

EXHIBIT C

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAYNE PALMISANO and RICHARD)
PALMISANO, individuals,)
)
)
Plaintiff(s),)

vs.) No. C 03-01607 RMW

OLIN CORPORATION, a)
corporation, Standard Fusee)
CORPORATION, doing business)
as ORION SAFETY PRODUCTS, a)
Delaware corporation, and)
DOES 1 through 50,)
)
)
Defendant(s).)

DEPOSITION OF JAMES COWART
Held at SEDGWICK, DETERT, MORAN & ARNOLD
One Embarcadero Center, Sixteenth Floor
San Francisco, California
Wednesday, March 9, 2005, 10:10 a.m.

REPORTED BY: ELAINA BULDA-JONES, CSR 11720



1 Q. Okay. And the last item under background,
2 you reviewed the reports prepared by David Bauer,
3 Eric Nichols, and Neil Shifron; is that true?

4 A. Yes.

5 Q. Did you review any other reports of 11:20AM
6 experts in this case?

7 A. No.

8 Q. Have you reviewed any depositions that
9 have been taken in this case?

10 A. Mr. Chiolero. 11:20AM

11 Q. Other than Mr. Chiolero's deposition which
12 is actually attached to your report, any other
13 depositions that have been taken in this case?

14 A. No.

15 Q. All right. What was the purpose in your 11:20AM
16 mind of reviewing the reports of David Bauer, Eric
17 Nichols and Neil Shifron?

18 A. Well, I wanted to get a general background
19 on the content of their reports, and then,
20 specifically, if they had addressed any of the -- 11:21AM
21 anything in the time frame of Standard Fusee's
22 operations, then I wanted to be able to comment on
23 that.

24 Q. Did you -- taking them one at a time, did
25 you find anything in Neil Shifron's report that 11:21AM

1 commented or addressed the Standard Fusee time
2 frame?

3 A. Not really, no.

4 Q. How about Eric Nichols, same question.

5 A. Same answer, no.

11:21AM

6 Q. Same question for David Bauer.

7 A. Same answer, no.

8 Q. So since they didn't comment on the time
9 period that you're addressing, you didn't have any
10 comment on their reports?

11:22AM

11 A. Correct.

12 Q. Or criticisms of any of their reports?

13 A. No comments of any kind whatsoever.

14 Q. Praise, criticism, anything?

15 A. No comments.

11:22AM

16 Q. Okay.

17 MR. HAGSTROM: He was just bored and
18 wanted to read something.

19 MR. RAPAZZINI: If you want boring, there
20 are some others I could send you.

11:22AM

21 Q. Okay. If you flip to page 3, please, your
22 first opinion.

23 MR. HAGSTROM: I want to get a copy so I
24 don't have to keep looking over his shoulder.

25 MR. RAPAZZINI: Sure.

11:22AM

1 (Whereupon, a brief recess was taken.)

2 BY MR. RAPAZZINI:

3 Q. If you would take a look at page 3,
4 please, your first opinion, Standard Fusee flare
5 manufacturing operations and waste management 11:25AM
6 practices controlled raw materials and product
7 releases and minimized or eliminated product loss.

8 Did I read that correctly?

9 A. Yes.

10 Q. Okay. Then you have Sub A, raw materials 11:25AM
11 storage prevented perchlorate release into the
12 environment. Did I read that correctly?

13 A. Yes.

14 Q. Now we have got a paragraph underneath. I
15 realize that this is -- could be deemed overbroad, 11:26AM
16 but can you tell me the -- all of the sources of
17 materials that -- whether it be documents or
18 interviews, that you relied on in stating the facts
19 contained under Sub A?

20 A. Under Sub A, I referred generally to the 11:26AM
21 documents that we have already referred to. My
22 interviews with plant personnel, my personal
23 observations on the plant visits that I made. And
24 I guess in general I would have to say on this
25 opinion and on others I relied on my experience in 11:27AM

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JAMES COWART

1 required because perchlorate containing materials
2 burn and explode. Exactly.

3 Q. Okay. If we can look at Sub C, one
4 through five come from documents that are attached
5 to your expert report; is that correct? 12:35PM

6 A. That's correct.

7 Q. And six is simply your conclusion from
8 having reviewed items one through five; is that
9 true?

10 A. Yes. 12:35PM

11 Q. Okay. Let's look at opinion number three.
12 There is a Sub A, but it's only A. Which documents
13 are you -- well, which documents are you referring
14 to that provide a basis for the factual statements
15 in Sub A under opinion three? 12:36PM

16 A. What I am talking about here is really an
17 all inclusive conclusion that the waste management
18 and safety plans and requirements at this facility
19 prevented disposal to the air, to the ground, to
20 the ground water at the site. So there is going to 12:37PM
21 be -- I would say all the documents that we have
22 talked about previously feed into this conclusion
23 because it is a -- it's kind of a summary
24 conclusion.

25 Q. Okay. Focusing on the "and were" 12:37PM

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DEPOSITION OFFICER'S CERTIFICATE

STATE OF CALIFORNIA }
 }
COUNTY OF SACRAMENTO } ss.

I, ELAINA L. BULDA, hereby certify:

I am a duly qualified Certified Shorthand Reporter in the State of California, holder of Certificate Number CSR 11720 issued by the Court Reporters Board of California and which is in full force and effect. (Fed. R. Civ. P. 28(a)).

I am authorized to administer oaths or affirmations pursuant to California Code of Civil Procedure, Section 2093(b) and prior to being examined, the witness was first duly sworn by me. (Fed. R. Civ. P. 28(a), 30(f)(1)).

I am not a relative or employee or attorney or counsel of any of the parties, nor am I a relative or employee of such attorney or counsel, nor am I financially interested in this action. (Fed. R. Civ. P. 28).

I am the deposition officer that stenographically recorded the testimony in the foregoing deposition and the foregoing transcript is a true record

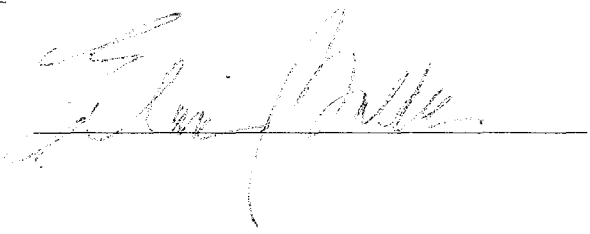
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of the testimony given by the witness. (Fed. R. Civ. P. 30(f)(1)).

Before completion of the deposition, review of the transcript [x] was [] was not requested. If requested, any changes made by the deponent (and provided to the reporter) during the period allowed, are appended hereto. (Fed. R. Civ. P. 30(e)).

Dated: 03/16/04



A handwritten signature in cursive script is written over a horizontal line. The signature appears to be "John J. Barkley".

1 STATE OF CALIFORNIA }
2 COUNTY OF SAN FRANCISCO } ss.

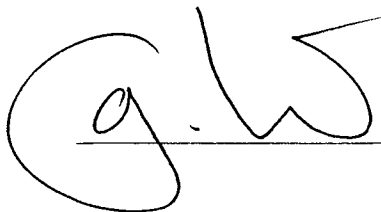
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I, Georgia Hardstark, hereby certify:

I am an employee of Barkley Court Reporters,
duly authorized agent for the deposition officer that
stenographically recorded the testimony in the foregoing
deposition and am authorized to execute this
certificate.

The foregoing is a true and correct copy of
the original transcript of the stated proceeding.

Dated 3/16/05.



A handwritten signature, appearing to be 'G.W.', is written over a horizontal line.