

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 SAN JOSE DIVISION  
4

5 JAYNE PALMISANO and RICHARD )  
6 PALMISANO, individuals, )

7 Plaintiff(s), )

8 vs. ) No. C 03-01607 RMW

9 OLIN CORPORATION, a )  
10 corporation, STANDARD FUSEE )  
11 CORPORATION, doing business )  
12 as ORION SAFETY PRODUCTS, a )  
13 Delaware corporation, and )  
14 DOES 1 through 50, )

15 Defendant(s). )  
16 )  
17 )

18 DEPOSITION OF DONALD SMALLBECK  
19 Held at SEDGWICK, DETERT, MORAN & ARNOLD  
20 One Embarcadero Center, Sixteenth Floor  
21 San Francisco, California  
22 Tuesday, March 15, 2005, 10:10 a.m.  
23  
24  
25

REPORTED BY: ELAINA BULDA-JONES, CSR 11720

DONALD SMALLBECK



1 A. We do do duplicate samples from a  
2 predetermined percentage of the wells for -- as a  
3 quality control parameter.

4 Q. Did your study review those split samples?

5 A. Yes. If there was a duplicate sample, it 01:07PM  
6 was accounted for in this study.

7 Q. As an additional sample?

8 A. Not as an additional sample, but if the  
9 duplicate sample was a higher detect than the  
10 original sample, then the duplicate sample was 01:08PM  
11 used.

12 Q. And then the lower sample was also used?

13 A. Right.

14 Q. So the two sampling events could have  
15 actually been from the same day; is that correct? 01:08PM

16 A. Wait a minute. Go back and repeat the  
17 question.

18 Q. The two sample events --

19 A. Which two sampling events?

20 Q. You say that you used wells with between 01:08PM  
21 two to ten sampling events.

22 A. Correct.

23 Q. And you indicated, if I heard you  
24 correctly, if I understand you correctly, that some  
25 of the two sampling events may have been or were 01:08PM

1 split samples taken on the same day.

2 A. No. What occurs is you go out on a given  
3 day to sample 20 wells. Randomly, you select two  
4 wells by which you will do a duplicate sample when  
5 you collect the initial sample as part of the  
6 precision testing associated with the sampling  
7 procedure, and you do both samples.

01:08PM

8 In this study, if the initial sample had a  
9 higher -- say the initial sample was 2.1 and the  
10 duplicate was 2.0, we used the 2.1.

01:09PM

11 Q. Okay.

12 A. We used the higher sample.

13 Q. You didn't also use the 2.0 to represent a  
14 separate sampling event?

15 A. No.

01:09PM

16 Q. That was my question.

17 A. That's why I didn't think I understood the  
18 question. The answer is no.

19 Q. When I am on the subject what I was  
20 looking for is, what is the minimum amount of time  
21 between sampling events for the 617 offsite wells  
22 that you considered?

01:09PM

23 A. What is the minimum amount of time?

24 Q. Yes.

25 Let me ask it a different way. In this

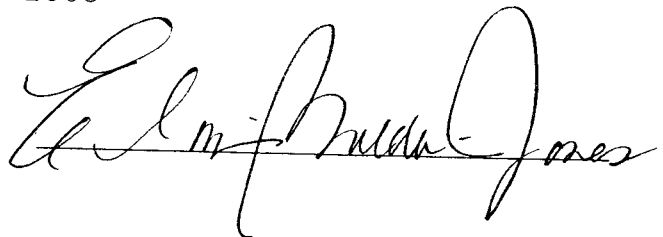
01:10PM



1 I have not and shall not offer or provide  
2 any services or products to any party's attorney or  
3 third party who is financing all or part of the action  
4 without first offering same to all parties or their  
5 attorneys attending the deposition and making same  
6 available at the same time to all parties or their  
7 attorneys. (Civ. Proc. § 2025(k)(2).)

8 I shall not provide any service or product  
9 consisting of the deposition officer's notations or  
10 comments regarding the demeanor of any witness,  
11 attorney, or party present at the deposition to any  
12 party or any party's attorney or third party who is  
13 financing all or part of the action, nor shall I collect  
14 any personal identifying information about the witness  
15 as a service or product to be provided to any party or  
16 third party who is financing all or part of the action.  
17 (Civ. Proc. § 2025(k)(3).)

18  
19 Dated: 03/21, 2005

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