

STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

In the matter of)	
)	
USW Local 11-6,)	GC-2006-0390
)	
and)	
)	
Laclede Gas Company)	

TESTIMONY OF FRANK MEUTING

Comes now USW Local 11-6 and for the written testimony of Frank Meuting incorporates by reference relevant portions of his deposition. A copy of those portions of the transcript is attached hereto. Specifically, that testimony can be found as follows:

p. 5, line 1 to p. 6, line 2

p. 9, lines 15-25

p. 10, lines 24-25

p. 14, lines 12-20

p. 15, line 13 to p. 17, line 4

p. 20, lines 15-20

p. 21, line 8 to p. 22, line 5

p. 25, line 10 to p. 26, line 10

p. 28, lines 12-24

p. 32, line 12 to p. 33, line 25

p. 38, lines 16 to 25

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p. 57, line 14 to p. 58, line 5

p. 59, lines 7-21

p. 60, line 4 to p. 61, line 3

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p. 80, line 15 to p. 81, line 5

p. 87, lines 5 to 22

p. 90, line 18 to p. 91, line 10

Questioning By Rick Zucker:

p. 114, line 4 to p. 115, line 24

Questioning By Sherrie Schroder:

p. 120, line 23 to p. 121, line 22

Respectfully submitted,

/s/ Sherrie A. Schroder

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Certificate of Service

The undersigned certifies that a true and correct copy of the foregoing was served on September 25, 2006, by United States mail, hand-deliver, email, or facsimile upon:

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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

In the matter of:)
)
USW LOCAL 11-6,)
)
) No. GC-2006-0390
and)
)
LACLEDE GAS COMPANY.)

DEPOSITION OF FRANK MUETING
Taken on behalf of USW Local 11-6
July 17, 2006

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ORIGINAL

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<p>1 STATE OF MISSOURI</p> <p>2 PUBLIC SERVICE COMMISSION</p> <p>3 In the matter of:)</p> <p>4 USW LOCAL 11-6,)</p> <p>5 and) No. GC-2006-0390</p> <p>6 LACLEDE GAS COMPANY.)</p> <p>7</p> <p>8</p> <p>9 DEPOSITION OF FRANK MUETING, produced,</p> <p>10 sworn, and examined on behalf of USW Local 11-6,</p> <p>11 July 17, 2006, between the hours of eight o'clock</p> <p>12 in the forenoon and six o'clock in the afternoon</p> <p>13 of that day, at the offices of Hammond, Shinnors,</p> <p>14 Turcotte, Larrew and Young, P.C., 7730 Carondelet</p> <p>15 Avenue, Suite 200, St. Louis, Missouri, before</p> <p>16 DEBRA S. KAESBERG, a Registered Professional</p> <p>17 Reporter and a Certified Court Reporter within</p> <p>18 and for the State of Missouri.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 INDEX OF EXAMINATION</p> <p>2 Page</p> <p>3</p> <p>4 DIRECT EXAMINATION BY MS. SCHRODER 5</p> <p>5 CROSS-EXAMINATION BY MR. ZUCKER 100</p> <p>6 REDIRECT EXAMINATION BY MS. SCHRODER 118</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 INDEX OF EXHIBITS</p> <p>13</p> <p>14 (No exhibits were marked.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 APPEARANCES</p> <p>2</p> <p>3 USW LOCAL 11-6 was represented by:</p> <p>4 Sherrie A. Schroder, Esq.</p> <p>5 Hammond, Shinnors, Turcotte,</p> <p>6 Larrew and Young, PC</p> <p>7 7730 Carondelet, Suite 200</p> <p>8 St. Louis, Missouri 63105</p> <p>9 LACLEDE GAS COMPANY was represented by:</p> <p>10 Rick Zucker, Esq.</p> <p>11 Laclede Gas Company</p> <p>12 720 Olive Street, Room 1516</p> <p>13 St. Louis, Missouri 63101</p> <p>14</p> <p>15 PUBLIC SERVICE COMMISSION was represented by:</p> <p>16 Jennifer Heintz, Esq.</p> <p>17 Governor Office Building, Suite 800</p> <p>18 200 Madison Street, PO Box 360</p> <p>19 Jefferson City, Missouri 63102-0360</p> <p>20 OFFICE OF PUBLIC COUNSEL was represented via</p> <p>21 telephone by:</p> <p>22 Marc Poston, Esq.</p> <p>23 Office of Public Counsel</p> <p>24 PO Box 2230</p> <p>25 Jefferson City, Missouri 65102</p>	<p>1 IT IS HEREBY STIPULATED AND AGREED by and</p> <p>2 between Counsel for the USW Local 11-6 and</p> <p>3 Counsel for the Laclede Gas Company that this</p> <p>4 deposition may be taken in shorthand by DEBRA S.</p> <p>5 KAESBERG, a Registered Professional Reporter and</p> <p>6 Certified Court Reporter, and afterwards</p> <p>7 transcribed into typewriting, and that the</p> <p>8 signature of the witness was waived by agreement</p> <p>9 and consent in my presence.</p> <p>10</p> <p>11 o-O-o</p> <p>12</p> <p>13 FRANK MUETING,</p> <p>14 of lawful age, being produced, sworn, and</p> <p>15 examined on the part of USW Local 11-6, deposes</p> <p>16 and says:</p> <p>17</p> <p>18 DIRECT EXAMINATION</p> <p>19 QUESTIONS BY MS. SCHRODER:</p> <p>20 Q Hi, Mr. Mueting. My name is Sherrie</p> <p>21 Schroder. You and I met just a minute ago. And</p> <p>22 do you understand why you're here today to give a</p> <p>23 deposition?</p> <p>24 A Yes.</p> <p>25 Q All right. Thank you. Would you</p>

<p style="text-align: right;">Page 6</p> <p>1 spell your name for the record, please?</p> <p>2 A Last name, M-U-E-T-I-N-G.</p> <p>3 Q But that is pronounced Muetting, as I</p> <p>4 understand?</p> <p>5 A Yes, that's right.</p> <p>6 Q All right. Thank you. All right.</p> <p>7 Before we get started, let me -- I mean, really</p> <p>8 started -- let me just ask whether you have ever</p> <p>9 given a deposition before?</p> <p>10 A I think I have.</p> <p>11 Q All right. Well, I'm going to just</p> <p>12 walk through a few little rules about</p> <p>13 depositions, just to make sure that you're</p> <p>14 familiar with them, and if you have got any</p> <p>15 questions, just ask me. We have got a court</p> <p>16 reporter here, who you have met, who's going to</p> <p>17 be taking down everything that's said in this</p> <p>18 room today. And as a result of that, it's really</p> <p>19 important that we try to -- I -- you let me</p> <p>20 finish my questions before you make an -- give an</p> <p>21 answer. And I'll try to let you finish your</p> <p>22 answer before I start a question.</p> <p>23 And Jennifer and Rick, who are in this</p> <p>24 room, and also Mark by telephone, may also ask</p> <p>25 you some questions at some point, and the same</p>	<p style="text-align: right;">Page 8</p> <p>1 A 5219 Tholozan. That's</p> <p>2 T-H-O-L-O-Z-A-N.</p> <p>3 Q And is that in St. Louis?</p> <p>4 A That's St. Louis, yeah.</p> <p>5 Q What's your ZIP code?</p> <p>6 A 63109.</p> <p>7 Q All right. Mr. Muetting, what is your</p> <p>8 age? I don't mean to be getting too personal</p> <p>9 here.</p> <p>10 A I'm 49, thank you.</p> <p>11 Q All right. And I'm sorry. Muetting.</p> <p>12 Are you currently employed?</p> <p>13 A Yes, I am.</p> <p>14 Q In what capacity?</p> <p>15 A Small contracting.</p> <p>16 Q And I'm sorry, what -- small</p> <p>17 contracting?</p> <p>18 A Yeah.</p> <p>19 Q Are you in business for yourself?</p> <p>20 A Actually, I work for D.C. Renovations.</p> <p>21 Q And what do you do for them?</p> <p>22 A Well, it's just about everything.</p> <p>23 Currently, I'm redoing the deck at somebody's</p> <p>24 home. But kitchen, bathroom remodels, that sort</p> <p>25 of stuff.</p>
<p style="text-align: right;">Page 7</p> <p>1 rules will apply for them. You know, please let</p> <p>2 them finish their questions before you start your</p> <p>3 answer. It will just make the record a lot</p> <p>4 easier to read. Also, because it's all being</p> <p>5 taken down in writing, it's important that you</p> <p>6 give your answers verbally and that they're</p> <p>7 clear. We lots of time use uh-huh and huh-uh,</p> <p>8 and those don't record very well on the</p> <p>9 transcription. So, if you could say yes or no,</p> <p>10 and that's appropriate, that would be very much</p> <p>11 appreciated.</p> <p>12 If at any time you don't understand one</p> <p>13 of my questions, or you just get confused about</p> <p>14 it, please stop and ask me to repeat or rephrase</p> <p>15 it. I don't want you to -- I don't -- I'm going</p> <p>16 to assume, otherwise, that you do understand my</p> <p>17 questions. So I just want to make sure that you</p> <p>18 really do.</p> <p>19 A Okay.</p> <p>20 Q And, again, that will be true with</p> <p>21 anybody else. All right. And you were</p> <p>22 subpoenaed in this matter; is that correct?</p> <p>23 A That's true.</p> <p>24 Q All right. Would you go ahead and</p> <p>25 state your address for the record?</p>	<p style="text-align: right;">Page 9</p> <p>1 Q All right. How long have you been</p> <p>2 working for D.C. Renovations?</p> <p>3 A Two -- two and a half months, I think.</p> <p>4 Something like that.</p> <p>5 Q All right. Prior to that, was there a</p> <p>6 time at which you were installing automatic meter</p> <p>7 reading devices on gas meters?</p> <p>8 A That's right.</p> <p>9 Q And when did that occur?</p> <p>10 A That was from the last week of 2005,</p> <p>11 until probably the beginning of March, or the end</p> <p>12 of February. I can't quite be sure. I don't</p> <p>13 quite remember when I left it.</p> <p>14 Q Okay. Was it a period of more than</p> <p>15 three months, do you believe?</p> <p>16 A I do believe it was right at three</p> <p>17 months.</p> <p>18 Q All right. Who did you install</p> <p>19 meters -- automatic meter reading devices for?</p> <p>20 A Well, Manpower wrote my checks. And</p> <p>21 they worked for a company called Honeywell, and</p> <p>22 they worked for a company called Cellnet.</p> <p>23 Q And where were the gas meters that you</p> <p>24 were installing this device on?</p> <p>25 A The St. Louis metropolitan area,</p>

3 (Pages 6 to 9)

Page 10

1 pretty much.
 2 Q All right. Did you see a name -- did
 3 you see a gas distribution name on any of the gas
 4 meters?
 5 A Do you mean the brand of the meter,
 6 or --
 7 Q Not the brand of the meter, but who
 8 was actually pumping the gas through.
 9 A I suppose it said Laclede on most all
 10 of them, if it said it at all. But I'm pretty
 11 sure it does. Although, I might be wrong. I
 12 don't know. I didn't need to know that, really.
 13 Q All right. Were you ever told that
 14 you were installing the AMR -- I'm sorry -- the
 15 automatic meter reading devices on Laclede gas
 16 meters?
 17 A Oh, yeah.
 18 Q All right. Who told you that?
 19 A It was talked about constantly. It
 20 was all about making Laclede Gas happy, you know.
 21 Pretty much daily, that was talked about.
 22 Q Okay. How did you start -- how did
 23 you get this job?
 24 A I went to Manpower and asked them if
 25 they had work. They did.

Page 11

1 Q All right. When did you go to
 2 Manpower?
 3 A A week or two before Christmas.
 4 Q All right. And did you apply for this
 5 job in person or online? How did you --
 6 A It was at the office.
 7 Q Which office did you go to?
 8 A It's at St. Charles Rock Road, just
 9 about at the intersection of 270.
 10 Q And was there anybody in particular
 11 you spoke to there?
 12 A They did have a woman assigned to fill
 13 those positions, but I won't remember her name.
 14 René, maybe. But that -- René could be somebody
 15 I met last week. I don't know. It seems like
 16 that's what it was.
 17 Q All right. How did you get funneled
 18 to the -- to this particular job at Manpower, do
 19 you know?
 20 A I think I mentioned it. Because I had
 21 heard about it. I had heard that they were
 22 hiring. I had one installed at my house, and I
 23 asked the person who was doing the installation
 24 if they liked doing it. And they said they did.
 25 They were crazy, but --

Page 12

1 Q All right. When the person installed
 2 it at your house, and you asked -- was it a him
 3 or a her?
 4 A Her.
 5 Q Her about it, what did she tell you?
 6 I mean about how to -- how did you get to
 7 Manpower through that person?
 8 A Oh, she just -- I asked her about it,
 9 and she was -- I don't think she had been there
 10 very long, but she was pretty excited about it.
 11 And I asked her how she got hired on. I assumed
 12 she worked for Laclede, I suppose. And she said
 13 no, it was through Manpower, and told me which
 14 one to go to.
 15 Q All right. Did you have to fill out
 16 an application?
 17 A Oh, I'm sure I did.
 18 Q You're sure you did? Do you recall
 19 filling out an application?
 20 A Yeah. I recall -- well, I was there
 21 for a couple of hours. It was a long process,
 22 but -- it was a lot of silliness, but I'm sure
 23 there was something I had to put down, you
 24 know --
 25 Q Okay. Why don't you walk me through

Page 13

1 the process. You went to Manpower. You asked
 2 about this job specifically?
 3 A Yes.
 4 Q And then what happened?
 5 A Well, you know, they have to have your
 6 information, which they -- I think there were
 7 references involved. There was a drug -- drug
 8 test or drug screening. And we had to take some
 9 sort of test, but I don't recall what it was.
 10 Q Like a --
 11 A I don't -- I really don't --
 12 Q A written test or a dexterity test, or
 13 do you recall?
 14 A No. It wasn't dexterity. It was
 15 just -- with your jobs, you probably don't
 16 realize the insane stuff you have to do to get a
 17 ridiculous job like this. And it was just a
 18 bunch of stupidity, whatever it was. You know,
 19 it was just time consuming nonsense, as I recall.
 20 Q Okay. I'm still trying to narrow down
 21 the type of test, though. It wasn't just a
 22 dexterity test?
 23 A No.
 24 Q Was it a written test where you
 25 answered questions in writing?

4 (Pages 10 to 13)

Page 14

1 A Yes. It seemed to me it had nothing
2 to do with anything that I could see. And I
3 honestly have no clear memory of it, other than
4 thinking that this is a large waste of time.
5 That's -- honestly, I really don't remember,
6 other than I was there much longer than I wanted
7 to be.
8 Q Okay. Then what did you do?
9 A Then they just told me to show up on
10 Tuesday, or whatever it was, and gave me the
11 address. And I did.
12 Q All right. So you didn't interview
13 with anyone at Honeywell?
14 A No.
15 Q All right. And you didn't interview
16 with anybody at Cellnet?
17 A No.
18 Q And in this process, did you speak to
19 anybody from Laclede?
20 A Never.
21 Q All right. You said at one point that
22 they took down your information. What kind of
23 information did they take from you?
24 A Well, I'm -- this is -- I don't even
25 remember this specifically. But I do remember

Page 15

1 having -- I took a copy of my resumé --
2 Q All right.
3 A -- which they had no interest in. And
4 had an application, which I imagine is a standard
5 thing, that has education and past jobs. But I
6 don't remember this specifically.
7 Q Okay.
8 A I just remember having to do double
9 duty because everything I was giving -- actually,
10 yes. Because I knew that everything was on my
11 resumé, and I still had to fill it out. And it's
12 just one of those annoyances.
13 Q All right. So you had to fill out an
14 application that you said required you to put in
15 your past job experience?
16 A I believe so.
17 Q What is your past experience?
18 A I have been a librarian for a number
19 of years, most recently. Before that, I have
20 done many things.
21 Q All right. Have you ever worked with
22 gas before?
23 A No.
24 Q All right. Had you ever installed
25 automatic meter reading devices on any kind of

Page 16

1 utility?
2 A No.
3 Q Were you trained -- prior to this
4 time, were you trained to do either of those
5 things?
6 A No.
7 Q Were you asked if you had training or
8 experience in -- in any kind of -- well, in any
9 kind of industry, at all?
10 A No. I don't think it would have
11 mattered.
12 Q And you are currently doing remodeling
13 work. Had you ever done any of that type of work
14 before?
15 A Uh-huh.
16 Q Is that --
17 A Yes. I'm sorry. I used to do
18 construction when I was younger and healthier.
19 Q You look pretty healthy now.
20 All right. Was that something that they
21 were interested in?
22 A No.
23 Q That construction background?
24 A No.
25 Q Was there anything that you said to

Page 17

1 them during the application process that they
2 seemed to be interested in, any -- any part of
3 your background?
4 A Absolutely not.
5 Q All right.
6 MR. ZUCKER: And I object that this
7 all calls for speculation on his part.
8 Q (By Ms. Schroder) Did -- were you
9 interviewing with one person or more than one
10 person at Manpower?
11 A There was one person, and I don't
12 believe you would really call it an interview.
13 It was, here; go sit in that room and go fill
14 these papers out, and I'll bring in some more
15 stuff to you, and fill that out. And once that's
16 done, then you go take the drug test and you show
17 up on Tuesday.
18 Q All right. Were you ever told that --
19 that you had to meet any particular
20 qualifications to get this job?
21 A No.
22 Q Were you ever given -- okay.
23 A Yes. You had to have a working
24 automobile.
25 Q All right. Was there an age

5 (Pages 14 to 17)

Page 18

1 requirement for the job?
 2 A I don't believe so.
 3 Q All right. And of course you had to
 4 pass the drug test?
 5 A Yeah.
 6 Q Was -- I mean, was there -- were you
 7 given a spec sheet or anything about the job that
 8 told you that you had to be able to do any
 9 particular -- have any particular skills or do
 10 any particular things?
 11 A I don't recall that there would be
 12 one. But you would certainly have to be able to
 13 carry that -- lug that stuff around all day,
 14 so --
 15 Q Did they bring out the things that you
 16 needed to lug around and ask you whether you
 17 could carry them?
 18 A No.
 19 Q All right. Other than filling out
 20 this paperwork and taking the drug test, were you
 21 asked -- you know, were you asked questions? You
 22 said you didn't really feel like it was an
 23 interview process. But were you asked any
 24 questions?
 25 A I honestly don't remember, but I don't

Page 19

1 think so. It was very -- very much, here; take
 2 this and go fill this out.
 3 Q All right.
 4 A That was pretty much it.
 5 Q And you said that you were told on --
 6 that -- to show up at this place on Tuesday. Did
 7 you go in on a Monday?
 8 A I don't -- it seemed to me it was
 9 Tuesday. No. There was -- for some reason, they
 10 started people on Tuesdays. New --
 11 Q No. I am sorry. Did you go into
 12 Manpower on Monday?
 13 A No. I talked to them on the phone, I
 14 think, but just to double -- I, for some reason,
 15 was waiting, thinking that they had to call me up
 16 and tell me that I had passed the drug test, but
 17 that wasn't the issue. It was just, show up on
 18 Tuesday.
 19 Q Okay. So how long after you went into
 20 Manpower and applied for this position did you
 21 start working?
 22 A It was probably about a week and a
 23 half.
 24 Q All right. And to your knowledge was
 25 anything done during that week and a half to

Page 20

1 clear you to start working there?
 2 A No.
 3 Q All right. And were you told before
 4 you left Manpower that day that you were going to
 5 have -- that you had the job?
 6 A Actually, apparently, they thought
 7 they had told me that. But I didn't -- I should
 8 have started the Tuesday before. But because I
 9 thought that I was supposed to wait to find out
 10 if all my paperwork and the drug screen, that I
 11 had passed that stuff, it was a misunderstanding.
 12 I called them up to find out about it, and they
 13 said, no. You should have been here last
 14 Tuesday. So go ahead and go this Tuesday.
 15 Q Okay. Where did you report to?
 16 A It's the Cellnet office on Page and
 17 170.
 18 Q Cellnet or Honeywell?
 19 A It's Cellnet's office. Honeywell
 20 works off the back of it, off their loading dock.
 21 Q Okay. And I'm sorry. That's Page and
 22 what?
 23 A 170.
 24 Q And that's -- well, I refer -- I
 25 always refer to it as 170 too. It's actually

Page 21

1 Interstate 170, isn't it?
 2 A I think it is.
 3 Q Okay. And you said Honeywell works
 4 out of the back of it. Is there an actual
 5 Honeywell office there?
 6 A Cellnet lets them use a portion of
 7 their office.
 8 Q Was somebody expecting you when you
 9 got there on that Tuesday?
 10 A Well, there was me and probably 11 or
 11 12 other people.
 12 Q Did somebody have your name down and
 13 call it off?
 14 A I think we had to check in at the
 15 desk. And -- but I don't really recall if they
 16 had my name or if I just wrote it down.
 17 Q All right. And when you said there
 18 were you and the 11 to 12 other people, were they
 19 all new people as well?
 20 A Oh, yeah.
 21 Q All right. To your knowledge, did
 22 these other people come from Manpower?
 23 A Oh, absolutely.
 24 Q And how do you know that?
 25 A We all worked for Manpower. The only

6 (Pages 18 to 21)

Page 22

1 people that -- had you to work for them for --
 2 after hiring on through Manpower, you supposedly
 3 worked three months and then got hired on
 4 permanently by Honeywell, but that wasn't exactly
 5 the case.
 6 Q All right. And you said that
 7 everybody was hired through this way, but how do
 8 you know that?
 9 A Just we all talked, worked there, you
 10 know. I mean --
 11 Q All right. Did anybody from Manpower
 12 or Honeywell or Cellnet ever tell you that
 13 everybody was hired for this job through Manpower
 14 only?
 15 A I don't believe anybody did, not from
 16 them. But, I mean, it was just common knowledge
 17 that we all --
 18 Q Okay. And how did you -- you said
 19 that after three months you were supposed to get
 20 hired on by Honeywell. How did you know that?
 21 A This is the -- the -- this is what
 22 they would tell you, that after three months, if
 23 you met certain -- actually, they even handed us
 24 out a criteria sheet of --
 25 Q And who's they? Honeywell?

Page 23

1 A Honeywell, yeah.
 2 Q Okay.
 3 A That if you met these criteria over
 4 the first three months, then they would hire you
 5 on permanently, and it had to do with number of
 6 installs and few -- fewest mistakes, no missed
 7 days, that sort of thing.
 8 Q And when did they hand that out to
 9 you?
 10 A It wasn't right away. It was -- for
 11 me, it was after a few weeks. But then they
 12 revised it and handed it out again, a couple --
 13 maybe a month later. But there were plenty of
 14 people who were there for more than three months
 15 that hadn't hired on yet.
 16 Q Okay. You got a sheet like that at
 17 least twice?
 18 A I believe so, yes.
 19 Q Do you still have a copy of that
 20 sheet?
 21 A I sure don't.
 22 Q Who -- was there a particular person
 23 at Honeywell that you reported to?
 24 A Yes.
 25 Q Who was that?

Page 24

1 A I believe her real name was Wilma, but
 2 she went by Madison. And I won't be able to tell
 3 you her last name. I don't think I ever knew it.
 4 Q All right. But was she a Honeywell
 5 employee?
 6 A She was.
 7 Q Do you know what her job title was?
 8 A Some kind of, like, crew leader or
 9 something -- I don't really know what her exact
 10 title was. But I do know she started with
 11 Manpower.
 12 Q How do you know that?
 13 A She told me the summer before -- well,
 14 a year ago at this time. She worked during the
 15 summer and was made a supervisor, a team leader.
 16 Q So she told you that she had started
 17 in approximately the summer of 2005?
 18 A Exactly. Yeah.
 19 Q Through Manpower?
 20 A Yeah.
 21 Q Is that the person that you reported
 22 to the day you first started at Honeywell?
 23 A Well, she was -- had been designated
 24 that she was going to -- I believe, on that very
 25 first day, all of us that were starting had been

Page 25

1 divided up. You're going to work for this team
 2 and this. So, yeah, from that first day.
 3 Q All right. So what happened on that
 4 first day that you reported to Manpower, besides
 5 being divided -- I mean, to Honeywell, besides
 6 being divided up?
 7 A They briefly went over the pay
 8 structure, and then we spent quite a bit of time
 9 learning how to read a gas meter.
 10 Q All right. So what time did you
 11 report to Honeywell?
 12 A I think we started about 8:00 in the
 13 morning.
 14 Q And what time, approximately, did you
 15 get divided in your groups?
 16 A Well, we were all in the same room for
 17 the first day.
 18 Q Okay.
 19 A And, yeah, just went over, like I say,
 20 for the most -- most of it was learning how to
 21 read a gas meter.
 22 Q Okay. And I want to kind of go
 23 through this systematically. So first of all,
 24 you said they talked to you about the pay
 25 structure?

7 (Pages 22 to 25)

Page 26

1 A Yeah.
 2 Q What were you told?
 3 A It was pretty brief. One of the
 4 supervisors had a sheet that showed you -- the
 5 way they pay is, it's \$7 an hour. Then you get
 6 piecework after that. And it's for the first 50
 7 that you do in a day, you get \$1.15, or something
 8 like that. And then for the next 10, you get
 9 \$1.25. And that might be wrong. And then
 10 anything above that, you got a little bit more.
 11 Q Okay. So the numbers of the piecework
 12 are approximate because you don't recall exactly?
 13 A I don't recall exactly, but those are
 14 very close.
 15 Q All right. And you said one of the
 16 supervisors said this. Was this not Wilma?
 17 A Right. She wasn't in the room at the
 18 time. And he had brought that sheet out, and
 19 then showed it to us. And then was -- I believe,
 20 had to return the sheet, because I think he
 21 realized he had made a mistake by showing it to
 22 us in the first place.
 23 Q Okay. And the sheet you are referring
 24 to now is the sheet with the criteria for being
 25 hired at three months?

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1 A No. No. This was the sheet that had
 2 the pay scale on it.
 3 Q Okay. So you never had a piece of
 4 paper with the pay schedule. You -- but you saw
 5 him hold one?
 6 A Right.
 7 Q In your approximately three months
 8 with Honeywell, were you actually paid in
 9 accordance with what he told you that day?
 10 A I believe I was, but I didn't keep
 11 track of it.
 12 Q All right.
 13 A You know. Just trusted that they were
 14 calculating it right.
 15 Q And do you remember this male
 16 supervisor's name?
 17 A I sure don't.
 18 Q All right. Can you tell me how many
 19 supervisors were in the room that day?
 20 A Probably three.
 21 Q Okay. And was your supervisor Wilma
 22 one of those three at some point during the day?
 23 A At some point, yeah, but she wasn't
 24 there for quite a bit of it.
 25 Q So, was it three plus her, or --

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1 A Well, it was -- you know, they were in
 2 and out. They would all have some reason to have
 3 to leave and go do something else. And, you
 4 know, sometimes it would just be one person
 5 there, and sometimes none, if we were taking a
 6 meter reading test or something like that, you
 7 know.
 8 Q Okay. And this room was a room that
 9 had the other 11 to 12 other people in it with
 10 you, and was that it?
 11 A Right. Yes.
 12 Q All right. What happened after the
 13 supervisor gave you guys the pay scale?
 14 A Well, that was, like I say, very
 15 early. And then we spent the rest -- quite a bit
 16 of the day reading meters. Which, what that
 17 entailed was they would -- they had a slide show.
 18 It would show you a picture of a meter index, and
 19 we would read it and write it down. And they
 20 would go correct it to see how close we were, and
 21 then we would do it again.
 22 Q And how long did that take?
 23 A I think that was quite a bit of the
 24 day.
 25 Q And were you told what the purpose was

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1 for you learning how to read a meter?
 2 A Well, you have to program the AMR when
 3 you install it, so putting the right meter
 4 reading in is crucial.
 5 Q All right. Tell me what you mean by
 6 programming the AMR.
 7 A Well, the AMR broadcasts the meter
 8 reading. So you're telling the AMR what its
 9 starting point is. And -- because since it's
 10 broadcasting this signal out, it has to tell the
 11 gas company what the correct reading is.
 12 Q All right. And you have been using
 13 this term, and I think I have, too. AMR. What
 14 is an AMR?
 15 A That's, I think, automatic meter
 16 reader.
 17 Q All right. I just wanted to make sure
 18 we were on the same page about that.
 19 A Sure.
 20 Q Okay. Were the other supervisors in
 21 the room on this day in December, were they
 22 Honeywell employees, or were they Cellnet
 23 employees? Do you know?
 24 A I believe they were all Honeywell
 25 employees.

8 (Pages 26 to 29)

Page 30

1 Q All right. Did they introduce
2 themselves?
3 A I'm sure they did.
4 Q Did they wear badges, name badges?
5 A Everybody had to -- everybody wore
6 IDs, both Laclede Gas and Honeywell, IDs.
7 Q All right. So, for instance, these
8 supervisors that were standing up in front of you
9 would have worn a badge that said both
10 Honeywell -- like, one badge that said Honeywell
11 and one that said Laclede?
12 A Most people did. Some might not wear
13 the Honeywell, but everybody carried the Laclede
14 badge. And it was just one of those things that
15 hangs on a lanyard around your neck. A little ID
16 thing.
17 Q All right. Do you still have your ID?
18 A I threw it away.
19 Q All right. So around your neck you
20 would have a lanyard that had Laclede, and it had
21 Honeywell on the other side? Or how was that?
22 A Two separate ones. And that's -- that
23 was ideally the situation. But I don't believe
24 that -- quite a few of us never got the Honeywell
25 one. It was important to have one that said

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1 Laclede Gas and had your photograph on it.
2 Otherwise, you wouldn't get into anybody's home
3 to do the job.
4 Q Did you get a Honeywell badge?
5 A I don't believe I ever did.
6 Q All right. And returning to these
7 supervisors for a moment. To the best of your
8 recollection, did they all wear Honeywell IDs?
9 A I couldn't tell you. I honestly
10 couldn't.
11 Q All right. To the best of your
12 recollection, did they all wear Laclede IDs?
13 A I'm pretty sure they all did.
14 Q All right. And you said your ID had a
15 photo on it, your Laclede ID. When was your
16 photo taken?
17 A It must have been within the first
18 week that I worked. And those were done by --
19 the photos were done by a Laclede Gas employee.
20 He made the IDs and brought them back. And it
21 probably took about a week, I suppose. I know I
22 worked for a few days without one. And I
23 remember that, because you can't get into
24 people's homes. When they ask for an ID and you
25 don't have one, it's kind of a waste of time.

Page 32

1 Q Okay. What makes you think that the
2 photos were made by a Laclede employee?
3 A I believe they -- when he came down to
4 photograph us, it was known or said that he had
5 to go back to Laclede Gas to finish making the
6 IDs and would deliver them back.
7 Q Okay. Do you know his name?
8 A I sure don't.
9 Q Did he come down there the first day
10 to take your photos?
11 A No. It was a couple days.
12 Q Okay. So back to this training that
13 you were receiving. You said that you spent a
14 long time looking at these -- doing this slide
15 show with the meter indexing, reading them,
16 writing them down, and then having them checked
17 and starting over again. Was this the testing
18 you were referring to?
19 A They -- yeah. And actually, when we
20 first did it, they actually had a box of the
21 indexes. The slide shows, now that I think about
22 it, came later. So you imagine you get a box of
23 indexes. These are the things that you -- let
24 you read the meter, the dials.
25 Q Okay. That's what you're talking

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1 about, the dials or indexes?
2 A Yeah. And those all had a little
3 sticker stuck on them with a number on it, and
4 you had a sheet of paper that's numbered 1 to 50
5 or whatever. And as you go through these, you
6 wrote down on the appropriate line what the index
7 reads. And then they would go through and check
8 them to see how bad we had done, and then helped
9 us improve our meter reading abilities during the
10 course of the day.
11 Q All right. Is it difficult to read
12 these indexes?
13 A Yeah. It can be.
14 Q All right. Can you explain to me what
15 they look like that makes them difficult to read?
16 A Well, what makes them difficult to
17 read is that they're not calibrated exactly
18 right. So, because they're dials, you would
19 expect, for instance, that if the dial in the 1's
20 column is at a 5, that the one in the -- the dial
21 in the 10s column should be between two numbers,
22 exactly, like a clock. But often it's not the
23 case. Instead, it's pointing right at a number.
24 So then you have to decide, well, which number do
25 I read on this? Is it before or after?

9 (Pages 30 to 33)

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1 Q Okay.
 2 A Follow me?
 3 Q Sort of.
 4 A Well, it's difficult. It can be
 5 really -- because what this dial says relies on
 6 what this dial says. If this dial -- if the
 7 number, say, is 415, here's the 5. It's clearly
 8 on the first in the 1's column. Well, in the 10s
 9 column, if it's pointing right at the 1, you
 10 wouldn't expect it to be there. You would expect
 11 it to be between the 0 and the 1. It should be
 12 halfway to the 1. Right?
 13 Q Do you mean if it were reading like a
 14 clock?
 15 A If it was reading right, it would be
 16 exactly between 0 and 1.
 17 Q All right.
 18 A Or, no. It would be between 1 and 2.
 19 I'm sorry.
 20 Q Okay.
 21 A So then you would know, okay, this is
 22 a 5 and this is a 1. When this 5 gets up to the
 23 zero, this one would have made it up to the 2.
 24 Q Right.
 25 A Well, if it's not like that, if it's

Page 35

1 pointing directly at the 1 instead of between the
 2 1 and 2, you have to decide, should this be 405
 3 or is this 415.
 4 Q All right. So let me make sure I
 5 understand this. When you said that you started
 6 with this box of indexes, would you start with a
 7 box with three dials?
 8 A No. Most of them had four, actually.
 9 Q Four dials? Okay.
 10 A Just 415 or --
 11 Q All right. So, is the leftmost dial
 12 the thousands?
 13 A Yeah. The leftmost dial is probably
 14 10,000s. And so when you read a meter, you read
 15 it from right to left.
 16 Q Okay.
 17 A Because you have to make those
 18 judgment calls all the way. Because what the one
 19 on the left says relies on all the other ones to
 20 the right of it.
 21 Q All right.
 22 A So you start on the right and get that
 23 right, and then move this way, so you --
 24 Q So you start with the lowest number?
 25 A Right.

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1 Q And you move up?
 2 A Right.
 3 Q And so the lowest number would be
 4 between 1 and 100?
 5 A Between 1 and 10.
 6 Q Between 1 and 10. I'm sorry. Yes.
 7 A Or, yeah, between 1 and 0, or 0 to 9.
 8 Q Okay. And the second rightmost dial
 9 would be the 100s column -- or the 10s column.
 10 Sorry. So it would be between --
 11 A Actually, probably not. It actually
 12 probably worked from 10s to 100s to 1,000s to
 13 10,000s.
 14 Q Okay.
 15 A And it doesn't really have -- there's
 16 really not a 1's column dial. That's actually --
 17 there's actually a quarter -- these are -- these
 18 are square foot of gas, right? So you have a
 19 little one that's a quarter, or a half, depending
 20 on what the index is. And then there's one that
 21 reads two feet. But those you don't have to
 22 worry about. You just really worry about the 10,
 23 100, 1,000 and 10,000 dials.
 24 Q Okay. All right. So you worked on
 25 the box of dials for approximately how long? You

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1 got there at 8:00, till approximately when?
 2 A Till sometime in the middle of the
 3 afternoon. Took a lunch break, and that's all I
 4 remember doing. Oh, I take that back. At some
 5 point, until the middle of the afternoon, we
 6 looked at three different kinds of meters.
 7 Q Okay. And I just wanted to go back to
 8 these dials for a second.
 9 A Okay.
 10 Q Because you said that you also did the
 11 slide show. So how long did you spend going
 12 through the box of dials?
 13 A No. Actually, I think, on that first
 14 day it might have been all just the box of dials.
 15 I don't think we -- and then we started doing --
 16 they would test us intermittently with the slide
 17 show thing. But I don't think they had that set
 18 up the first day.
 19 Q Okay. So when did the slide shows
 20 start?
 21 A They probably -- I suppose within a
 22 couple of weeks. And there was a period there
 23 where they were trying to do that once a week.
 24 Q So you would come in and be tested?
 25 A Yeah. You would come in early on -- I

10 (Pages 34 to 37)

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1 think it was Wednesdays, and --
 2 Q And I'm sorry. You thought this was
 3 weekly or every couple of weeks?
 4 A I think that's what they tried to do,
 5 but I don't know if that was actually true or
 6 not.
 7 Q You think it was more every couple of
 8 weeks?
 9 A It could have been, yeah.
 10 Q All right. So you think until you
 11 took a lunch break, and then it was about mid
 12 afternoon, but you stopped working with the
 13 dials?
 14 A I believe that's right.
 15 Q And then what happened?
 16 A They had three different kinds of
 17 meters sitting on a counter, and we looked at
 18 those. Took the -- they all had the AMR device
 19 installed on them. And we just took those off
 20 and reinstalled them to see how they looked --
 21 what they looked like.
 22 Q And do you know what the three types
 23 of meters were?
 24 A One was an American, one was Rockwell,
 25 and one was a Sprague.

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1 Q What was the last one?
 2 A Sprague.
 3 Q S-P-R-A-G-U-E?
 4 A I think so.
 5 Q All right. Were you told why you were
 6 looking at these three types of meters?
 7 A Just they were the most common we
 8 would run into. And they're all different. And
 9 so the different types of AM -- each one requires
 10 a different AMR device, and so how each one of
 11 them installed. Because they're all slight --
 12 they're each one slightly different.
 13 Q The meters that you were working on
 14 that day, installing and re-installing them --
 15 well, first of all, there were approximately 12
 16 or 13 of you, total. How many meters were out
 17 there for the 12 to 13 of you out there to work
 18 on?
 19 A There were three meters, one of each.
 20 And obviously, not everybody did it. Some just
 21 looked over others' shoulders, and they were,
 22 like, oh, that's how you do it. It was more or
 23 less an introduction to the meter. It wasn't an
 24 intimate friendship developing right then. It
 25 was just an introduction.

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1 Q Okay. And you started doing this,
 2 say, mid afternoon. Are you saying about 3:00?
 3 A I think so. Something like that.
 4 Q And how long did you continue to work
 5 on these?
 6 A Very little. Just -- just to see how
 7 they worked.
 8 Q What was the -- what time did you
 9 leave that day?
 10 A I believe we all left earlier, like
 11 4:00, maybe, something -- it wasn't a long day.
 12 I mean, it wasn't -- we weren't there till 6.
 13 Q You think you maybe worked on these
 14 for about an hour?
 15 A If -- if that.
 16 Q And were you one of the people who
 17 actually got to work, do hands-on work, on these
 18 three meters?
 19 A I did, yes.
 20 Q Okay. Did you work on all three of
 21 them?
 22 A I think I did. But there was more --
 23 that was just me doing that, because I knew that
 24 this is what I would be doing, so I might as well
 25 take a look at it. I don't know that everybody

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1 did. I doubt very much everybody did.
 2 Q Okay. Would you tell me what an -- an
 3 AMR device looks like? And I realize that you
 4 said there's three different ones, or there were
 5 three different ones that day. Did they all have
 6 some common denominators?
 7 A They were all -- they're all the same
 8 except in the way that they mount to the meter.
 9 Q Okay.
 10 A That's the only difference. It's the
 11 same machine, and it's just basically a device
 12 that mounts between the -- you remove the old
 13 index, or the index, and it mounts between the
 14 index and the little cogwheel that turns it. So,
 15 after you have installed it, you have got the
 16 index showing again. But between that and that
 17 cogwheel is this digital device that reads along
 18 with it and then broadcasts the signal.
 19 Q All right. And what does that entail?
 20 What does it take to install this AMR device?
 21 A It's a matter of removing maybe four
 22 screws, maybe three, and removing the index --
 23 first, you take the cover off, which is usually
 24 four screws. The index is mounted with smaller
 25 screws inside that. The -- the AMR device then

11 (Pages 38 to 41)

Page 42

1 goes onto those same original four screw holes.
 2 And the index is installed, then, on the face of
 3 the AMR device. And then you put the cover on
 4 the AMR device. Oh, and battery.
 5 Q I'm sorry. What about the battery?
 6 A And the battery. You install the
 7 battery and then you're done.
 8 Q When do you install the battery?
 9 A Oh, it's --
 10 Q When you're putting in the AMR device?
 11 A Yeah.
 12 Q So you remove the cover by taking off
 13 three or four screws?
 14 A Uh-huh.
 15 Q Is that a yes?
 16 A Yes. I'm sorry.
 17 Q Thank you. Then you remove the index
 18 by removing smaller screws?
 19 A That's correct.
 20 Q And you take out all four indexes?
 21 A No. The index is one that I think has
 22 four or six or whatever dials on it.
 23 Q Okay. Good. And then you put the AMR
 24 device over the screw holes for the index?
 25 A No. The index is going to be attached

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1 to the AMR device.
 2 Q Okay.
 3 A I'll go through it again.
 4 Q Okay.
 5 A Here's a cover, a little glass plate
 6 over the index. You remove that, take the index
 7 out. Install the AMR device. Put the index on
 8 the AMR device.
 9 Q Right.
 10 A Install the battery, put the cover on
 11 the AMR device.
 12 Q Okay. But you said something about
 13 using the screw holes for the -- the same screw
 14 holes for the AMR device?
 15 A Yeah.
 16 Q Which screw holes are you using?
 17 A Yeah, the -- let's call them bolts
 18 instead of screws.
 19 Q Okay.
 20 A And it's just that whatever it mounts
 21 to cover, to whatever particular meter it is, and
 22 they're all different. There is, you know, from
 23 American, Sprague, and Rockwell. They're just a
 24 different configuration.
 25 Q All right.

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1 A So when you remove that cover, yeah,
 2 the AMR device gets screwed on -- or bolted onto
 3 exactly where that cover was.
 4 Q Okay. And now you're calling them
 5 bolts. How long were the --
 6 A Well, they vary, and they're different
 7 sizes. I mean, from meter to meter.
 8 Q Okay.
 9 A An American meter has -- it's about a
 10 quarter inch bolt. It's maybe an inch and a half
 11 long.
 12 Q Okay.
 13 A Rockwells are more like an eighth
 14 inch. They're not as big, but a little bit
 15 longer. And Spragues were little short guys.
 16 Probably quarter inch bolts that would have been
 17 about three-quarters of an inch, maybe.
 18 Q Okay. All right. So after the AMR
 19 device is put in, then you said that you put the
 20 index in on top of the AMR device. And first of
 21 all, how thick is the AMR device?
 22 A It's maybe two inches.
 23 Q Two inches thick?
 24 A Yeah.
 25 Q And how wide and --

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1 A Varies.
 2 Q -- deep?
 3 A The -- by thick, I'm saying that's how
 4 far it comes away from the meter.
 5 Q Correct.
 6 A Width-wise, that would vary. Spragues
 7 might be eight inches. Rockwell's might be four
 8 and a half.
 9 Q All right.
 10 A And American, maybe six.
 11 Q And then how long is it?
 12 A Oh, maybe three inches.
 13 Q All right.
 14 A They -- each one varies, but they're
 15 all close to that. Four inches, maybe.
 16 MR. ZUCKER: And by long, do we mean
 17 tall?
 18 MS. SCHRODER: Yeah.
 19 A We're going tall this way, wide this
 20 way, and depth this way.
 21 MS. SCHRODER: Thank you.
 22 Q (By Ms. Schroder) So when you put the
 23 index back on, on top of the AMR device, now this
 24 index is setting two inches out farther than the
 25 meter?

12 (Pages 42 to 45)

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1 A That's correct.
 2 Q Okay. Do you put the cover back on?
 3 A You put the cover for the AMR device,
 4 not the original cover. The original one goes to
 5 the garbage.
 6 Q Because the original cover is not
 7 going to fit?
 8 A No. Not even close.
 9 Q Okay. So when you put this new cover
 10 on for the AMR device, it now -- does that cover
 11 go all the way back to the meter and seal it?
 12 A No. The AMR device has a seal
 13 separately on the backside that makes contact to
 14 the meter. And then the AMR cover just seals
 15 itself. I mean, it is sealed, but the seal for
 16 the AMR -- between the -- there's a seal between
 17 the AMR and the gas, the gas meter.
 18 Q And then there's another seal between
 19 the cover and the index?
 20 A Yeah. It's not really quite a seal,
 21 but it's -- because it's plastic and it's -- it
 22 seems to me that it would seal pretty well. But
 23 I don't -- it wasn't -- there wasn't something
 24 that's specifically called a seal, like, you
 25 know, a gasket.

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1 Q Right.
 2 A Like, on the backside of it.
 3 Q Okay. And I just want to get a
 4 picture of this in my mind. And I'm sorry I'm --
 5 I'm going through this in so much detail. But I
 6 just want to make sure I understand. So then the
 7 cover, the AMR cover, doesn't go all the way back
 8 to the gas meter, but goes -- does it cover the
 9 entire index?
 10 A Oh, yes.
 11 Q Okay.
 12 A Yeah.
 13 Q But it doesn't try -- does it try to
 14 cover the AMR device as well?
 15 A The AMR device is completely sealed
 16 when the cover is on, or -- or, I should say, air
 17 tight, or whatever. It's going to stay dry, you
 18 know.
 19 Q Okay. Okay. So back to this training
 20 that you received on your first day there. You
 21 had these three devices that -- or these three
 22 meters that you could take the AMR device on and
 23 off of. Were you guys just turned loose on them?
 24 Did somebody show you how to take them on and off
 25 first? Did they show you diagrams so you at

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1 least knew what the AMR device was and --
 2 A No.
 3 Q What -- how did that happen? What
 4 kind of training did you get?
 5 A It was just, here's a screwdriver; you
 6 know, have at it. It's -- they're very simple.
 7 Q But did somebody even point out which
 8 was the device that you wanted to be taking on
 9 and off?
 10 A Well, it would have been obvious, but
 11 somebody may have said take this off. But it was
 12 clearly -- it was -- you know, any reasonably
 13 intelligent person would have known what they
 14 needed to do.
 15 Q You're talking to attorneys here, who
 16 are not necessarily very good with their hands.
 17 Okay. Were the meters that -- the three meters
 18 that the 12 to 13 of you were given to practice
 19 on, were they brand new meters? Were they older
 20 meters?
 21 A I think they were probably older
 22 meters. I don't remember them being, you know,
 23 very clean or anything like that.
 24 Q Okay. Did they -- were they in good
 25 shape?

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1 A As far as I know. I --
 2 Q Did the screws come in and out easily?
 3 A Oh, yeah. Yeah.
 4 Q Okay. Were there -- did you have any
 5 problems installing, re-installing, installing
 6 and removing, I guess, that device on those three
 7 meters that day?
 8 A It wasn't -- if it had been a problem
 9 doing it, you wouldn't -- no one would tell you.
 10 It was just, you know, take a look at these and
 11 see how they work. You could have had a problem
 12 in whether the cog in the -- in the meter is
 13 matching up with the -- whatever device is
 14 supposed to be picking that up, to, you know,
 15 transfer it to --
 16 Q Did that happen to anybody while you
 17 guys were practicing that day?
 18 A I don't know of anybody with a
 19 problem.
 20 Q Okay. So, were the supervisors there
 21 to watch you guys install and remove this AMR
 22 device?
 23 A There might have been a supervisor in
 24 the room, but they weren't involved in this.
 25 This was just the new hires kind of taking a look

13 (Pages 46 to 49)

Page 50

1 at these. You know, this is how they come off.
2 Give it a try. This is how they go on. Give it
3 a try. And then, you know, you just stood around
4 and waited your turn if you wanted to do it, you
5 know.

6 Q So somebody actually did it for you
7 the first time? They showed you how it went on
8 and off?

9 A I don't think so. I didn't have a
10 supervisor show me. I probably was standing
11 behind somebody who was doing it, and I just saw
12 what he was doing.

13 Q Okay.

14 A But, like I say, it wasn't a, you
15 know, a big puzzle. It was removing four -- four
16 bolts and taking it off and putting it back on.

17 Q Okay. Well, four bolts to take off
18 the cover, and then some more to take off the
19 index?

20 A Well, the -- I don't remember if these
21 even had the cover on it. I think most of this
22 was a -- seeing how the AMR actually attaches to
23 the -- to the meter itself. There might have
24 been a cover on it. But it's just, that
25 wasn't -- that wouldn't be a problem, you know.

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1 That's, you know, self-evident.

2 Q Okay.

3 A Mostly, the exercise was to see that
4 this is how this attaches, and this is how that
5 mechanism has to match up in the back.

6 Q All right. What happened after you
7 guys did this exercise of working on these three
8 meters?

9 A I think we were told to show up
10 tomorrow, the next -- 7:30, you know, whatever
11 time our shift was going to start.

12 Q Okay. And you were all given shift
13 assignments at that point?

14 A I do believe -- yeah. Each supervisor
15 had a starting time for their crew so that we
16 didn't have a log jam at the warehouse door.

17 Q Okay.

18 A So some groups started at 7:30, some
19 at 8:00, and I think some at 8:30.

20 Q All right. And what was your shift
21 time?

22 A 7:30.

23 Q Okay. And I want to go back for just
24 a second. When you were filling out your
25 application with Manpower, did they -- they want

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1 to know, you know, when they were asking about
2 prior job experience, did they ask why you had
3 left prior jobs?

4 A I don't think so.

5 Q All right. Did they ask about any
6 kind of criminal record?

7 A I don't remember the criminal record
8 one. I think that there might have been a check
9 for that. I'm thinking that there probably was,
10 but I just don't remember for sure.

11 Q Okay. Do you have any criminal
12 record, Mr. Mueting?

13 A No.

14 Q And if you have, that would have
15 pulled us one way or the other. Did they ask
16 about any health conditions? Well, no. Never
17 mind. I take that back.

18 Did they ask whether you needed --
19 whether you could perform the essential functions
20 of the job with or without an accommodation?

21 A I don't believe so. I don't remember
22 specifically, but it -- it was such a small
23 conversation between me and the Manpower person.

24 Q Okay.

25 A I mean, it was minimum. Very minimum.

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1 Q All right. This -- while you were in
2 this training on this first day that you were
3 working at Honeywell, were you -- what were you
4 given? What tools were you given to install this
5 AMR device?

6 A They probably had a screwdriver in
7 there. I don't know that there would have been
8 anything else necessary.

9 Q All right.

10 A Maybe a different sized screwdriver.
11 I don't remember. They didn't -- they were
12 just -- whatever tools were sitting there on the
13 counter, which were -- a screwdriver is the only
14 thing I can think of, but --

15 Q Okay. Were you given any kind of
16 manual about -- that showed you diagrams of the
17 different meters, diagrams of the AMR devices,
18 anything like that?

19 A No.

20 Q Were you given any paperwork this day
21 that you spent training on your first day there?

22 A I don't recall, but I don't think so.
23 I mean, I don't remember ever having anything
24 like that.

25 Q All right. Were you given an employee

14 (Pages 50 to 53)

Page 54

1 handbook?
 2 A Not from them. Manpower has their
 3 standard employee handbook.
 4 Q Okay. And when did you get those?
 5 A I believe they probably gave those to
 6 us that day that we were there filling out the
 7 applications.
 8 Q All right. Do you still have a copy
 9 of your employee handbook from Manpower?
 10 A No. I have nothing from them.
 11 Q Okay. Do you have copies of your
 12 checks from Manpower?
 13 A I doubt it. If I dug for a long time,
 14 something might show up, but --
 15 Q Okay. Well, I may ask you to dig for
 16 those later, but we'll get to that in a little
 17 bit.
 18 I asked you when I subpoenaed you to
 19 bring some documents today, and you told me
 20 outside that you didn't have any. But I do need
 21 to go through these with you. So, first of all,
 22 I asked for documents reflecting your pay with
 23 either Manpower or Honeywell for 2005 to 2006.
 24 First of all, was this the only job you ever did
 25 with Manpower?

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1 A Other than as a teenager, I think it
 2 is.
 3 Q Okay. But certainly, in 2005 and
 4 2006, it's the only job you have had with
 5 Manpower?
 6 A I believe so, yeah.
 7 Q All right. And I think you said
 8 earlier that all your checks came through
 9 Manpower; is that right?
 10 A Yes.
 11 Q Did your pay stubs have any notation
 12 on there about Honeywell or Cellnet or Laclede,
 13 anything like that?
 14 A I don't believe it did. I think it
 15 was just a regular Manpower check.
 16 Q All right. Do you recall whether your
 17 checks indicated the hourly rate and then any
 18 piecework?
 19 A Yes.
 20 Q All right. So the check stub itself
 21 would indicate how much of your pay was piecework
 22 and how much was hours?
 23 A Right. Yes.
 24 Q Okay. Were you ever given a copy of
 25 your application for employment with Manpower?

Page 56

1 A No.
 2 Q All right. Did you ever fill out any
 3 separate application for employment with
 4 Honeywell?
 5 A I don't believe so.
 6 Q All right. Or with Cellnet?
 7 A Oh, no.
 8 Q All right. Other than this employee
 9 handbook that you said you got from Manpower, did
 10 you get any other documents from Manpower or from
 11 Honeywell about your terms or conditions of
 12 employment?
 13 A Nothing from Honeywell.
 14 Q Except at one point this --
 15 A The criteria to be hired on
 16 permanently.
 17 Q Right.
 18 A Yeah.
 19 Q Okay.
 20 A Manpower just hands you a bunch of
 21 stuff. And I can't imagine anybody ever reading
 22 it. But -- so there -- it's a typical employee
 23 handbook with the normal -- you know, who to call
 24 and what your responsibilities are, and who you
 25 represent and all of this. You know, just that

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1 rah-rah stuff.
 2 Q All right. Did you receive any
 3 documents from Manpower or Honeywell or Cellnet
 4 about gas safety?
 5 A I don't believe so.
 6 Q All right. You did not describe any
 7 documents that you received about meter reading
 8 to this point. Did you ever receive any
 9 documents about meter reading?
 10 A I don't believe so.
 11 Q Did you ever receive any documentation
 12 about this AMR device that you were installing?
 13 A I don't believe so.
 14 Q Okay. All right. We'll go through
 15 some of the rest of these in just a minute. Day
 16 two, you reported at 7:30. What happened?
 17 A I was assigned to a guy who had been
 18 there for a few months, who they thought did a
 19 good job, and --
 20 Q And do you remember his name?
 21 A His name was Danny, I think. But I
 22 couldn't tell you his last name.
 23 Q Okay. I'm sorry. Go ahead.
 24 A Well, I followed him around all day
 25 and watched him install, and then I installed

15 (Pages 54 to 57)

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1 some. And, you know, he pointed out the
2 differences between the meters again, as we ran
3 into them. And I worked with him till about, oh,
4 I suppose 3:30, or 3:00. And then went back and
5 checked out.
6 Q And was Danny a supervisor?
7 A No.
8 Q Okay. Was he -- did he give you any
9 indication -- you said that he had been there a
10 few months, or I think maybe you said a couple of
11 months?
12 A A couple months longer, yeah. Started
13 a few months before me.
14 Q And what -- what badges was he -- ID
15 badges was he wearing?
16 A I am certain he had a Laclede Gas.
17 Whether he had a Honeywell or not, I'm not sure.
18 Q All right. To your knowledge, did
19 you -- well, who introduced you to him, and what
20 did they tell you about him?
21 A The -- Madison, the supervisor --
22 Q Okay.
23 A -- would have just told me to follow
24 Danny around. She might have said something
25 like, that he does a good job or something.

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1 Q Did she tell you he was a Manpower
2 employee?
3 A She didn't tell me, but he was a
4 Manpower employee.
5 Q Did he tell you that?
6 A Yeah.
7 Q Okay. Okay. So did Danny tell you
8 anything about problems you might encounter?
9 A Yeah.
10 Q What did he tell you?
11 A Well, just as we -- you know, as you
12 do these, you run into meters that are many years
13 old, some that the screws might be rusted or a
14 little bit frozen. You know, just the stuff that
15 you run into that you have to be -- you know,
16 watch out for. You know.
17 Q Okay. And what did he say to do about
18 those things?
19 A Well, without destroying the meter,
20 you try e to get them off. If you can't get them
21 off, you don't do the meter.
22 Q Okay.
23 A That sort of thing. But just the
24 little things. You know, be sure when you
25 install this type that this gets caught here, so

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1 that this will line up, and that sort of thing.
2 Just --
3 Q Okay.
4 A And then there's -- also, pointing out
5 the meters that you can't do, just that they
6 don't have a device for you. So if you run into
7 one of these, you -- you're doing -- not just
8 installing those things, you also have to program
9 them. And you have a little hand-held computer
10 which has your route, all the addresses in there.
11 And you're recording it as you're going. You're
12 recording all the -- you know, what the meter
13 reads, whether it was done or not, or -- and if
14 not, why you weren't able to do it. So a lot of
15 that day would be dealing with this hand-held
16 computer, and learning how to, you know,
17 operating that.
18 Q Oh. A lot of that day two, you mean?
19 A Yeah. As you're installing -- I mean,
20 you're learning how to do the whole job. And the
21 hand-held computer is at least half the job.
22 Q Okay.
23 A You know, it's not just putting the
24 device on. You have to do all the paperwork, so
25 to speak.

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1 Q And did you have any training on the
2 hand-held computer the day before?
3 A No.
4 Q Okay. So at the end of the day, you
5 said you checked out about 3:30. Were you
6 given -- did you talk to Madison or any other
7 supervisor at the end of the day?
8 A I don't remember specifically, but I'm
9 sure. Well, actually, I can say yes. We talked
10 to our supervisor, if not in person, on our
11 little Nextel phones. You had to call in before
12 you came in, and let them know you were there.
13 And they would ask you -- you know, if there was
14 anything else that needed to be communicated, you
15 would do it that way, or she'd be there when you
16 got in. Most of the time she would be there.
17 Q Okay. So at the end of that day two,
18 what did Madison tell you to do on day three?
19 A Day three, I was out on my own and
20 installing.
21 Q Okay. Your training was completely
22 finished by the end of day two; is that right?
23 A That's right.
24 Q All right. So on day three, did you
25 get given all the equipment you would need at

16 (Pages 58 to 61)

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1 that point?
 2 A That's right. They would issue you a
 3 tool bucket, and they would try to put together,
 4 as well as they could, the tools that you could
 5 anticipate having -- you know, needing.
 6 Q And what were those?
 7 A Oh, you know, different screwdrivers,
 8 linesman pliers.
 9 Q I'm sorry. What was the other?
 10 A Linesman pliers. Some people call
 11 them -- well, let's just call them linesman. I
 12 think that's what they're normally called is a
 13 linesman plier.
 14 MS. HEINTZ: Was that like a
 15 Leatherman tool?
 16 MS. SCHRODER: I'm sorry?
 17 MS. HEINTZ: Was that like a
 18 Leatherman tool?
 19 A I don't know what that is.
 20 Q (By Ms. Schroder) Okay. And what
 21 were the linesman pliers for?
 22 A Well, it's -- when you're in some,
 23 mostly indoor, meters, you have different kinds
 24 of other devices that have already been
 25 installed, so that -- there was a time when they

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1 were trying to send the meter reading to a little
 2 outside thing on the outside of your house. And
 3 so that would have cable. You know, so you would
 4 need to cut that to disconnect it. There
 5 really -- most -- you know, all outdoor meters
 6 are pretty simple. But on the indoor meters you
 7 would just run into a lot of different kinds of
 8 stuff, and so there were a number of different
 9 tools.
 10 Most of them you did not use very often,
 11 but occasionally you would have to -- because you
 12 would be running into some old, odd, outdated
 13 technology that had already been installed. You
 14 would need something like linesman pliers, or a
 15 special screw driver, or that kind of thing.
 16 Q Okay. Were you given any kind of hand
 17 drill?
 18 A Oh, yeah.
 19 Q Okay. Was this in your tool bucket?
 20 A Yeah.
 21 Q Okay. What was your hand drill for?
 22 A It sped up your work. It's just --
 23 for removing this stuff, if you are going to try
 24 to do 100 a day, it's much nicer to have just a
 25 little battery powered thing that removes the

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1 screws for you.
 2 Q Okay. And you said if you were going
 3 to try to do 100 a day. How -- where did you
 4 come up with that number?
 5 A Well, I would never have gotten 100
 6 done, but I would leave most days with 80, 85 on
 7 my route. Some people took more and some people
 8 took less. You know, they would let you gauge
 9 how many you thought you could get done. But
 10 since you get paid by how many you would get
 11 done, you would take as many -- you know, you
 12 would take as big a route as you could.
 13 Q Was there -- in that first day of
 14 training or the second day of on-the-job
 15 training, were you ever given a goal of trying to
 16 get a certain number done per day?
 17 A I don't believe. I don't remember if
 18 they gave us a specific goal. But it was in the
 19 criteria when we -- they did start passing those
 20 out. I don't remember what it was, but it seems
 21 to me that they were shooting for something like
 22 60 a day, or something like that. It was quite a
 23 bit, especially if you had an indoor route. It
 24 would be near impossible, but --
 25 Q All right. So you were given a tool

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1 bucket with screwdrivers, linesman pliers, hand
 2 drill. Anything else that you recall in the tool
 3 bucket?
 4 A A First Aid kit.
 5 Q All right. What kind of First Aid
 6 kit? Just the kind you get in the grocery store?
 7 A Yeah. Just a cheap one that you had
 8 Band-Aids in it, probably some kind of
 9 antibacterial, a tube of something. And I can't
 10 remember what else. Not much. It was a small
 11 little kit.
 12 Q Okay. Anything else?
 13 A They gave you some rain gear. Oh, you
 14 got a hard hat and safety vest. You know, a
 15 fluorescent kind of -- you know, high visible
 16 thing.
 17 Q So, was the safety vest -- it's just
 18 about -- I mean, was it a thin piece of plastic?
 19 A Yeah. It was just that thin kind of
 20 fluorescent orange.
 21 Q To keep you from getting hit by cars
 22 as you were doing the meters?
 23 A That was the idea.
 24 Q Okay. Anything else?
 25 A I can't think of anything. Oh, our

17 (Pages 62 to 65)

Page 66

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1 phones. You know, everybody had one of those
2 phones.

3 Q The Nextel?

4 A Yeah.

5 Q And you mentioned the hand-held
6 computer?

7 A Right. That, too.

8 Q Was that like a Blackberry?

9 A No. Much larger, and it's made
10 specifically for this, as far as I know. I have
11 never, ever seen anybody carry anything like it.
12 I suppose any meter reader would carry one.

13 Q Okay. So, is it approximately like a
14 foot long and --

15 A Oh, not quite, but close. Maybe about
16 four inches wide and an inch and a half thick,
17 something like that.

18 Q Okay. Did the computer have anybody's
19 name on it, as far as, like, did it say it was
20 the property of Honeywell or Cellnet or Laclede?

21 A You know, I don't recall. Not on
22 that. The program was licensed to -- so when it
23 would boot up, it would say somebody's name. I
24 don't remember. Probably Honeywell's.

25 Q And you don't remember?

1 missing something, and you just tried to get it
2 from somebody that had a key to that supply
3 closet. And the hand-held, I suppose she
4 probably would have been the one that would have
5 given that on the first day, because it was an
6 expensive item, but everything else you kind of
7 just got it as you could.

8 Q Okay. The supply closets, did they
9 say Cellnet or Honeywell on them?

10 A No. It was -- it was a -- the back
11 end of the Cellnet office, but, yeah. They just
12 let Honeywell use the space.

13 Q All right.

14 A It had no names.

15 Q Did -- now, you said that maybe every
16 couple of weeks you would go in and do this slide
17 show with the meter index, and they would test
18 you about your meter reading?

19 A Right.

20 Q Was there any other follow-up training
21 done?

22 A Do you mean other than the meter
23 reading?

24 Q Correct.

25 A No. I think occasionally, if it was

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Page 69

1 A I don't. But the actual device
2 itself, I don't remember there being any name on
3 that.

4 Q Do you remember what kind of brand the
5 device was?

6 A I sure don't.

7 Q Okay. Who gave you this equipment?
8 How did you get it? Did you get it straight from
9 Madison?

10 A I believe so. And when you were
11 assigned one, you put your name on it and you
12 left those at the shop.

13 Q Each night?

14 A Each night. Because they had to
15 recharge. And so you had a little bay that you
16 plugged it in, and that was the one you were
17 supposed to hang onto and take care of.

18 Q Okay. I mean, did -- was the
19 equipment brought to you, or did you go to a
20 supply place there on the -- on the site to get
21 it?

22 A It's much more of a random thing.
23 You -- they had a supply closet, and they would
24 give you the stuff as -- and we -- it might be
25 Madison. Then you might realize that you're

1 brought to their attention that a certain type of
2 mistake was being made, then they would, you
3 know, bring it to everybody's attention, you
4 know, make sure that you're doing this and not
5 this, that sort of thing.

6 Q And how was it brought to your
7 attention? Were they having meetings?

8 A Yeah. They did have meetings.

9 Q Okay. How frequently were those
10 meetings?

11 A It was another thing that they were
12 trying to do once a week, but I don't believe
13 worked out quite like that. But -- so every
14 couple of weeks, I suppose.

15 Q And during those meetings there might
16 be just -- it might just be the meter reading
17 training, or it might also be --

18 A Well, this is a separate thing.

19 Q Okay.

20 A The meetings would be them trying to,
21 you know, I suppose, threaten people to get them
22 to work faster. That seemed to be a lot of it.
23 But also, yeah, to mention if, you know, if
24 somebody had gone out and misprogrammed a lot of
25 meters, it would make the news and then they

18 (Pages 66 to 69)

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1 would tell us about it, and remind us that doing
2 a good job was important, and that sort of thing.

3 (Whereupon a short recess was taken at
4 10:20 a.m. and resumed at 10:29 a.m.)

5 MS. SCHRODER: Okay. We're back on
6 the record.

7 Q (By Ms. Schroder) Mr. Muetting, we
8 were talking about some follow-up training right
9 as we took a break. And you were talking
10 specifically about some meetings that occurred
11 approximately every two weeks. You said they
12 were mostly to encourage people to work faster,
13 but there was also some discussion about
14 improving their meter programming; is that right?

15 A Generally, if they make the news.

16 MR. ZUCKER: I'm going to object to
17 the form of the question about the use of the
18 word "mostly," but --

19 Q (By Ms. Schroder) All right. Go
20 ahead.

21 A The main concerns were that we all get
22 a lot done every day. Since we're out there
23 unsupervised, they seemed to think that some
24 people would be happy to make \$7 an hour and they
25 might just go hang out at the Dunkin' Donuts or

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1 something. And I don't know what they were
2 thinking, but, that; and, of course, you probably
3 know, they made the news a few times because of
4 misprogramming in our devices, which could either
5 double, triple, or not bill enough. And so, of
6 course, when they would make the news, they would
7 want to bring that up with us and encourage us to
8 do a better job of programming.

9 Q All right. Was anything else
10 discussed at these meetings that you recall?

11 A Occasionally, I remember that -- with
12 one of the meters, the Rockwell meter, has a
13 little bit of a different mechanism that makes
14 the connection from the meter to the AMR device.
15 And in installing that, somebody could get it to
16 where it wouldn't quite work right. And so they
17 would seem to be concerned about that every once
18 in a while.

19 Q All right. Is that the cogwheel you
20 were talking about?

21 A Yeah. With -- yeah.

22 Q And what was the concern that they
23 expressed?

24 A Well, the way that that one worked was
25 you basically had a plastic cup that would be

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1 shoved over the -- this cogwheel. And if it's
2 not put on in the same plane, you know, like
3 this?

4 Q Yeah.

5 A If it was cockeyed or something like
6 that, it would maybe malfunction, but, more often
7 than not, make an unpleasant noise that
8 apparently homeowners thought sounded like a
9 ticking bomb, or it sounded like it wasn't
10 working right. It would click, you know. That
11 click would be passed down the gas -- you know,
12 it had, like, cast iron pipe, and it just carried
13 the sound with it. But that is about the only
14 one I remember that had to actually do with the
15 mechanical device. Most of the time it was
16 programming, meter reading properly, and
17 programming them properly.

18 Q You said you were out there
19 unsupervised. Did anybody ever come out and
20 follow you around for a day or check up on how
21 you were doing?

22 A That -- rarely, but it did. Yeah.
23 They would send somebody out there -- well,
24 apparently, they said that sometimes you wouldn't
25 know that you were being watched, but I think

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1 most of the time we knew when somebody -- they
2 will just come out and say, hey, how are you
3 doing, and that sort of thing.

4 Q All right. Would they follow you for
5 a whole day, then?

6 A No. No. Just check with you. They
7 might go look at something that you have done.

8 Q Uh-huh.

9 A But I don't know that. I never saw
10 them do it. But generally, if you were sent to a
11 neighborhood, you weren't the only one. You
12 know, there might be 15 people or whatever
13 working in that neighborhood. So if somebody --
14 if a supervisor had gone out there, they would
15 drive past everybody and see where they was, that
16 sort of thing.

17 Q All right. Did you work singly or in
18 pairs or --

19 A Yeah. You worked by yourself.

20 Q I'm sorry?

21 A You worked on your own.

22 Q Okay. Now, I didn't hear in any of
23 your description of the training that you
24 received any discussion at all about gas safety.
25 Did that come up?

19 (Pages 70 to 73)

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1 A Only that if you smelled gas, and it
 2 was a pretty strong smell, then you should call
 3 your supervisor.
 4 Q And who told you that?
 5 A I think it was probably mentioned by
 6 my supervisor.
 7 Q And you were to call the supervisor;
 8 is that what you said?
 9 A Yeah. If it was a -- the way it was
 10 explained to me, if it was just a small -- not a
 11 really strong smell, you called her in and let
 12 her know that -- that you could smell gas. But
 13 it was understood that at some times you would
 14 just smell gas anyway. So if it was very weak,
 15 you might not worry about it. If it seemed more
 16 significant, then you would call her and she
 17 would call Laclede Gas, and they would send
 18 somebody out to check it. If it was a very
 19 strong smell, then often they would ask you to
 20 wait there, especially if it was indoors, you
 21 know.
 22 Q All right.
 23 A Then you would wait for Laclede Gas to
 24 show up.
 25 Q Were you given any kind of gas leak

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1 detection device?
 2 A No.
 3 Q All right. All right. You mentioned
 4 indoor and outdoor meters. Were you doing more
 5 of one than the other?
 6 A If you were lucky, then you got
 7 outdoor meters. But I was told that about
 8 40 percent of the area was indoor. And
 9 generally, if you -- it seemed to be random, but
 10 if you got an indoor route, generally you were
 11 going to be indoors all day. Because that
 12 neighborhood was indoors, then it was basically
 13 all indoor.
 14 Q Right.
 15 A So basically, if you're in an older
 16 neighborhood they were indoor, and if you were in
 17 a newer suburb, then they were all outside.
 18 Q Okay. You said that you were told
 19 that 40 percent was indoor. Who told you that?
 20 A I think that was from the supervisors.
 21 Q Okay. And, again, you said the
 22 outdoor meters were easier. Is this because the
 23 indoor ones had these trace devices on them and
 24 other things?
 25 A Well, there was that. But you are not

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1 concerned about that. But you are just concerned
 2 about how many you are going to do, and if you
 3 don't have to knock on somebody's door, you are
 4 just motoring down the street and getting them
 5 put in. If you have to wait for somebody to
 6 answer the door, then it takes longer.
 7 Q Okay.
 8 A And usually you have to unpack their
 9 basement to try to get to the meter and all of
 10 that.
 11 Q Okay. Did you get any feedback about
 12 the number of mistakes you were making?
 13 A That was a promise to us that we
 14 would. But I never did.
 15 Q All right. So, do you think you were
 16 perfect?
 17 A I would like to think so, but I doubt
 18 it. I think you are going to make -- at least on
 19 programming, you know, that's where you were
 20 going to get your feedback, because that's what
 21 they were going to want to talk to you about.
 22 And, you know, I'm just certain that there's just
 23 no way anybody's going to get them all right.
 24 Q All right. And by programming, I
 25 mean, you didn't describe any training on the

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1 actual programming of the AMR device, other than
 2 learning to read the meters. Is that what the
 3 programming is, is setting the meter to the
 4 number that the old meter had?
 5 A There's that, what rate that it clocks
 6 at. You have to tell the device whether this
 7 meter reads at quarter foot at a time, or a half
 8 a foot, or two feet, or whatever. You know,
 9 that's the base. You have to set the base right.
 10 Because all it knows is that it's being turned.
 11 And it needs to know what each turn is. And
 12 there was other things there. You know, what
 13 type of meter. You had to check the meter ID
 14 number. Of course, all the -- you know, the
 15 address. You were basically double-checking to
 16 make sure that this house is going to get the gas
 17 bill that's correct and theirs. You know, not
 18 their neighbor's.
 19 Q Okay. And when were you taught to do
 20 all of this?
 21 A On the second day when -- when I was
 22 out working with Dan.
 23 Q All right. This was the on-the-job
 24 training?
 25 A Yeah.

20 (Pages 74 to 77)

Page 78	Page 80
<p>1 Q Okay. Were there meters that you 2 weren't able to put the device on? 3 A Oh, yeah. 4 Q Okay. And other than because you 5 couldn't get access to it because somebody wasn't 6 home, what were the other reasons? 7 A Other reasons would be that it's a 8 meter that hasn't been retrofitted for the AMR 9 device, or that they haven't designed one yet 10 that would fit it. Or problems with the meter 11 itself. Broken screws or stripped -- you know, 12 stripped screws. Sometimes people would build 13 stuff around it so that you couldn't squeeze it 14 in. You know, you couldn't really get clean 15 access to it. Those are -- well, a vicious dog 16 in the backyard guarding the meter, things like 17 that, you know. 18 There were plenty -- actually, in the 19 hand-held computer they had a list of about, 20 maybe, 20 or, you know, 30 different reasons that 21 you could program in, saying why you didn't do 22 it. 23 Q Okay. Did you ever start one of these 24 and -- well, like, in the case of a broken or 25 stripped screw, start it and you couldn't finish</p>	<p>1 you don't smell gas because of that. Unless the 2 meter is faulty. 3 Q Did you ever smell gas when you pulled 4 the plate off in the index? 5 A Yeah, sure. Sometimes you would get a 6 light little whiff of it. 7 Q And did you call in every one of 8 those? 9 A No. 10 Q And did you ever have some of those 11 that you had to put back together because you 12 couldn't finish it, but you smell the whiff of 13 gas? 14 A I wouldn't remember that. 15 Q Did you have any of those situations 16 where you had to call your supervisor because 17 there was a strong gas smell? 18 A Oh, yeah. 19 Q And did you have to stay and wait for 20 Laclede to get there at times? 21 A I don't believe I ever had to wait. 22 The -- as I recall, almost every one that I 23 called in was an outdoor meter. 24 Q Uh-huh. 25 A And, well, I certainly wouldn't want</p>
Page 79	Page 81
<p>1 it, then what did you do? 2 A You would put it back together. 3 Q Okay. Were you always able to put it 4 back together? 5 A Well, yes, but you couldn't be sure 6 that it was going to seal. Not that that would 7 prevent, you know, or cause a gas leak, because 8 you don't have access that deep in the meter. 9 But if you have broken a screw, well, you can't 10 replace it, you know, because -- well, I think 11 some guys did. They would take the tools that it 12 would take to do that, but I wasn't involved in 13 that. But most of us would just put it back 14 together as best we could. 15 Q And you said that it wouldn't create a 16 gas leak. You weren't given any training on 17 that, though, were you? 18 A Well, no. 19 Q Okay. So you are just assuming that 20 it wouldn't create a gas leak; is that right? 21 A Well, right. But you're not 22 accessing -- you're not getting any access to gas 23 when you take the -- you know, unless the meters 24 were faulty. But when you are pulling the index 25 out, when you're taking that place off, you know,</p>	<p>1 to hang out for an hour, whatever it would take. 2 Q Because this was in the middle of 3 winter? 4 A Well, that, but you're not getting 5 paid to stand there. 6 Q Okay. 7 A So why would you want to do it. 8 Q Do you know approximately how many 9 times you had to call in? 10 A Not very many times. A handful of -- 11 four or five, you know, something like that. 12 Q And did anybody ever follow up with 13 you and tell you what happened to the meter? 14 A No. 15 Q Or happened with the meter? 16 A No. 17 Q Did you ever have a situation -- did 18 you use the hand drill at all when you were 19 installing? 20 A I used it until the battery ran out 21 every day. 22 Q Okay. Your hand drill was a 23 battery -- 24 A Sure. 25 Q Okay. A battery operated one?</p>

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1 Did you ever have problems where -- or a
2 situation where the hand drill destroyed a screw
3 or went too far in or anything -- have any
4 issues?

5 A Well, it couldn't go too far in unless
6 you put a drill bit on it.

7 Q Okay. Did you have a drill bit?

8 A No.

9 Q Was that something you were able to
10 get?

11 A Anybody was able to get them.

12 Q But you could get them through the
13 supply closet?

14 A Well, I don't remember seeing them in
15 there. The only -- if you -- if you busted the
16 head off of a screw, the only way to get it out
17 is to drill a hole into the middle of the screw,
18 and you use a little tool called an easy out.
19 It's kind of a reverse thread, a little metal
20 thing.

21 Q Okay.

22 A And then you could back the screw out,
23 using that tool. At least that's what the hope
24 is, you know. But why would you do that? You
25 don't get paid to do that. So I wouldn't. But I

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1 do know that there were guys that did, you know,
2 who thought that would look good for them if
3 they -- instead of put stripped screw as the
4 reason why they didn't finish it, they just went
5 ahead and finished it. But I actually only met
6 one guy who would bother doing that.

7 Q Okay.

8 A So, otherwise, you just have a slotted
9 or -- yeah, slotted bit for, like, a screwdriver
10 on there, and you just stick that in the slot on
11 the screw and back it out and screw it back in,
12 whatever you are doing. So, going too far --

13 Q So you're using an electric
14 screwdriver?

15 A That's the only reason I would use it,
16 yeah. And I'm sure most people would only want
17 to do it that way.

18 Q But there was available to you, if you
19 wanted it, an actual bit to use it as a drill?

20 MR. ZUCKER: Object to the question.

21 Q (By Ms. Schroder) You can go ahead
22 and answer. You don't have to -- the objection
23 is for our record.

24 A I don't know if they made them
25 available. The young man I saw that did use

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1 them, I -- for all I knew, those were his
2 personal tool.

3 Q Okay.

4 A And probably was, you know. I don't
5 know for a fact where he got it. But, no. There
6 was -- in this -- where they handed out tools, I
7 never saw any bits there, any drill bits or --

8 Q All right. And other than one man who
9 you saw that was using the electric drill as a
10 drill, were you ever -- did you ever hear of or
11 see anyone else using a drill that way?

12 A No.

13 Q Okay. You said that you stayed there
14 for about three months. Why did you leave?

15 A Because it pays terribly. I never
16 worked for people who had such disrespect for the
17 people who worked for them. It was a terrible
18 place to work.

19 Q What do you mean?

20 A Oh, the meetings. There would be
21 threats. I mean, it was really ridiculous.

22 Q What kind of threats? Just threats
23 you needed to get more done?

24 A Oh, the -- yeah, that you would have
25 to get more done. And in the same meeting where

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1 you were getting congratulated for having a huge
2 day, you would also be getting threatened. And
3 the expression that she liked to use was that the
4 ax would fall. And whatever that meant, you
5 know. I don't know if she really had an ax, or
6 if that just meant that she was going to fire us.

7 Q About what, though?

8 A Production. You know, whether we're
9 getting enough done.

10 Q Okay. So, was there pressure -- did
11 you feel that there was a lot of pressure to turn
12 out numbers?

13 A Me, personally, wouldn't feel any
14 pressure for anything like that. Whether anybody
15 else did, I don't know. I just thought it was
16 just ridiculous, so I left.

17 Q Okay. Were you there long enough that
18 you should have become a Honeywell employee,
19 according to the criteria?

20 A I was coming right up to it. I
21 probably wouldn't have been. And in the meeting
22 that they were talking about this, they had
23 gotten new supervisors and a new regional manager
24 and all of that. And she admitted that this
25 whole business of making people permanent had

22 (Pages 82 to 85)

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1 somehow fallen through the cracks, and she knew
2 that there were quite a few people who had been
3 there for many, many months who hadn't become
4 permanents yet.
5 Q Okay. I'm sorry. Who admitted this?
6 Madison or --
7 A No. The general -- she was, like,
8 regional person is how she was introduced.
9 Q And do you know her name?
10 A I sure don't. But she had admitted,
11 and asked at that meeting how many people had
12 been there longer than three months and hadn't
13 been put on permanently, and there was quite a
14 few.
15 Q How many people were at this meeting,
16 generally?
17 A Oh, maybe 90. Something like that.
18 Q And how many people indicated that
19 they hadn't been made permanent?
20 A Well, it would seem to me that about
21 15 or 20, which -- I believe there were only
22 about 12, outside of supervisors, that were
23 permanent. They had a tremendous turnover. So
24 it's not unlikely that there would be a lot of
25 people who hadn't had three months yet. But

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1 there were, you know, at least -- there were 15
2 or so, I'm sure, that had been there for much
3 longer than three months that were still working
4 for Manpower.
5 Q Okay. And you said that there was
6 tremendous turnover. How do you know that?
7 A Just because the faces changed all the
8 time. And every Tuesday would be just like the
9 Tuesday I started. You know, so many people
10 going in there, getting -- getting trained. But,
11 yeah. The faces changed all the time. But there
12 were people that had been there for maybe a year,
13 but -- it was -- it was a lot of new people.
14 Q Okay. So every Tuesday you would see
15 new employees come in?
16 A I may not see them, but I would notice
17 new people -- new faces in the --
18 Q Okay.
19 A You know, somebody you kind of at
20 least knew their name three weeks ago was no
21 longer there. You know, you just noticed there
22 was ever changing faces.
23 Q Okay. And you would notice because
24 you had interaction with these employees at these
25 meetings that were occurring both to -- for the

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1 meter testing and also for the --
2 A Meter reading. Oh, that meter reading
3 and the general meetings.
4 Q And also the general meetings?
5 A But also, every morning you were going
6 in and you were dancing around each other trying
7 to load your truck and get your stuff together to
8 go out. So you were running into them every day,
9 at least for those people that were starting at
10 the time you are.
11 Q On your shift?
12 A And then again when you were going in
13 at night, you were seeing the same kind of
14 people.
15 Q And when you would have these
16 meetings, both the general meetings and the ones
17 that were specifically about meter reading, were
18 they at a time when people from all the different
19 shifts would come? Or do you know if they were
20 shift-specific meetings?
21 A To read -- or to practice or to take
22 your tests to read the meters, those were shift
23 specific. The general meetings were everybody at
24 the same meeting.
25 Q Okay. And how many people -- how many

Page 89

1 employees were there, doing this work?
2 A Probably right around 90, average. It
3 fluctuated, you know, but it was a good-sized
4 group.
5 Q All right. And you said that you
6 thought there were just 10 to 15 people that had
7 been there -- I think you either said that had
8 been there more than a year or that were
9 permanent. Would you --
10 A They said at the meeting when they --
11 when she brought that up -- because, apparently,
12 some people were asking questions about why they
13 weren't being hired on. She had pointed out that
14 she knew that there were only this many people,
15 and it was a very -- it was like 12 or 15 or
16 something like that. And then when she asked
17 everybody to raise their hand who had been there
18 longer than three months who hadn't been made
19 permanent, and it was again about that many.
20 Q Okay. Was there any indication that
21 anyone was being hired from any source other than
22 Manpower to do this work?
23 A I don't think so. I think everybody
24 came through Manpower.
25 Q When you were working on some of these

23 (Pages 86 to 89)

<p style="text-align: right;">Page 90</p> <p>1 meters -- well, would the outdoor meters be more 2 likely to be rusty, or the indoor meter, first of 3 all? 4 A I don't -- I think that the -- if you 5 were going to have trouble -- 6 MR. ZUCKER: Object to the form of the 7 question. Sorry. Go ahead. 8 Q (By Ms. Schroder) Was there some type 9 of meter that was more likely to have rusty 10 screws? 11 A I just really don't know. But it does 12 seem to me that the indoor meters would tend to 13 present more problems. But, in saying that, I -- 14 it could be just because I just didn't like being 15 in some of the basements. But I'm -- I can 16 definitely remember quite a few on the outside 17 that I still had to -- that I couldn't do. 18 Q All right. When you were working on 19 meters with rusty screws, did you ever have to 20 bang on a meter? 21 A Oh, there's a few -- you could get 22 pretty rough with them, I mean, at times. 23 Q Okay. And when you were working in a 24 neighborhood with other people, did you see other 25 people doing that as well?</p>	<p style="text-align: right;">Page 92</p> <p>1 A The meter would be wiggling, you know. 2 Q Okay. 3 A And how violently, I would say, to me, 4 not violent enough to do damage to the meter. 5 Because I don't think I ever did. 6 Q Okay. Have you ever put a coin in a 7 pop machine and the can didn't come out? 8 A I did. I suppose, as a kid, or maybe 9 I thought I put a coin. I tried to get the can 10 out, anyway. 11 Q And what did you do when the can 12 didn't come out? 13 A I don't know. 14 Q Did you kick the -- kick the pop 15 machine? 16 A Yeah, that -- I'm not -- 17 Q I'm not turning you into the Coca-Cola 18 Company. 19 A No, I know. But I don't know that 20 that is a good comparison. Because -- 21 Q Okay. 22 A Because the gas meter is hanging -- is 23 only attached by the gas line, you know, the cast 24 iron lines that come into it. And then how much 25 it wiggles and stuff is going to be dictated by</p>
<p style="text-align: right;">Page 91</p> <p>1 A I think that -- I don't know that I 2 saw anybody doing it, because I probably wouldn't 3 have watched anybody do -- anybody work on them. 4 Q Okay. 5 A But just from doing it, yeah. You ran 6 into a lot of old stuff, yeah. So I can't 7 imagine somebody doing the job without having, at 8 some point, having to kind of, you know, really 9 work it or get -- you know, use some kind of 10 force to get the job done. 11 Q Okay. And what do you mean by some 12 kind of force? I'm just kind of trying to figure 13 out how much force you might exert with the 14 meter. 15 A Well, me, I would use what it took, as 16 long as it didn't -- you know, you didn't want 17 to -- you don't try to rip the meter off. But, 18 you know, you still want to get it done. You 19 have wasted the time to get there, so why not 20 finish it. And it's hard to describe. I 21 don't -- 22 Q Okay. 23 A You know. 24 Q Well, like, when you put a coin in 25 a --</p>	<p style="text-align: right;">Page 93</p> <p>1 how much the -- how the length of those before 2 they're fastened to something else. You know, 3 just like you get a hell of a lot more torque if 4 you have got a long -- you know, a long line, 5 right? So the amount of wiggle in the gas meter 6 is going to be dictated by these things. And I 7 couldn't tell you how strong that stuff is. So 8 how hard would you have to do it to do damage? I 9 don't know. 10 Q Okay. 11 A You know, I mean -- 12 Q When you were doing on-the-job 13 training with Danny, did he have -- did he have 14 times when he couldn't get the screws out, or 15 they were rusty screws? And did you see how he 16 handled that situation? 17 A I don't remember, specifically. No. 18 I really -- I couldn't tell you. I honestly 19 don't remember if we were 100 percent successful 20 that day, or whether there was some kind of -- 21 Q Okay. 22 A Well, I'm sure there were some that we 23 couldn't do, but perhaps not for that reason. 24 Q Okay. And you don't remember if he 25 had to man-handle the meter a little?</p>

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1 A I don't, really. I honestly don't.
 2 Q Okay. I mean, is that a fair
 3 description of what you might do if you had a
 4 rusty screw or something that was -- that was a
 5 little resistant?
 6 A Yeah. I -- you know, I'm trying to
 7 picture how this would -- how would I do this,
 8 and I honestly just -- it seems like I would
 9 remember it so well, because it was so
 10 repetitious, but I honestly don't. I -- you
 11 know, I know that -- that there would be
 12 occasions where that would happen. But I just
 13 can't picture in my head how it would -- how I --
 14 you know, how it is that I would cause it to move
 15 a lot, or that. But I just know that it did.
 16 Q Okay. Do you know the names of
 17 anybody who worked with you there? The first and
 18 last names?
 19 A No.
 20 Q There was nobody at all at Honeywell
 21 that you became friends with enough to know --
 22 A No.
 23 Q -- their first and last names?
 24 A There really isn't.
 25 Q And you didn't refer --

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1 A I was lucky if I could remember their
 2 first name.
 3 Q Okay. You didn't refer anybody to
 4 work there?
 5 A I think I might have mentioned it
 6 to -- you know, just like I had asked the person,
 7 I might have done that, too. I'm sure I did.
 8 Whether they went down and did it, I don't know.
 9 Q Okay. But were you referring this job
 10 to anybody that you knew?
 11 A I would never do that. I would have a
 12 hard time admitting to anybody I knew that I did
 13 the job myself.
 14 Q All right. Are you an employee of
 15 Steelworkers Local Union 11-6?
 16 A No.
 17 Q Are you related by blood or marriage
 18 to any officer or business representative of
 19 Steelworkers 11-6, to your knowledge?
 20 A No.
 21 Q Are you related by blood or marriage
 22 to any union officer or business rep for any
 23 Steelworkers union?
 24 A No.
 25 Q All right.

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1 MS. SCHRODER: I think I am about
 2 done. I want to -- if I could just have about
 3 five minutes. And I'm sorry. I should have done
 4 this when you guys were on break.
 5 (Whereupon a short recess was taken at
 6 10:58 a.m. and resumed at 11:05 a.m.)
 7 MS. SCHRODER: Okay. I'm ready to go
 8 back on the record for just a minute.
 9 Q (By Ms. Schroder) Mr. Muetting, did --
 10 at any point, were you asked to go read meters
 11 that had already been -- where the AMR had
 12 already been put in, like, to go back and read
 13 them to make sure they were right?
 14 A I believe I was given a couple of
 15 those, but that was pretty rare.
 16 Q Okay. And who would ask you to do
 17 that?
 18 A They would just come up on -- they
 19 would be part of your route, you know. And how
 20 it was -- there would be a note in the -- you
 21 know, as you're doing your job, you're -- it's
 22 just a list of addresses and you pull up each
 23 one. And almost all the time you're just doing a
 24 regular install, but occasionally there would be
 25 a note in there that you were just there to

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1 reread or check the -- make sure that the meter
 2 ID was correct, or something like that.
 3 Apparently, they were having a problem with it,
 4 so --
 5 Q All right. Did you ever get asked to
 6 read meters where an AMR had not been installed?
 7 A Only the ones that you are installing,
 8 you know, if you are doing the install. But, no.
 9 I have never read the meter just to read a meter,
 10 without the AMR, I guess.
 11 Q All right. And at some point when you
 12 were employed there, did the rate of pay go up,
 13 or was there any indication that it would go up?
 14 A For us?
 15 Q Yes.
 16 A No.
 17 Q Would it have gone up if you had
 18 become permanent?
 19 A I wouldn't be able to answer that.
 20 They didn't --
 21 Q That wasn't addressed?
 22 A No. They're very cryptic about just
 23 exactly what being full-time meant and what
 24 benefits and pay went along with it.
 25 Q All right. And as a temporary

25 (Pages 94 to 97)

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1 employee through Manpower, did you have any
2 benefits?

3 A No. No. You could get -- you
4 could -- allowed to buy into their health plan,
5 or -- I don't know if they had -- they probably
6 had some kind of a retirement thing. They
7 were -- you know, the general rip-off stuff. You
8 pay a lot for very little.

9 Q Did you get any vacation time?

10 A I think Manpower might have something
11 like that. But I wouldn't have been there long
12 enough to see it.

13 Q Okay. So for the three months that
14 you were there, you did not receive any
15 compensation from Manpower or Honeywell, other
16 than the \$7 an hour and the \$1.15 per meter up to
17 50, et cetera?

18 A Right. That -- but I actually did buy
19 into the cheapest health thing for the last
20 month.

21 Q Okay. Did you receive -- at any of
22 these times when you were having the general
23 meetings, or in your first day of training, did
24 you receive any kind of safety training about
25 driving?

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1 A No. Other than that they told us that
2 we were supposed to wear our seatbelts as we
3 worked for them.

4 Q All right.

5 A I believe that was it.

6 Q And did you receive safety training
7 about dogs?

8 A Nothing -- no. You are just told that
9 if you were uncomfortable going into somebody's
10 backyard with -- that had a dog, that you didn't
11 have to do it. Oh, you were given a -- they gave
12 you that spray, mace stuff, or whatever.

13 Q Given mace for the dogs?

14 A Yeah.

15 Q Okay.

16 A I don't know if anybody -- well, I'm
17 sure some people used it. I don't remember
18 having mine. I'm sure I wouldn't have taken it
19 with me.

20 Q Okay. And you mentioned that there
21 was a fair amount of equipment. I mean, how much
22 did the -- all the -- the tool box and the
23 devices itself, how much was all that -- how much
24 weight was that to carry into somebody's house or
25 yard?

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1 A Well, I don't know. It would have
2 been, I suppose, maybe 30, 40 pounds, maybe. I
3 don't really know. It's up to you how many
4 you're going to carry. Some people had, like,
5 rolling -- you know, this luggage situation where
6 they would carry, you know, 60 devices with them,
7 or 40, or whatever.

8 Q Dollies?

9 A Yeah. You see them in the, you know,
10 Sears hardware section or something.

11 Q All right.

12 MS. SCHRODER: I have no further
13 questions. I don't know what order you guys want
14 to do this in, if anybody wants to ask any
15 questions.

16 MR. ZUCKER: Okay. I'll go ahead.

CROSS EXAMINATION

QUESTIONS BY MR. ZUCKER:

20 Q This is Rick Zucker. I'm an attorney
21 with Laclede Gas Company. Do you have any idea
22 what this case is about?

23 A I suppose it's about the union and
24 being upset about losing jobs. But I don't know
25 that. I just suspect it.

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1 Q How did you get contacted to do this
2 deposition, do you know?

3 A I believe I was contacted because I
4 was trying to unionize all my boys out there when
5 I was completely disgusted with the job. So
6 after visiting four different unions and not
7 getting one bit of support from any of them, one
8 of them contacted, I believe, this law firm and
9 said that I was probably a disgruntled employee.
10 That's how I suspect I did.

11 Q Okay. And then, how did you actually
12 get contacted? Who contacted you?

13 A Did you -- was it Sherrie?

14 MS. SCHRODER: Yes.

15 THE WITNESS: Did you call me?

16 MS. SCHRODER: I mean, you just
17 have -- I'm the attorney, but, yes.

18 A Yeah.

19 Q (By Mr. Zucker) So Sherrie called
20 you, and your suspicion is that the contacts came
21 to her from another source?

22 MS. SCHRODER: I'm sorry. I just want
23 to object on the grounds that he has already said
24 that he is speculating. So you are now calling
25 for speculation. You're specifically asking what

26 (Pages 98 to 101)

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1 he's speculated about.

2 MR. ZUCKER: I'm just establishing
3 that he's speculating. But I think you're right.
4 He already said that.

5 Q (By Mr. Zucker) Okay. And what were
6 you actually doing to try to unionize the people
7 that worked on the AMR installations?

8 A Yeah. I'm just a hothead and I don't
9 like temp agencies. And I particularly didn't
10 like the way they spoke and -- to us, and the way
11 they treated us. And I particularly couldn't
12 stand the way they paid. I mean, you could
13 actually go out and make \$8 an hour on a
14 particular day. Not because you weren't doing
15 nothing, but because you were working hard and
16 you just couldn't find anybody home.

17 So when I got my fill of disgust, I
18 decided to go visit some unions and see if I
19 could get somebody to take an interest in maybe
20 coming out and taking a look at us.

21 Q Which unions did you talk to?

22 A I went to the Carpenters, Gas Workers,
23 Teamsters, and Steelworkers, maybe? One of them
24 was by phone that I talked to, and not being in
25 their office --

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1 Q One by phone and the others were --

2 A Actually, two by phone. Gas Workers
3 was phone, too. And I went to visit the
4 Teamsters specifically and Carpenters
5 specifically.

6 Q Have you ever been a member of the
7 union?

8 A I used to be in the Carpenter's Union.

9 Q When was that?

10 A It was probably about -- well,
11 maybe '78, '79, right around in there.

12 Q Any other unions that you were in?

13 A No. Just that one.

14 Q Have you ever been in management?

15 A No, I don't think so.

16 Q Would it be fair that you did not like
17 your supervisor at this job?

18 A No. She was a decent person. I mean,
19 she was an all right person, but she was -- you
20 know, she just worked for a company that -- well,
21 let me rephrase. She was retired from the Army.
22 So, even though she's a nice person, she has her
23 head completely screwed up because she was in the
24 Army for so long. So, you know how you can do
25 something right, or you do it the Army way. This

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1 is a management style that was going on there.

2 Q Okay. And so you said that your
3 supervisor would both congratulate people for a
4 good day --

5 A This was the general manager.
6 Actually, the regional manager. She's somebody
7 who would not normally never be there. But one
8 of the last meetings I went to, it was a
9 particularly rainy day. And she had, the same
10 time, congratulated everybody because we had
11 gotten so many done, and then in the same
12 meeting, started threatening us about not getting
13 enough stuff done. I mean, it was all -- that
14 was all the same meeting. Oh, you guys did great
15 on Monday. You installed this many. That's just
16 exactly what we're looking for. And then, you
17 know, five minutes later using things like, well,
18 the ax is going to fall if you don't get so many
19 done.

20 Q Did you feel that applied to you,
21 personally, or to other people who might not have
22 been putting in much?

23 A I wouldn't have taken it personally.
24 It wouldn't have occurred to me.

25 Q Was the pay -- I wasn't quite clear on

Page 105

1 the pay. Is \$7 an hour a base, plus the
2 piecework?

3 A Yeah. And then plus the piecework.
4 If you went out and installed nothing, you would
5 get \$7 an hour.

6 Q And if you would install 50 in, let's
7 say, seven hours, you would get \$7 times seven,
8 plus 50 times \$1.15?

9 A That was really quick math. But what
10 you would get is the 1.15 times how many you
11 installed, up to 50, and then after that it went
12 up a dime or something.

13 Q Was there any adjustment for whether
14 you were to go indoor versus outdoors?

15 A No. No, there wasn't. So if you were
16 pulled indoors all the time, you were just told,
17 tough luck.

18 And you say, hey, I'm not making any
19 money, and half the places are abandoned, and I'm
20 only getting 11 or 10 or 7 done a day, the answer
21 was, tough luck.

22 Q So if you take the time to knock on a
23 door and -- if you took your time to knock on a
24 door and no one answered that door, after you
25 waited some period of time, you would then move

27 (Pages 102 to 105)

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1 on and not have anything done. Is that correct?
 2 A Exactly right.
 3 Q And did you feel like -- were you
 4 getting a -- a mix of outdoor and indoor?
 5 A Not -- I -- you did, occasionally. I
 6 would occasionally get an outdoor route. But for
 7 some reason -- maybe it's because I said
 8 something that I didn't mind working in North
 9 St. Louis -- I ended up in North St. Louis a lot.
 10 But I don't -- that could have been my
 11 imagination. But, no. I was indoors quite a
 12 bit.
 13 Q Was the assignment for whether you got
 14 an outdoor or indoor based on someone's
 15 discretion, or was it done by computer, or do you
 16 know?
 17 A I -- if you ask the people in the
 18 office, they would say it was random. And if you
 19 asked some of the guys who got outdoor routes a
 20 lot, they would tell you that it wasn't, that
 21 they were getting outdoor routes because they had
 22 an in with the boss or something.
 23 Q Okay.
 24 A That's what they would say. So I
 25 heard both. So, yeah. If you asked somebody in

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1 the office, they would say it was random.
 2 Q But you're not sure yourself exactly
 3 how it worked?
 4 A Not sure. But I highly suspect it
 5 wasn't random.
 6 Q What is your educational background?
 7 Did you finish high school?
 8 A I did, and went to graduate school at
 9 Wash U.
 10 Q Did you finish college, then, also?
 11 A Oh, yeah. I got my undergraduate
 12 degree from the University of Nebraska.
 13 Q Okay.
 14 A Although I left Wash U before getting
 15 a master's.
 16 Q So you had some postgraduate work, but
 17 not a postgraduate degree?
 18 A Exactly.
 19 Q And you said you worked as a
 20 librarian?
 21 A Yes.
 22 Q Was your major in that?
 23 A I didn't do library science. I did
 24 the classics. I did classics -- Latin, Ancient
 25 Greek literature, and instruments.

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1 Q And that was your major?
 2 A Yeah.
 3 Q Okay. And what was your postgraduate
 4 studies?
 5 A Same thing.
 6 Q Same thing. And did you put that on
 7 your application when you applied?
 8 A I might have, but I doubt it.
 9 Q Did you find the job of installing the
 10 AMR devices particularly challenging?
 11 A No. I mean, no. The -- actually, to
 12 work, no, not at all.
 13 Q Was it difficult?
 14 A Most of the time, no, not at all.
 15 Q Did you -- I'm sorry.
 16 A Well, I would say, no. It's a
 17 no-brainer, easy job. It's just monotonous
 18 and --
 19 Q That was going to be my next question.
 20 Did you find it boring?
 21 A If you thought about what you were
 22 doing. But if you would take a Zen outlook and
 23 let your mind wander to something else, then I
 24 suppose not.
 25 Q Okay. Did you feel you were

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1 adequately trained for the job in the training
 2 you have described?
 3 A I suppose. That -- me, personally,
 4 sure. But I wouldn't have -- you know --
 5 Q Do you -- when you applied for the
 6 job, do you know what kind of background checking
 7 Manpower did? I mean, do you know?
 8 A No, I don't. And I suspect that since
 9 they told me that -- since -- because of the
 10 misunderstanding I had when I hired on, that I
 11 was apparently supposed to start the very first
 12 Tuesday after being there, that -- it made me
 13 question whether they -- the drug screening and
 14 stuff like that was actually occurring, or
 15 whether we were just going up and giving a vial
 16 of blood to somebody, and after we walked out,
 17 they just tossed it. I don't know. Because
 18 clearly, I had the job before they could have had
 19 any results.
 20 Q Okay. But you don't know how --
 21 whether or not they -- if they had tested it, or
 22 the blood -- you gave blood?
 23 A Yeah.
 24 Q Okay. You don't know whether --
 25 A No, wait. No. No. No. No, it was a

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<p>1 urine test.</p> <p>2 Q Okay. So you don't know, had they</p> <p>3 tested the urine, if they would have come back</p> <p>4 and terminated your temporary employment?</p> <p>5 A Yeah. I don't know.</p> <p>6 Q And do you know whether Honeywell</p> <p>7 checked?</p> <p>8 A I don't think so.</p> <p>9 Q Do you know?</p> <p>10 A No.</p> <p>11 Q Okay. You referred at different times</p> <p>12 to the -- the unit that holds on the AMR device</p> <p>13 sometimes as a screw and sometimes as a bolt.</p> <p>14 A Right.</p> <p>15 Q Did -- was it something that you</p> <p>16 unscrewed and screwed in?</p> <p>17 A There -- well, there are different</p> <p>18 sizes, first of all. And it's just what people</p> <p>19 think of as a bolt or a screw, although a bolt</p> <p>20 doesn't usually have a slotted screw kind of head</p> <p>21 to it. You know, it usually has the hex, you</p> <p>22 know, bolt looking thing. Well, they just had</p> <p>23 the slot for a screwdriver. But some were good</p> <p>24 sized, big enough that you would never consider</p> <p>25 calling it a screw, just because it's a big thick</p>	<p>1 Q Okay. Would you know if someone who</p> <p>2 was not doing well was --</p> <p>3 A That they talked -- whether they</p> <p>4 talked to them?</p> <p>5 Q Yes.</p> <p>6 A No. I wouldn't know.</p> <p>7 Q One thing I also want to clarify. You</p> <p>8 referred to an item -- or maybe Ms. Schroeder</p> <p>9 did -- as a hand drill. You are referring to,</p> <p>10 basically, a power screwdriver?</p> <p>11 A Right.</p> <p>12 Q Not the kind of drill that would bore</p> <p>13 a hole?</p> <p>14 A Well, it could, if you put --</p> <p>15 Q If you put a bit on it?</p> <p>16 A Yeah.</p> <p>17 Q But you used it as a screwdriver?</p> <p>18 A Yeah.</p> <p>19 Q And did you say that you were brought</p> <p>20 back every week or two to have a test on reading</p> <p>21 meters?</p> <p>22 A Yeah. About that.</p> <p>23 Q Did you find that useful?</p> <p>24 A Not particularly. Just because the</p> <p>25 only reason you are going to misread -- well, two</p>
Page 111	Page 113
<p>1 bolt looking thing that happens to have a slot.</p> <p>2 Q Did it have threading on it?</p> <p>3 A Yeah, sure. But then, some of them</p> <p>4 were much more slender, and for most people that</p> <p>5 would easily fall into the category of a screw.</p> <p>6 Q Okay. So it looked more like a screw,</p> <p>7 the thinner ones?</p> <p>8 A The thinner ones, yeah.</p> <p>9 Q But all of them had --</p> <p>10 A They all had a slotted regular</p> <p>11 screwdriver type --</p> <p>12 Q And the threads?</p> <p>13 A Yeah. Yeah.</p> <p>14 Q Did you ever receive feedback that you</p> <p>15 were doing well or not well?</p> <p>16 A I don't think so. Now, as far as</p> <p>17 actually getting the job done?</p> <p>18 Q Uh-huh.</p> <p>19 A Actually, no. Me personally, nobody</p> <p>20 ever came to me and said, you're doing the job</p> <p>21 well, or, you're doing it efficiently, or, you're</p> <p>22 doing enough, or anything like that.</p> <p>23 Q Okay.</p> <p>24 A Any comments like that would have been</p> <p>25 made generally to everybody.</p>	<p>1 reasons you are going to misread. One is, you</p> <p>2 are not paying attention. And the other is, is</p> <p>3 that it's one of those judgment calls where you</p> <p>4 have to decide whether it is a 6 or a 7 or</p> <p>5 whatever. And all the practice in the world</p> <p>6 isn't going to make your attention any better and</p> <p>7 not going to make it easier to make that call.</p> <p>8 And if you woke up feeling spaced out,</p> <p>9 you might do a terrible job on a test; whereas,</p> <p>10 if you are out in the field, you are going to do</p> <p>11 a good job, or vice versa.</p> <p>12 Q Okay. Did you have any fear that you</p> <p>13 were going to cause a gas leak?</p> <p>14 A No. Not me, no.</p> <p>15 Q And it is your assessment that when</p> <p>16 you change one of these devices and put on an AMR</p> <p>17 unit, that that does not affect the part of the</p> <p>18 meter that holds the gas, or through which the</p> <p>19 gas passes?</p> <p>20 A Yeah. No, it wouldn't -- I could see</p> <p>21 how it could. You know, somebody working on any</p> <p>22 meter like this, in the process of doing this,</p> <p>23 because these things have been hanging for -- you</p> <p>24 know, in some damp, ugly basement for so long,</p> <p>25 that, you know, maybe over time it has weakened</p>

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<p>Page 114</p> <p>1 the connection points and stuff like that. I 2 could see where it happened. I wasn't 3 particularly concerned that I would do that. 4 Q All right. You said when you would 5 work on a meter, I guess when you would remove 6 the index, you would sometimes get a light whiff 7 of gas? 8 A Yeah. 9 Q And that would dissipate? 10 A Yeah. I suppose what you, you know, 11 look for is that you just got that little puff 12 because, over time, gas had accumulated behind 13 the, you know, in the index part of the meter. 14 The only -- you know, it's all steel in between 15 the two, except for that little cog that has to 16 come out from the mechanism inside. So the only 17 gas leak you'd have would be just right around 18 there, you know, as far as that part. So if you 19 did get a little puff of it there, you would 20 expect it to dissipate and go away. 21 Q And generally, would it? 22 A Yeah. It would usually -- well, it 23 would usually be pretty light. And like I say, 24 if it was really considered light, you don't -- 25 if it's something that's light, I think you</p> <p>Page 115</p> <p>1 sometimes grow accustomed to it. You know, so 2 when you first get it, think, oh, that smells 3 like gas, but after you have been working on it 4 for four or five minutes, you just tend not to 5 notice so much anymore. So whether -- yeah, I 6 suppose it dissipated. 7 Q Okay. And if it didn't go away and 8 kept -- you kept smelling it -- 9 A Yeah -- 10 Q Would you call that in? 11 A Yeah. Most of the time, if it was a 12 light smell, you would call it in. I suppose 13 most of the time. But I think at some point you 14 just kind of got to accept that, because you are 15 around a meter, you might get a light whiff of 16 it. So it was explained to us that, you know, 17 this -- you know, that there were varying 18 degrees. You know. Because I -- I know that 19 they didn't all get called in. You know, any -- 20 any smell of gas would not immediately result in 21 somebody calling a supervisor. Because you would 22 expect to run into it there, you know. So then 23 it was just a judgment call. Is this strong 24 enough to warrant me calling it in? 25 Q And you said that the times you</p>	<p>Page 116</p> <p>1 smelled gas were on outdoor meters? 2 A The ones that I remember calling in, 3 they were outdoor meters. 4 Q And you said you didn't stay in those 5 instances? 6 A No. 7 Q Is that related to the fact that they 8 were outdoor meters? 9 A It's related to -- the way it was told 10 to me is that, if it was a strong smell, that you 11 should hang out and wait. But in my case it 12 probably had a lot more with me saying something 13 to the effect of, I am really not going to sit 14 here and wait. I'm going to keep doing the job. 15 Q So you called it in and made sure that 16 it had been communicated? 17 A Yeah. I called my supervisor. And 18 then it was on my supervisor to call Laclede Gas, 19 give them the address, and then they would come 20 out and check it. 21 Q And then you moved on? 22 A I moved on right after making the 23 call, yeah. 24 Q Okay. And you said you felt the pay 25 for that job was terrible?</p> <p>Page 117</p> <p>1 A Terrible would be good, yeah. That's 2 a good description. 3 Q And what do you think would be a 4 reasonable pay for that job? 5 A Oh, I would think that a minimum of 22 6 bucks an hour. How about that? You know. 7 Q Interesting number that you pick. Why 8 did you pick that number? 9 A Because that's what they said the 10 maximum was. So, I don't know. No. It was 11 just -- it was pretty -- it was -- you know, you 12 could end up making less than poverty level 13 wages. You know. That's pretty pathetic. 14 Q Did you have any -- and so when you 15 visited the four unions, no one was interested 16 in -- none of them were interested? 17 A Oh, they were interested in talking 18 about it, but not in actually doing it. Any 19 union worker loves to hear about management 20 behaving badly, you know. 21 Q And did you also talk to your 22 coworkers, the AMR installers? 23 A Not all -- well, some of them, yeah. 24 Some of them were very much excited about the 25 idea that -- because they were, you know, like</p>
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30 (Pages 114 to 117)

<p style="text-align: right;">Page 118</p> <p>1 me, pretty disgusted with their paychecks. Not</p> <p>2 all. You know, there's always going to be people</p> <p>3 who don't like the idea of a union.</p> <p>4 Q Okay.</p> <p>5 MR. ZUCKER: I think that's all I</p> <p>6 have.</p> <p>7 MS. SCHRODER: Anything next,</p> <p>8 Jennifer?</p> <p>9 MS. HEINTZ: Did you want to redirect?</p> <p>10 MS. SCHRODER: Well, I thought all of</p> <p>11 you guys were probably going to.</p> <p>12 MS. HEINTZ: Well, I don't have</p> <p>13 anything, so, thank you.</p> <p>14 MS. SCHRODER: Mark, do you want to</p> <p>15 ask some questions, or do you want me to</p> <p>16 redirect, or what?</p> <p>17 MR. POSTON: I have no questions.</p> <p>18 MS. SCHRODER: Okay. I do have a</p> <p>19 couple of questions on redirect.</p> <p>20</p> <p>21 REDIRECT EXAMINATION</p> <p>22 QUESTIONS BY MS. SCHRODER:</p> <p>23 Q First of all, when you called in a gas</p> <p>24 leak, how long is the least amount of time that</p> <p>25 that's going to take, calling in the gas leak and</p>	<p style="text-align: right;">Page 120</p> <p>1 you wouldn't get -- I couldn't get that many done</p> <p>2 in a day. Not because I didn't finish the route,</p> <p>3 but just because the fact of people not being</p> <p>4 home or some not being able to be done. So out</p> <p>5 of 85, I might get, my best day, maybe 70.</p> <p>6 Q Okay.</p> <p>7 A More often than not, I would be</p> <p>8 indoors and I might get 10 done. You know, you</p> <p>9 just keep knocking on doors all day long.</p> <p>10 Q Okay. If you have to wait for Laclede</p> <p>11 to come out and check a leak, you're going to get</p> <p>12 paid as much money -- or are you going to get</p> <p>13 paid as much money as if you were out there</p> <p>14 working on -- putting in AMR devices?</p> <p>15 A No. Well, I mean, you're getting paid</p> <p>16 by how many you get done, so --</p> <p>17 Q All right.</p> <p>18 A If you eat lunch, you're not -- you</p> <p>19 know, you're making \$7 an hour when you're not</p> <p>20 installing. So everything you do that sidetracks</p> <p>21 you from installing one is basically costing you</p> <p>22 money.</p> <p>23 Q Okay. Except by smelling the gas,</p> <p>24 would you have known any other kind of gas</p> <p>25 hazard?</p>
<p style="text-align: right;">Page 119</p> <p>1 talking to your supervisor?</p> <p>2 A For me to actually do that?</p> <p>3 Q Yes.</p> <p>4 A Well, I would just do it right then.</p> <p>5 Q Okay.</p> <p>6 A And it's a walkie-talkie situation.</p> <p>7 I'm not waiting for the phone to ring.</p> <p>8 Q So that's one more -- oh, it was the</p> <p>9 Nextel?</p> <p>10 A Yeah.</p> <p>11 Q Okay.</p> <p>12 A And so it's just direct.</p> <p>13 Q And if you have to wait for Laclede to</p> <p>14 come out, how long is that going to take?</p> <p>15 A I wouldn't know. But I never waited,</p> <p>16 so --</p> <p>17 Q How -- if you are getting 80 done --</p> <p>18 80 to 85 of these AMR devices installed in a day,</p> <p>19 approximately how quickly are you doing them?</p> <p>20 Let's see. You're working eight hours?</p> <p>21 A Yeah.</p> <p>22 Q Eight-hour shifts. Okay. So about 10</p> <p>23 an hour?</p> <p>24 A Yeah. That would be the route that</p> <p>25 you would leave with was 80 to 85. I would. But</p>	<p style="text-align: right;">Page 121</p> <p>1 A No.</p> <p>2 Q All right. Was your training adequate</p> <p>3 in that regard?</p> <p>4 A Well, clearly not. Because I can't</p> <p>5 give you a straight answer on whether we were --</p> <p>6 you know, at what point we should call it in, you</p> <p>7 know.</p> <p>8 Q On the judgment call, you mean?</p> <p>9 A On the judgment call. So nobody ever</p> <p>10 took us out and said, do you see how that smells?</p> <p>11 That's when you call. There was never that. It</p> <p>12 was just, well, if it seems strong -- like I say,</p> <p>13 just because I can't answer that should tell you</p> <p>14 that it wasn't.</p> <p>15 Q How much time was spent on the whole</p> <p>16 discussion of, if you smell gas you need to call</p> <p>17 in?</p> <p>18 A Not much. Very little.</p> <p>19 Q One minute?</p> <p>20 A I mean, a mention -- yeah. I mean, it</p> <p>21 was something that would have been mentioned,</p> <p>22 and -- and that was it.</p> <p>23 Q All right. Now, you said, in response</p> <p>24 to Rick's question about what would be a good</p> <p>25 rate, you said \$22 an hour, said that somebody</p>

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1 said it was the maximum. What are you talking
2 about?
3 A Oh, I don't know that it was the
4 maximum. I think on our very first day,
5 apparently, somebody who worked there had
6 installed as many AMRs as it would take to end up
7 at \$22 an hour.
8 Q Okay.
9 A So this was held out as, you could
10 make up to as much as \$22 an hour. You know,
11 that kind of thing.
12 Q Okay. By combining your piecemeal --
13 or your piece rate with the actual hourly rate?
14 A Right. Right. If you installed 120
15 or something like that in an eight-hour day, you
16 would have made something to the effect of \$22 an
17 hour.
18 MS. SCHRODER: Okay. I have no
19 further questions. Anybody else?
20 MR. ZUCKER: No.
21 MS. SCHRODER: Okay. Mr. Mueting, you
22 have the opportunity, if you would like, to read
23 through the transcript after it gets put down on
24 paper, and make sure that it's accurate, and then
25 you sign off on it. Alternatively, you can

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1 waive -- waive signature, which means that you
2 just waive the right to read it for accuracy and
3 to sign it. That's up to you. And --
4 THE WITNESS: She looks like she's
5 very good at what she does, so I don't think I
6 need to sign it.
7 MS. SCHRODER: All right. Thank you
8 very much. That's it.
9 (Deposition concluded at 11:35 a.m.)
10 (Whereupon the signature of the witness
11 was waived by agreement and consent.)
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REPORTER CERTIFICATE

1
2 I, DEBRA S. KAESBERG, a Registered
3 Professional Reporter and a Certified Court
4 Reporter within and for the State of Missouri, do
5 hereby certify that there came before me at the
6 offices of Hammond, Shinnery, Turcotte, Larrew
7 and Young, P.C., 7730 Carondelet Avenue, Suite
8 200, St. Louis, Missouri,
9
10 FRANK MUETING,
11
12 who was by me first duly sworn to testify to the
13 truth and nothing but the truth of all knowledge
14 touching and concerning the matters in
15 controversy in this cause; that the witness was
16 thereupon examined under oath and said
17 examination was reduced to writing; that the
18 signature of the witness was waived by agreement
19 of all parties, and this transcript is a true and
20 correct record of the testimony given by the
21 witness.
22 I further certify that I am neither attorney
23 nor counsel for nor related nor employed by any
24 of the parties to the action in which this
25 deposition is taken; further, that I am not a
relative or employee of any attorney or counsel
employed by the parties hereto or financially
interested in this action.
IN WITNESS WHEREOF, I have hereunto set my
hand on the 24th day of July, 2006.
Debra S. Kaesberg
Debra S. Kaesberg, CCR

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