related to MCPP, that 24 being toxicologic studies in a fatal overdose of 2, 4-D

	MCPP and chloropyrifos from the Journal, of Analytical
	Toxicology, Volume 7, May to June 1983.
	THEREUPON, Bauer Exhibit 6 was marked for
	identification.
	MR. RUGER: As Bauer Deposition Exhibit
	No. 7 marked second of the five articles, which is,
	Exposure of Finnish Farm Workers to Phenoxy Acid
	Herbicides, from the Journal of Environmental
(Contamination and Toxicology, Volume 15, page 107 to.
1(111, 1986.
1:	THEREUPON, Bauer Exhibit 7 was marked for
12	iden tifica tion.
1:	MR, RUGER: As Bauer Deposition Exhibit
14	No. 8, we will mark the third of the five articles that
15	the doctor has identified as relating to MCPP entitled,
16	Clinical Features and Management of Poisoning with 2,
17	4-D and Mecoprop, from Clinical Toxicology, Volume 18,
18	page 273 to 276, 1981.
19	THEREUPON, Bauer Exhibit 8 was marked for
20	identification.
21	MR. RUGER: As Bauer Deposition Exhibit
22	No. 9, I'll mark the fourth of the five publications
23	which the doctor has indicated as being related to
24	MCPP, that being entitled, Treatment of Severe 2, 4-D

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and Mecoprop Intoxication with Alkaline Diuresis, from British Journal of Clinical Pharmacology, Volume 7, pages **111** to 116, 1979.

THEREUPON, Bauer Exhibit 9 was marked for identification.

MR. RUGER: And as Bauer Deposition Exhibit No. 10, I'll mark the fifth of the five Ι articles which the doctor has indicated as being ŕ, related to Mecoprop which is entitled, Toxicologic ç Studies in a Fatal Overdose of 2, 4-D Mecoprop and 1(Diacamba, from Journal of Forensic Sciences, Volume 29, 13 pages 1237 to 1241, October 1984. 1 THEREUPON. Bauer Exhibit 10 was marked for 1: identification. 14 MR. RUGER: 15 As Bauer Exhibit No. 11. I'll mark the article from JAMA, which is the Journal 16 17 of the American Medical Association, Volume 256, No. 9, September 5, 1986, page 1141 to 1147, an article that 18 19 is entitled, Agricultural Herbicide Use and Risk of Lymphoma and Soft-Tissue Sarcoma. 20 THEREXIPON, Bauer Exhibit 11 was marked for 21 identification. 22 MR. RUGER: And as Bauer Deposition 23 Exhibit No. 12, is a paper entitled, Herbicide Exposure 24

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and Cancer from the Journal of the American Medical 1 2 Association, Volume 256, No. 9, September 5, 1986, page 3 1176 through 1178. 4 THEREUPON. Bauer Exhibit 12 was marked for identification. 5 6 Q Dr. Bauer, have you brought with you, pursuant to the 7 Court order, the printout of any and all information 8 and data pertaining to Alvin Clark, which was contained on the office computer or any other computer on which 9 10 you have entered or directed the entry of any such 11 information or data as you have previously stated in 12 your past depositions that you have such data? 13 No, I don't have any computer printouts, because the А 14 computer printouts only have billing information and 15 would not be pertinent. They have his name, address, 16 there is nothing else on the computer. I consider that 17 privileged . 18 Wait a second. MR. MURRAY: 19 Α No. 20 All medical information MR. MURRAY: 21 pertaining to Alvin Clark you have, you have given 22 them? 23 Right, but I didn't bring the computer printout. А 24 The computer printout MR. MURRAY: HUNTLEY REPORTING SERVICE

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1		contains name, address and what else?
2	Α	Telephone number and his current bill, which can be
3		obtained by talking to businessman.
4		MR. MURRAY: We will get you a copy of
5		that. If there is anymore on that, we will pay for the
6		problems. We owe them that, all right?
	А	Sure.
8	Q	As of your last deposition which took place November
9		13, 1987, have you had any CAT scans performed on Mr.
10		Clark?
1	А	No, I have not had any CAT scans performed.
1	Q	Have you ordered any CAT scans to be performed on him
1		by anyone else since that time?
1.	Α	NO •
1!	Q	Do you have any results of any CAT scans on Mr. Clark
lŧ		that were done on him at any time?
17	Α	I may have. I don't recall a CAT scan. I would have
18		to look, which is what I'll do if you would wish, but
19		I'm not sure that might have been a magnetic
20		resonance. I'm not sure.
2 1	3	That was my next question, if you have any of that type
22		of information, that would be magnetic resonance, of
23		CAT scans. The booklet which you're looking through
24		right n'ow, what is that?
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	А	It's a book that states Alvin Clark versus Dow Chemical
		Company, Erie Common Pleas Court, Case 46819.
	Q	What is contained within that book?
	А	Materials relevant to the patient, Alvin Clark.
•	Q	Okay, these materials have not been produced prior to
e		tœlay, correct?
	А	1 don't think I have produced that €or you prior to
٤		today, that would be correct.
ç	Q	Are they medical records on Alvin Clark?
lc	А	They would be medical records on Alvin Clark and some
11		other materials.
12		MR, RUGER: What we will do then is mark
13		that booklet as Bauer Deposition Exhibit 13.
14		MR. MURRAY: This is a booklet that I
15		gave Dr. Bauer to keep his records in order, I believe
16		they fall in the area of work product. However, I have
17		no reserve the right to have the Court rule on that
18		issue because it's a book that compiles medical records
19		and other information will be provided.
20		MR, RUGER: We will take exception with
21		that claim of privilege.
22		MR. MURRAY: It's not privilege, it's
23		work product.
24		MR. RUGER: Work product, it's a
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1		document that's obviously being used at the present
2		time by Dr. Bauer and has heren used by film, hels a
3		testifying witness, so we will mark that as Deposition
1		Exhibit 13.
5		There are other documents that you are presently
6		looking 'through right now, Doctor, what are those?
7	А	Some of, most of these are either subpoenas that you
8		have issued or I think records that I think you have
9		seen previously or should be part of your records.
10	Q	Okay, could I take a look at those?
11	A	Why don't you let me do one thing at a time and then
12		you can mark it all if you wish. Let me answer the one
13		question. If I can find the scan result and then you
	I	can go right ahead and go through it and mark
15		everything until your heart's content.
16	Q	Okay.
17	А	I didn't order it, which was already answered and of
18		record and I can't seem to locate that particular scan,
19		so I would stipulate that it may or may not exist,
20		either one, the CAT scan or the MRI. Here you are.
21	Q	Thank you.
22		THEREUPON, Bauer Exhibit 13 was marked for
23		identif ication.
24		MR. RUGER: Now Dr. Bauer has handed

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another stack of documents which I have asked them what these documents are and he has stated some of the documents are subpoenas, etc. I would like to mark as Exhibit 14 from this pile of documents a letter dated March 3, 1988, Re: Alvin Clark from R. Michael Kelly, to Mr. Murray. M.D., THEREUPON, Bauer Exhibit 14 was marked for identification. ŕ Dr. Bauer, do you know who R. Michael Kelly is? 0 1(Yes, he's a physician in Cincinnati. Α Do you know what Dr. Kelly's background is? 1: 0 12 It's my understanding that he's a physician who is А interested in toxicology. 1 1. Do you know if Dr. Kelly holds any board 0 1! certifications? No, I don't have his curriculum vitae. I would reckon 1(А 17 that you could get that from him and it would speak foritself. 18 Have you had any conversations with Dr. Kelly in 19 Q relation to this case? 20 21 А No. Have you had any correspondence other than what has 22 0 been marked as Exhibit 14 with Dr. Kelly or from Dr. 23 Kelly? 24

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	Α	NO .
	Q	Have you ever met Dr. Kelly?
	Α	No.
	Q	Have you had any conversations with Mr. Murray in
		relation to Dr. Kelly's role in this case?
	A	Other than he was seen by him and that communication,
		have not spoken with Mr. Murray about Dr. Kelly, ${f I}$ jus
		asked for that report.
	Q	Do you know when Dr. Kelly saw Mr. Clark?
l١	Α	I believe the document reflects that, which it states
11		February 3rd, I would presume, 1988.
12	Q	Have you seen any results of Dr. Kelly's examination of
13		Mr. Clark?
ŀ	Α	That would be in that same document.
1!	Q	Have you seen any results of any laboratory t sting
l(which was ordered by Dr. Kelly on Mr. Clark that is not
17		contained within that letter?
18	Α	Well, he doesn't indicate in there other than he
19		suggests EMG's and neuropsychological functions, I have
20		not seen those from him and anything else because
21		there's nothing else indicated.
22	Q	Now have you seen any other records that have been
23		generated by Dr. Kelly's examination other than
24		reflected in Exhibit 14?

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Not to my recollection.

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		MR. RUGER: We will mark as Bauer
		Deposition Exhibit 15 a letter with attached chemical
		data regarding the Alvin Clark case, the top letter is
I		dated January 21, 1988 from Patrick Murray to Dr. Bauer
6		and the following data seems to be the results of
7		chemical analysis from Pedneault Associates.
8		THEREUPON, Bauer Exhibit 15 was marked for
		identification.
1		MR. RUGER: Included within this pile of
1		documents is a typewritten document of several pages,
1		which begins with the title, Pesticides Toxicity,
1		states on the last page prepared from Pesticide
ŀ		Classification in Mode of Action USDA by William O.
1:		Wade, Jr., edited by ODA Pesticides Regulation 1982.
l(This will be Exhibit 16.
17		THEREUPON, Bauer Exhibit 16 was marked for
18		identification.
19	!	Okay, Dr. Bauer, I hand you what has been marked as
20		Exhibit 16, what is that document?
21		It says Pesticide Toxicity; and it basically is some
22		seven pages #at describes pesticides in general.
23		From where or whom did you receive that document?
24	А	I'm not sure. I might have received this document from

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		Mr. Murray, I might have received this document from
		some other source, I don't recall,
	Q	Is there anything in that document in particular which
		relates to MCPP or which you feel relates to MCPP?
ı	Α	In particular, no, just generally.
e	Q	What generally in that document do you feel relates to
		MCPP?
٤	Α	It just talks about toxicity and so there wouldn't be
ç		any specific. So the answer to your first question, a
1(particular, there isn't anything particular; in
11		general, it discussions toxicity, it discusses a little
12		bit about LD doses and talks about some of mechanisms
13		of pesticides. So that in general, it would relate as
14		toxicity would in any compound in a general fashion,
15		which may or may not be, in particular, related to the
16		МСРР.
17	Q	Do you know what the withdraw, Do you know if
18		Exhibit 16 came from a more complete text, for example,
19		or is that a sole document on its own?
20	Α	I can't answer that question. I don't know the
21		answer. That may be on its own, that may be from a
22		group of papers, I can't answer that. The document
23		would speak for itself.
24		MR. RUGER: As Exhibit 17 is a document
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1		which is entitled, Cho henoxy Compounds, has Ch er
2		6 on top, some handwritten notation RCD 1/28/85, mark
3		this as Exhibit 17.
		THEREUPON, Bauer Exhibit 17 was marked for
		identification.
	Q	Doctor, looking at what has been marked as Exhibit 17,
		it indicates on the top of that Chapter 6, do you know
		what the complete source of that document is?
	Α	No, I'm not sure. It probably came from a text. I
1		would reckon that this is a photostatic copy of a text
1		in which there are other chapters on other compounds,
1		in which this happens to address itself to
1		chlorophenoxy compounds, but I don't know any more
1		about it.
1	Q	From whom or where did you receive that, Doctor?
1(Ą	1 might have gotten that from Mr. Murray.
1'	2	Attached to this document which has been marked as
18		Exhibit 17 seems to be some sort of a printout with
19		columns of numbers, four columns of numbers, it appears
20		in the middle of the document. Do you know what these
21		printouts refer to?
22	Α	That would appear to me to be part of an analytic
23		assessment, it would appear to me to be not related to
24		the Chapter 6 and looks to me to be the attempt, for

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and compared meaning meaning meaning and an and a mean mark way of the second meaning and meaning and the second

1		example, either to record how he would be analyzing a
2		compound or searching; it would appear to be me to be a
3		data base and nothing more than that, not something
4		that I feel is germane to the patient's damaged nervous
5		system directly; it would be indirectly related.
6	Q	Do you have any understanding as to what, if any,
7		relationship this computer printout, which is in the
8		middle of Exhibit 17, has with this case at all?
9	А	Well, it's out of context. I believe it belongs to
10		part of an analysis, I would expect that it's part of
11		an analysis.
12	Q	Do you know who generated that analysis?
13	A	I'm not sure, I'm not sure. That may be one of the
14		companies that was looking at the substance itself.
15	Q	Do you know what substance was being examined as part
16		of that analysis?
17	А	Possibly the substance at issue here, substances either
18		Endrin or phenoxy proprionic acid.
19	Q	On the top of this printout is the abbreviation PDMS,
20		do you know what that stands for?
21	А	Not in particular.
22	Q	Then it indicates the number 1020 after that, do you
23		know what that stands for?
24	A	Not for sure.
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Ι	Q	Where it states PDMS, and that's the record inventory,
2		equals TRID SORT, do you know what that means?
Ξ	Α	Not out of context.
4	Q	Is there something that you could look at which would
F		put this into context?
6	Α	If I could see it attached to the report which it was
7		generated or the source, it would perhaps be in
е		context.
9	Q	Do you have a copy of that?
10	Α	You have taken from me most everything that I have, I
11		believe, Counselor, you would be able to answer that.
12	Q	Do you know if that is contained within Exhibit 13,
13		which is the medical records book?
14	А	It appears in this book as well. It appears in a,
15		before the Material Safety Data Sheet from Akzo Zout
16		Chemie Nederland and following the Chapter 6 chloro
17		phenoxy compounds, it's sandwiched in between those
18		documents. And just after it are some selected studies
19		on MCPP chronic toxicity.
20	Q	Are those references also attached to the back portion
21		of what has been marked as Exhibit 17?
22	А	Yes.
23	Q	Now that you see that computer printout in what appears
24		to be in context in Exhibit 13, what is your
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1		understanding of that printout if it has changed in any
2		way?
3	А	Well, it possibly may be part of the sel cted studies
4		that follow it and it's unlikely to be part of the
5		chlorophenoxy compounds. It's a possibility.
6	Q	How do you interpret that computer printout data?
7	Α	How do I interpret it?
8	Q	Yes?
9	А	There is a collection of numbers with dates and a
10		microfiche date. Since I didn't generate it or ask for
11		it, that's what I would indicate it probably
12		represents. And it may or may not reflect this data
13		here, since I didn't generate it, 1 wouldn't know that
14		data more than that.
15	Q	Do you have any further understanding of this computer
16		printout other than as you have already described?
17	А	Possibly.
18	Q	What other possible understanding of this data do you
19		have?
20	А	Depends on what possibilities you want.
2 1		MR. MURRAY: Have you ever analyzed this;
22		do you know what it is?
23	Α	I've answered what I think it is.
24		MR. MURRAY: Okay.

1	A	
2	Q	
3		any opinions regarding this case?
4	А	Not directly.
5	Q	Are you doing it indirectly?
6	А	Possibly.
7	Q	And how would you do that?
8	А	There is a lot of possibility. It might relate to an
9		article that I have looked at and reviewed, it might
1		not; it might relate to the generation of some other
1		piece of data that I looked at and felt was an
1		important piece of information. But since I didn't
1:		generate it, I can't tell you that, but there are a lot-
1,		of possibilities.
1!	Q	As you sit here today, do you recall any-other
16		publication or anything else that you have looked at ir
17		which you have used the data which is indicated on that
18		computer printout?
19	4	Not to my recollection.
20	2	Has Mr. Murray explained to you in any way what that
2 1		data represents?
22	¥	He didn't tell me anything about it.
23	?	On the first column of that data where it says MRID, do
24		you know what that means?

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	А	It would be input data.
		MR. MURRAY: Do you know what that means,
		B i 11 ?
	А	No, not directly, No, I didn't generate it. I could
		guess, but I don't know directly what that means.
6	Q	In the second column, at the top of the second column
7		where it says TRID, do you know what that means?
٤	A	Not directly.
9	Q	On the third column where it says, date added to ADP
10		Master, do you know what that mans?
11	А	Not directly.
1:	Q	Have you ever seen any of the microfiche which are
1:		indicated as having dates in the last column?
14	Α	N o .
15	Q	Have you obtained any of the documents or studies which
16		are referred to at the back part of Exhibit 17 which is
17		entitled, PDMS Selected Studies, MCPP Chronic Toxicity
18		in parentheses?
19	A	Only if they reflect the documents that I have already
20		given to you that you have. If they aren't those
21		documents, I would have to go through each one of
22		these, if that's what you want,
23	а	If you could.
24	Ŧ	First one is an unpublished study, so I wouldn't have

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-		seen that, that's 20960; 22569 is an unpublished study,
4		no; 25807 unpublished study, no; the nature study on
3		hatching rate of hen's eggs, I think I saw a summary on
4		that, that was in nature, that would be 25808, I have
Ē		not reviewed that recently; 25809, that's unpublished,
e		no; 25815, again, unpublished, no; 27054 unpublished
7		study, no; 27079, unpublished study, no. I have been
٤		looking to try to find that particular article. 27083,
S		I'm looking for that, no; 27084, no, it's unpublished,
lC		not interested in that one; 27085, no; 30130, no;
11		41632, no; 44280, no; 44281, I'm not sure of that one;
12		same with 82, 44282; 68013, no; 123282, no; 126700, no;
13		127264, no; 127268 appears to be 44280 and that one \mathbf{I}
14		have indicated I'm not sure that that isn't published,
15		I might have seen that. 127269 appears to be the same
16		as 44282, I'm not sure of that one. 127270, no;
17		127271, no; 128560 no; 137145, I'm not sure that isn't,
18		that's not available, no. And the last one, 5001460,
19		no. And there is a last page it would appear. 30130,
20		I did not use that as a basis; the 127266, I'm not sure
21		if that hasn't been published, I don't know about that
22		one. And the last one 128698, I did not review that
23		one.
24	Q	Thank you.

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MR. RUGER: We will mark as Bauer Deposition Exhibit 18 a multi page document with a 1 cover letter from Dow Chemical to Dr. Nugent, signed by 1 John M. Tichon, T-i-c-h-o-n, stating that, enclosed, 1 £ please find a copy of the material safety data sheets € for MCPP or CMPP. 7 THEREUPON, Bauer Exhibit 18 was marked for identification. Е ç MR. RUGER: Mark as deposition Exhibit 10 19 a document which begins with page Roman Numeral VI-1 with a letter C, Tissue Analysis for the Phenoxy 11 12 Herbicides, and runs on through page VI-11. 13 THEREUPON, Bauer Exhibit 19 was marked for identif ication. 14 Doctor, showing you what has been marked: as Exhibit 19, 15 0 do you know what the main source of this document is. 16 17 it seems to be taken from a larger document? Α No. 18 19 Did you obtain that document on your own? 0 No. 20 Α 21 Is that document provided to you by anyone? 0 That may have been given to me by Counselor Murray, Mr. 22 Α 23 Murray. Does that document specifically mention MCPP? 24 0

		I
1	Α	It mentions the phenoxy herbicides. On the second page
2		of the table there it does give reference to the
3		chemical in question, and then goes again into the
4		general description on the page six, Roman Numeral VI,
5		number six, it talks about the specific chemical, 2,
6		4-D or MCPA. And then on VI-7, it talks about the salt
7		and butyl esters. And then it talks on 68 of
8		exposures, some of which I think you already have. And
9		it also has table four, some of the adverse effects of
10		the phenoxy herbicides, same with table five.
11	Q	Do you know when that document was written?
12	А	I do not.
13		MR. RUGER: Mark as Deposition Exhibi
14		20 a page from the Registery of Toxic Effects of
15		Chemical Substances 1976 page 983.
16		THEREUPON, Bauer Exhibit 20 was marked for
17		identification.
18	Q	Doctor, I hand you what has been marked as Exhibit 20,
19		did you obtain this document yourself or was that
20		provided to you?
21	Α	It was provided to me.
22	Q	Which chemical on that document do you feel is relevant
23		to this case, if you can identify it by number or name?
24	Α	Well, this lists proprionic acids and some of the

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2		that the chemical that has been delineated, I believe,
3		where is that?
4		MR. McDERMOND: Do you want this?
5	А	Yes, please. Thanks.
6		MR. RUGER: Let the record reflect the
7		Doctor is now referring to Exhibit 13.
8	А	2-methyl 4-chloro phenoxy proprionic acid. And that's
9		indicated on a document which is identified as
10		Plaintiff's Exhibit Didion 1, 6/10/87 in Exhibit 13,
11		the name of the document that was just read.
12	Q	On Exhibit 20 though, Doctor, which chemical on Exhibit
13		20?
14	А	First one.
15	Q	Would that be the one that's identified by the number
16		in the left-hand column as UE 97500?
17	А	It would appear. And also it would appear to be
18		delineated here in on Pedneault Associates referring to
19		the proprionic acid herbicide, and I refer to readout
20		on the same chemical, plus Endrin.
21	Q	Is that document from Pedneault Associates as contained
22		in Exhibit 13 that you are looking at now, correct?
23	А	Is it Exhibit 13, this is Exhibit 13. Right.
24		MR. RUGER: I have marked as Deposition

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1		Exhibit 21 several pages which are paper clipped
2		together with a title letter to William Bauer from
3		Patrick Murray stating, enclosed herewith please find
4		the following information concerning the above matter;
5		NIOSH Current Intelligence Bulletin 40, January 13,
6		1984; Material Safety Data sheet for MCPP or CMPP from
7		Dow; article entitled, Rushing, that's i-n-g, Roulette
8		by Peggy Garvey; and USAF OEHL Technical Report.
9		THEREUPON, Bauer Exhibit 21 was marked for
10		identification.
11	Α	Yes.
12		MR. RUGER: I would like to note that
13		attached to the cover letter is a letter which has
14		already been identified, that being from Dow, John M.
15		Tichon as well as a material safety data sheet from
16		Dow. Withdrawn, not from Dow, but for what appears to
17		be Akzo, A-k-z-o, Zout Chemic Nederland, B.V. There
18		are also a couple of pages from the Department of Labor
19		attached. I don't see the article by Peggy Garvey or
20		the USAF OHEL Technical Report or the NIOSH Current
2 1		Intelligence Bulletin data attached, or necessarily
22		even the Dow Material Safety Data Sheet.
23		Exhibit 22 is an again a letter from Dr.
24		Michael Kelly, but attached to this letter is a cover

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1		letter to Dr. Bauer from Patrick Murray dated March 14,
2		1988 stating, enclosed herewith please find a copy of ϵ
3		letter which I received from Dr. Kelly. Please be
4		advised that a main component found in the MCPP was
5		Endrin. This is a very dangerous pesticide.
6		THEREUPON, Bauer Exhibit 22 was marked for
7		identif ication.
8		MR. RUGER: Dr. Bauer, do you have the
9		understanding that Endrin is a very dangerous
10		pesticide?
11	А	I believe it has potential of being dangerous, yes.
12	Q	What type of dangers does Endrin have the potential
13		for?
14	Α	My concern would be that it can damage the nervous
15		system if it were to be ingested or one were to have a
16		significant exposure, that it could damage the central
17		and peripheral nervous system.
18	Q	Do you know \mathbf{if} the damage that Endrin could cause on
19		the central nervous system could be reflected in visual
20		evoked potential testing results?
2 1	А	It could.
22	Q	Do you know if it could be reflected in auditory
23		withdrawn brain stem auditory evoked potential
24		responses?

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2	Q	Do you	know	i f	it	could	be	reflected	i n	some
-		audios	neory		oka	dnote	anti	ial testin	a 9	
•••		auuroso	5 II S O I Y	Cν	OVE	α ροισ	τnι	lai testin	g :	

It could. Ļ А

0 Do you know what type of changes one would see in relation to auditory evoked potential responses as a result of Endrin the central nervous system toxicity? А You could see alteration of the amplitude and the latencies, both short and intermediate. The longer 10latency would be questionable. I don't think there's 11 any data on that,

120 What about alterations in visual evoked potentials? 13 А I would feel the relationship there would be to delay 14 of the M-75 or N-1, P-100, P-1 or N-2 could be both 15 shifted in latency and altered in amplitude. 16 Could one have varying combinations of these delays, 0 17 that being N-1, N-71, P-100 or N-2, or would one expect

18 to find delays in all of them?

19 Α You can get variances I suppose.

20Q What would one expect to see if there was central 21 nervous system toxicity as a result of Endrin regarding 22 some audiosensory evoked potentials?

23 Α Again, the delay of latency in alteration of the 24amplitude, and I look, particularly in our laboratory,

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1		at the lumbar potential and the cortical, for the
2		tibial, the 35 to 45 millisecond latency. For the
3		median or upper limb, I look at herb's point,
4		brainstem, thalamocortical and cortical projections.
5		So that would be the herbs generally is eight to ten
6		millisecond parameter. Then basically the cortical
7		would be the 22, and in between that would reflect the
8		latencies from cervical cord through the
9		thalamocortical projections and you could get reduction
10		of the amplitude or shifting of the latency delay,
11		variably the combination.
12	Q	Here is the answer to one of your questions earlier.
13		MR. RUGER: As Exhibit 23 a ocument
14		which has a cover letter on it to Dr. Bauer signed by
15		Juanita Clark indicating that, enclosed is a copy of
16		the MRI they took at the request of Dr. Susan Benes or
17		Bains, B-e-n-e-s, is this the document you were looking
18		for earlier, Doctor?
19	Α	Yes, that's the document I was looking for.
20		MR. RUGER: Mark that as Exhibit 23
2 1		please.
22		THEREUPON, Bauer Exhibit 23 was marked for
23		identification.
24	Q	All right, the date of this document, the cover letter
	1	

1		is April 19, 1988. The date of the MRI was 8/19/1987.
2		Under that date, there is a line with some handwriting
3		in pencil, it says date was there. Do you recognize
4		that handwriting, Doctor, it says, date was there?
5	А	No, I do not recognize that handwriting. That was
6		generated, I think, it looks to me, I'm not sure.
7		Whoever Juanita Clark is, she may have altered that
8		document. I did not do that.
9	Q	Do you have any understanding as to what that notation
10		means?
11	Α	Date was there?
12	Q	Yes.
13	А	I would expect that that means that that was the date
14		that the patient underwent the test. And that the 20th
15		it was typed and that it was ordered by Dr. Benes of
16		EYE, and it was on Alvin Clark. That's the computer
17		annotation of the study which is generated at the Ohio
18		State University.
19	Q	On the cover memo, the date April 19, 1988, is that the
20		date that you received this document or thereabouts?
21	А	Roughly, that would be correct, after that I would
22		suspect.
23	Q	Prior to that time, did you see this document in any
24		way?

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1	A	No, I just saw that recently, and thought I had seen an
2		MRI and that's it.
3	Q	Do you know who Dr, Susan Benes is, B-e-n-e-s?
4	A	Benes?
5	Q	Benes.
6	A	I'm not sure. I suspect that she might be an eye
7		doctor, ophthalmologic, I believe, Let's see if we
8		can, maybe I saw her name. No, I don't know that
9		physician.
10	Q	Do you know who Dr. Brogan, B-r-o-g-a-n, is?
11	A	I think Dr. Brogan is a radiologist at the Ohio State
12		University. And I believe that the other doctor,
13		Chakeres is, I think, a resident. I'm not sure, but I
14		believe that this relates to this document generated a
15		MRI study.
16	Q	Do you know either of those two doctors?
17	A	Personally, no.
18	Q	Have you had any conversations with them?
19	A	No, I have not.
20	Q	Have you had any conversations with Dr. Susan Benes?
2 1	А	No, I have not.
22	Q	Have you received any correspondence other than what's
23		reflected in Exhibit 23 from eny of those physicians?
24	А	No, not at this time,

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1	Q	And you don't know who Juanita Clark is, correct?
2	A	No, I don't. No, I don't know Juanita Clark directly,
3		no.
4	Q	Doctor, in the last session of your deposition you may
5		have reviewed some pathological data on central nervous
6		system effects of MCPP. Pursuant to the subpoena and
7		notice to produce, you were asked to search and produce
8		that material. Were you able to local any that was
9		pathological data?
10	Α	Those articles you have would represent that.
11	Q	Okay, have you seen or heard of any further psychiatric
12		or psychological testing being done on Mr. Clark other
13		than what you did?
14	А	Not to my knowledge.
15	Q	There had been some indication in your previous
16		depositions that you may have wanted follow up in that
17		area. Have you asked Mr. Murray to follow-up on that
18		type of testing?
19	A	Not at this time.
20	Q	Do you know if Mr. Clark has had any psychological or
21		psychiatric testing done in relation to this case?
22	Α	Not other than what \mathbf{I} have done and \mathbf{I} believe my
23		records reflect, and I think you have seen them. And
24		the only thing subsequent to that is a, he's had a

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	1	·
1		northern California Neurobehavioral Group Cognitive
2		Status Exam. Other than that, no, he has not had any
3		further testing to my knowledge.
4	Q	Could I see that testing from the Northern California
5		Group?
6	А	Sure.
7		MR. RUGER: Let the record reflect that
8		that is now dated what is incorporated into what has
9		been previously marked as Bauer Deposition Exhibit $2^{\frac{4}{2}}$
10		THEREUPON, there was a discussion off the
11		record.
12		MR. RUGER: I have gone through what has
13		briefly been marked as Bauer Exhibit 2 as well as 2-1
14		and $2-2$. And there are a few other pages that are to
15		be included as further exhibits since they have been
16		added since the last deposition. And we will mark
17		those and ask for copies of these. The first page,
18		which we will mark as Bauer Exhibit 2-3 is a one-page
19		document with writing on both sides dated 3/9/88 to
20		3/10/88, which appears to be results of further
2 1		examination done in Dr. Bauer's office on Alvin Clark;
22		is that correct, Doctor?
23	А	Correct.
24	Q	And there is also a handwritten notation on the back of

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1		that page, 3/10/88, which appears to be examination of
2	I	when you met with Mr. Clark further, correct?
3	А	Correct.
4	Q	Okay, for the record, could you please interpret what
5		your handwriting is there under the notation of
6		3/10/88?
7	А	Which part?
8	Q	This handwritten notation that appears underneath the
9		slash?
10	А	That appears that that's a, he saw, I think, a Dr.
11		Young or somebody, and Dr. Kelly. fie saw him in
12		Cincinnati. And I questioned whether he had some
13		testing in November of 1987, I think by Dow Chemical
14		Company. And the rest of it is basically S, he's tired
15		and weak, patchy memory difficulties, calculations,
16		trouble with his telephone number, trouble remembering
17		and associating people's names with their faces, still
18		having trouble with his vision, more on his left than
19		his right eye. And he was having difficulty with
20		tightness and tingling in his arms and legs,
21		particularly in the right foot. And he had seen his, I
22		think he might have seen a chiropractor, I'm not sure.
23		Cold, he felt and complained of coldness in his hands
24		and feet and then it's got a slash and my handwriting,

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1		again, after the examination, had reduced ankle
2		reflexes, reduced sensation to the pin distally eyes
3		and the rest of the exam the same. And the rest, I
4		believe, is typewritten and would reflect what's above
5		and you can read fairly easily continuing through where
6		my signature is here. The second sheet is marked
7		Neurobehavioral Cognitive Status Examination Test
8		Booklet and I believe it's self explanatory and I have
9		interpreted it here for you to read.
10	Q	By here, you mean under the entry of 3/9/88?
11	Α	Right.
12	Q	On what is being marked as Exhibit 2-3?
13	Α	Subsequent things that you have already had previously,
14		that's not changed.
15		THEREUPON, Bauer Exhibit 2-3 was. marked for
16		identification.
17	Q	And it's both sides. And we will mark as 2-4 the
18		Neurobehavioral Cognitive Status Examination Test
19		Booklet; and I have paper clipped those pages for you.
20		THEREUPON, Bauer Exhibit 2-4 was marked for
2 1		identification.
22	Q	And 2-4 consists of five pages. Dr. Bauer, on the top
23		left-hand corner of what has been marked as Exhibit 2-4
24		appears the name next to examiner of C. McClure, is

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1		that the Kathy McClure that works in your office?
2	A	Yes.
3	Q	And is she the one that administered this test to Mr.
4		Clark?
5	А	Correct.
6	Q	On 3/10/88 as reflected in Exhibit 2-3, did you
7		re-examine Mr. Clark on that day?
8	А	Yes, I have asked and answered that question in a
9		previous discussion of that paper, too.
10	Q	Was further evoked potential testing done on Mr. Clark
11		at that time?
12	А	That would have been, which I think you have already,
13		you haven't paper clipped that, would be dated
14	Q	These are the old ones?
15	А	Let's see. I think you have both of these, I believe
16		you have the '86 and '87, those are not new.
17	Q	My question was
18	Α	I don't think, the answer is no, there were not, to my
19		knowledge, any new evokes conducted at that time.
20	Q	Since your last deposition on November 13, 1987, has
2 1		any thermography been done on Mr. Clark?
22	А	I don't think so. It's not in my recollection.
23	Q	Has any test been done on Mr. Clark to determine
24		whether or not he is having changes in heat or cold on

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1		his body which is due to physiological conditions?
2	А	Not at this time.
3	Q	Have you brought any other materials with you today
4		relating to this case that have not been marked other
5		than these here?
6	А	You have this book and this journal. I think I
7		referred to this in prior, I think you, in fact, asked
8		about the guidelines yourself of the I.
9		Electroencephalographic Society, these are produced,
10		Volume 1, No. 1, 1984.
11		MR. RUGER: The doctor has handed me,
12		Journal of Clinical Neurophysiology, Volume 1, Number
13		1, 1984 Ravin Press, okay, contains the American
14		Encephalographic Society guidelines for clinical evoked
15		potential studies.
16		THEREUPON, there was a discussion off the
17		record.
18	Q	Are these the guidelines which are followed by your
19		office regarding evoked potential testing?
20	А	We used them initially to set up the lab when I was at
21		the Memorial Hospital. 1 use them as a guideline, but
22		basically that's, as you can see in '84 recommendation,
23		we use them as a source of reference, but I do not, nor
24		does any laboratory use them to the exact word. They

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1		are guidelines, I use them as a guideline.
2	Q	Are there any other guidelines which are followed in
3		your office regarding evoked potential testing other
4		than what's reflected in what I will mark as Exhibit
5		24?
6	А	We use that as a reference, we use the Defendant's
7		Exhibit 4 that you have already looked at, the TECA,
8		which is the recommendation of the or the guidelines
9		that are provided for the EP40 Sensor, which you
10		already have. And I have brought the, some of the data
11		sheet work that was done back in the beginning of this
12		piece of equipment. It's not something that has to be
13		done, but it was done with this for the auditory and
14		the visual components as normal data for the particular
15		piece of equipment. And basically some TECA equipment
16		on their own applications bulletin, and I have here the
17		computer interface that we don't use, the data on
18		that. That data you can look at in a moment.
19	Q	Other than these materials which you have now
20		identified, are there any other guidelines which are
21		followed by your office in relating to evoked potential
22		testing?
23	Α	Those aren't guidelines, those are basically sources of
24		reference. The only guideline is that there, which is

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1		a source of reference. The other information would be
2		gleaned from the literature and from our knowledge of,
3		our understanding of evoked potentials as the
4		literature progresses and the data comes in.
5		MR. RUGER: Okay, we will mark as
6		Exhibit 24, and we will ask for a full copy of this
7		whole thing, what has already been identified as the
8		guidelines from the American Encephalographic Society.
9		THEREUPON, Bauer Exhibit 24 was marked for
10		identification.
11	Q	Okay, and could I please see the folder, Doctor, which
12		had the other materials in it?
13		MR. RUGER: Okay, I'll mark four
14		documents as Exhibits 25 A through D, which are or
15		appear to be the results of testing of various persons
16		regarding various evoked potential testing. Mark the
17		first document which begins with Diane Conrad, age 36,
18		as Exhibit 25-A.
19		THEREUPON, Bauer Exhibit 25-A was marked for
20		identif ication.
21	Q	Doctor, I show you what's been marked as Exhibit 25-A,
22		could you describe for the record what that document
23		is?
24	А	There is several pages containing patients or person's

1		names, and there are latencies performed and, in this
2		instance, brainstem auditory evoked potentials.
3	Q	Were those data that are reflected in Exhibit 25-A used
4		to compile the norms that are used by your office
5		regarding that type of testing?
6	А	Yes, they were used to assist.
7	Q	When you say used to assist, could you be more
8		elaborate as to what you mean by that?
9	Α	Well, this data plus what you see reflected there and
10		the literature that exists, that's not only in that,
11		but as you can see, that was the beginning of that
12		journal and that's
13	Q	Exhibit 24?
14	Α	Which is Volume 1, Number 1. All of those issues, and
15		also the replication of the Electroencephalographic
16		Society, Clinical EEG, and there is a literature on
17		evoked potentials would be used, all of that to keep
18		abreast of the potentials in terms of their latency,
19		amplitude, and information as to their source, the
20		diapoles that exist in the brain or that generate these
21		potentials and that ongoing work.
22	Q	Okay.
23	А	So it would be part of that.
24	Q	The document that you have also referred to in

l		answering that question I'm holding in my hand, and
2		that's a document which I will mark as Exhibit 26, has
3		title on top, Evoked Potential Testing, auditory; is
4		that correct, Doctor?
5	A	Right, visual at the bottom.
6	Q	Visual at the bottom, all right. And marked as Exhibit
7		25-B a document which has the name Molly Dodge, age 25,
		appearing at the top as the first name on the document.
ſ		THEREUPON, Bauer Exhibit 25-B was marked for
1(identification.
1:	Q	Dr. Bauer I hand you what has been marked as Exhibit
12		25-B, could you please describe what that document is?
13	A	These are people's names, ages and it reflects the
14		visual evoked data.
15	Q	And were those data used to establish the norms for
16		your office regarding that type of testing?
17	A	They were used to assist.
18	Q	In the same manner in which 25-A was compiled, correct,
19		when you say assist?
20	Α	Correct, correct.
21		MR. RUGER: And I'll mark as Exhibit
22		25-C a two-page document with the name Jim McLaughlin,
23		age 44, on top, and the third column after age has the
2 4		word T-h-r-e-son top column to differentiate it from

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1		what will be marked as 25-D.
2		THEREUPON, Bauer Exhibit 25-C was marked for
()		identification.
4	Q	I hand you what has been marked, Doctor, as Exhibit
5		25-C and what is this document?
6	А	More brainstem auditory evoked responses, data base.
7	Q	Were those data used to also help establish the norms
8		that are in your office regarding that type of testing:
9	А	Yes.
10		MR. RTJBGER: And then I'll mark as
11		Exhibit 25-D, the last document which also has the name
12		Jim McLaughlin on top, age 44, the third column
13		indicates I.
14		THEREUPON, Bauer Exhibit 25-D was marked for
15		identification.
16	Q	I hand you what has been marked, Doctor, as Exhibit
17		25-D, and could you please describe what that document
18		is?
19	А	More visual evoked data.
20	Q	Were those data also used to compile the norms for your
21		office?
22	Α	They were used, yes.
23		MR. RUGER: Mark as Exhibit 26 what I
24		have already identified as being a document half a page

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1		with the evoked potential testing auditory on top and
2		visual at the bottom.
3		THEREUPON, Bauer Exhibit 26 was marked for
4		identification.
5	Q	And I hand you what has been marked as Exhibit 26,
6		Doctor, what is this document?
7	А	It summarizes the data for the auditory and the visual
8		and indicates the data base regarding wave forms one
9		through five as you can see the data giving the
10		average, the ranges and
11	Q	Under female in the box, in parentheses is 13-43, what
12		does that stand for?
13	А	That would be age.
14	Q	Would that same be true for males?
15	А	Right.
16	Q	And do these data that are indicated here under four,
17		for example, Wave 1, 111, V, etc., indicate the
18		averages that were derived from testing the number of
19		patients that are indicated as being the N equals 13
20		under female or N equals eight under male?
2 1	Α	It was derived from the data base sheets 25 B, C, B and
22		Α.
23	Q	Okay, so then these data that are indicated here would
24		be the norms or the means of the norms and the range

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1		and the mode for the norms that are used in your
2		office?
3	А	It would be used as a guideline, that's correct.
4		MR. RUGER: I mark as Exhibit 27 A
5		through D, four documents which are, appear to be
6		prepared by TECA indicating TECA Applications Bulletin,
7		TAB, one being Brainstem Auditory Evoked Response, the
а		second being Pattern Reversal Visual Evoked Potentials,
9		the third being Sematosensory Evoked Potentials, and
10		the fourth being Evoked Potential Recording Small
11		Multipurpose Instruments; and we will mark them in that
12		order.
13		THEREUPON, Bauer Exhibit 27 A through D were
14		marked for identification.
15	Q	Dr. Bauer, I show you what hes been marked as exhibits
16		27 A through D, and could you just briefly describe
17		what these four documents are?
18	А	They are bulletins that are put out by TECA and the
19		company on their equipment, and basically just
20		summarize some data about brainstem, visual and sensory
21		evoked potentials.
22		MR. RUGER: Now I'll mark as Exhibit 28
23		a number of pages which appears to be from a larger
24		document with the first page being TECA Corporation,

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1		Apple Interface Kit, Installation Instructions and
2		ending with a two-pave Appendix A.
3		THEREUPON, Bauer Exhibit 28 was marked for
4		identification.
5	Q	Okay Doctor, I hand you what has been marked as
6		Deposition Exhibit 28; and what is this document?
7	А	It's the TECA recommendations for the interfacing of ar
8		Apple computer to the EP40 Sensor.
9	Q	That appears to have come from a larger source, is
10		there another part of this document that exists?
11	А	No, that's part of the data that came with it. I don't
12		use the Apple Interface, so it's taken away from the
13		operating manual because we do not use the computer.
14	Q	So you don't use then the interface as described in
15		Bauer Exhibit 28, correct?
16	А	No, that is not, the instrument is portable and it's
17		not necessary.
18	Q	Is there any computer interface that you do use other
19		than this?
20	А	No, I have already indicated to you that there is no
2 1		computer interface. It stands alone as the EP40 Sensor
22		that you have already, I presume, reviewed with Mrs.
23		McClure this morning and has the data on that piece of
24		equipment which is, as a unit, does the evoked

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1		potentials as it sits and does not require an interface
2		except for other technical reasons that I don't use it
3		for.
4	Q	Other than the examination which has been marked as
5		Bauer Exhibit 2-3, have you examined Mr. Clark any
6		other times?
7	Α	N o .
8	Q	Are there any x-rays of Mr. Clark that you have $\frac{f}{4}$
9		reviewed?
10	Α	I think I have asked and answered that guestion. I
11		think there are x-rays, but I have not what's your
12		question again, please? I think we have already
13		discussed that. What's your question?
14	Q	My question is: Are there any x-rays of Mr. Clark that
15		you have reviewed and, I think, you have' indicated that
16		there are, correct?
17	А	I believe I have reviewed those previously with you. I
18		have not done anything new; I think we have already
19		discussed those x-rays, but
20	Q	Do you know where those x-rays are?
2 1	Α	No, I do not. They could be in the hospital, 1 don't
22		know where they are at. I do not have those x-rays.
23		MR. RUGER: Okay, those x-rays, Mr.
24		Murray, we will call for the production of them.

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1		MR. MURRAY: You mean the actual films?
2		MR. RUGER: Yes, or reproductions of the
3		x – r a y s .
4		MR. MURRAY: He doesn't have them.
5		MR. RUGER: If the doctor has reviewed
6		them, the Court order says that any photos, exhibits,
7		or other materials that he has looked at or reviewed in
8		relation to this case should be produced. If the
9		doctor doesn't have them, but you had access to them or
10		Mr. Clark had access to them to allow the doctor to
11		look at them, we are entitled to also see those x-rays.
12		MR. MURRAY: I don't know, Have you
13		looked at the actual films?
14	Α	No, I reviewed with you the reports, I did not look et
15		the films, but he can ask for whatever he wants to, \mathbf{I}
16		suppose.
17	Q	Okay.
18	Α	But I'm certainly not going to produce them.
19	Q	Do you recall what hospital those x-rays were from, if
20		any?
2 1	Α	I think they were Sandusky hospital's and I think you
22		have already reviewed the MRI which was Ohio State,
23		right, Columbus?
24	Q	We marked it here today.

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1	А	Pardon?
4	Q	We have marked it here today, the MRI results.
1	А	Right. Yes, you have that document, and you have the
Ļ		other documents.
Ę	Q	So you have not looked at the actual films, you have
E		just looked at the reports of x-rays?
7	А	That's what I have indicated to you, I believe,
E		repeatedly.
9	Q	Pursuant to the Court order, you were to produce any
10		and all documents reflecting consultations with
11		attorneys, plaintiffs or defendants in respect to
12		litigation and whether or not it led to deposition or
13		trial testimony. Do you have that information with
14		you?
15	А	No, I don't have a tally sheet like that; I think I
16		indicated that to you. I think we already discussed
17		the memory part as to defense and plaintiff, didn't we
18		already go over that? I think I even did one for Dow,
19		that may be in your records, I think I represented Dow
20		in Cleveland, defense.
2 1	Q	Have you prepared any other reports or letters
22		regarding Mr. Clark since November 13, 1987?
23	Α	No, sir.
24	Q	Do you have the norms for the audiosensory evoked

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1		potential which you use in your laboratory? We have
2		got the auditory and the visual?
3	А	No, I did not produce for the median or the tib al as I
4		used the norms for the peripheral portion to the spinal
5		cord from my EMG laboratory which would cover latencies
6		to the spinal cord which would be at twelve
7		milliseconds. And the subsequent latencies that I used
8		were essentially from the guidelines and from the
9		literature. And I used basically the lumbar potential,
10		which would be for the tibials basically at six through
11		eleven milliseconds, predominantly the amplitude
12		portions. And I think I have already indicated to you
13		the cortical potential, 35 to 45. And the medians, I
14		have already, I believe, indicated to you I'm
15		interested in the herbs point and he cortical
16		component; really the 23 millisecond latencies. And
17		therefore, I did not replicate those as I did not feel
18		that was necessary. It's already been done.
19	Q	Do you have any data such as you have and is reflected
20		in Exhibits 25-A through D, regarding some audiosensory
21		evoked potentials that you have maintained?
22	Α	The question has been asked and answered. And as I
23		have indicated to you, in doing these now in our
24		laboratory five years, I have got a picture right on

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		the back, if you trouble yourself to look, indicating
		the latencies that we're particularly interested in and
		I have already asked and answered that.
	Q	Do you know who Dr. Young is; you indicated briefly
		that there was an indication?
	А	No, I do not.
	Q	In your previous deposition session, you indicated tha
٤		you had heard that Mr. Clark was going to see a
ç		physician in Toledo; do you know who that was?
10	Α	No.
1	Q	Have you done any EMG testing on Mr. Clark other than
1		what has already withdrawn. Since your last
1		deposition of November, 1987?
l	4	N o .
l	Ş	Hes all of the testing that you have done on Mr. Clark
10		up until this point in time, have those results been
1.		produced in the exhibits that have been marked in all
18		three of your depositions?
19		What is the question again?
20		Has the results of any and all testing that you have
21		done on Mr. Clark been identified and produced and
22		marked as exhibits in the three deposition sessions
23		that you have had in this case?
24	Α	I believe.

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l		THEREUPON, Mr. Kainski entered the room.
2	Q	Other than the psychological testing which has already
3		been identified as one of the exhibits in today's
4		deposition, do you know of any other psychological or
5		psychiatric testing that has been done on Mr. Clark?
6	A	I do not,
7	Q	Pursuant to the Court order, you were to produce all
8		documents which you have prepared relating to the
9		illness, symptoms or claims of any person other than
10		the plaintiff in this action, who claim or claimed
1		injury as a result of exposure to MCPP herbicide; do
1		you have any such documents?
1		MR. MURRAY: I think we can say, you
ŀ		čen't know of any, do you?
1:	Α	No, I don't.
l€		MR. MURRAY: I wouldn't produce those
17		MR. RUGER: It's pursuant to the Court
18		order, Mr. Murray.
19		MR. MURRAY: There are none that exist,
20		but I wouldn't, I don't think
2 1		MR. RUGER: That would be something that
22		you would take up with the judge, correct?
23		MR. MURRAY: Well, I think that the
24		MR. RUGER: Pursuant to the Court order,

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	you were to produce all documents which show the number
	of claimants, patients or clients which you have seen
	in the past who are exposed to MCPP herbicides; do you
	have any such documents?
A	What's that again?
Q	All documents which show the number of claimants,
	patients, or clients which you have seen who were
	exposed to MCPP herbicides?
A	Same question I believe, or same request. This is the
	case.
Q	All right, so this case is the only one that you are
	aware of?
A	I don't have any other right now of record.
Q	Have you had any discussions with any psychologists
	relating to Mr. Clark since your last deposition of
	November 1987?
А	No •
Q	Have you had any conversations or discussions with any
	psychiatrists relating to Mr. Clark since your last
	deposition?
A	Not at this time.
Q	Have you had any discussions or conversations with any
	other physicians relating to Mr. Clark's since your
	last deposition?
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1	A	No.
2	Q	Have you referred Mr. Clark to any other physicians,
3		you personally refer him, since your last deposition?
4	Α	Not at this time.
5		THEREUPON, there was a discussion off the
6		record and there was a short recess.
7	Q	Dr. Bauer, when did Mr. Clark first begin experiencing
8		breathing difficulties as a medical problem?
9	Α	The question breathing problems as a mental? f_{μ}^{f}
10	Q	Medical.
11	Α	As a medical problem?
12	Q	Yes.
13	Α	I don't recall, I would have to look at the records.
14	Q	Did Mr. Clark ever tell you, as reflected in Exhibit 2
15		through 2-4 when he first began experiencing breathing
16		difficulties?
17	Α	I don't recall that issue.
18	Q	Do you know when Mr. Clark first began experiencing
19		numbness in his legs?
20	Α	He indicated that was subsequent to the exposure.
21	Q	Do you know when Mr. Clark first began experiencing
22		numbness in his legs?
23	Α	That was just after the exposure which was back in '84.
24	Q	That's your understanding as you sit here today,

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correct?

4	А	Right. I believe I have indicated that previously,
		too.
Ļ	Q	Do you know when Mr. Clark first began experiencing
Ē		tightness by his rib cage?
E	А	Not exactly.
5	Q	Do you know if it was after his exposure?
E	A	I believe it was.
3	Q	Do you know when Mr. Clark first began experiencing
10		persistent tightness about his neck and shoulders?
11	А	I'm not sure about that.
12	Q	Do you know if it was after exposure?
13	А	He indicated that to me in my handwritten note of
14		January 23rd of '86.
15	Q	Did he indicate to you at that time that. he began
16		experiencing difficulties after his exposure?
17	А	1 believe, I'm not sure.
18	Q	As you sit here today, do you know if he had breathing
19		difficulties before or after his exposure?
20	A	He might have had both.
21	Q	Do you know?
22		MR. MURRAY: Are you asking him to review
23		all of the records?
24		MR. RUGER: I'm asking him as he sits

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1		here, does he know.
2		MR. MURRAY: As he sits here in '88
3		without the benefit of having gone back over all the
4		records?
5		MR. RUGER: Well, the doctor has written
6		some reports, he's got his records in front of him on
7		the examination
8	А	What report did I write?
9	Q	The history
10		MR. RUGER: The letter, he's got his
11		records here in front of him as to the history that Mr.
12		Clark gave him.
13	А	You have them all in front of you now.
14		MR. MURRAY: You're asking him about
15		specific symptoms? If you want him to go back and
16		review the previous records.
17		MR. RUGER: I'm not asking that, Mr.
18		Murray, I'm asking the doctor, based upon his meetings
19		and examinations and interviews with Mr. Clark, if
20		reflected in the records which he has in front of him
21		right now, which are exhibits 2 through 2-4, if it
22		indicates to him in those records when Mr. Clark first
23		began experiencing breathing difficulties. That's the
24		question.

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2	A	MR. MURRAY: All right. The answer is, I believe I've already told you, the
3		records reflect that it was subsequent to the exposure
		that he had those difficulties. I think I have already
		answered that previously.
	Q	Now my next question is, have you learned otherwise
		since the time that Mr. Clark spoke to you?
	A	Have I learned otherwise what?
	Q	That he had breathing difficulties before exposure?
1	Α	I don't recall. But I would be happy to review the
1:		records to see if he did have breathing, troubles prior
1:		to the exposure.
13	Q	From your recollection, you don't recall seeing that
1		information, correct?
1	Α	I don't recall that he had a significant breathing
١·		problem prior to that.
1'	Q	Okay, when did you obtain materials that are reflected
18		in Exhibit 13, or Exhibit 13 itself; when did you
19		obtain that?
2c	Α	That would hav been subsequent to when I last met with
21		you and prior to today, sometime in the last month or
22		two I would expect.
23	3	Have you reviewed Exhibit 13?
24	4	Yes.

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1	Q	Have you reviewed the medical records which are
4		contained in Exhibit 13?
	А	Yes.
4	Q	As you sit here, do you recall in your reviewing of
E		those medical records any information which would
e		indicate that Mr. Clark had breathing difficulties
7		prior to his exposure from your recollection?
f	А	May I see the record?
ç	Q	Do you need the record to refresh your recollection?
1(А	Yes, I would like to. Because I think I've already
11		asked and answered that, but I would like the
12		opportunity to re-look at that.
13		MR. RUGER: Let the record reflect I'm
14		handing the doctor Exhibit 13 now.
15	Α	My response is, as before, that I don't recall seeing
16		anything like this prior; and subsequent, it would
17		appear in the records of Dr. Nielsen.
18	Q	Thank you.
19	А	And that the patient indicated to me would reflect what
20		I have indicated to you to be accurate the best I can
21		recollect unless you wish to show me documents
22		different.
23	Q	Do you know when Mr. Clark first began experiencing
24		tingling in his legs?

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	А	Subsequent to the exposure.
	Q	Is paresthesia the same as tingling?
	А	Similar.
	Q	What is your understanding, based upon your interview
		of Mr. Clark, of his family's history of neurological
4		problems?
	Α	I don't know of any family history of a neurological
((problem similar to this. I don't know of any familial or genetic neurological disease that exists in that $\frac{1}{2}$
1(family.
1:	Q	You have Exhibit 2-1 in front of you, the first page
12		which is the 12/3/86 notation on Mr. Clark. In the
1:		second paragraph of that document it indicates, no
14		family history of neurological disease and other than
15		some surgical procedures. What is that and other than
16		some surgical procedures refer to?
17	А	That he has not had any significant neurological
18		disease of genetic or acquired genetic consequence,
19		that he's enjoyed good health accept for those surgical
20		procedures, and that \mathbf{I} have already discussed, that's
21		what that refers to.
22	Q	Do you know what Mr. Clark's family history is as to
23		psychiatric problems?
24	А	I'm not sure that there mightn't be a history of

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neurosis or depression, I'm not sure of that. I'm not sure of the relevancy of that. THEREUPON, there was a discussion off the record. Did Mr. Clark tell you anything about a family history Q of asthma or other breathing difficulties? А I don't recall. He may have. I would acquiese to what the record indicates what the patient said, I don't recall that. 1(Do you know if Mr. Clark has been exposed to other Q insecticides or herbicides other than MCPP? 11 1 Α I believe I have answered that previously and I don't I think some of these are repetitive questions. 1 know. 1. 0 Well, since your last deposition, have you obtained any 1! further information which would indicate: to you that h 16 has exposure to --17 I don't have such evidence. A 18 Do you know if Mr. Clark has been exposed to Aldrin? а 19 I don't have such evidence of exposure. Ł Do you know if Mr. Clark was exposed to PCB's? 20 5 I do not have that evidence that he was. 21 ¥. 22 Do you know if Mr. Clark was exposed to organo, other 1 organo phosphates? 23 I do not have evidence that he has been exposed to such 24

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1		organo phosphates.
2	Q	Did you ask him if he was supposed to organo phosphate
3		and insecticides when you interviewed him?
4	Α	I don't recall. I may have, I don't have any such
5		evidence.
б	Q	Do you know if Mr. Clark was exposed to cutting oils?
7	Α	No.
8	Q	Did you ask him?
9	А	I don't recall.
10	Q	Do you know if Mr. Clark was exposed to hydraulic
11		fluid?
12	A	I don't believe that he has been.
13	Q	Did you ask him?
14	A	I don't recall.
15	Q	Did you know if Mr. Clark was exposed to solvents?
16	A	That's not information that I have now.
17	Q	Did you ask him that information at any time?
18	A	I don't recall.
19	Q	Do you know if Mr. Clark was exposed to solder
20		solution?
21	А	Solder solution, I'm not familiar with the generic
22		name. What constituents are in that solution.
23	Q	It's a mixture of various type of solvents, chemicals?
24	А	I'm not familiar with those.

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-	Q	Do you know if he was exposed to any varnishes?
	A	I don't have that data base.
	Q	Do you know if Mr. Clark takes vitamin B-6?
	А	I don't think so, but he might,
Ι	Q	It doesn't indicate in your records, correct?
f	Α	No.
	Q	Does it indicate in your records of your examinations
٤		or interviews with Mr. Clark what his smoking history
S		is?
l(Α	I'm not sure if he was a smoker- I believe he was.
11	Q	In the records of your office visits with Mr. Clark,
12		did he tell you what he smoked?
13	А	No, I don't have that data.
14	Q	Okay, do you know why Mr. Clark was taking Lopid?
15	А	I believe he was given that by Dr. Nielsen.
16	Q	Do you know for what condition?
17	А	I'm not sure. I think I've discussed that with you
18		previously.
19	Q	As you sit here now, Doctor, do you have any
20		understanding as to why he was receiving Lopid?
2 1	Α	It's not relevant to his nervous system prob'lem, let's
22		put it that way.
23	Q	Do you know why Mr. Clark was receiving Tylenol No. 3?
24	А	I would reckon for pain.

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	Q	Tylenol No. 3 is what, Doctor?
•	Α	It's a pain medicine, it's Tylenol with codeine, it's ϵ
		pain medicine.
4	Q	Codeine can affect the central nervous system, can it
I		not?
£	Α	Possibly.
4	Q	Isn't it related to morphine?
E	Α	Well, remotely I suppose,
ç	Q	What are the side effects of C deine?
10	Α	Drowsiness, pain relief, constipation.
11	Q	Do you know if it's pain relief activity is centrally
12		mediated?
13	Α	Probably.
14	Q	Do you know if its drowsiness is due to central nervous
15		system effect?
16	А	Probably.
17	Q	Do you know if its anti-tussive effect is due to a
18		central action?
19	Α	Could be central and/or peripheral.
20	Q	Do you know how many milligrams of Codeine are in
21		Tylenol No, 3?
22	Α	1 think it's 32.
23	Q	Do you know for what medical conditions he was
24		receiving that medication?

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	A	No, but I think Dr. Nielsen might be able to answer
		that.
	Q	Do you know why Mr. Clark was receiving Motrin?
	A	I suspect for arthritic or joint complaints.
	Q	Do you know when he began receiving that medication?
(A	Not exactly,
	Q	Do you know what doseage he was receiving of that
ŧ		medication?
<u> </u>	A	No.
1(Q	Do you know when Mr. Clark was receiving Feldene?
1]	A	It's another anti-inflammatory, Procan.
12	Q	Do you know when he received it?
13	A	(Nod indicating no.)
14	Q	Do you know what dosage he was receiving?
15	A	N o .
16	Q	Do you know specifically for what medical condition he
17		was receiving that medication?
18	A	Probably arthritic complaints,
19	Q	What were his arthritic complaints?
20	A	They are in the records there.
2 1	Q	When you examined Mr. Clark, did he tell you about his
22		arthritic problems?
23	A	He might have,
24	Q	Is that reflected in your notes?
22 23	A	arthritic problems? He might have,

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1	А	I don't recall. I believe we have asked and answered
		these and nothing has changed since I talked to you
		last.
	Q	Do you know why Mr. Clark was receiving Parafon Forte??
	А	I would reckon for muscle aches and pain.
	Q	Do you know when he was receiving that medication?
	А	Not exactly. I'm sure the records will reflect it.
	Q	Do you know if Mr. Clark had any type of withdrawn.
		Do you know what Aminophyllin is?
1	Α	Well, it's a respiratory stimulate.
1	Q	Do you know what it's used towards?
1	А	Generally for asthmatic patients.
1.	Q	Do you know if Mr. Clark was receiving Aminophyllin?
ŀ	A	The records will probably reflect that he did from Dr.
1:		Nielsen.
l€	Q	Does Aminophyllin have central nervous system side
17		effects?
18	Α	It can.
19	Q	What are those sides effects?
20	Α	It can make them anxious, tense, feel exhilarated.
21		High doses intervenously have been reported with death
22		probably on a cardiac basis, not a central nervous
23		system.
24	Q	Do you know what dosage of Aminophyllin Mr. Clark

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1		received?
2	A	No, no.
3	Q	Do you know if he was taking Aminophyllin when came to
4		see you for examination?
5	Α	I don't believe he was on it at the time of the
6		examination.
7	Q	Did you ask him specifically if he was taking
8		Aminophyllin?
9	A	He would have been asked to document the medicines. $\frac{f}{d}$
10		For example, on the first visit, I think we have
11		reviewed those; I last saw him on the 10th, he was on
12		no medicines, and ${f I}$ think ${f I}$ have already reviewed the
13		prior records with you, on the 10th he was on nothing.
14	Q	You specfically asked him if he was on medications on
15		that date?
16	Α	That's what the record reflects that I have asked and
17		answered, and that's what it indicates.
18	Q	Do you know what Brethine is?
19	А	It's another respiratory medicine .
20	Q	Do you know what the generic name of it is?
21	A	Not offhand.
22		MR. MURRAY: What's the name of that?
23	Q	Brethine.
24	А	B-r-e-t-h-i-n-e.
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Ι	Q	Do you know if it's got central nervous system side
2		effects?
3	А	It could have, any medicines can be a central nervous
4		system side effect that crosses the blood brain
E)		barrier.
6	Q	Did Mr. Clark describe for you at any time what the
7		odor was like that he thought he smelled while he was
а		exposed to MCPP?
9	А	1 don't recall him telling me that. I think I have
10		been asked and answered that previously. I think he
11		can indicate that to you. I: don't recall that. He
12		told me that there was an odor, that he indicated that
13		some people may have smelled fumes before ventilation
14		took place. That's what I have already indicated to
15		you previously.
16	Q	Did you go into him in any depth as to what he smelled,
17		what the smell was like?
18	А	I don't recall, but he can speak for himself.
19	Q	Did Mr. Clark ever describe for you or did you ever ask
20		him to describe what the substance looked like that he
21		thought he was that he was exposed to?
22	Α	I don't recall.
23	Q	Did he tell you where he was when he was exposed?
24	Α	I think he did. My understanding, I believe he was

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1		within the bed of a truck, I'm not sure, moving it
2		around, I don't know, I don't recall.
IJ	Q	Do you know how large the truck was?
4	A	No.
5	Q	Do you know what the temperature was in the truck?
б	А	N o .
7	Q	Do you know if there was any ventilation in the truck
8		when he was in there?
9	А	Initially, I don't think there was, because he
10		commented that there was ventilation subsequent.
11	Q	So as far as you're understanding is, though, when he
12		went to the truck there was no ventilation, correct?
13	A	Possibly, the record will speak for itself.
14	Q	Do you know how, if the material that he was exposed to
15		was in the solid form or liquid form? .
16	А	I thought it was solid, powder.
17	Q	Do you know how close he came to the material?
18	Α	I don't have the distance readout, no.
19	Q	Do you know if there were any other chemicals in the
20		trailer at the time that he was allegedly exposed to
21		MCPP?
22	А	No.
23	Q	Do you know what Mr. Clark's drinking history is?
24	А	No, I don't have a quantitation of his alcohol

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1		consumption, no. I do not know him to be an alcoholic.
2	Q	Do you know if he drinks a six pack a day?
3	А	I don't think that's so.
4	Q	Do you know if he drinks a six pack a week?
5	А	${f I}$ don't have that information, ${f I}$ don't think that's
6		so. He will answer that for you.
7	Q	Do you know if Mr. Clark has any hobbies?
8	Α	I believe he does.
9	Q	Do you know what those are?
10	Α	Oh, I can't recall.
11	Q	Is that information indicated anyplace in any of the
12		documents which have been marked as Exhibits 2-1
13		through 2-4?
14	А	He may have, I don't recall. Possibly, I don't recall.
15	Q	Why, if at all, would it be important for you to ask
16		people about their hobbies in this type of case?
17	А	Maybe possible exposure to chemicals, and my
18		recollection was that I don't recall that he has had
19		any exposure to anything that would produce this
20		problem. He can answer that.
21	Q	Do you know if he works on automobiles?
22	А	I think he may.
23	Q	Do you know if he comes in contact with greases?
24	А	It's possible.
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	Q	Do you know if he comes in contact with gasoline?
	Α	Don't we all, it's possible.
	Q	Do you know if he comes in contact with any lead based
		paint?
Ι	А	I'm not sure, I don't think so.
f	Q	Did you ask him if he did?
	А	I may have asked him about what exposure, I don't
٤		recall him telling me that he had significant lead
S		exposure.
1(Q	You didn't note that on any of your records, however,
11		correct?
12	А	No, no, I didn't note that.
13	Q	Okay, do you know what an TLV is?
14	А	Excuse me?
15	Q	An TLV?
16	А	TLV?
17	Q	Right.
18	Α	(Nod indicating no.)
19	Q	Do you know how that term would be used by OSHA?
20	А	Toxic level.
21	Q	Do you know how that terms may be used by the ACGIES?
22	А	Possibly, I really doubt. The qu stio as asked is
23		generic .
24	Q	Do you know if there is an TLV for MCPP?

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	A	I'm sure there is.
-	Q	Do you know what that is?
:	А	Not offhand.
L	Q	Do you know if there are food tolerances for MCPP?
Ę	A	I'm sure that's been established; probably would want
E		it to be zero.
5	Q	Do you know if they exist?
٤	А	Possibly.
S	Q	Do you know who would establish those?
10	А	I would expect the governmental agency.
11	Q	Do you know which one?
12	A	Probably could be a number, it could be Food and Drug
13		or it could be OSHA.
14	Q	Do you know what a STEL is, a STEL?
15	А	No, put it into English, I might know.
16		MR. MURRAY: What was the question, what
17		is what?
18		THEREUPON, the Reporter read the requested
19		portion of the record.
20	Q	Can Indocin affect the central nervous system?
21	А	It's been asked and answered previously, my answer
22		would be same as it was the last time you took the,
23		same question.
24	Q	Do you recall what that answer was?
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1	А	Possible, it would have been possible. Again,
2		possible.
3	Q	Do you know if he was taking Indocin when he came to
4		see you on February 5, 1986?
5	A	Asked and answered, I don't believe he was, but it's
6		possible.
7	Q	Do you know if he came, he was on Indocin when he came
8		to see you on September 9, 1987?
9	A	I don't have that information,
10	Q	All right, you didn't speak to him that.day, correct,
11		as your last testimony has indicated?
12	А	Which day?
13	Q	The day of September 9, 1987?
14	А	I don't recall that, right.
15	Q	Do you know how large an area was covered by the
16		alleged smell of MCPP in the trailer?
17	A	No, I don't have an area map readout.
18	Q	You don't know what the temperature was in the trailer,
19		correct?
20	А	Asked and answered,
21	Q	Do you know what time of year it was when he was
22		exposed?
23	A	I believe that's asked and answered.
24	Q	When was that?

а.
	А	It was winter, January '84.
4	Q	That's reflected in your notes?
	А	Asked and answered.
Ą	Q	Correct?
E	А	Asked and answered,
E	Q	It's been reflected in your notes, correct?
7	Α	Right.
Е	Q	You haven't ordered any EMG's on Mr. Clark, why is
9		that?
10		MR. MURRAY: Are you talking about since:
11	А	The first part is asked and answered. The second part
12		is, there has been one done, and third response would
13		be, I may do one, I don't know.
14	Q	When was the one done that you know of?
15	Α	It's in these documents I think.
16	Q	That's part of Exhibit 13?
17	А	Right, Dr. Brausch did it.
18	Q	Do you recall what the results of Dr. Brausch's nerve
19		conduction velocity testing was?
20	А	I believe the record reflect, 1 believe they were
21		normal.
22	Q	Do you recall what the results of his EMG was?
23	Α	The record will speak for itself. I think it may have
24		been normal, I'm not sure, the records will speak for

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1		itself. Dr. Brausch will speak for himself.
2	Q	Do you know what Mr. Clark's responsibilities were
3		regarding his job?
4	A	I don't have that, I don't have a list of his job
5		requirements, I don't.
6	Q	Not his requirements, his responsibilities?
7	А	He was working handling merchandise, loading, shipping,
8		that sort of thing. I don't have a delineation of
9		that, the company would have that.
10	Q	You don't know what type of merchandise he was
11		handling, correct?
12	А	1 don't have the records of that, no.
13	Q	You had noted in the first day of your deposition
14		withdrawn. Do you know if Aminophyllin could affect
15		evoked potentials?
16	A	I don't think there's any data base on that.
17	Q	From your own experience, have you ever noted any types
18		of effects of persons taking that medication?
19	Α	No, I have not.
20	Q	Do you know if Codeine can affect evoked potential
21		testing?
22	Α	I don't believe it would affect the short intermediate
23		latencies. Perhaps on the cortical latencies, but I
24		don't have any data on that. I don't think there's any

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l		published literature on that.
2	Q	Do you know if Parafon Forte could affect evoked
3		potential testing?
4	Α	I don't believe there's any data on that.
5	Q	Do you know if it could?
6	A	I don't have any evidence that it does that, no.
7	Q	Do you know if Indomethacin can?
8	A	I don't believe so.
9	Q	Do you know if Clinoril can?
10	A	I don't believe so.
11	Q	Do you know if Ibuprofen can?
12	A	I don't believe there's such data on that,
13	Q	Do you know if PCB's can?
14	Α	I believe that they can.
15	Q	Do you know if hydraulic fluid may have an affect on
16		evoked potential testing?
17	A	It could.
18	Q	Do you know what type of effect it can have?
19	A	Same effects I've described to you previously.
20	Q	Do you recall what those were?
2 1	А	I believe we indicated latency changes, amplitude
22		changes and mixtures of the above.
23	Q	You indicated in day one of your deposition on August
24		20, 1987 that you have had, in the past, limitations

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1		placed upon your activities. What were those
2		limitations?
3	А	1 don't recall that.
4	Q	Questions were as follows: Have you ever been
5		discharged from any position? No. Have you ever been
6		disciplined at any position? I'm not talking about
7		before the medical societies now, I asked you that
8		before and you said no, I'm asking you in terms of any
9		of your jobs. Answer, uh huh. What type of discipline
10		did you have at that time?
11	Α	1 have never been disciplined. I don't know, where are
12		you reading from?
13	Q	Page 56 of your first day's deposition?.
14	Α	Can I see it?
15		MR. MURRAY: They may have put an huh uh.
16		MR. RUGER: Let the record reflect I
17		showed the doctor page 56 of the first day of his
18		deposition, lines 12 through 18. Does that refresh
19		your recollection?
20	А	It says huh uh, that means no. You have a reading
21		problem; and in addition, I notice the deposition is
22		not signed by me or indicating that I had corrected
23		that. Any limitations placed on your activities, yes,
24		that's incorrect, that's not true.

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]	Q	That's not true, okay?
4	Α	Have you been asked to resign, no. No.
	Q	Okay, could I please have my deposition copy back?
4	А	Sure you can. Okay.
Ę	Q	Okay.
6	А	Let the record reflect that Counselor has an unsigned
7		inaccurate document in his hands.
8	Q	Okay, I understand, Doctor, that you waived the f
9		signature on your deposition for the first two volumes:
10	Α	It doesn't mean I waived inaccuracy.
11		MR. RUGER: Since you have taken the
12		position that this document is unsigned and inaccurate,
13		we are going to request that the doctor review all
14		volumes of the deposition and sign them, and correct
15		any errors that are contained therein? •
16	Α	How about your errors, will you correct your own,
i7		please? I assume that you will sign it as well. You
18		have made a few of them.
19	Q	So have you, sir.
20	А	Thank you. That pleases me.
2 1	Q	You get the chance to correct them.
22	А	Hopefully.
23	Q	Dr, Bauer, have you brought with you a copy of your
24		curriculum vitae?

1	А	No. That was given to you have previously.
2	Q	You're not a board certified toxicologist?
3	А	No. Asked and answered previously.
4	Q	Not a epidemiologist, correct?
5	Α	Correct.
6	Q	Not a rheumatologist, correct?
7	А	Right.
8	Q	Have you published anymore papers other than the six $\frac{f}{4}$
9		that you had published as of 1980?
10	А	Not published yet, no.
11	Q	Okay, since your last deposition, you haven't published
12		any papers relating to phenoxy herbicides, have you?
13	А	No.
14	Q	You haven't done any studies related to phenoxy
15		herbicides?
16	А	No.
17	Q	You haven't published any papers specifically relating
18		to MCPP, have you?
19	А	No.
20	Q	Since your last deposition, you haven't done any
21		studies other than your involvement in this case
22		relating to MCPP, correct?
23	Α	N o .
24		THEREUPON, the Reporter read the requested

l		portion of the record.
2	Q	Just so the record to be clear, you haven't done any
3		studies on MCPP since your last deposition, correct?
4	A	Right.
5	Q	Do you have any publications being prepared or in the
6		process of being prepared relating to MCPP?
7	A	N o .
8	Q	What about on phenoxy herbicides?
9	A	No.
10	Q	Do you have any publications in the process of being
11		pr epar ed?
12	A	Yes.
13	Q	On what topic?
14	A	Carotid artery, ultrasound and the use of
15		methylprednisolone and morphine for the control of
16		acute pain and by the intrathecal route.
17	Q	Are you still working on your Ph.D.
18	А	Yes.
19	Q	How long have you been working on your Ph.D.?
20	A	A few months.
21	Q	When did you begin working on your Ph.D.?
22	A	Within the last several months.
23	Q	What is the topic of your Ph.D. thesis, if any?
24	А	It is probably going to be on a related subject to pain

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1		and control of pain.
2	Q	Where are you working on your Ph.D., with what
(7)		institution?
4	Α	Medical College of Ohio in Toledo.
L)	Q	What area are you seeking a Ph.D.?
6	Α	Medical science.
7	Q	Have you attended classes?
а	Α	Not yet.
9	Q	When do you intend to begin attending classes?
10	Α	Probably in the fall.
11	Q	How many credits are required for you to obtain your
12		Ph.D. at the Medical College at Toledo?.
13	Α	1 don't have that information because I have graduate
14		work that you can see from the curriculum and other
15		potentially acceptable stuff, or work or courses for my
16		M.B. or M.D. degree, and that hasn't been calculated
17		yet. So I can't answer that, It has not been
18		ascertained .
19	Q	Have you submitted an application to the Medical
20		College of Toledo for a Ph.D.?
21	Α	Yes, I have.
22	Q	Have you received a letter of acceptance into that
23		program?
24	Α	I have been interviewed and I have been accepted. I've

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1		answered the nature of that as best I can because it's
4		still in its embryonic stages in terms of the amount o
5		course work I'm going to need. It's probably going to
4		be two or three years at least.
5	Q	Do you recall who interviewed you?
6	А	There were four or five people.
5	Q	Any of their names?
8	А	Dr. Yasting, a Dr. Panski, Dr. Rogers, an
9		anthropologist, I don't recall his name offhand. And
10		there was also an invertebrate anatomist that was
11		interested in shark placenta, I don't recall his name
12		either offhand.
13	Q	Other than going through these initial steps, have you
14		done anything else in relation to this Ph.D. work?
15	А	I've accumulated the data on the carotid: artery
16		ultrasound and on the intrathecal use of the
17		medications.
18	Q	Does the Medical College of Toledo have any type of a
19		bulletin or anything which has this program in it that
20		you are aware of?
21	Α	No, I don't think that would be a customary thing.
22	Q	When you interviewed with these faculty of the Medical
23		College of Toledo, where did that interview take place?
24	А	Oh, several months ago, I don't recall the exact dates.

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	Q	Where did it take place, not when?
:	А	At the Medical College.
	Q	On the campus?
4	А	Yes.
C	Q	Do you recall what building?
€	Α	Anatomy building, science building.
1	Q	Do you know what the tuition is at the college, the
E		graduate course work?
ç	А	ې No.
1(Q	Do you know how many courses you will be taking next
11		fall if you do begin a program?
12	Α	Not at this time. When I get that data, I'll be happy
13		to send it to you if you have proper authority. I
14		don't have that data yet as to the classes and the
15		tuition etc., etc., it's not really meaningful to you.
16	Q	What degree do you have in the area of medicine?
17	А	M.D. degree.
18	Q	Where did you obtain that M.D. degree?
19	А	University College of Dublin, Ireland.
20		MR. MURRAY: It seems to me that we have
21		been through this area before. This is not a
22		re-deposition, this is a continuation of a deposition.
23	Q	The degree that you received from the University of
24		Dublin was an M.D. degree?

	А	It was an M.B. B.C.H. B.A.O.
	Q	It's not an M.D. degree, correct?
	А	Asked and answered.
4	Q	In the Irish system of education, there is a Doctor of
I		Medicine degree, is there not?
E	А	Asked and answered.
4	Q	Is there a doctorate degree in the field of medicine in
8		Ireland, sir?
ē	Α	Asked and answered.
10	Q	Is the answer yes or no?
11	Α	Yes.
12	Q	You have the undergraduate degree, you don't have the
13		graduate degree, correct?
14	А	Correct.
15	Q	Graduate degree is a bachelo of medic e, correct?
16	А	Pardon me?
17	Q	The undergraduate degree is the bachelor of medicine,
18		correct?
19	А	Correct.
20	Q	It's not a doctorate, correct?
21	А	It's not a Ph.D. The equivalent to a Ph.D. is the M.D.,
22		that's been asked and answered.
23	Q	So when you state you have an M.D. degree, in fact, you
24		don't have an M.D. degree, correct?

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	A	Yes, I do have an M.D. degree that you have when you
		return or if you function within the system of the
		United States, you function with the degree given to
		you by the state; State of Ohio issues an M.D. degree.
r		I'm still degreed and registered in Ireland and England
t		as a M.B. B.C.H. B.A.O.
	Q	When did the State of Ohio issue and you an M.D.
٤		degree?
ç	А	That would have been when I was licensed back in '67.
lC	Q	Did they give you a diploma that says you have an M.D.
11		degree now?
12	A	No, it's an assignation from the state, that's the
13		statute of the state.
14	Q	When you filled out your affidavit to practice medicine
15		in this state, did you fill that out accurately?
16	А	Sure.
17	Q	You wouldn't misrepresent anything on an affidavit to
18		the state to practice medicine, would you?
19	А	The state board is the one that makes that decision.
20		They know when you graduate from Ireland that you are a
21		bachelor of medicine, and that the equivalent degree
22		here is an M.D. degree. So I was asked when I started
23		here to use the assignation M.D. and not M.B. B.C.H.
24		B.A.O.

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1	Q	The M.D. degree in the United States is a graduate
2		degree, is it not, sir?
3	A	I don't know what you are talking about, you go to a
4		medical school like you go in Ireland.
5	Q	You go to a medical college after undergraduate
6		college, do you not?
7	Α	Sure.
8	Q	In Ireland the bachelor of medicine degree is a college
9		level degree, is it not?
10	Α	Of course not.
11	Q	It's not a graduate degree, is it, sir?
12	Α	It's the same as this degree, of course, it is.
13	Q	In the Irish medical system of education, persons go
14		right from secondary school into medical school; isn't
15		that correct?
16	A	No, that's incorrect.
17	Q	How many years of college on an undergraduate level do
18		persons in Ireland go through the English system of
19		education before they receive the bachelor of medicine?
20	Α	They have a leaving certificate which is equivalent of
2 1		two years of college in this country.
22	Q	An associates degree?
23	Α	And then they go to a bachelor, or they go through a
24		year of pre-med and then they go into medicine school

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1		which is graduate as it is here.
2	Q	Isn't it a fact, sir, that the Irish medical system and
3		their education is a four year degree after their
4		secondary college, and the secondary education which is
5		the equivalent of American high school?
6	А	It's not only not true, but it's not relevant. It's
7		inaccurate. It's a five year program, plus the pre-med
8		is six, and they come in with a leaving certificate,
9		which is equivalent of two years of college.
10	Q	Two years college in the United States ends up with an
11		associates degree, correct, if you complete it?
12	А	I don't know of any associates degree in the Irish
13		system.
14	Q	Okay, do you have anything from the State of Ohio which
15		states that you, William R. Bauer, have now an M.D.
16		degree?
17	А	I have a certificate hanging on my wall that says in
18		the State of Ohio that I'm registered and have the
19		license number 30383 which they directed to me as
20		William R. Bauer M.D. unlike the University of Dublin
21		or the National University degree that you have in your
22		hand, which is going to be M.B. B.C.H. B.A.O.
23	Q	In the British system of medicine or the Irish system
24		of medicine, persons who have your degree don't use the

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1		initials M.D.; isn't that correct?
2	Α	They use M.B.
3	Q	And the people who have the doctorate degree in
4		medicine, they use the initials D.M., correct?
5	Α	If they have a Ph.D., the equivalent of the Ph.D. here
6		then they would use M.D.
7	Q	Is this a copy of your diploma from the University of
8		Dublin?
9	А	, Right,
10		MR. RUGER: Mark this as. Deposition
11		Exhibit 29.
12		THEREUPON, Bauer Exhibit 29 was-marked for
13		identification.
14	Q	Now, what has been marked as Exhibit 29 indicates a
15		bachelors in medicine as well as in surgery and in
16		obstetrics, correct?
17	А	Right.
18	Q	I show you, Dr. Bauer, a document from the State of
19		Ohio, the State and Medical Board, application for
20		examination for certificate to practice medicine; have
21		you ever seen this document before, sir?
22	А	Yes.
23	Q	Is the signature which appears on the back of that
24		document under signature, above signature of the

		applicant, your signature?
	А	Right.
	Q	And that's a notarized signature, correct?
	A	Right.
	Q	Okay, on the first page of this document which we will
ť		mark as Exhibit 30.
		THEREUPON, Bauer Exhibit 30 was marked for
٤		identification.
5	Q	On the first page of this document under number six, a
10		medical education, it states here 1965.University
11		College of Dublin, Ireland, M.D. degree, does it not?
12	А	Right.
13	Q	In fact, that's not the degree you received from the
14		University of Dublin; is that correct?
15	Α	Correct.
16	Q	It's an inaccurate statement, is it not?
17	А	N o .
18	Q	Okay, you don't have any diploma from the University of
19		Dublin that says William R. Bauer, William Randolf
20		Bauer, M. D., do you.
2 1		MR. MURRAY: That has been asked and
22		answered twelve times.
23	Q	As you sit here today, do you know of any
24		over-the-counter medications, non-prescription

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1		medications, which would affect evoked potential
2		testing?
3	A	Not offhand. You would have to be more specific.
4		Anything is possible.
5	Q	As you sit here today, do you know of any prescription
6		medications which would affect evoked potential
7		testing?
8	A	Possibly.
9	Q	Which ones possibly may affect it?
1	Α	I don't know of any that this patient has been on.
1	Q	Do you know of any in general that may affect evoked
1		potential testing?
1	А	Well, the medicines that suppress levels of
ŀ		consciousness could potentially alter the cortical
1;		evoked potentials.
16	Q	Anything else?
1	Α	No.
1:	Q	Looking at what has been marked as Bauer Exhibit 6,
19		there is a yellow sheet of paper attached to this with
2c		a date 8/28/87. What does that date represent?
21	Α	That represents a date on the yellow piece of paper
22		that was put there,
23	2	Is that the date at which you received this article?
24	7	I don't know. I didn't generate it.

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1	Q	From where did that article come?
2	А	Pardon me?
3	Q	From where did you get that article?
4	А	It came from the Allen Memorial Library, Case Western
5		Reserve.
6	Q	Did receive in article prior to that date?
7	А	I don't recall.
8	Q	Would the same answer be true for Exhibit 7?
9	А	Correct.
10	Q	So you don't recall if you received that article prior
11		to 8/28/87, correct?
12	А	Serially for the remainder of the days.
13	Q	Regarding Exhibit 6, what information on Exhibit 6 are
14		you using to form any opionions in this case?
15	A	Information within the article.
16	Q	The whole article?
17	А	In general.
18	Q	Anything specific in this article that you are using to
19		form your opinions in this case?
20	А	Parts that relate to the nervous system, and the same
21		serially for the rest, parts that relate to the central
22		and peripheral nervous system in any of the literature
23		I would be interested in.
24	Q	In the case report on the first page, the very first

1		sentence that says, a 26-year-old man entered a
2		hardware store and ingested approximately 160 mL of
3		Dexol, and next to that it has a paren with
4		rhlorpyrifos, do you know what that is?
5	Α	It's an organic chemical.
6	Q	Do you know what type of organic chemical?
7	А	Not exactly, I would suggest that probably it has
8		chlorine and a benzene nucleus, I don't know.
9	Q	Do you know what it's used for?
10	Α	Not exactly.
11	Q	Is there anything specifically in this paper which
12		discusses specifically nervous system effects of MCPP
13		itself?
14	А	They describe here the discussion of HPLC of 2, 4-D and
15		MCPP, but other than that, I don't see anything that's
16		specifically, as you asked, delineates that out.
17	Q	And Exhibit 7, is there anything in this article in
18		particular which you are relying upon to form any
19		opinions in this case?
20	Α	Just the nervous system portions.
21	Q	Which portion is that?
22	Α	The part that relates to the nervous system.
23	Q	Could you identify for the record which part of this
24		Exhibit 7 relates to the nervous system?

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A	Those parts that would describe any affect upon the
	central or peripheral nervous system,
Q	Where in that paper are those matters discussed?
A	There is nothing directly in this.
Q	Is there anything indirectly in that?
А	Anything that isn't direct would be indirect, so that
	the whole article would go indirect.
Q	What is the subject of this article which is Exhibit 7?
A	Exposure of Finnish Farm Workers to Phenoxy Acid
	Herbicides.
Q	What does the article deal with?
A	Just that.
Q	Do you know if it's a study on the excretion of phenoxy
	herbicides?
Α	There's some data in there on that.
Q	Does this article specifically discuss
	MR. MURRAY: I'm going to object. The
	question on these articles, These articles speak for
	themselves, He brought the article in, I don't think
	you have a right to ask him what these articles say,
	They speak for themselves. We are wasting time.
	MR, PIERCE: Mr. Murray, the doctor
	claims he used these articles to form an opinion. We
1	certainly have a right to find out the basis he used
	Q A Q A Q A Q A Q A

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l		the articles.
2		MR. MURRAY: He says he's read these
3		articles. Some of them he's used for background
4		information, some of them he may have used, but these
5		articles speaks for themselves.
6		MR. RUGER: May I have what I was just
7		asking read back, please?
8		THEREUPON, the Reporter read the requested
9		portion of the record.
10	Q	Does this article specifically discuss withdrawn.
11		Refer to Exhibit 8. What in Exhibit 8 are you relying
12		upon, what information?
13	Α	Generic and specific information. It's a case of
14		poisoning with 2,4-D and Mecoprop and I would be
15		interested on effects of the central and: peripheral
16		nervous system.
17	Q	So it's the case which deals with the combination of
18		2,4-D and MCPP, correct?
19	А	Right.
20	Q	And this is not a case of MCPP itself?
21	А	Not in that one there, no.
22	Q	It's a case where a schizophrenic male deliberately
23		ingested approximately 75 mL's of the chemical in
24		question, correct?

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1	A	Right.
2	Q	I show you Exhibit 9, what has been marked at Exhibit
3		9, and ask you in this publication what specifically
4		are you relying upon regarding this case?
5	A	The same as before, same answer, I don't see anything
6		specific in here.
7	Q	Does that paper specifically discuss MCPP as having
а		cause and effect by itself?
9	A	No.
10	Q	It's a case of combined poisoning, correct?
11	А	Correct, similar compounds.
12	Q	And finally, on Exhibit 10, what in this Exhibit are
13		you relying upon?
14	А	Same.
15	Q	And again, that's a combination poisoning, correct?
16	А	Correct.
17	Q	Regarding Exhibit 11, what specifically in this Exhibit
18		discusses MCPP?
19	А	It's not specific, it's generic.
20	Q	What in this document are you relying upon to help form
21		opinions in this case?
22	A	Just that the phenoxy herbicides have a potential of
23		carcinogenesis.
24	Q	This case doesn't deal with carcinogenesis, does it?

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	A	Not at this time.
	Q	And showing you what has been marked as Exhibit 12,
		what in this exhibit are you relying upon to form
		opinions in this case?
	А	The same as the previous.
	Q	Okay, what is Exhibit 12?
	А	It's the editorial for that article in JAMA.
	Q	That being Exhibit 11, that article in JAMA, correct?
	А	That's what it's marked.
1	Q	Just referring back to Exhibit 11 again, does this
1		paper mention MCPP at all?
1:	А	I don't recall seeing that in there.
1:	Q	Would you briefly go through the paper and see if it
14		mentions MCPP at all?
1!	А	I don't recall it being in there.
1(Q	Does Exhibit 12 mention MCPP?
17	А	I don't believe those initials were used in that
18		article either.
19		THEREUPON, there was a discussion off the
20		record.
2 1	Q	Are there any other papers or documents in your
22		possession either with you or in your office which
23		relate to Alvin Clark which you have not brought with
24		you today or produced at any earlier session?

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1	Α	Not that I can think of, but that's possible, there
2		might be.
3	Q	Do you know if there are, as you sit here today, having
4		done a search in response to the Court order, etc.?
5	Α	Not at the moment.
6		MR. RUGER: I'm just going to state that
7		the doctor has indicated that he may do further testing
8		and further examinations of Alvin Clark prior to trial;
9		and if he does, we will, of course, expect that any new
10		dat generated from such examinations of testing is
11		supplied to us and then we reserve the right to
12		redepose the doctor on any new materials. With that I
13		have no further questions at this time.
14		MR. MURRAY: Anybody have any questions?
15		MR. KAINSKI: I have a few.:
16		CROSS-EXAMINATION OF WILLIAM R. BAUER, M.D.
17		BY MR. KAINSKI:
18	Q	My name is Dale Kainski, I represent Lesco, Inc., one
19		of the Defendants in this lawsuit. I understand that at
20		one time you held the title of Assistant Clinical
21		professor at Case Western Reserve University; is that
22		correct?
23	Α	Yes.
24	Q	How long did you hold that position?

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1	А	Until Dr. Foley retired, which would have been about			
2		1982.			
3	Q	How long did you hold that position?			
4	А	'69 to '82.			
5	Q	Who advised you of your termination?			
6	А	I was never terminated.			
7	Q	You were requested to leave, weren't you?			
8	А	I was not requested to leave.			
9	Q	You were requested to tender your resignation, were you			
10		not?			
11	Α	I offered my resignation.			
12	Q	Who requested you to tender your resignation?			
13	А	That would have been Dr. Daroff.			
14	Q	How do you spell that?			
15	Α	$\mathbf{D}-\mathbf{a}-\mathbf{r}-\mathbf{o}-\mathbf{f}-\mathbf{f}.$			
16	Q	When did he ask you to tender your resignation?			
17	А	Sometime after Dr. Foley retired and he took over the			
18		department.			
19	Q	Did he tell you why he asked you to tender your			
20		resignation?			
21	Α	No.			
22	Q	And you did then tender your resignation?			
23	A	Right, I wasn't actively teaching.			
24	Q	You were also censored by the faculty at Case Western			

:		Reserve University, were you not?
	А	That's incorrect. There's no evidence of that.
	Q	You have heard that said before, have you not?
4	Α	Nope.
r	Q	Isn't it a fact that you were censored because of the
€		opinion of the faculty you were spending an inordinate
-		amount of time testifying in lawsuits?
£	A	I have no such censorship and that is a malicious
č		unfounded litigious attack upon my credentials similar
1(to the other counsel here with the state medical
11		degree.
12		MR. MURRAY: I want to get out of here,
13		Bill, please.
14	Q	The fact is you were fired from Case Western Reserve
15		University, were you not?
16	Α	That's not true.
17	Q	Do you still hold a teaching position at the Medical
18		College of Toledo?
19	A	Yes.
20	Q	What title is position?
21	A	Assistant Clinical Professor.
22	Q	How long have you held that position?
23	А	A couple of years, three years.
24	Q	How much of your time do you spend teaching?

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	А	I generally have about six medical students a year, so
		they would be there with me six months; I have one
		there with me now.
	Q	On a weekly basis, what percentage of your work week
		would you say would be devoted to teaching?
I	A	Oh, if they are with me from the time I leave in the
		morning until the evening, it would be that period of
4		time until, in this instance, sent them back to Toledo
ç		today.
1(Q	Well, would you say that it would represent ten percent
11		or fifty percent or a hundred percent of your time
12		during the week?
13	А	I didn't calculate that.
14	Q	Can you give us your best estimate?
15	Α	Well, I just gave you an answer. If I have six or
16		seven students and they are with me six or seven
17		months, Monday through Friday and Saturday rounds with
18		some of them, you can calculate that out yourself.
19	Q	Well, I can't calculate it on the facts that you have
20		given me because they are insufficient. Now, you do do
21		other things that is, perhaps, practicing as a
22		physician, correct?
23	Α	Neurologist, right.
24	Q	And you do spend time testifying in litigation

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1		lawsuits; is that correct?
2	А	As people are injured, that's right.
3	Q	How much of your time would you say you spend on an
4		average weekly basis, percentage wise, in the practice
5		of neurology?
6	А	Ninety, 95 percent.
7	Q	And of that remaining five to ten percent, how much
8		time is spent with your students teaching?
9	А	If they are with me, it would be one hundred percent.
10		They are learning with me as they are with me all day.
11		They are actively with me. When they are here, they
12		stay right out next to me, near my house, I pick them
13		up in the morning and they are with me all day. So I'm
14		practicing and teaching, it would be seven months as
15		I've indicated to you.
16	Q	There's no time when you were with them that you are
17		simply teaching and not practicing medicine; is that
18		correct?
19	А	Say that again please.
20	Q	Is there any time during the day when you're with your
2 1		students that you were merely teaching them or only
22		teaching them and not practicing medicine?
23	А	Right, that would be the time that we are traveling and
24		I'm talking to them about the cases or where I

נ		specifically instruct him about the case after we have
2		left the room or as part of the examination.
Ξ	Q	And how much time would you say you spend on an average
4		week testifying in lawsuits, whether it's in the
Ę		courtroom or in depositions like this one today?
6	А	Probably less than two or three times a month.
7	Q	Have you ever been reprimanded or censored by any local
8		state or national medical associations?
9	Α	Never.
10	Q	Or any c rtifying authorities?
11	А	Never;
12	Q	Have you ever participated in any educational seminars
13		as a lecturer?
14	Α	Y e s.
15	Q	Would that include seminars directed to attorneys?
16	А	Y e s.
i7	Q	How many would you say in the past?
18	А	Maybe two or three.
19	Q	And would that include seminars sponsored by Mr. Murray
20		of his firm?
2 1	А	That would be one.
22	Q	When was that seminar held?
23	А	I think two years ago.
24	Q	Do you work on any other cases for Mr. Murray?

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1	А	Y e s.
2	Q	How many would you say?
3	А	Patrick Murray, maybe one or two that have injuries to
4		the nervous system,
5	Q	I'm talking about cases currently pending.
6	А	Right.
7	Q	Any other cases?
8	Α	Not that I'm aware of.
9	Q	How about with his firm, other people in his firm?
10	А	I'm sure there are other cases, I'm the only
11		neurologist in the area, so if there is a nervous
12		system injury and they represent the client and I'm
13		taking care of the patient's nervous system, then I'm
14		going to be a part of that process.
15	Q	Were those types of injuries in this general area?
16	А	No, I don't recall another exposure. I think I have
17		already asked and answered that when you weren't here.
18	Q	No, I'm going to what you were saying is you're the
19		only neurologist in the area. So you handle generally
20		those kinds of cases for Murray's firm?
21	А	Right, until Dr. McGookey starts getting involved.
22		MR, MURRAY: Let me. He doesn't handle
23		anything for my firm. Dr, Bauer is the only
24		neurologist in the area, Dr. Brausch used to come down

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1		here, I don't know if he still does. Dr. Brausch
2		specifically rejects all trauma cases, he won't go to
3		court, so he tells people if they come in with an
4		accidents, he ain't going to see them. So he's the
5		only guy that sees trauma. Is that a fair
6		characterization?
7	А	I don't represent your firm, I see the patients who
8		have an injury with whom you represent, so it's an
9		indirect process. He knows the answer to his own $$
10		you jerk.
11	Q	Does Mr. Murray refer patients to you?
12	А	I don't have any specific records. I would suppose if
13		he had somebody that wanted a nervous system injury
14		that he wanted an opinion on, he might send that
15		patient to me; you might want to depose Mr. Murray.
16	Q	Does Mr. Murray ever advise you when he is sending a
17		patient to you €or examination?
18	Α	I don't recall him doing that.
19	Q	Pardon me?
20	A	I do not recall him doing that.
2 1	Q	Do you ever refer any of your patients to Mr. Murray?
22	A	I may have sent somebody that was looking for a lawyer
23		to him, I may have sent them to someone else.
24	Q	How many other law firms in this area have you worked

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		for?
4	А	Probably seeing people on behalf of most of the firms
1.1		in this city, defense and Plaintiff.
2	Q	Would that go beyond Sandusky into other areas, other
E		cities?
t	A	I indicated in, I don't have a tally sheet of those
7		things.
E	Q	But a substantial number of firms you're talking about,
ç		r i g h t ?
10	Α	No, no. There's no record that reflects that I spend
11		an inordinate amount of time testifying on behalf of
12		patients.
13	Q	Well, you don't maintain those kinds of records, right?
14	A	No, you would have them, it's public record- If there
15		is a look through the files, you can find that,
16		that's a public record.
17	Q	Do you record in your appointment book when you have
18		meetings with Mr. Murray?
19	A	If I were to have one in my office and he were to book
20		in, yes,
21	Q	Do you record in your appointment book when you were
22		scheduled for depositions such as today's?
23	Α	Yes, that would be in that book,
24	Q	And do you record in your appointment book when you

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		would be appearing at trial?			
	Α	I might if I had to cancel out patients; otherwise,			
		it's not an appointment of a patient, so I wouldn't			
1		have the appointment book has scheduling of patients			
ſ		in it, it doesn't have trial dates.			
€	Q	Do you maintain any other calendar or appointment book			
7		other than an appointment book for patients?			
٤	Α	No. They give me reminders of where I have to be, what			
ç		I have to do, other than seeing my patients.			
1(Q	You're saying the only appointment book that you			
11		maintained or that your staff maintains for you is for			
12		patients?			
13	А	And I might have in there, if there is a deposition			
14		scheduled that particular afternoon after the patients,			
15		that would be in that book.			
16	Q	Is this all in one appointment book or are we talking			
17		about several appointments books?			
18	Α	There's only one, to my knowledge, that the girls keep.			
19		MR. KAINSKI: I have no further questions.			
20		MR. MURRAY: Please get out of here.			
2 1		MR. HART: Short Freight has no			
22		questions.			
23		/s/			
24					

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CERTIFICATE STATE OF OHIO)) SS. COUNTY OFERIE) I, Brenda S. Huntley, Registered Professional Reporter and Notary Public within and for the State I aforesaid, duly commissioned and qualified, do hereby certify that the within named WILLIAM R. BAUER, M.D. ŧ Was by me, before the giving of his deposition, first duly sworn to testify the truth, the whole truth and nothing but the truth; that the deposition as above set forth was reduced to writing by me by means of 8 Computer-Aided Transcription; that the signing of the . ç deposition by the witness was waived by counsel; that the reading and signing of the deposition was 10 specifically waived by the witness; that the said deposition was taken pursuant to Notice and was completed without adjournment; that I am not a relative 11 or attorney of either party or otherwise interested in the event of this action. 12 13 IN WITNESS WHEREOF, I have hereunto set my hand and seal of office at Sandusky, Ohio this 🖉 day of 14 <u> </u>, 1988. 15 16 17 HUNTLEY REPORTING SERVICE Brenda S. Huntley, RPR, 18 Notary Public 19 P. O. Box 1067 Sandusky, Ohio 44870 20 My commission expires 3/15/91 21 22 23 24

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	CERTIFICATE
	STATE OF OHIO
З	COUNTY OF
2	
5	I certify that this deposition was
6	signed in my presence by WILLIAM R. BAUER, M.D. On the
7	——— Day of ———, 1988.
8	IN WITNESS WHEREOF, I have hereunto set my
9	hand and affixed my seal of office at, Ohio on
10	th is day of, 1988.
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14	Notary Public
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2		<u>EXHIBIT</u>	<u>S</u>
3	Bauer Exhibit	4	Chapter 16
4	Bauer Exhibit	5	Computer Printout
5	Bauer Exhibit	6	Article
6	Bauer Exhibit	7	Article
7	Bauer Exhibit	8	Article
8	Bauer Exhibit	3	Article
9	Bauer Exhibit	10	Article
10	Bauer Exhibit	11	Article from JAMA
11	Bauer Exhibit	1 2	Article from JAMA
12	Bauer Exhibit	13	Booklet
I	Bauer Exhibit	14	Letter 3/3/88
1	Bauer Exhibit	15	Letter 1/2 1/8 8
1	Bauer Exhibit	16	Pesticide Toxicity
1	Bauer Exhibit	17	Chapter 6 on Chlorophenoxy Compounds
1'			Chronophenoxy Compounds
18	Bauer Exhibit	18	Letter from Dow 1/20/84
15	Bauer Exhibit	19	Article
2c	Bauer Exhibit	20	Registry of Toxic Effects
2 1	Bauer Exhibit	2 1	Letter 1/2 4/86
22	Bauer Exhibit	22	Letter 3/14/88
23	Bauer Exhibit	23	4/19/88 Letter
24	Bauer Exhibit	2-3	Office Notes

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	Bauer Exhibit	2-4	Cognitive Status Exam
	Bauer Exhibit	24	Journal of Clinical Neurophysiology
	Bauer Exhibit	25 - A	Norms
1	Bauer Exhibit	25-B	N o r m s
(Bauer Exhibit	25-с	Norms
	Bauer Exhibit	25-D	N o r m s
٤	Bauer Exhibit	26	Evoked Potentials
5	Bauer Exhibit	27 - A	TAB article
1(Bauer Exhibit	27-В	TAB article
11	Bauer Exhibit	27-С	TAB article
12	Bauer Exhibit	27 - D	TAB article
13	Bauer Exhibit	28	Instructions from TECA
14	Bauer Exhibit	29	Diploma
15	Bauer Exhibit	30	Affidavit :
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