

# EXHIBIT 12 .

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STATE OF NEW YORK  
SUPREME COURT COUNTY OF RENSSELAER

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JAY BURDICK, CONNIE PLOUFFE,  
EDWARD PLOUFFE, FRANK SEYMOUR,  
EMILY MARPE, as parent and natural  
guardian of E.B., an infant, and  
G.Y., an infant, JACQUELINE MONETTE,  
WILLIAM SHARPE, EDWARD PERROTTI-SOUSIS,  
MARK DENUE and MEGAN DUNN,  
individually, and on behalf of all  
similarly situated,

Plaintiffs,

- Against -

INDEX NO:  
00253835

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

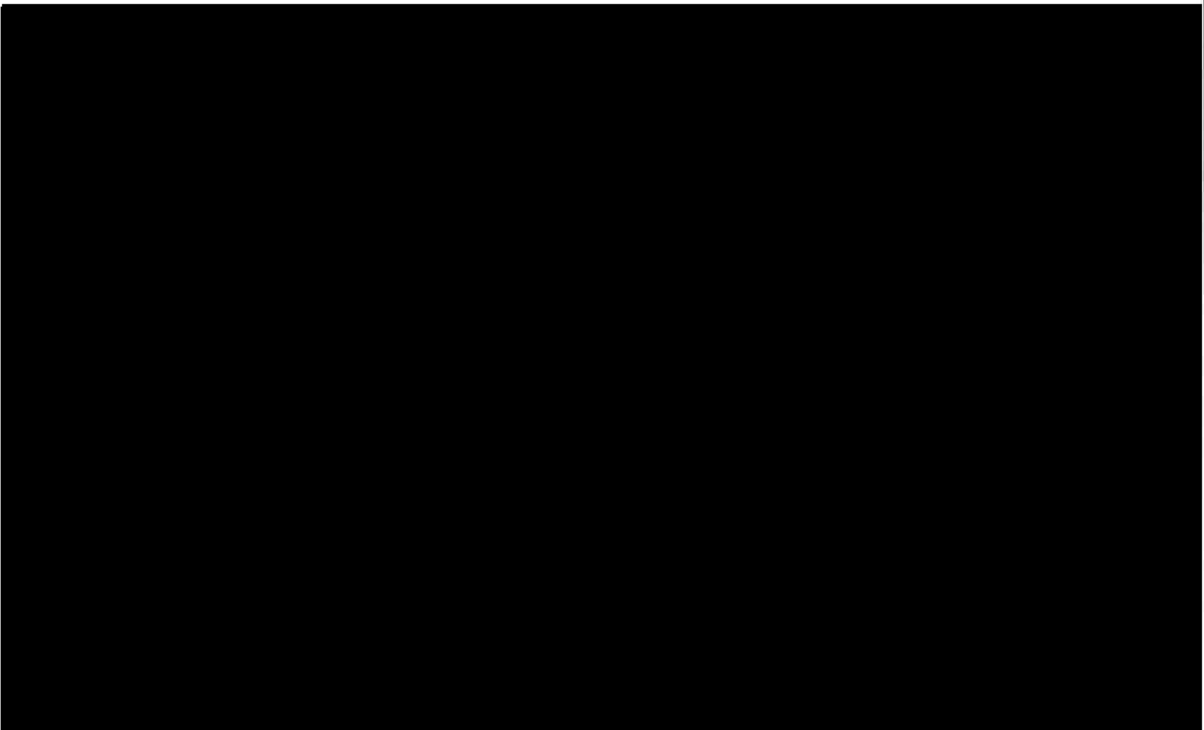
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VIDEOTAPED DEPOSITION of: HARVEY TEAL  
(Defendant Agent)

Thursday, July 19, 2018  
8:09 a.m. - 2:31 p.m.

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

Reported by: Deborah M. McByrne  
Videotaped by: Corrine Gates  
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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