

1 Q Could you say that again, please?

2 A I did not know the rule for those two journals.

3 Q Who is it that instructed you to submit the
4 Zhang article to the journals that you submitted to?

5 A It's either Bill Butler or someone in ChemRisk
6 office who participated, the gentlemen or ladies I just
7 mentioned earlier in this depo, Brent Kerger or
8 Gwen Corbett or Tom Flahive. Some of -- one of them
9 instructed me to do so.

10 Q When you received the draft of the cover letter
11 to JOEM --

12 A Uh-huh.

13 Q -- you received it on letterhead from
14 McLaren/Hart-ChemRisk, didn't you?

15 A I do not recall.

16 Q If it was sent by Tom Flahive it would have
17 been on McLaren/Hart-ChemRisk letterhead, wouldn't it?

18 MR. WILKINSON: Objection.

19 MR. CASAS: Objection. Form.

20 MR. WILKINSON: Assumes facts not in evidence.

21 THE WITNESS: I do not know. I do not remember
22 that.

23 BY MR. PRAGLIN:

24 Q When you submitted the letters to the
25 journals --

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1 A Uh-huh.

2 Q -- did you submit them on letterhead?

3 A I remember I did not.

4 Q You submitted them on plain white paper, didn't
5 you?

6 A I remember that what I did.

7 Q And you submitted them from your home, didn't
8 you?

9 A The address appear on the letter was my home
10 address, yes.

11 Q Where did you type the letters?

12 A It would be in ERA, Environmental Risk
13 Analysis.

14 Q So even though you typed it at work, you sent
15 it on plain white paper and you used your home address
16 with the journals; is that right?

17 A I type it -- the letter was typed in

18 Environmental Risk Analysis with my home address on it.

19 Q And wasn't the cover letter to the journals
20 sent eliminating any reference to ChemRisk or PG&E?

21 MR. WILKINSON: Objection. Vague and compound.

22 THE WITNESS: When you say "eliminating," I did not
23 eliminate or intentionally eliminate anything. I was
24 sent -- this letter was drafted by someone else in
25 ChemRisk and sented to me. I agreed on all of the

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1 contents of this letter and signed my name on it; so I
2 would not be able to answer your question that --
3 whether I delete or eliminate anything from that. I
4 don't know.

5 BY MR. PRAGLIN:

6 Q Didn't the cover letters to the journal omit a
7 reference to ChemRisk or PG&E?

8 MR. WILKINSON: Objection. Vague and compound,
9 argumentative.

10 THE WITNESS: It's not mentioned PG&E or ChemRisk,
11 that's true.

12 BY MR. PRAGLIN:

13 Q Was that intentional?

14 A I don't know. I didn't draft this letter. I
15 agree with the contents of the letter.

16 Q Did you ever ask why there was no reference to
17 ChemRisk on the letter that you were sending to the
18 journal with your home address on it?

19 A I did not question it.

20 Q You didn't have any curiosity about that
21 whatsoever?

22 A I do not recall I have any curiosity on that.

23 Q And is it your testimony that that instruction
24 came either from Bill Butler or Tom Flahive, that you
25 should send the letter on plain white paper with your

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1 home address?

2 A It's --

3 MR. WILKINSON: Objection. Misstates his
4 testimony.

5 THE WITNESS: Could be more than that. Could be
6 some person other than Bill Butler and Tom Flahive.
7 I -- I just mentioned those two names as examples of
8 people work on this project in ChemRisk other than me.

9 But I was instructed to do so.

10 BY MR. PRAGLIN:

11 Q You knew that you had sent this letter to more
12 than one journal at the same time, didn't you?

13 A I knew I send it at two different times, one is
14 December 5th, one is December 13th. I mean --

15 Q Well, those were --

16 A I knew I sent it on those two dates.

17 Q Did you send it to two different journals on
18 those two dates or to the same journal on those two
19 dates?

20 A On two different journals.

21 Q And the two would be JOEM and Archives of
22 Environmental Health; is that right?

23 A I believe Archives was first.

24 Q Was there any discussion between you and anyone
25 at ChemRisk about the fact that the article had been

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1 submitted to two different journals simultaneously?

2 MR. CASAS: Objection. Asked and answered.

3 Go ahead, if you recall.

4 THE WITNESS: I don't recall discussion. I recall I

5 was instructed on December 5th and December 13th to
6 submit to the two journals you just mentioned. And I
7 did what I was assigned.

8 BY MR. PRAGLIN:

9 Q So is it your testimony that you submitted the
10 article to JOEM on December 13, 1995?

11 A That's what I remember.

12 Q And you think that the cover letter for that
13 submission is in the 925 pages that you produced?

14 A Yes. If you give me time, I -- I may be able
15 to find it but --

16 MR. CASAS: That's okay.

17 BY MR. PRAGLIN:

18 Q Well, we'll look for it.

19 A Okay. Thank you.

20 Q If you look at page 495, please.

21 A 495?

22 Q Of Exhibit 1.

23 A Yes, I'm looking at it.

24 Q Is that a copy of the cover letter that you
25 submitted the Zhang article to Archives of Environmental

1 Health with?

2 A I don't know whether this is a final version of
3 the letter I sent out, but this looks like at least a --
4 a version of the letter I sent out.

5 Q That's your signature on it, isn't it?

6 A It is.

7 Q And you give your home address, right?

8 A Yes, I do.

9 Q And it says Dr. JianDong Zhang, care of
10 Tony Ye, right?

11 A Yes.

12 Q Now, why didn't you give ChemRisk's address and
13 phone number there?

14 A I don't recall it was my decision to use my
15 home address, but using my home address, not only I
16 agreed is -- around that time I -- I think it's very --
17 it makes sense, reasonable to use my home address, for
18 the reason that this is a project I participated in
19 ChemRisk. And by December 5th I was no longer a
20 employee of ChemRisk, I was a employee of Environmental
21 Risk Analysis. And I was assigned the responsibility to
22 be the contact person in the United States for Dr. Zhang
23 in ChemRisk, and because I speak Chinese, so it

24 naturally falls on me.

25 But since I left ChemRisk, then if -- I feel

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1 it's more responsible -- I would be more responsive and
2 responsible for Dr. Zhang if a letter or corresponding
3 letter sending from any journals, if it's sent to
4 ChemRisk office, I would not receive it, or I will -- it
5 will delay my receiving of such letter.

6 So by -- at December 5th, since I was no longer
7 a ChemRisk employee, it makes sense to find a place
8 that -- to use an address that I can reach -- I will --
9 quite -- I'm sure that I will receive the letter without
10 delay from journal correspondence --

11 Q But --

12 A -- so I agree to use my home address.

13 Q But the actual letter wasn't even drafted by
14 you, it was drafted by ChemRisk, right?

15 A Yes.

16 Q And any response that you got from the journals
17 you immediately then sent to ChemRisk, right?

18 A Yes.

19 Q And in fact, you had fax transmittals between

20 you and Tom Flahive regarding your submissions to the
21 journals, didn't you?

22 A Yes, I do.

23 Q And he was --

24 A I believe I do.

25 Q And he was a ChemRisk employee, right?