

1 MR. McLEOD: Objection. Calls for speculation. The
2 term "control" is vague, ambiguous and overbroad.

3 THE WITNESS: Can you restate that, please?

4 BY MR. PRAGLIN:

5 Q Butler was Tony Ye's boss, right?

6 A That's correct.

7 Q Butler told Tony Ye what to do, didn't he?

8 A I'd say that's fair.

9 Q And you and Butler were involved in writing
10 this '97 Zhang article, weren't you?

11 A We assisted, yes.

12 Q Why did ChemRisk want to get involved in
13 assisting in writing the Zhang '97 article in the first
14 place?

15 MR. McLEOD: Objection. Asked and answered
16 extensively in Volume 1, or the first session of the
17 deposition.

18 BY MR. PRAGLIN:

19 Q Go ahead, Dr. Kerger.

20 MR. McLEOD: You don't have to answer that.

21 MR. PRAGLIN: You can't instruct him not to answer,
22 it's a foundation question.

23 MR. McLEOD: Read Volume 1. You asked it
24 repeatedly.

25 MR. PRAGLIN: I did read it. I didn't get a clear

328

1 answer.

2 THE WITNESS: I would stay close to my previous
3 testimony on that.

4 BY MR. PRAGLIN:

5 Q What was your previous testimony?

6 A It's in Volume 1. The bottom line being
7 that -- I can't speak for ChemRisk, per se. I can tell
8 you that the attorneys identified us -- PG&E attorneys

9 identified to us that the judges in the first

10 arbitration found the information regarding the Chinese

11 and Mexican studies to be the most important or

12 compelling information, and in future arbitrations they

13 would have liked to have seen more information on those

14 studies. And so our scope of work was designed to

15 fulfill the mediation judges' or arbitration judges'

16 requests.

17 Q Was it your understanding from speaking with

18 PG&E's lawyers about what the judges said that PG&E had
19 lost some of those cases in the chromium arbitration?

20 MR. MCLEOD: Objection as to scope and time.

21 Give us a month and a year.

22 THE WITNESS: I'm not sure how to answer that.

23 MR. MCLEOD: You don't have to.

24 BY MR. PRAGLIN:

25 Q Why were you having a conversation with PG&E's