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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

KATHLEEN MCHUGH AND DEANNA SCHNEIDER,
Individually and on behalf of all
person similarly situated,

Plaintiffs,

v. Case No. 11-CV-724

MADISON-KIPP CORPORATION, CONTINENTAL
CASUALTY COMPANY, UNITED STATES FIRE INSURANCE
COMPANY and ABC INSURANCE COMPANIES 1 - 50,

Defendants,

and
MADISON-KIPP CORPORATION,
Cross-Claimant,

vs.
CONTINENTAL CASUALTY COMPANY, COLUMBIA
CASUALTY COMPANY, and UNITED STATES
FIRE INSURANCE COMPANY,
Cross-Claim Defendants,

and
CONTINENTAL CASUALTY COMPANY and
COLUMBIA CASUALTY COMPANY,
Cross-Claim Defendants,

and
LUMBERMANS MUTUAL CASUALTY COMPANY, AMERICAN
MOTORISTS INSURANCE COMPANY, and JOHN DOE
INSURANCE COMPANIES 1 - 20,
Third-Party Defendants.

DEPOSITION OF
BRENT WILDER

Madison, Wisconsin
December 12, 2012
10:53 a.m. to 11:57 a.m.

Kim M. Peterson
Registered Professional Reporter

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1 APPEARANCES

2 THE COLLINS LAW FIRM, P.C., 1770 North

3 Park Street, Suite 200, Naperville, Illinois, 69563,

4 ejm@collinslaw.com, by MR. EDWARD J. MANZKE, appeared on

5 behalf of the Plaintiffs.

6 VARGA, BERGER, LEDSKY, HAYES & CASEY,

7 125 South Wachter Drive, Suite 1250, Chicago, Illinois,

8 60606-4473, nberger@vblhc.com, by MR. NORMAN B. BERGER,

9 appeared on behalf of the Plaintiffs.

10 MICHAEL, BEST & FRIEDRICH, LLP, 100

11 East Wisconsin Avenue, Milwaukee, Wisconsin, 53202 ,

12 jabusch@michaelbest.com, by MR. JOHN A. BUSCH, appeared

13 on behalf of the Madison-Kipp Corporation.

14 MICHAEL, BEST & FRIEDRICH, LLP, 100

15 South Pinckney Street, Suite 700, P.O. Box 1806, Madison,

16 Wisconsin, 53701-1806, abianchi@michaelbest.com and

17 lhziemba@michaelbest.com, by MR. ALBERT BIANCHI, JR. and

18 MS. LEAH H. ZIEMBA, appeared on behalf of the

19 Madison-Kipp Corporation.

20 TROUTMAN SANDERS, LLP, 55 West Monroe

21 Street, Suite 3000, Chicago, Illinois, 60603-5758,

22 christopher.white@troutmansanders.com, by MR. CHRISTOPHER

23 WHITE, appeared on behalf of the Continental Casualty

24 Company.

25 MEISSNER, TIERNEY, FISHER & NICHOLS,

Page 3

1 S.C., 111 East Kilbourn Avenue, 19th Flor, Milwaukee,

2 Wisconsin, 53202-6622, jbk@mtfn.com, by MS. JENNIFER A.B.

3 KREIL, appeared on behalf of the United States Fire

4 Insurance Company.

5 DEUTCH & WEISS, LLC, 7670 North Port

6 Washington Road, Suite 200, Whitefish Bay, Wisconsin,

7 53217, charles.kramer@mweisslaw.net, by MR. CHARLES W.

8 KRAMER, appeared on behalf of Lumbermens Mutual Casualty

9 Company.

10

I N D E X

11

WITNESS	EXAMINATION	PAGE
BRENT WILDER	By Mr. Busch	4
	By Mr. White	41

12

E X H I B I T S

13

EXHIBIT NO.:	MARKED ID'D
1 - 210 S. Marquette Street documents	4 17
2 - Wilder answers to MKC document request ...	4 32
3 - Wilder answers to US Fire document request	4 33
4 - Wilder responses to MKC interrogatories ..	4 33
5 - Wilder responses to US Fire interrogatories	4 33

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23 (The original exhibits were attached to the original

24 transcript.)

25 (The original transcript was sent to Mr. Busch.)

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1 PROCEEDINGS

2 (Exhibit No. 1 through 5 were marked

3 for identification.)

4 BRENT WILDER, called as a witness

5 herein by the Defendants, after having been first

6 duly sworn, was examined and testified as follows:

7 EXAMINATION

8 BY MR. BUSCH:

9 Q Please state your name.

10 A Brent Wilder.

11 Q And what's your current home address, sir?

12 A S42 W33460 Edwards Drive, Dousman, Wisconsin.

13 Q And can you briefly describe for me, sir, your

14 educational background?

15 A I've got a Bachelor's in Civil Engineering and a

16 Master's in Civil Engineering.

17 Q And can you describe for me -- Where you did

18 obtain those degrees?

19 A Madison, Wisconsin.

20 Q And can you briefly describe for me your work

21 history since achieving your undergraduate degree?

22 A I worked at Donahue & Associates in Sheboygan as a

23 computer analyst, and then I moved to Milwaukee

24 and I was a sales -- salesman for United

25 Technologies. We sold timesharing services to do

Page 5

1 finite element analysis for structurals --
 2 structures, things like that.
 3 Q And how long were you -- Are you still with United
 4 Technologies?
 5 A No. Then I went to General Electric for 15 years,
 6 Medical Systems. Then I went to Johnson Controls
 7 for a few years. Went down to Chicago for, I
 8 think, about nine years working in the Loop as a
 9 vice president of purchasing for Information
 10 Resources, and now I'm up at FIS in Milwaukee.
 11 That's a -- They're like a fiserv. I work in the
 12 Sourcing Department negotiating, doing software
 13 negotiations.
 14 Q Are you one of the owners of 210 South Marquette?
 15 A Me and my wife.
 16 Q And can you describe for me, sir, the process by
 17 which you determined whether to purchase 210 South
 18 Marquette?
 19 A It was more a matter of it's like I got a lot
 20 of -- I've got resources but they're in stocks,
 21 and I wanted to diversify in real estate. My son
 22 has a property over on Ohio Street. He lives in
 23 Madison. We, over a month or so, two or three
 24 month period we looked at several properties, we
 25 found this one, and it was in the best shape at

Page 6

1 the right price.
 2 Q And you purchased it in what year, sir?
 3 A I believe -- It wasn't last year, but the year
 4 before. I think it was 2010, because we've done a
 5 lot of work on it.
 6 Q Okay. Directing your attention to Wilder Exhibit
 7 No. 1, those are documents -- I represent to you
 8 that those are documents that -- that were
 9 produced with regard to 210 South Marquette in
 10 response to a document request.
 11 Would you take a moment and take a
 12 look at that and see if that -- if those -- if you
 13 were responsible for compiling those documents and
 14 if, in fact, those are the documents that you
 15 compiled, if you can recall.
 16 A These are all the tests I saw, yeah. Yes, they
 17 look familiar.
 18 Q Okay. And do you recall, sir, that at some
 19 point in time --
 20 A But I'm not reading them, so I'm just --
 21 Q No, no, I understand. You do recall putting
 22 together some documents in response to a request
 23 for production.
 24 A Right. There were some things sent to my house
 25 and we had to fill them out and explain reasons

Page 7

1 why we did what we did or when we purchased, I
 2 believe. That was a while back.
 3 Q All right. If you take a look at that first
 4 exhibit, I'm going to read -- I'm going to have
 5 you look at a document that on the bottom it says
 6 PLF 210 S MARQ 00090 through 00097. Do you see
 7 that document.
 8 MR. BERGER: I think he's in the first
 9 group here.
 10 THE WITNESS: It's in the first group
 11 here?
 12 BY MR. BUSCH:
 13 Q Yes. 90 Through 97.
 14 A Okay. I see. Okay.
 15 Q Do you recognize that document?
 16 A Is this my offer to purchase, or what is it?
 17 Q It says on the top it's a small residential income
 18 property appraisal report, and on page --
 19 MR. MANSKE: 96.
 20 BY MR. BUSCH:
 21 Q -- 96? Yeah. It's signed by a Cory Stauff, and
 22 the date is approximately May 20th, 2011.
 23 A Okay.
 24 Q Do you recall, sir, the circumstances under which
 25 you commissioned this to be done, if you did?

Page 8

1 A When we -- When we purchased the property we had a
 2 real estate agent, stacks and stacks of paper.
 3 When we had to finally sign the mortgage documents
 4 that was a -- like had to be at least a half hour,
 5 40-minute affair.
 6 Q Yes.
 7 A You know, if this was one of the documents that
 8 was there, I believe you if it is.
 9 Q I don't know. I -- I just note that it says 2011,
 10 and I believe you testified your recollection was
 11 you purchased it in 2010.
 12 A Maybe it was 2011.
 13 Q You only recall having a -- one appraisal report
 14 done?
 15 A Yeah.
 16 Q Okay.
 17 A That was -- Yeah, I know that. I know we only did
 18 one appraisal. And I believe you if it is 2011.
 19 That's fine.
 20 Q As far as your due diligence prior to purchasing
 21 the property, what do you recall -- you said -- I
 22 think you said you were looking around and this
 23 fit the bill of what you were looking for. What
 24 did you do to satisfy yourself that you wanted to
 25 purchase this property?

Page 9	Page 11
<p>1 A Well, it had -- it didn't have a garage, which was 2 nice, which means I didn't have to tear it down. 3 It had new furnaces. It had knob and tube, but as 4 part of my requirement for purchase they had to 5 take all that out. They had to fix the chimney. 6 The price was right. They wanted 7 to -- to get out. I talked to the -- When I 8 arrived, I mean, I saw it next to this factory and 9 I asked the real estate agent I said well, is -- 10 are there any issues going on with the factory. I 11 noticed there was a little bit of noise coming off 12 the -- the stacks there, but it was like ahh, I 13 understand that, I can live with that, but I said 14 are there any issues. And the real estate agent 15 told me that Kipp was a good corporate citizen and 16 there had been no issues. 17 Q Okay. Did you -- Did you have an inspection done? 18 A Yes, we did. 19 Q Do you know where that is? Because I didn't see 20 it in the documents that you -- 21 A I can ask my wife to look it up and get it. It 22 was essentially a home inspection that we did, and 23 that's when we recovered the knob and tube. 24 Q And what impact did the knob and tube have on you 25 in regard to wanting to purchase or not?</p>	<p>1 A Yes, there were. 2 Q And are they the same renters who are there now? 3 A No. 4 Q Are the two people that are there now, are they 5 new tenants as of your ownership? 6 A What happened was we -- we got a new tenant, I 7 think, for upstairs. My son is my property 8 manager. 9 Q Okay. 10 A And he him and his wife moved down on the first 11 floor. They were moving back from Platteville, 12 they hadn't found another place to live, so they 13 actually lived, I think, in the -- in the bottom 14 unit for nine months. 15 Q Okay. 16 A And then we -- they moved out and we -- we found a 17 new tenant to take their place. And then that 18 tenant left, and we now have a -- our new tenant 19 down there is a grad student. I believe the 20 upstairs tenant is still the original one that 21 we -- we got. 22 Q Okay. In addition to getting a home inspection 23 report, do you recall getting a -- any kind of a 24 condition report at all from either your real 25 estate agent or the previous owner?</p>
Page 10	Page 12
<p>1 A Well, one of the things that I've done in the last 2 couple years is I've become a fix-up-type guy, 3 too, as a hobby. And knob and tube is -- is, you 4 know, you're not looking at, you know, upgraded 5 shielding wire. I'm afraid of a fire. You got 6 people in there that -- So what if you got a smoke 7 detector. If the place burns down, you'd feel bad 8 about it, especially if you put some people in 9 there. So, I mean, I didn't want to put people at 10 risk. 11 Q Okay. So you had a home inspection done, correct? 12 A Yeah. And they -- And they uncovered the knob and 13 tube. They also uncovered a problem with the 14 chimney wasn't being lined -- wasn't lined 15 properly for the furnaces so that there could have 16 been carbon monoxide coming out. 17 Again, you know, people that were 18 living there now were -- were okay, but I -- and I 19 know I have to get like a carbon monoxide 20 detector, but I felt hey, let's get this taken 21 care of, too, and let's make it proper and -- and 22 tuck point up the chimney so there's no problems. 23 We don't want to put the renters at risk. 24 Q Were there renters in the property at the time 25 that you purchased?</p>	<p>1 A I think there was a -- The real estate owner -- 2 There was a condition report, and the -- the 3 original owner brought up the fact that there was 4 a problem or slow -- slow -- slow draining drain 5 in the basement, you know, out to the sewer. And 6 there was also a -- on the condition report they 7 admitted that the -- the water pipes -- the water 8 pressure wasn't that good. 9 And since then what's happened is that 10 we've -- we brought in a separate contractor on 11 our nickel to repair the sewer. They actually had 12 to take a section out that was collapsed. And we 13 also redid all the piping in the house and got rid 14 of all the cast iron pipes and replaced them with 15 PEX. 16 Q And when did you do that? 17 A I think that was last summer. We also -- We also 18 put a new kitchen in the upstairs unit and 19 downstairs unit, new floor in the upstairs unit. 20 We set the upstairs unit up for its own washer and 21 drier. We painted, put some ceiling fans in. 22 This last year we put in new windows 23 on the first floor. That was something we planned 24 to do, and we actually talked to the renters about 25 it that we were going to be doing that.</p>

Page 13	Page 15
<p>1 Q If you have a -- an estimate, since you've owned</p> <p>2 it in, presumably, 2011, how much money have you</p> <p>3 put into it in improvements since then?</p> <p>4 A I got to say with labor and -- with labor and all</p> <p>5 the material, I'd say we probably put in another</p> <p>6 \$25,000, 30,000, something like that.</p> <p>7 Q Okay. And for -- for many of these improvements</p> <p>8 did you pull a permit?</p> <p>9 A For the -- the stuff on the internal side,</p> <p>10 internal part of the house, no. For the windows,</p> <p>11 yeah, there's a permit pulled.</p> <p>12 Q Okay. Going back to the -- Do you still have a</p> <p>13 copy of the -- of the condition report that was</p> <p>14 supplied to you either by the real estate agent</p> <p>15 and/or the previous owner?</p> <p>16 A Yeah. I believe somewhere at home I do.</p> <p>17 Q Okay. And do you have a copy of the -- of all</p> <p>18 your closing documents in respect to your</p> <p>19 mortgage, do you know?</p> <p>20 A Yes.</p> <p>21 MR. BUSCH: Okay. Norm, I don't know</p> <p>22 if my document request included those or not, but</p> <p>23 if you would just make sure that they -- the</p> <p>24 entirety of them remains. I'm going to want to</p> <p>25 see them, but I'm asking him, and I don't know --</p>	<p>1 mean, this is Madison where a lot of rules come</p> <p>2 from constantly.</p> <p>3 And, you know, especially being this</p> <p>4 close to Capitol, we kind of felt that Kipp would</p> <p>5 be under a microscope and would be, you know,</p> <p>6 being a good corporate citizen on their own.</p> <p>7 Q Do you have any recollection of any specific web</p> <p>8 pages or web sites that you may have looked at</p> <p>9 prior to your purchase?</p> <p>10 A Just maybe just the -- the -- If anything, it</p> <p>11 would have been just the Kipp home page.</p> <p>12 Q Do you recall reading anything in -- prior to your</p> <p>13 purchase about PCE?</p> <p>14 A No.</p> <p>15 Q Do you recall reading anything on the Internet</p> <p>16 about PAH?</p> <p>17 A No.</p> <p>18 Q Do you recall reading anything about PCB?</p> <p>19 A No.</p> <p>20 Q Do you recall reading anything about an air</p> <p>21 permitting situation?</p> <p>22 A No.</p> <p>23 Q Did you talk to any neighbors prior to your</p> <p>24 purchase?</p> <p>25 A No.</p>
Page 14	Page 16
<p>1 I don't know if my document request covers them or</p> <p>2 not, but I just want to make sure that they are</p> <p>3 retained.</p> <p>4 Q To your recollection, in respect to the condition</p> <p>5 reports or the information you otherwise received</p> <p>6 prior to your purchase, and other than the</p> <p>7 statement from the previous owner and/or the real</p> <p>8 estate agent that Madison-Kipp was a good</p> <p>9 corporate neighbor, do you recall ascertaining</p> <p>10 from any source as to any pollution problems</p> <p>11 associated with Madison-Kipp prior to your</p> <p>12 purchase?</p> <p>13 A After -- After my real estate agent said that, I</p> <p>14 believe I did a -- just a general scan. I wasn't</p> <p>15 looking for anything in particular, and we just</p> <p>16 looked up what Madison-Kipp did. And it was very,</p> <p>17 very cursory.</p> <p>18 Our assumption was that, quite</p> <p>19 frankly -- I live in Waukesha County. This is</p> <p>20 Dane County. I mean, our assumption was that any</p> <p>21 corporation doing any kind of business in Dane</p> <p>22 County had to be minding all the rules. And, I</p> <p>23 mean, maybe a company that is somewhere up north</p> <p>24 in the back woods might, you know, be skirting</p> <p>25 some regulations. We just kind of felt that, I</p>	<p>1 Q Do you recall from whom you purchased?</p> <p>2 A No. They were an elderly couple. This was an</p> <p>3 original home, I think, that they were in. It was</p> <p>4 part of a -- a real estate -- or a trust or</p> <p>5 something that was -- they wanted to get out of it</p> <p>6 and be done with it. My personal opinion is I</p> <p>7 don't think they knew anything either.</p> <p>8 Q Okay. And had they used it as a -- Did they live</p> <p>9 it in, or did they rent it to third parties?</p> <p>10 A Rental.</p> <p>11 Q Okay. Does the name Dvorak --</p> <p>12 A Yeah, that's it.</p> <p>13 Q Ben Dvorak and Bernice Dvorak?</p> <p>14 A Yeah, that sounds right.</p> <p>15 Q Do you recall having a conversation, a direct</p> <p>16 one-on-one conversation with them, or were all of</p> <p>17 your communications through an agent?</p> <p>18 A Agent.</p> <p>19 Q And who was the agent?</p> <p>20 A Liz Lauer, realtor.</p> <p>21 Q Okay. And do you recall Ms. Lauer in 2011 saying</p> <p>22 anything to you at all about any environmental</p> <p>23 issues associated with Madison-Kipp?</p> <p>24 A No. She was the lady that claimed -- that told --</p> <p>25 well, as best she knew, too, that there were no</p>

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1 issues and Kipp's been a good corporate citizen.
 2 Q Directing your attention again to the document in
 3 Wilder Exhibit 1, starting with document 90, the
 4 report at line -- God, it's hard to read. I
 5 apologize.
 6 A It's hard for me to read, too. Lights low --
 7 Q Mine's because I'm old, so --
 8 A Well, mine's because I'm old, too.
 9 Q If you go down about an inch --
 10 A Well, first I got to find it.
 11 Q Okay.
 12 MR. MANSKE: Page 90. You said 90,
 13 John?
 14 MR. BUSCH: Yeah.
 15 THE WITNESS: Okay.
 16 BY MR. BUSCH:
 17 Q I'm sorry to confuse you with all these exhibits.
 18 A You ought to put little tabs on them. That's what
 19 I do when I go in for signature.
 20 Q If you look at -- under subject, which is down on
 21 the left-hand side, the report data source and
 22 offering price it says quote, "Per MLS history
 23 search, the subject has been on the market since
 24 April 16, '11 with a list price of \$145,900. The
 25 subject is a pending sale for 142,500 as of

Page 18

1 4/25/11 the date the amendment to the offer was
 2 signed." Do you see that?
 3 A Yeah, I'm kind of in that area.
 4 Q Yes. Do you recall what you purchased the
 5 property for?
 6 A I think we paid -- They had to fix the things we
 7 were talking about and it was about 142, yeah. In
 8 the end my impression of why they wanted to get
 9 out was because they were older. Also, the reason
 10 we were in the whole market to begin with was the
 11 state of the economy.
 12 Q And how was that?
 13 A What do you mean?
 14 Q When you say the -- the reason you were in the
 15 house was because of the economy, what do you
 16 mean?
 17 A Well, we were trying to take advantage of people
 18 in distress.
 19 Q Because there was a -- generally, because you were
 20 in the market --
 21 A I wanted to buy and I wanted to -- I can buy stock
 22 high, I can buy a stock low. I like to buy it
 23 low.
 24 Q Just like -- And this is like buying an asset low,
 25 correct?

Page 19

1 A Well, it's buying a reasonable asset at a
 2 reasonable price and not an inflated price.
 3 Q And in 2011, since you were in the marketplace,
 4 you knew that generally real estate was at a lower
 5 part of the fair market value, correct?
 6 MR. MANSKE: Object to foundation.
 7 You can answer.
 8 BY MR. BUSCH:
 9 Q Go ahead. Correct?
 10 A Yeah. I'd say -- I'd say we were looking to, like
 11 I say, diversify our investments.
 12 Q Right. And --
 13 A That's why we also put all the effort in to fix it
 14 up because it was -- the basement was cluttered,
 15 the piping was bad. I mean, we're looking at
 16 making an initial investment, but then also going
 17 and improving the investment and making it better.
 18 Q Which you've done.
 19 A Well, which we -- Well, which we did in the past.
 20 The question of the future is the future. I don't
 21 know about that yet.
 22 Q But you had put money, I think you said about
 23 25,000 extra dollars into it, correct?
 24 A Twenty-five to 35 into what I'll call material and
 25 labor.

Page 20

1 Q And are there other -- have you -- That's material
 2 and labor. Have you put other -- invested other
 3 money into it?
 4 A Just those.
 5 Q Okay. Did you -- Do you own the -- the appliances
 6 that are in there? Is this a furnished apartment
 7 or unfurnished?
 8 A We own the appliances. We make them available to
 9 the renters, the washer and drier.
 10 Q And in the 25 to 30,000, 35,000, is that included
 11 in the 25 to 35,000?
 12 A The washer and drier? I'm trying to think. I
 13 think there was a -- two dishwashers. They had
 14 refrigerators already. So we added two
 15 dishwashers upper, lower, washer and drier in the
 16 basement, ordered a water softener. I mean, the
 17 big thing is all of the labor it takes to, you
 18 know, put all the new piping in and things of that
 19 nature.
 20 Q Right. Moving down on that page 90 it says at
 21 neighborhood description, the subject immediate
 22 neighborhood comprises a good mix of single-family
 23 homes and small income-producing properties.
 24 Does that comport with your
 25 understanding of the neighborhood?

Page 21

1 A I was not aware of any of the other
 2 income-producing properties around me. I just
 3 looked around and saw a nice, pleasant
 4 neighborhood.
 5 Q Okay. The subject is a two-story duplex on an
 6 average -- in an average rental market area. Do
 7 you see that?
 8 A Yeah.
 9 Q Does that comport with your understanding as to a
 10 fair description of the property?
 11 A Yeah. I mean, I'm not getting \$20,000 a month, if
 12 that's what you're saying.
 13 Q I'm just -- The subject is located within a
 14 convenient distance of schools, shopping area,
 15 parks, bus stops and lakes. Is that a fair
 16 description of it?
 17 A (Witness nods.)
 18 Q You have to answer yes or no, sir.
 19 A Yes.
 20 Q Then it says downtown Madison is located
 21 approximately three miles southwest. Then it says
 22 unemployment in Madison has remained below the
 23 national average over the past few years. Do you
 24 have any reason to disbelieve that?
 25 A No, I don't.

Page 22

1 Q Okay. It also -- If you -- If you go down, it
 2 says the house was built or the facility -- excuse
 3 me, the structure was built around 1914. See
 4 that?
 5 A Yes.
 6 Q Does that comport with your understanding as to
 7 when the structure was built?
 8 A Yes.
 9 Q And have you -- have you gone to the basement in
 10 that facility?
 11 A Yes.
 12 Q Okay. And looking around, from -- even though the
 13 house looks like it now is fueled by natural gas,
 14 correct?
 15 A Yes.
 16 Q Is it a radiator system, or is it a forced air
 17 system?
 18 A Forced air.
 19 Q Okay. And from your look, do you know what fueled
 20 the heating system in 1914?
 21 A (Witness nods.)
 22 Q You don't. You have to answer yes or no.
 23 A I don't know.
 24 Q Okay. Do you know if there's any coal bin down
 25 there?

Page 23

1 A No, not that I saw.
 2 Q Okay. On page 91 under the -- about halfway down
 3 there's another description of rental area, and
 4 the last sentence says that the rentals above
 5 would indicate a rent square foot range of 64
 6 cents to \$1.10 a square foot. The subject's
 7 actual rents were approximately 73 cents to 80
 8 cents per square foot, which would be supported by
 9 the rental comparables above. Do you see that?
 10 A Well, I'm not looking at it right now, but I
 11 believe you.
 12 Q Okay. But the rentals -- the rentals that were
 13 the basis -- or potential rentals that were the
 14 basis for your acquisition, you've been able to
 15 achieve those rentals, have you not?
 16 A Yes. I actually improved them.
 17 Q Okay. Based in part upon the improvements that
 18 you put in the building, correct?
 19 A Correct.
 20 Q On page 92 of the document it says that the
 21 appraised value of the property was \$143,000 under
 22 one mechanism and 143,750 under another. Did you
 23 believe that to be an accurate approximation of
 24 the appraised value of the property?
 25 A At the time. The reason I bought it at the time

Page 24

1 was because I felt that was the low point in the
 2 market.
 3 Q Okay.
 4 A I believe it's probably -- Well, I don't know
 5 what -- you know, it's probably worth nothing now,
 6 I don't know, but I mean, our goal was to buy it
 7 at the low point, improve it, and have it be an
 8 income property in my retirement.
 9 Q And you are deriving income from it, correct?
 10 A Yes.
 11 Q And you're getting what you believe to be a fair
 12 rental value for it, correct?
 13 A Yes.
 14 Q Okay. Directing your attention to that same group
 15 of documents, Exhibit 1, I just want to have you
 16 identify a few documents. If you look at document
 17 84 through 89, that appears to be a real estate
 18 lease?
 19 A Yeah.
 20 Q And it's with Ms. Simmis and Mr. Halverson,
 21 correct?
 22 A As far as the leases go, the names of the people
 23 and everything, I really have my son take care of
 24 all that. So I'm not up on names and anything. I
 25 mean, I can tell you I know their -- I can

Page 25

1 recognize their face.
 2 Q Okay. But to your knowledge, since these purport
 3 to be -- and then there's 76 through 82, those
 4 appear to be two real estate leases, the term of
 5 which does not expire until July 31st, 2013. Do
 6 you see that?
 7 A Yeah.
 8 Q Are those -- To your knowledge, are these the two
 9 leases that are currently in place?
 10 A To my knowledge, but I always defer to my son
 11 because he's managing the property for me.
 12 Q What's your son's name?
 13 A David Wilder.
 14 Q Okay. It appears that these -- both of these
 15 leases took effect on August 1, 2012. Do you see
 16 that?
 17 A Yeah.
 18 Q Have you had any conversations with either of your
 19 tenants, you and your wife's tenants, about the
 20 environmental situation at -- at your property?
 21 A The -- The downstairs tenant hadn't moved in yet
 22 when we found out, and it was -- he was coming
 23 here to go to grad school. We notified them and
 24 talked to them about it ahead of time and -- just
 25 to let them know.

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1 They, you know, we felt that we had to
 2 give them an opportunity to -- to get out if they
 3 wanted to. They indicated since they don't have
 4 any children and they don't intend to, you know,
 5 spend the rest of their -- a long period of time
 6 there, that they were okay. We talked about at
 7 that time putting in a mitigation system. I was
 8 going to pay for it, I promised. As it turns out
 9 it was put in for me.
 10 Q Okay. So you currently have a mitigation system.
 11 A Yes. It's not installed the way I want it to be,
 12 but --
 13 Q Who installed it?
 14 A I don't know.
 15 Q What about the installation do you view to be not
 16 up to your standard?
 17 A Well, they used foam to seal up the hole, that
 18 spray foam, and that deteriorates over time. And
 19 then the other problem you got is there's a motor
 20 running. Who's going to take care of that longer
 21 term? Who's going to take care of the
 22 electricity? What about taking all the warm air
 23 out of the basement that I'm paying to heat and
 24 shooting it up through the pipe?
 25 Q Have you contemplated putting in a different type

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1 of mitigation system?
 2 A I didn't want to have to put a mitigation system
 3 in. I'm not an expert at this. I don't want to
 4 become an expert at this.
 5 Q Do you have a home in Waukesha County?
 6 A Yes.
 7 Q Do you have a radon mitigation system in your
 8 house?
 9 A No.
 10 Q Have you ever had your house in Waukesha County
 11 tested for radon?
 12 A No.
 13 Q To your knowledge, any of your neighbors have a
 14 radon mitigation system in Waukesha?
 15 A I have no idea what my neighbors are doing.
 16 Q How is the -- the basement -- By the way, do
 17 either of your tenants smoke?
 18 A I don't know.
 19 Q How is the basement used in your rental property?
 20 A It's a storage area. It's a place where the
 21 laundry is done and hung up.
 22 Q Is it shared by both tenants?
 23 A Yes.
 24 Q Do you know what they -- Do you store anything
 25 down there?

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1 A No. I mean, maybe some tools or something like
 2 that that I might need, but that's about it. No.
 3 Q Do you store any paint down there?
 4 A I think we have some paint from -- that we bought
 5 when we originally redid the paint from Home
 6 Depot. It's Behr paint, latex. It's down in the
 7 basement on a shelf.
 8 Q Do you have any other remodeling and/or
 9 refurbishing supplies such as wood filler,
 10 spackling, et cetera? Do you keep that in the
 11 basement?
 12 A Not -- Not to my knowledge. I mean, we might have
 13 some -- a little plastic container of spackle down
 14 there, but I don't even think that. I think
 15 they -- they painted and that was it.
 16 Q Did you refinish any floors?
 17 A No. We -- We had an upstairs floor that was --
 18 that was original, and we went to Home Depot and
 19 bought a new floor and just laid it over the top
 20 to make it nicer. And then we also put in new
 21 molding around there.
 22 Q Okay. When was the first time you became aware of
 23 any potential environmental issues in regard to
 24 your property?
 25 A I got a letter in the mail.

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<p>1 Q And do you -- can you take a look through the</p> <p>2 documents that you produced and tell me which, if</p> <p>3 any -- if the letter's there or not.</p> <p>4 A I don't know because I don't remember what the</p> <p>5 letter -- I can't remember if it was one page. I</p> <p>6 think it might have been from Collins. I don't</p> <p>7 know.</p> <p>8 Q It may have been a letter from a lawyer?</p> <p>9 A Yeah. I think it was notifying us we were part of</p> <p>10 a suit. And then we came -- came up here and we</p> <p>11 met at a -- the local high school or local</p> <p>12 elementary school.</p> <p>13 Q So that was sometime in 2012 or 2011, do you</p> <p>14 recall?</p> <p>15 A I think it would have been in '11 because I</p> <p>16 remember it being in the -- in the fall.</p> <p>17 Q Okay. And that's the first time you were aware of</p> <p>18 any environmental issues associated with your</p> <p>19 property at 210 South Marquette?</p> <p>20 A It was the first time I understood the word --</p> <p>21 what was it that you first started out with? Poly</p> <p>22 whatever.</p> <p>23 Q PCE? First time you'd ever heard the term PCE?</p> <p>24 A Well, it was the first time I heard the term PCE</p> <p>25 and 210 Marquette all in the same sentence.</p>	<p>1 Q This is a -- These are some property details</p> <p>2 relating to your house --</p> <p>3 A Yeah.</p> <p>4 Q -- at 210 South Marquette. Just take a moment and</p> <p>5 look at it. I just want to know if there's</p> <p>6 anything -- and recognizing that you've -- that</p> <p>7 you are being asked this cold, if you could just</p> <p>8 look at it and see if there's anything in there</p> <p>9 that you believe, as you sit here today, to be</p> <p>10 inaccurate.</p> <p>11 A Looking at it in a cursory way I don't see any --</p> <p>12 that there's anything inaccurate, but that's not</p> <p>13 looking at it in detail.</p> <p>14 Q Why don't you take one minute and look at it in a</p> <p>15 less than -- I recognize that you can change it,</p> <p>16 but I'd just like for you to take a look at it.</p> <p>17 A It seems right.</p> <p>18 Q Okay. Directing your attention to Exhibits 2, 3</p> <p>19 and 4, which are not part of that Exhibit 1 --</p> <p>20 MR. MANSKE: I'll take this.</p> <p>21 BY MR. BUSCH:</p> <p>22 Q Just keep that altogether. I apologize. Down at</p> <p>23 the bottom of each one of these there's a -- Can</p> <p>24 you read what it says at the bottom, the very last</p> <p>25 two lines from Exhibit 2?</p>
Page 30	Page 32
<p>1 Q Okay. And -- Or the first time you had heard the</p> <p>2 word PCB in --</p> <p>3 A I've heard that before, but --</p> <p>4 Q But not in connection with your property.</p> <p>5 A Not in connection with my property.</p> <p>6 Q Or the PAH, you had never heard that in connection</p> <p>7 with --</p> <p>8 A Well, I heard the various chemical engineered</p> <p>9 chemical symbols spoken either separately,</p> <p>10 together, all in relationship to 210 Marquette.</p> <p>11 Q And that was -- the first time was at that meeting</p> <p>12 at the high school, whenever that --</p> <p>13 A Well, that was a letter, and then I came to the --</p> <p>14 then I came and -- and started to become more</p> <p>15 informed.</p> <p>16 Q Okay. Directing your attention to the first --</p> <p>17 that pile of documents in front of you, looking at</p> <p>18 documents marked 2, 3 and 4, which are some</p> <p>19 property search results, is there anything on</p> <p>20 those documents that you believe to be inaccurate?</p> <p>21 A I -- I guess I'd have to go through the -- at a</p> <p>22 later time when I had more time and, you know, you</p> <p>23 know -- I don't know. I don't have any reason to</p> <p>24 believe it isn't. What it is is a document of my</p> <p>25 house here, or what?</p>	<p>1 A Says Class Members Brent and Carol Wilder Response</p> <p>2 to Defendant Madison-Kipp Corporation's First Set</p> <p>3 of Requests for Documents and Things.</p> <p>4 Q That's Exhibit 2?</p> <p>5 A Yeah.</p> <p>6 Q Okay. Now taking -- if you'd look at page 4 of</p> <p>7 that, it requests all documents concerning Class</p> <p>8 Members' first awareness of the alleged</p> <p>9 contamination of the environment surrounding Class</p> <p>10 Members' properties. See that?</p> <p>11 A Which number?</p> <p>12 Q That's number 7 --</p> <p>13 A Okay.</p> <p>14 Q -- on page 4. And your recollection is that the</p> <p>15 first awareness you may have received of that is a</p> <p>16 letter from Mr. Collins?</p> <p>17 A Yes, I think. I mean, it's a long time ago.</p> <p>18 Q Okay. Do you have any -- Does this refresh your</p> <p>19 recollection at all if there was any other</p> <p>20 document that you may have received in advance of</p> <p>21 that that may have put you on notice of alleged</p> <p>22 contamination?</p> <p>23 A It was -- It was something stating that I had to</p> <p>24 be here or there's some meeting at a local high</p> <p>25 school, and that's when we first heard about it.</p>

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<p>1 Q Okay. What is -- Take a look at Exhibit 3 in 2 front of you and read the bottom of that, please. 3 MR. MANSKE: Here's 3. 4 THE WITNESS: Class Members' Brent and 5 Carol Wilder Response to Defendant United States 6 Fire Insurance Company's First Set of Requests for 7 Production. 8 BY MR. BUSCH: 9 Q Okay. And what's Exhibit 3? 10 A You mean the -- You want me to read the top of it? 11 Q No, no. Oh, that was 3. Excuse me. Exhibit 4. 12 A Okay. Class Members' Brent and Carol Wilder 13 Answers to Defendant Madison-Kipp Corporation's 14 First Set of Interrogations -- Interrogatories. 15 Q And what's 5? 16 A Class Members' Brent and Carol Wilder Answers to 17 Defendant United States Fire Insurance Company's 18 First Set of Interrogatories. 19 Q And do you recall, sir, at some point in time that 20 you answered these interrogatories? 21 A Yes. I remember answering a set of questions that 22 were given to me to the best of my ability. 23 Q And looking at Exhibit 5 -- 24 A Yes. 25 Q -- if you look at page -- the -- I think it's the</p>	<p>1 substances are you referring to there? 2 A I think I'm referring to the ones that you dumped. 3 Q Can you be more specific? 4 A Well, I was reading as prep to come here, and it 5 talked about the fact that when you folks have 6 these engineered solvents that you used in the 7 Kipp factory, you took them out back and you 8 dumped them to keep the dust down. 9 Q That's what you're talking about? 10 A When the -- On the -- So I'm just trying -- I 11 mean, when I'm talking about the dangerous 12 chemicals here, that's what I'm talking about. 13 Q Okay. 14 A And each one of the barrels came with a packing 15 slip. 16 Q A packing slip, sir? 17 A I would think it came with a packing slip and 18 instructions. 19 Q So if -- Is it your belief that if Madison-Kipp 20 had followed the instructions on the chemical data 21 sheet that there wouldn't be any pollution? 22 A Did it say dump them in the back when you're done? 23 Q I'm just asking you a question, sir. 24 A I don't know. I'm asking you a question. Did it 25 say dump it in the back when you're done with it?</p>
Page 34	Page 36
<p>1 sixth page in -- excuse me, the seventh page in, 2 there's a verification bearing a signature of 3 Brent and Carol Wilder. Do you see that? 4 A Yep. 5 Q And that's your signature? 6 A Yep. 7 Q And do you recognize the signature of your wife? 8 A Yep. 9 Q Keeping with that document, turn to page 4, if you 10 would. 11 A Yep. 12 Q In answer to question number 8 it's stated, in the 13 first paragraph, that it's your belief that you've 14 lost the value of the property and the value of 15 the full use and enjoyment of the property. Do 16 you see that? 17 A Yes. 18 Q As we sit here today, you are currently receiving 19 the fair value of rental -- the fair rental value 20 of that property, correct? 21 A Yes. 22 Q Okay. The second -- The second paragraph says 23 that -- that since the discovery of the dangerous 24 substances from Madison-Kipp's property. Do you 25 know what dangerous substances -- What dangerous</p>	<p>1 Q Well, you can ask me questions, you know, some 2 other time, but it's my job to ask you a question. 3 I hope you appreciate that that -- 4 A Yeah. I mean, what I've got here is a situation 5 where I don't want to be here. I don't want to be 6 talking to you. I don't want to intimately know 7 Kipp Corporation. 8 I understand the smoke stocks in back, 9 they make a little noise, whatever. I understood 10 that. When I walked into that property, that's 11 what I understood, okay. I'm taking a vacation 12 day here, okay. I'm using my time, I'm coming 13 here talking to you about something I don't want 14 to talk about. 15 Now going forward, every time I rent, 16 okay, you talk about the fact that -- that my 17 property, I've got people in there right now and 18 I'm getting fair and enjoyable rent, right. Well, 19 I might not be able to get that in the future. 20 And I'm going to have to notify every one of my 21 tenants that I might get in the future and say 22 this is what's going on, and I'd like this rent. 23 And they might say to me hey, Brent, I'm only 24 going to give you this rent because of this 25 problem, or I'm not going to rent from you at all.</p>

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1 That's what I'm upset about.
 2 Q Okay. I just want to know specifically what
 3 problem --
 4 A The problem is being here with you.
 5 Q No. What -- What dangerous substance are you
 6 speaking about, and why is that substance
 7 dangerous to you or your tenants, is what I want
 8 to know.
 9 A I'm talking about the chemical that you -- the
 10 chemicals that you dumped out of the barrels in --
 11 in the back -- in the back lot or whatever over
 12 here, okay, because now I am reading up about it,
 13 okay, that I didn't know about.
 14 If you would have simply put a sign up
 15 on the Kipp Corporation and said we dump our
 16 chemicals, we don't look at the instructions or
 17 the data sheet to figure out how to dispose of
 18 them, we just simply dump them anywhere we want, I
 19 wouldn't have bought the property. If you would
 20 have put that sign up, you would have done me a
 21 favor, because I don't want to be here.
 22 Q But you would agree that had they followed the
 23 data sheets, there wouldn't be anything wrong with
 24 what they did, right?
 25 A I would have -- I agree that you don't take an

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1 engineered chemical, you know, from my little bit
 2 of background in engineering, and just dump it
 3 anywhere.
 4 Q Well, my question is if they had followed the data
 5 sheet --
 6 A I don't know. I'm not an expert on that. I'm a
 7 civil engineer, but I'm smart enough to know that
 8 chemicals come with data sheets and tell you how
 9 to use them and what to do and what not to do.
 10 Did -- My question to Kipp is did they tell you at
 11 the end when you're done using them just throw it
 12 anywhere. Do you know that? And if you don't
 13 know that, then my question is why did you do it.
 14 Q But you would agree had they followed those, you
 15 don't think you'd be --
 16 MR. MANSKE: I think it's been asked
 17 and answered.
 18 MR. BUSCH: I'll withdraw the
 19 question.
 20 MR. BERGER: You've asked him several
 21 times. You got his answer.
 22 MR. BUSCH: I'll withdraw the
 23 question.
 24 Q You also state in your answer that -- that you
 25 don't believe you'll be able to sell the property.

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1 See that?
 2 A Yes.
 3 Q Have you attempted to sell the property?
 4 A No, I haven't.
 5 Q Okay. And I apologize. If I'm upsetting you, we
 6 can take five minutes.
 7 A No, I don't need five minutes. I just -- I just
 8 don't like being here. I don't like being
 9 bothered by people.
 10 Q I appreciate that.
 11 A Okay. I mean, I rent -- I rent to people. I take
 12 good care of it. I make sure it's a safe place,
 13 okay.
 14 Q I appreciate it. Yes. Understood.
 15 MR. MANSKE: Tell you what. Let him
 16 finish and that will speed up --
 17 THE WITNESS: Okay.
 18 MR. MANSKE: -- the process.
 19 BY MR. BUSCH:
 20 Q Have you had your house, your property appraised
 21 any time recently?
 22 A No.
 23 Q Are you a member of the -- the neighborhood
 24 association?
 25 A I don't know. I mean --

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1 Q If you don't know, you don't know.
 2 A I don't know.
 3 Q Do you -- Do you receive e-mails from time to time
 4 from an entity known as the S-A-S-Y Neighborhood
 5 Association?
 6 A I'll get letters or I'll get stuff in the mail
 7 from our councilmen here, things like that. I
 8 don't recall.
 9 Q And to the extent that you still have those you've
 10 produced them, correct?
 11 A Correct.
 12 Q Have you attempted to refinance?
 13 A No.
 14 MR. BUSCH: Why don't we take about
 15 three minutes. Let me check with my co-counsel.
 16 (Recess taken.)
 17 BY MR. BUSCH:
 18 Q Mr. Wilder, have you had any conversations with
 19 anybody from the Department of Natural Resources
 20 or the Madison Department of Health in regard to
 21 your building?
 22 A I think my son, as they were doing some of the
 23 scheduling for things, may have. And whatever
 24 the -- the system they put in or whatever, I know
 25 there were some private guys and -- there were

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1 some private people by Kipp working with them, and
 2 there could have been somebody at the DNR, too, I
 3 think.
 4 Q But you've not had any conversations?
 5 A No.
 6 Q And you don't recall receiving anything in writing
 7 in regard to the use of your building?
 8 A What do you mean?
 9 Q Well, has anybody from the DNR or the Department
 10 of Health from the City of Madison advised you
 11 that there are any restrictions at all in the use
 12 and enjoyment of your property?
 13 A No, not that I know of.
 14 Q Okay. Have you done any radon testing in this
 15 facility, in the 210 facility?
 16 A No.
 17 MR. BUSCH: Okay. Thank you very
 18 much, sir.
 19 EXAMINATION
 20 BY MR. WHITE:
 21 Q Good morning, Mr. Wilder. My name is Chris White
 22 I'm the lawyer for Continental Casualty Company
 23 and Columbia Casualty Company, who are some of
 24 Madison-Kipp's Insurance Company. I have very few
 25 questions for you, the first of which is where

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1 were you living as of January 1st, of 1980?
 2 A Waukesha County.
 3 Q And how long did you continue to live at the
 4 residence you were living in Waukesha County?
 5 A Well, I was up in Germantown for a short period of
 6 time in a condo up there, and then I moved to --
 7 1982, something like that. I don't know.
 8 Q Between 1980 and 1982 did you live anywhere other
 9 than Waukesha and Germantown?
 10 A I worked in -- I lived in Germantown and then we
 11 moved to the place where I'm residing now, and
 12 we've been there since the '80's, early '80's.
 13 Q And that's your -- Since 1982 you've lived
 14 continuously in your home in Waukesha County.
 15 A Well, around '82. You know, I -- I don't have
 16 anything written on my hands here.
 17 Q Understood. You didn't live -- Have you ever
 18 lived in Madison?
 19 A Yeah, I have.
 20 Q When did you live in Madison?
 21 A 1974 to, I think, 1978.
 22 Q Is that while you were a student at the
 23 university?
 24 A Yes.
 25 Q And while you were a student at the university did

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1 you live on either Waubesa Street or Marquette
 2 Street?
 3 A No.
 4 Q Earlier when you were talking about the
 5 renovations that you did to your home you
 6 mentioned you spent some 25 or 30 or \$35,000 on
 7 material and labor?
 8 A (Witness nods.)
 9 Q Are you including in that amount any value for
 10 your own labor, or is that all money that you've
 11 paid to other people?
 12 A No. This is -- The only thing we paid other
 13 people, I think was around six thousand bucks,
 14 6500, was for the windows. Everything else has
 15 been my son's, myself.
 16 Q Do you pay your son for any of the work he does on
 17 your house?
 18 A Eventually. When I die.
 19 Q Okay. So of the money that you've spent on the
 20 property since you purchased it, roughly \$6,000 of
 21 that is out of pocket and the rest of it is labor
 22 that you and your son --
 23 A Well, no. It's -- It's -- You know, the 6,000 was
 24 for the windows, but then you -- when you redo a
 25 kitchen you go to Home Depot and you buy the

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1 cabinets, you buy the sink, you buy the plumbing,
 2 you buy the paint.
 3 Q Can you give me an estimate of what your
 4 out-of-pocket expenses are for what you spent to
 5 improve the property?
 6 A I think we have it written down. I don't have it
 7 with me.
 8 Q Is it more than \$10,000?
 9 A I think it's more than 10.
 10 Q Is it more than 15,000?
 11 A It's more than 10.
 12 Q Is it somewhere between 10 and \$15,000?
 13 A I'm guessing. You know, I'm guessing. Fifteen at
 14 least, I mean, but I'm guessing right now because
 15 I don't have it with me. I don't have a -- I
 16 don't have my spreadsheets with me.
 17 Q Understood. Is it more than \$20,000 in
 18 out-of-pocket expenses?
 19 A I don't know.
 20 Q Okay. With respect to your tenants, did I
 21 understand -- Well, I understand based on your
 22 interrogatory responses that you purchased the
 23 property in May of 2011; is that correct?
 24 A Yes, I believe.
 25 Q And --

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<p>1 A I mean, I'm not good at dates, I'll be honest with 2 you, okay. 3 Q And there are -- there are two rental units in 4 this property? 5 A Yep. 6 Q A downstairs and upstairs? 7 A Um-hum. 8 Q In May of -- When you first purchased the property 9 was the downstairs unit rented? 10 A When I first purchased it the downstairs unit was 11 rented, but that person was moving out and my son 12 then, after we fixed it up, was going to move in. 13 Q So you had a tenant who had already announced 14 their intention to leave when you purchased the 15 property? 16 A Right, they were moving on. They were giving 17 notice. 18 Q Sure. All right. And then your son lived there 19 for some period of time. Until when, 20 approximately, did your son live in the unit? 21 A God, I can't remember if he was there a year and 22 then he moved out in the spring, I think. I can't 23 remember. I don't think he was there a full year 24 because they eventually found something on the 25 north side of -- a regular house, and -- and they</p>	<p>1 Q Do you know if the current tenant in the 2 downstairs unit is paying more rent or less rent 3 than the previous tenant? 4 A I think they're different because there's 5 different sizes involved, or one -- I think one -- 6 I think they value -- my son values one unit as a 7 little bit more of a premium than the other, but 8 not much. 9 Q Right, I understand, but when the tenant in the 10 downstairs unit changed, do you know if the amount 11 of the rent changed either upwards or downwards? 12 A I think it went up. 13 Q Okay. With respect to the upstairs unit -- 14 A And that was -- And to put a fine point on that, 15 that was -- it went up, okay, and it was agreed 16 to, and then we found out about -- you know, the 17 person was moving all the way from Washington, DC. 18 He had already made plans, at the beginning of 19 summer when I negotiated with him. So now he's 20 moving in at the end of the summer just before 21 school starts. He doesn't have a lot of choices, 22 so he's moving in. And I had to alert him. And 23 he's the one that said to me if, you know, if I 24 had kids, I wouldn't be moving here. 25 Q Did the graduate student, the current tenant, ask</p>
<p>1 moved out and then we put a new tenant in. 2 Q Okay. And when your son moved out who was the new 3 tenant who moved in? 4 A That tenant isn't there any more, okay, but I 5 can't remember that person's name. Like I said, 6 my son's my property manager. 7 Q Okay. How long did that first tenant live in the 8 downstairs unit? 9 A After my son? 10 Q Correct. 11 A I think a year. And then the -- then that person 12 moved out at the end of last summer, and the new 13 person that's in there now who's the graduate 14 student is going to -- he moved in, I think, in 15 the fall of last year. So he probably -- yeah. 16 Q When you say the summer and fall of last year, do 17 you mean this past summer/fall 2012? 18 A Oh, not -- I'm trying to make sure I got this 19 right. The -- The tenant that's in there now 20 moved in, yes, this -- this last -- the 21 beginning -- at the end of this last summer, and 22 the other guy moved out. 23 Q Okay. What -- Do you know what the rent is that 24 the current tenant is paying? 25 A My son is my property manager.</p>	<p>1 for any sort of rent reduction? 2 A No. No, he didn't. What we offered to -- We 3 offered to cancel, but he, you know, he said no, 4 he's not going to live there with children. 5 Otherwise if he had kids, he wouldn't move in. He 6 also understood I was putting in windows, and I 7 think that's why he didn't, you know, probably 8 feel that was fair since I committed to do things. 9 Q Sure. With respect to the upstairs unit, when you 10 acquired the property in May of 2011 was the 11 upstairs unit rented? 12 A Yes, I believe it was -- Yeah. It was rented, 13 yes. 14 Q And did that tenant remain in the unit after you 15 purchased the property? 16 A I'm not certain on that. Again, my -- my son 17 knows all those details. 18 Q Okay. At some point did you get a new tenant for 19 the upstairs unit? 20 A Yes. 21 Q And do you have any recollection as to when the 22 new upstairs tenant moved in? 23 A I think that the upstairs tenant's been there for 24 more than 12 months. I don't know when. Again, 25 I -- I -- those are little details for me. I'm</p>
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1 trying to keep, you know -- the forefront of my
 2 mind I keep the big ones.
 3 Q Understood. When the previous tenant in the
 4 upstairs unit moved out and the new tenant moved
 5 in did the rent go up, rent go down, rent stay the
 6 same?
 7 A Again, I think the rent went up.
 8 Q All right.
 9 A Because we put in all these new things.
 10 Q Okay. Has the upstairs tenant asked for any sort
 11 of rent accommodation as a result of the
 12 enviromental issues with Madison-Kipp?
 13 A The upstairs -- No, I don't believe so, but you'd
 14 have to ask my son. I don't know.
 15 Q Okay.
 16 A They're under a lease.
 17 Q And lastly, do you know if your property contains
 18 asbestos?
 19 A I don't know. I think there was a little -- I'm
 20 trying to think if when we were buying it, I think
 21 that was one of the things we also had them take
 22 out. There was a little bit of something in the
 23 basement, I think, that that was one of the things
 24 that they had to remove, also.
 25 Q Did you have any other sort of asbestos inspection

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1 of your home?
 2 A I had an inspection by an inspector and he
 3 identified this one area. And then we said okay,
 4 take care of the knob and tube, take care of the
 5 asbestos, take care of the liner in the chimney
 6 and do some tuck pointing because the chimney
 7 was -- you know, we were afraid of carbon
 8 monoxide.
 9 MR. WHITE: Okay. That's all I have.
 10 MS. KREIL: I have no questions.
 11 MR. KRAMER: No questions.
 12 (At 11:57 a.m. the deposition
 13 concluded.)
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1 STATE OF WISCONSIN)
 2 MILWAUKEE COUNTY) SS:
 3 I, KIM M. PETERSON, CM, Registered
 4 Professional Reporter and Notary Public in and for the
 5 State of Wisconsin, do hereby certify that the deposition
 6 of BRENT WILDER, was taken before me at the Goodman
 7 Community Center, 149 Waubesa Street, Madison, Wisconsin,
 8 on the 12th day of December, 2012, commencing at 10:53
 9 o'clock in the forenoon.
 10 That it was taken at the instance of
 11 the Defendants upon verbal interrogatories.
 12 That said deposition was taken to be
 13 used in an action now pending in the United States
 14 District Court, Western District of Wisconsin, Wisconsin,
 15 in which KATHLEEN McHUGH AND DEANNA SCHNEIDER, et al.,
 16 are the Plaintiffs, MADISON-KIPP CORPORATION, CONTINENTAL
 17 CASUALTY COMPANY, UNITED STATES FIRE INSURANCE COMPANY
 18 and ABC INSURANCE COMPANIES 1-50, are the Defendants,
 19 MADISON-KIPP CORPORATION, is the Cross-Claimant,
 20 CONTINENTAL CASUALTY COMPANY, COLUMBIA CASUALTY COMPANY
 21 and UNITED STATES FIRE INSURANCE COMPANY, are the
 22 Cross-Claim Defendants, CONTINENTAL CASUALTY COMPANY and
 23 COLUMBIA CASUALTY COMPANY, are the Cross-Claim
 24 Defendants, and LUMBERMENS MUTUAL CASUALTY COMPANY,
 25 AMERICAN MOTORISTS INSURANCE COMPANY and JOHN DOE

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1 INSURANCE COMPANIES 1-20, are the Third-Party Defendants
 2 A P P E A R A N C E S
 3 THE COLLINS LAW FIRM, P.C., 1770 North
 4 Park Street, Suite 200, Naperville, Illinois, 69563,
 5 ejm@collinslaw.com, by MR. EDWARD J. MANZKE, appeared on
 6 behalf of the Plaintiffs.
 7 VARGA, BERGER, LEDSKY, HAYES & CASEY,
 8 125 South Wachter Drive, Suite 1250, Chicago, Illinois,
 9 60606-4473, nberger@vblhc.com, by MR. NORMAN B. BERGER,
 10 appeared on behalf of the Plaintiffs.
 11 MICHAEL, BEST & FRIEDRICH, LLP, 100
 12 East Wisconsin Avenue, Milwaukee, Wisconsin, 53202 ,
 13 jabusch@michaelbest.com, by MR. JOHN A. BUSCH, appeared
 14 on behalf of the Madison-Kipp Corporation.
 15 MICHAEL, BEST & FRIEDRICH, LLP, 100
 16 South Pinckney Street, Suite 700, P.O. Box 1806, Madison,
 17 Wisconsin, 53701-1806, abianchi@michaelbest.com and
 18 lhziemba@michaelbest.com, by MR. ALBERT BIANCHI, JR. and
 19 MS. LEAH H. ZIEMBA, appeared on behalf of the
 20 Madison-Kipp Corporation.
 21 TROUTMAN SANDERS, LLP, 55 West Monroe
 22 Street, Suite 3000, Chicago, Illinois, 60603-5758,
 23 christopher.white@troutmansanders.com, by MR. CHRISTOPHER
 24 WHITE, appeared on behalf of the Continental Casualty
 25 Company.

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1 MEISSNER, TIERNEY, FISHER & NICHOLS,
 2 S.C., 111 East Kilbourn Avenue, 19th Flor, Milwaukee,
 3 Wisconsin, 53202-6622, jbk@mtfn.com, by MS. JENNIFER A.B.
 4 KREIL, appeared on behalf of the United States Fire
 5 Insurance Company.

6 DEUTCH & WEISS, LLC, 7670 North Port
 7 Washington Road, Suite 200, Whitefish Bay, Wisconsin,
 8 53217, charles.kramer@mweisslaw.net, by MR. CHARLES W.
 9 KRAMER, appeared on behalf of Lumbermens Mutual Casualty
 10 Company.

11 That said deponent, before
 12 examination, was sworn to testify the truth, the whole
 13 truth, and nothing but the truth relative to said cause.

14 That the foregoing is a full, true and
 15 correct record of all the proceedings had in the matter
 16 of the taking of said deposition, as reflected by my
 17 original machine shorthand notes taken at said time and
 18 place.

19 _____
 20 Notary Public in and for
 21 the State of Wisconsin

22 Dated this 19th day of December, 2012,
 23 Milwaukee, Wisconsin.
 24 My commission expires March 9, 2014.
 25 Halma-Jilek Reporting, Inc. (414) 271-4466