

EXHIBIT 12 .

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 DENUE and MEGAN DUNN,
11 individually, and on behalf of all
12 similarly situated,

Plaintiffs,

13 - Against -

INDEX NO:

00253835

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

15 Defendant.
16 -----:

17 VIDEOTAPED DEPOSITION of: HARVEY TEAL
18 (Defendant Agent)

19 Thursday, July 19, 2018

8:09 a.m. - 2:31 p.m.


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 Job No. 2935088

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- Q. Mr. Teal, I've handed you what's been marked as Exhibit 122. This is -- appears to be a memorandum from you to all employees, dated March 4, 1991, on Taconic letterhead; is that correct?
- A. Yes.
- Q. And the subject is Smog-Hog System; is that correct?
- A. Yes.
- Q. In this memo it appears that you're explaining to the employees of Taconic what the Smog-Hog is. Is that fair?
- A. Yes.
- Q. Had Taconic installed the Smog-Hog in close proximity to your drafting this memo?
- A. I would think so, yes, because -- Yes, I believe so.

1 Q. And the Smog-Hog that was installed around March of
2 1991, was that the first Smog-Hog that Taconic
3 utilized in its Petersburg facility?

4 MR. SKALABAN: Objection. Form.

5 A. Yes.

6 Q. Were you aware of any other Smog-Hog that had been
7 employed in the Petersburg facility, prior to this
8 particular Smog-Hog?

9 A. No.

10 Q. Can you explain briefly what the Smog-Hog
11 accomplishes?

12 A. It electronically charges the particles of
13 microscopic particles in smoke and the particles are
14 then attracted to a filter or a medium inside the
15 Smog-Hog, so they essentially reduce visible opacity
16 to zero. So all the particles are collected, and
17 all the smoke was -- All the particular matter in
18 smoke was collected in this device.

19 Q. Was the Smog-Hog installed in an effort to address
20 the opacity issues that we've been discussing?

21 A. Yes.

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