

EXHIBIT 4.

1 STATE OF NEW YORK

2 SUPREME COURT

COUNTY OF RENSSELAER

3 ----- :
4 JAY BURDICK, CONNIE PLOUFFE,
5 EDWARD PLOUFFE, FRANK SEYMOUR,
6 EMILY MARPE, as parent and natural
7 guardian of E.B., an infant, and
8 G.Y., an infant, JACQUELINE MONETTE,
9 WILLIAM SHARPE, EDWARD PERROTTI-SOUSIS,
10 MARK DENUÉ and MEGAN DUNN,
11 individually, and on behalf of all
12 similarly situated,

Plaintiffs,

- Against -

INDEX NO:
00253835

10 TONOGA, INC. (d/b/a TACONIC),

11 Defendant.
12 ----- :

13 VIDEOTAPED DEPOSITION of: CAROL GOODERMOTE
14 (Non-Party Witness)

15
16 Thursday, April 26, 2018

17 10:05 a.m. - 4:16 p.m.
18
19

20 HELD: Bond, Schoeneck & King, PLLC
21 22 Corporate Woods Boulevard
22 Albany, New York 12866

23 Reported by: Deborah M. McByrne

24 Videotaped by: Corrine Gates
25

1 Q. And I know one was DuPont, for example.

2 A. Yes.

3 Q. Was another one Daikin?

4 A. Yes.

5 Q. And another one ICI?

6 A. Yes. Also they are called AGC.

7 Q. Yeah, so later on. And/or Asahi? Are they called
8 Asahi?

9 A. Yeah, same thing.

10 Q. Yeah. And Solvay?

11 A. Yes.

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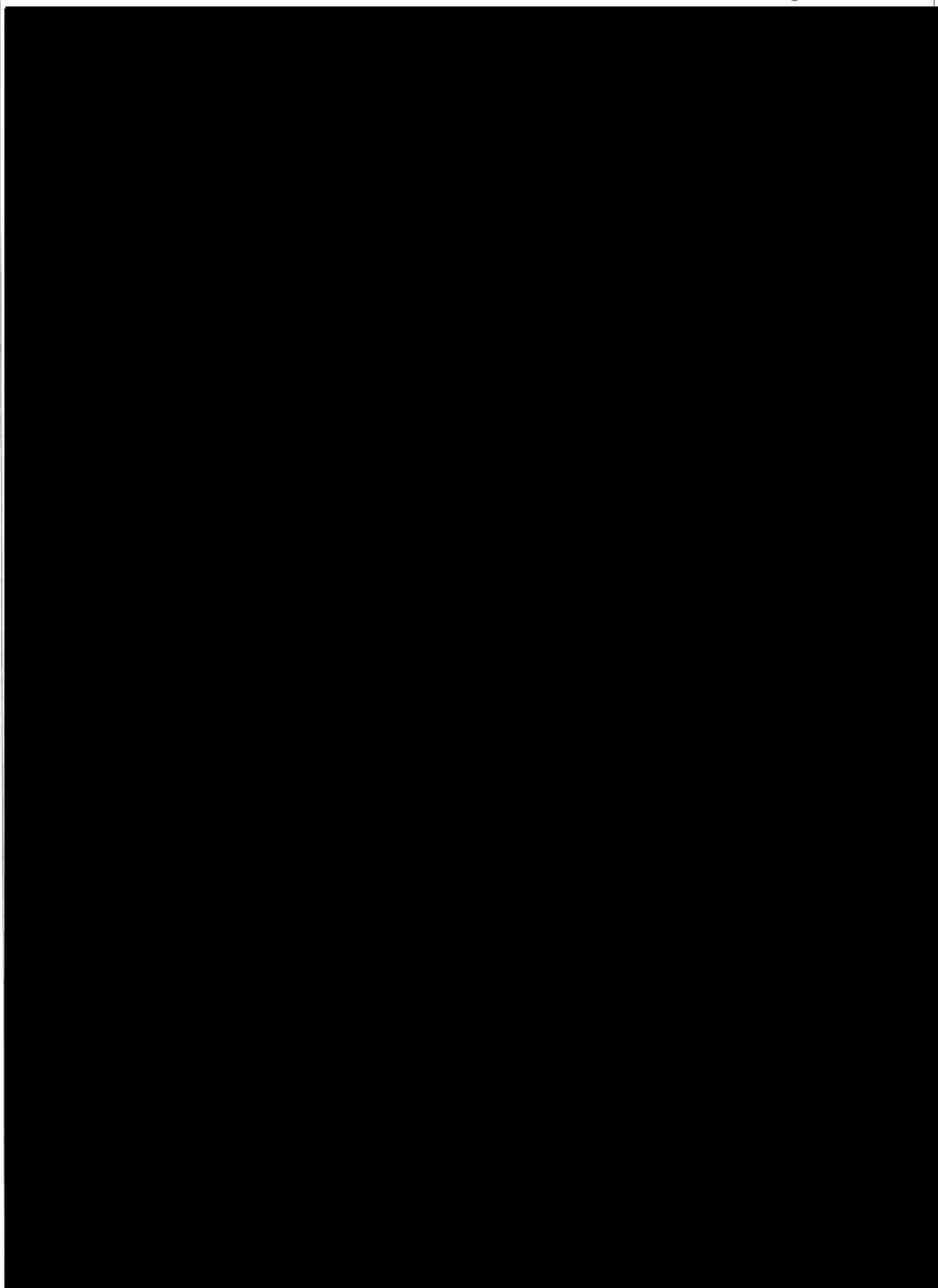
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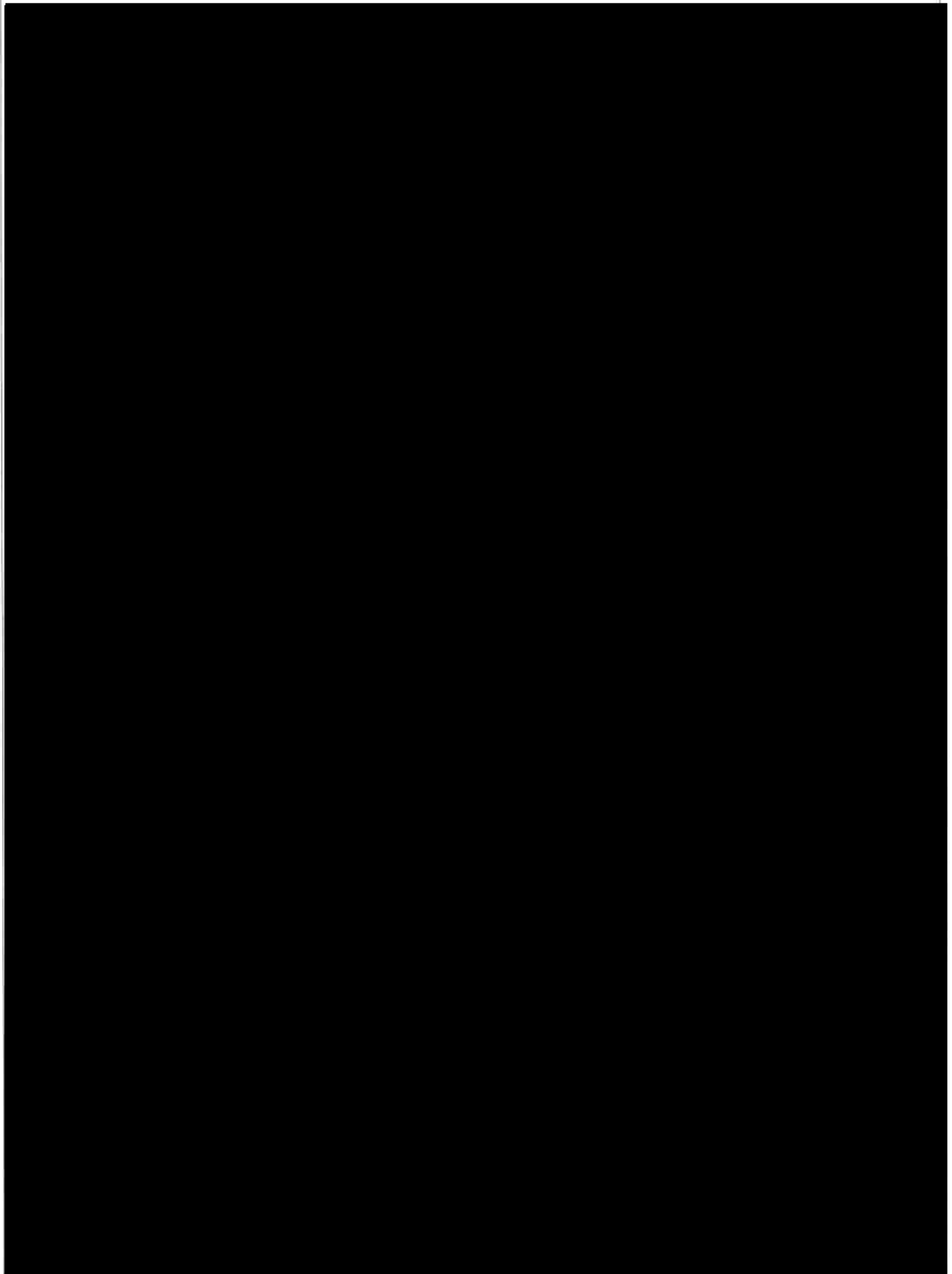
24 Q. Yes. Okay.

25 Now, I -- I guess we will mark this

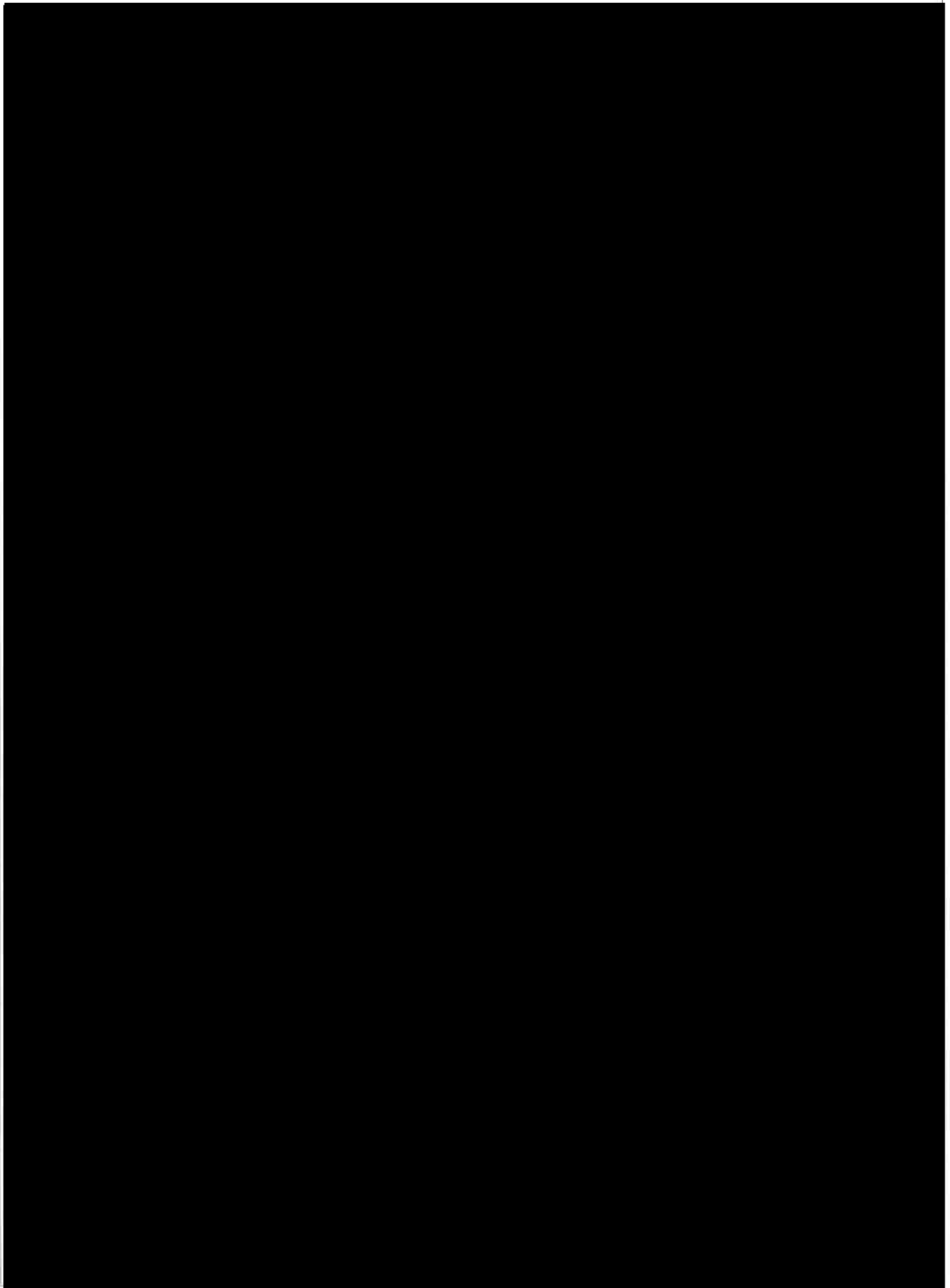
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1 Q. That makes sense. But my question to you is, do you
2 know why 3M was getting out of it?

3 A. No, I don't.

4 Q. Okay. And did you ever learn why 3M was get- --
5 getting out of it?

6 A. No, I guess I really don't know why. I mean, I
7 could guess, but --

8 Q. Well, we don't want you to guess.

9 MR. SKALABAN: Don't speculate.

10 A. No, don't speculate.

11 Q. Now, 39 should also be in front of you somewhere, I
12 think. And it's another memo from you.

13 A. Umm-hmm.

14 Q. That is Bates numbered. So usual practice, let me
15 know when can I ask you questions about it.

16 A. Okay.

17 Q. All right?

18 A. Yep. I just read a little bit of it, but we'll go
19 on as you have questions.

20 Q. Yeah. Okay. Yeah, we'll go on in more detail.

21 Okay. Now, this is the -- the primary
22 recipient of this is Mr. Kawczak, which I guess we
23 can call him the environmental guy at this time;
24 right?

25 A. Yes.

1 Q. All right. And you say hi to him and then you
2 discuss a meeting that you had had on this day,
3 May 31, 2002; correct?

4 A. Right.

5 Q. All right. And so again, you indicate that Doug
6 Hayes was there. Do you recall anyone else being
7 there besides Doug Hayes?

8 A. I don't recall.

9 Q. What was Doug Hayes' position?

10 A. His position at DuPont changed over the years, but
11 he was, basically, my sales contact.

12 Q. Gotcha.

13 And then you tell Andy that Mr. Hayes
14 alerted us. And again, I should ask you who the us
15 was. Do you recall who was at this meeting, or can
16 you tell?

17 A. I would mean Taconic just in general.

18 Q. Okay. All right. So this would -- would this have
19 been a meeting just with you, or would any of these
20 other people on the --

21 Would Andy have been at this meeting?

22 A. I don't remember. But, in general, Andy was not in
23 meetings.

24 Q. Okay. All right. What about Mr. Russell or
25 Jim O'Keefe?

1 A. Well, Andy is who I just -- oh, I'm sorry.

2 Q. Yeah.

3 A. When I said Andy, I meant Andy Russell.

4 Q. Oh.

5 A. I copied him.

6 Q. I gotcha.

7 A. Generally he was never in --

8 Q. I gotcha.

9 A. -- any of the purchase meetings.

10 Q. So was Andy Kawczak at this meeting?

11 A. No, I don't believe so, because that's why I'm
12 sending him this note.

13 Q. And Jim O'Keefe?

14 A. He very well could have been.

15 Q. All right. Okay.

16 So first of all, looking at this memo,
17 can I assume accurately that all of the information
18 you relate here came from Mr. Hayes?

19 A. Yes.

20 Q. All right. Now, you say you're going to explain to
21 the best of your knowledge. And again,
22 assuming -- I mean, based on what Mr. Hayes was
23 telling you, the information that he gave you. So
24 it says, "3M announced they would no longer
25 manufacture C8 because of some controversy." Do you

1 see that?

2 A. Yes.

3 Q. And that it had been used in Scotchgard, which is a
4 fabric coating material, among other things. And
5 because consumers came in direct contact with this
6 material, C8, which accumulates in your system, but
7 is not hazardous, the decision was made to
8 discontinue its manufacture. Do you see that?

9 A. Umm-hmm.

10 Q. Okay. Now, again, I just want to be clear. The
11 information that -- or the suggestion that C8
12 accumulates in your system, but is not hazardous,
13 that's what Mr. Hayes told you?

14 A. I would think so, because of how I've written this.

15 Q. And so I guess maybe we can finalize that by my
16 asking you this question. I mean, do you recall
17 yourself ever doing any independent research into
18 the biological effects of C8?

19 A. I have not.

20 Q. All right. So it says -- you go onto say, C8 is
21 used this the manufacturing process of PTFE, and
22 small amounts are in the dispersion sent to
23 PTFE -- PTFE coders, like Taconic.

24 Well, let me start by asking you this.
25 Was that the first time you had been informed by

1 anyone that C8 was in some of the dispersions sent
2 to Taconic?

3 A. I would think probably, and that it was, you know,
4 like a big change to our industry, to our product.
5 So that's why, you know, I was sending this to
6 Andy Russell and Jim O'Keefe. I mean, it's a pretty
7 important piece of information.

8 Q. Got you.

9 A. But, yes, I would say it's the first -- I can't say
10 the first day. But it probably -- you know, we
11 heard a little bit about it --

12 Q. Right.

13 A. But it was time to let everybody know that there's
14 something that we need to be concerned about.

15 Q. Right. And by everybody, you mean everybody -- all
16 the relevant personnel of Taconic?

17 A. Correct.

18 Q. All right. Okay.

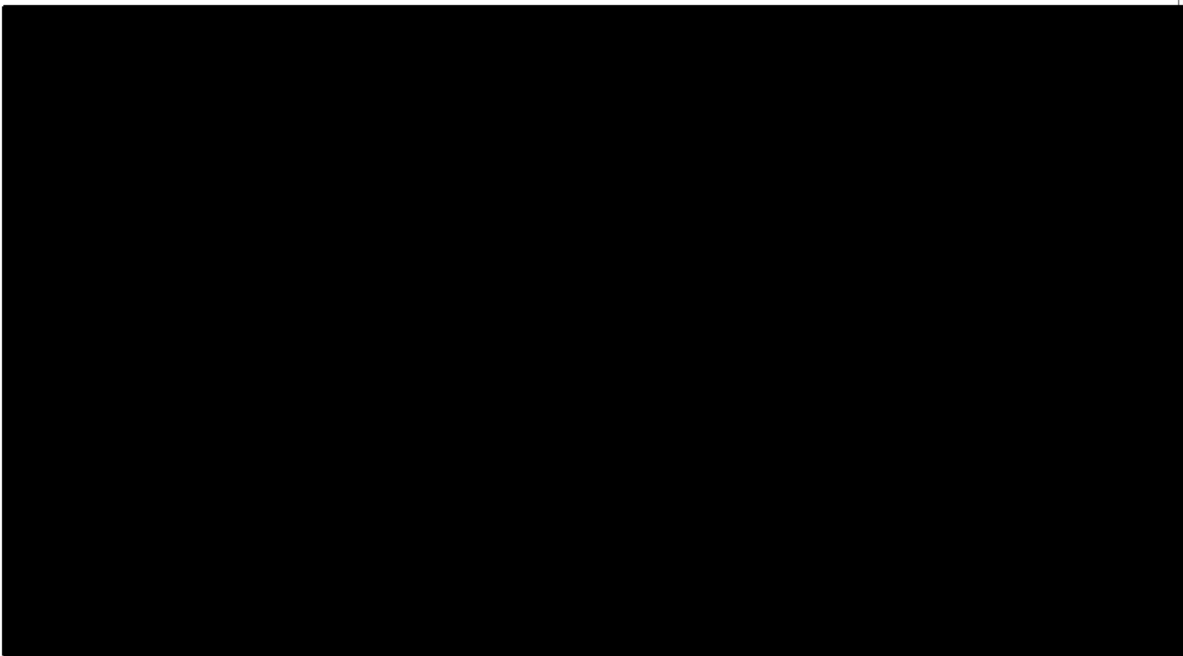
19 Now, you say here, "It is my
20 understanding that C8 is burned off in our coating
21 and centering process." Do you see that?

22 A. Yep. Yes.

23 Q. And so my question is, how did you come by that
24 understanding?

25 A. Again, probably when I was talking to Doug.

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Q. And of course, look at it as long as you'd like, but I'll say that it appears to be an e-mail from you to a bunch of people covering a memorandum from you to Larry, Tim and Tom.

A. Yes.

Q. Does that seem accurate?

A. Yes, it is, based on a meeting.

Q. All right. A meeting with, again, Al Kallis, Jonathan Clapp and also Dan Loffa, but they are all with AGC?

A. Yes.

Q. All right. And this meeting was in June of 2005; correct?

A. Yes.

Q. All right. For one thing, it's -- or among other

1 things, it says in, I guess the third paragraph,
2 "Effective January 1, 2007, only low APFO and
3 triton-free PTFE dispersions will be available."
4 You see that?

5 A. Yes, I do.

6 Q. That's what the AGC people said at this meeting?

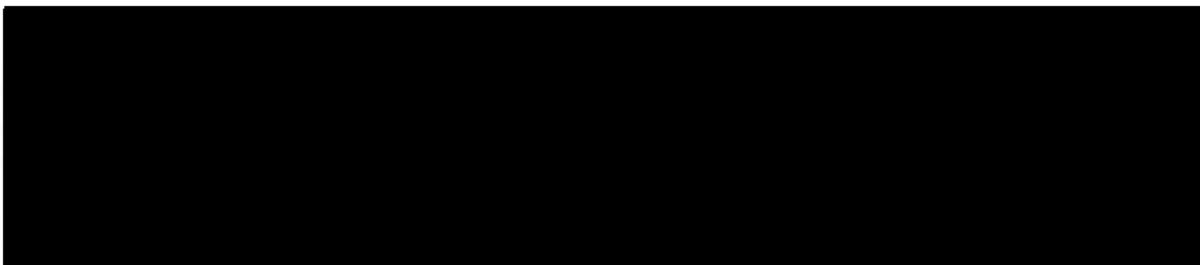
7 A. Yes.

8 Q. Do you know if they were able to meet that projected
9 date, one way or the other?

10 A. I am -- I don't know.

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Q. All right. And who did make the decision?

A. I don't know who made the decision, but the signs came from Andy Kawczak.

Q. Understood.

And do you have an understanding that, notwithstanding the description that the water had passed the test, that PFOA had been found in the water?

A. No, I had no knowledge that PFOA had been found in the water.

Q. Okay. Did you ever learn that PFOA had been found in the water?

A. Absolutely not.

Q. All right. And did you have any understanding about anything that had been found in the water?

A. No. The water had passed all of the Rensselaer County tests that it should pass.

Q. And how did you know that? Who informed you of that?

A. I am just going by what I read on the sign.

