

Exhibit 11

STATE OF NEW YORK
SUPREME COURT COUNTY OF RENSSELAER

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.

VIDEOTAPED DEPOSITION of: RAY GUBER
(Defendant Agent)

Wednesday, July 18, 2018
10:07 a.m. - 5:35 p.m.

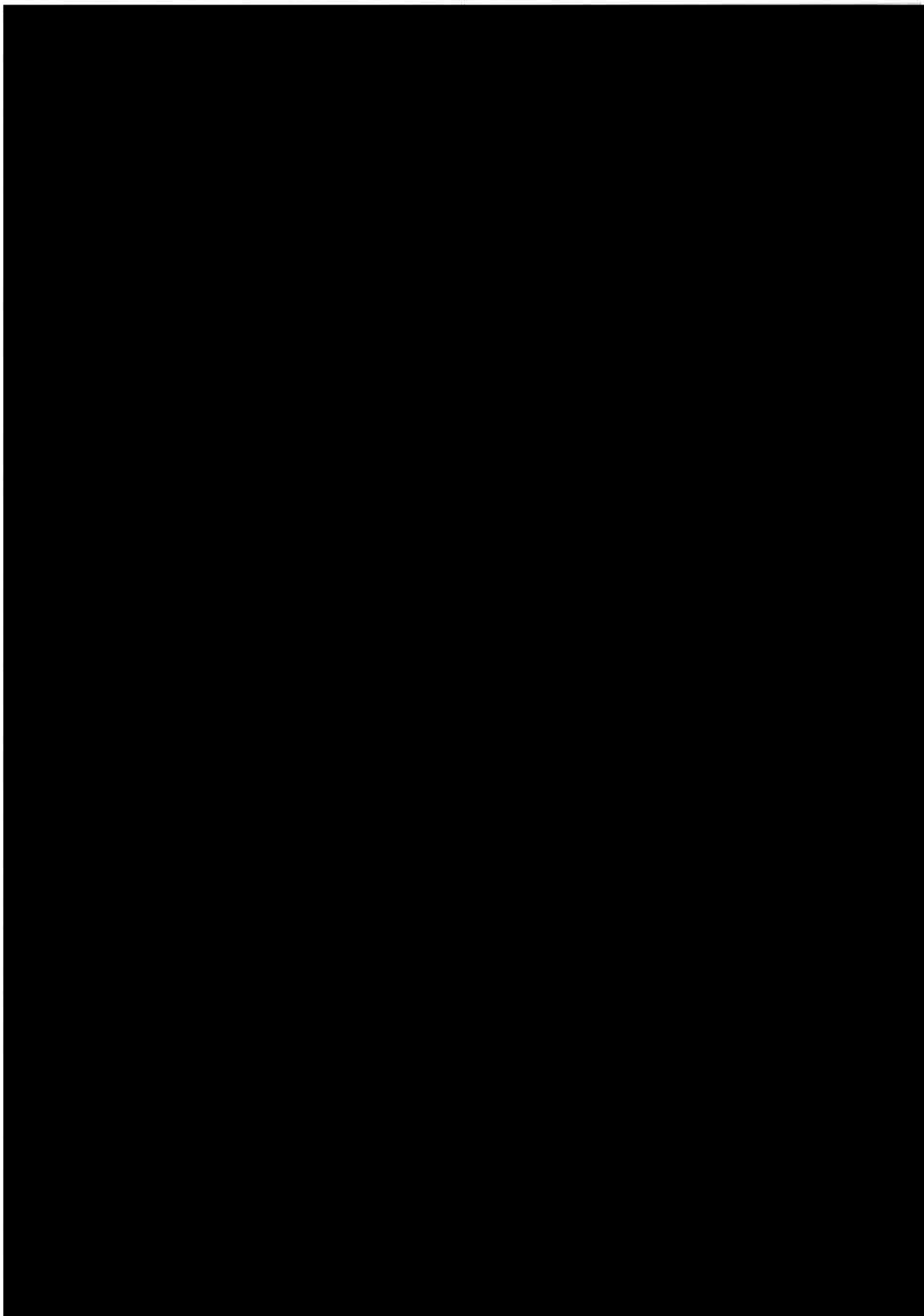
HELD: Bond, Schoeneck & King, PLLC
22 Corporate Woods Boulevard
Albany, New York 12866

Reported by: Deborah M. McByrne
Videotaped by: Corrine Gates
Job No. 2935041

1 A. Okay.
 2 Q. All right. So first of all, Building One, I think
 3 you told me that at one point this was the only
 4 manufacturing -- the only production building at the
 5 facility; is that correct?
 6 A. Yes, all production was in that building, belting,
 7 adhesive coating and coating and offices.
 8 Q. All right. And Building Three, was that built
 9 later?
 10 A. Yes.
 11 Q. And what was the original function of Building
 12 Three?
 13 A. Building Three has always been like the wood shop
 14 where we manufacture crates, the wooden crates,
 15 because some of those are so heavy it has to be
 16 crated.
 17 Q. Still used for that purpose?
 18 A. Oh, yes.
 19 Q. Okay. Now, when did buildings newer than Building
 20 One, production buildings, come on line, roughly? I
 21 am not asking you for exact dates.
 22 MR. SKALABAN: Objection to form.
 23 MR. SLEIGHT: Objection.
 24 A. I would be guessing. I really don't want to --
 25 Q. All right. Would it be in the '90s?

1 MR. SLEIGHT: Objection.
 2 MR. SKALABAN: Same objection.
 3 Q. You can answer it.
 4 A. Yes.
 5 Q. Okay. So, I probably should have asked you this
 6 before, too. When you came on board in 1980, was
 7 there a specific person who oriented you to the
 8 plant and the operations there?
 9 A. I mean, it was another operator on that shift at
 10 that time.
 11 Q. All right. What was his name?
 12 A. Kurt Wyants.
 13 Q. Now, if you look at the Building One on this site
 14 map, which I guess the north arrow points down, so I
 15 guess that's the northwestern corner of the -- of
 16 this drawing. You see that?
 17 MR. SLEIGHT: Objection. The document
 18 speaks for itself.
 19 Q. Right?
 20 MR. SKALABAN: Objection to form.
 21 Q. But you see the section of the plant that depicts
 22 Building One?
 23 A. Yes.
 24 Q. So let me ask you about some things in there. First
 25 of all, there are a couple of places that are

1 labeled "outfalls". Do you see that --
 2 A. Yes.
 3 Q. -- outfall 03 and outfall 04?
 4 Do you know what they are?
 5 A. No.
 6 Q. And there is something that is labeled a drainage
 7 ditch. Do you see that?
 8 A. Yes.



6 Q. All right. And at that time in the 1980s, if you
7 know, were there any air pollution controls on those
8 stacks?

9 MR. SKALABAN: Objection form.

10 A. Not that I am aware of.

11 Q. And we are going to talk about in a lot more detail
12 about a device called a Fume Eliminator. Were there
13 Fume Eliminate -- was there a Fume Eliminator in
14 Building One?

15 MR. SLEIGHT: Objection. Form.

16 A. No.

17 Q. And was there ever one installed for Building One?

18 MR. SLEIGHT: Objection. Form.

19 A. No.