UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

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| UNITED STATES OF AMERICA,<br><br>Plaintiff,<br><br>v.<br><br>NL INDUSTRIES, INC., et, al.,<br><br>Defendants,<br><br>and<br><br>CITY OF GRANITE CITY, ILLINOIS,<br>LAFAYETTE H. HOCHULI, and<br>DANIEL M. McDOWELL<br><br>Intervenor-Defendants | C.A. No. 91-CV578-JLF |

NOTICE OF DEPOSITION OF DEFENDANT
GENERAL BATTERY CORPORATION

To: General Battery Corporation
All Counsel of Record

Dependent on a ruling by the Court on the United States' Motion for a Ruling on the Appropriate Scope and Standard of Review of Agency Action and for a Protective Order Limiting the Scope of Discovery, please take notice that Plaintiff, the United States of America, will take the oral deposition, pursuant to Rules 30(b)(6) and 34 of the Federal Rules of Civil Procedure, of a representative or representatives of defendant General Battery Corporation, commencing sometime in the weeks of May 18, May 25, and June 1, 1992[1] at the offices of the United States Attorney for the Southern District of Illinois, 9 Executive Drive, Suite 300, Fairview Heights, Illinois 62208, or such other times and

[1] These weeks were agreed to by all counsel of record during telephonic conference calls on April 8 and 9, 1992.

EPA Region 5 Records Ctr.
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locations mutually agreed upon by counsel. The deposition will continue from day to day as necessary. This deposition is dependent on the Court's ruling on the United States' motion, to be filed shortly with the Court. If the Court has not ruled, this deposition will not take place on these dates.

As required by Rule 30(b)(6), General Battery Corporation shall designate one or more officers, directors, managing agents, employees, or other persons who will testify on its behalf on each of the matters described below. The person(s) so designated shall testify as to matters known or reasonably available to the organization.

As required by Rule 34, the person(s) shall produce for inspection and copying all documents and tangible things, as defined in Rule 34(a), including but not limited to: all writings; memorandum (both intra and inter-office); correspondence; notes; maps; graphs; charts; tables; data compilations; photographs; drawings; and recordings of any kind, in his or her custody or control related in any way to Phase I of this litigation as follows:

MATTERS ON WHICH EXAMINATION IS REQUESTED

1. Your preparation of responses to the United States' Superceding Interrogatories and Request for Production of Documents to All Defendants in Accord with the First Case Management Order, including interviews of or other contacts with employees, and document searches conducted in the preparation of such responses, limited to Interrogatory numbers 1,2,4, and 5.

2. Your preparation of responses to the United States' Superceding Requests for Admission to All Defendants in Accord with the First Case Management Order, including interviews of or other contacts with employees, and document searches conducted in the preparation of such responses, limited to Requests for Admissions numbers 1-42.

3. All meetings you attended and/or were invited to attend with U.S. EPA or any other Potentially Responsible Party ("PRP") or defendant in this case concerning the Site through March 30, 1990, including the dates, places, times, subject matter and persons attending those meetings.

4. The circumstances surrounding your knowledge that U.S. EPA issued its proposed plan for the Site on January 10, 1990, including the date when you first learned that the proposed plan for the Site would be issued by U.S. EPA on January 10, 1990, the date when you first learned that the proposed plan for the Site was issued by U.S. EPA, and all persons who knew of the above dates.

5. The circumstances surrounding your receipt of U.S. EPA's proposed plan for the Site, including the date when you first received a copy of the proposed plan for the Site, and all persons who delivered a copy of the proposed plan to you and all persons who received a copy of the proposed plan for you for the Site on that date.

6. The identity of all documents you copied, received or reviewed before March 30, 1990 from the documents maintained in

the local Site files at the Granite City Library, the files at Region V, U.S. EPA, or any other document contained in the Administrative Record for the Site from any PRP or defendant, including the dates when those documents were copied, received or reviewed and from where.

7. U.S. EPA's compliance with Section 113(k) and 117 of CERCLA, 42 U.S.C. § 9613(k) and 9617, and the National Contingency Plan, 40 C.F.R. § 300.67 (1989) and 300.430 (1990).

Submitted this 15th day of April, 1992.

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