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	UNITED STATES DISTRICT COURT	1	S.C., 111 East Kilbourn Avenue, 19th Flor, Milwaukee,
	WESTERN DISTRICT OF WISCONSIN	2	Wisconsin, 53202-6622, jbk@mtfn.com, by MS. JENNIFER A.B.
	KATHLEEN McHUGH AND DEANNA SCHNEIDER,	3	KREIL, appeared on behalf of the United States Fire
	Individually and on behalf of all person similarly situated,	4	Insurance Company.
	Plaintiffs,	5	DEUTCH & WEISS, LLC, 7670 North Port
	v. Case No. 11-CV-724	6	Washington Road, Suite 200, Whitefish Bay, Wisconsin,
	MADISON-KIPP CORPORATION, CONTINENTAL CASUALTY COMPANY, UNITED STATES FIRE INSURANCE	7	53217, charles.kramer@mweisslaw.net, by MR. CHARLES W.
	COMPANY and ABC INSURANCE COMPANIES 1 - 50,	8	KRAMER, appeared on behalf of Lumbermens Mutual Casualty
	Defendants,	9	Company.
	and MADISON-KIPP CORPORATION,	10	INDEX
	Cross-Claimant, vs.	11	WITNESS EXAMINATION PAGE
	CONTINENTAL CASUALTY COMPANY, COLUMBIA	12	ANITA VAN AMBER By Mr. Busch 4
	CASUALTY COMPANY, and UNITED STATES FIRE INSURANCE COMPANY,	13	By Mr. White 27
	Cross-Claim Defendants, and	14	By Mr. Kramer 30
	CONTINENTAL CASUALTY COMPANY and	15	EXHIBITS
	COLUMBIA CASUALTY COMPANY, Cross-Claim Defendants,	16	EXHIBIT NO.: MARKED ID'D
	and LUMBERMANS MUTUAL CASUALTY COMPANY, AMERICAN	17	1 - 233 Waubesa Street documents 4 5
	MOTORISTS INSURANCE COMPANY, and JOHN DOE	18	2 - Van Amber answers to MKC interrogatories 4 6
	INSURANCE COMPANIES 1 - 20, Third-Party Defendants.	19	3 - Van Amber answer to USF document request . 4 6
	DEPOSITION OF	20	4 - Van Amber response to MKC document request 4 6
	ANITA VAN AMBER	21	5 - Van Amber response to USF interrogatories. 4 6
	Madison, Wisconsin	22	
	December 12, 2012 12:58 p.m. to 1:40 p.m.	23	(The original exhibits were attached to the original
		24	transcript.)
	Kim M. Peterson Registered Professional Reporter	25	(The original transcript was sent to Mr. Busch.)
	Page 2		Page 4
1	APPEARANCES	1	PROCEEDINGS
2	THE COLLINS LAW FIRM, P.C., 1770 North	2	(Exhibit Nos. 1 through 5 were marked
3	Park Street, Suite 200, Naperville, Illinois, 69563,	3	for identification.)
4	ejm@collinslaw.com, by MR. EDWARD J. MANZKE, appeared on	4	ANITA VAN AMBER, called as a witness
5	behalf of the Plaintiffs.	5	herein by the Defendants, after having been first
6	VARGA, BERGER, LEDSKY, HAYES & CASEY,	6	duly sworn, was examined and testified as follows:
7	125 South Wacher Drive, Suite 1250, Chicago, Illinois,	7	EXAMINATION
8	60606-4473, nberger@vblhc.com, by MR. NORMAN B. BERGER,	8	BY MR. BUSCH:
9	appeared on behalf of the Plaintiffs.	9	Q Please state your name.
10		10	A Anita M. Van Amber.
11		11	Q And what is your address, please?
12		12	A 233 Waubesa Street, Madison, Wisconsin.
13		13	Q Can you briefly describe for me your educational
14		14	background?
15	South Pinckney Street, Suite 700, P.O. Box 1806, Madison,	15	A College graduate is the highest.
16		16	Q And what was your degree in?
17		17	A Communication and the arts.
18	MS. LEAH H. ZIEMBA, appeared on behalf of the	18	Q Can you briefly describe for me I just want to
19	Madison-Kipp Corporation.	19	get my notebook your job history since
20	TROUTMAN SANDERS, LLP, 55 West Monroe	20	graduating from college?
21	Street, Suite 3000, Chicago, Illinois, 60603-5758,	21	A Sure. I was a copywriter at a radio station. I
22		22	was a sports reporter for a newspaper. These are
23	WHITE, appeared on behalf of the Continental Casualty Company.	23 24	both in Green Bay, Wisconsin.
24			
24 25	MEISSNER, TIERNEY, FISHER & NICHOLS,	25	Q Okay.A Oh, I worked at a railroad museum in Green Bay as

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		Page 5			Page 7
1		an executive assistant. I was an executive	1	Q	And did you take out a mortgage when you bought
2		assistant at a bicycle company for many years, and	2		your house?
3		that's what I am right now. An executive	3	A	Yes.
4		assistant for a bicycle company.	4	Q	Do you still have a mortgage on your house?
5	Q	Okay. And which company is that?	5	À	Yes.
6	A	Pacific Cycle.	6	Q	Okay. Have you refinanced your house since 1999?
7	Q	Is that located here in Madison?	7	À	Yes.
8	Ā	Yes.	8	Q	And when was the last time you refinanced, if you
9	Q	Do you smoke?	9		recall?
10	Ā	No.	10	A	I believe it was 2004.
11	Q	Does anyone in your house, to your knowledge,	11	Q	Now, in connection with in connection with that
12		smoke?	12		refinancing, do you recall whether there was any
13	A	No.	13		appraisal done on your property?
14	Q	You have in front of you a pile of documents,	14	A	Yes.
15	_	which is Exhibit 1, which is, I believe, documents	15	Q	And do you still have a copy of that at home?
16		that you supplied in response to a request to	16	À	I couldn't find it.
17		produce documents. If you'd take just a moment	17	Q	Okay. Has there been any appraisal done on your
18		and look at it, and as best you can recall are	18		property since that 2004?
19		those the documents that you supplied?	19	A	Yes.
20	A	Yes.	20	Q	Okay. And when was that done?
21	Q	Okay. And then if you'd take a look at	21	A	Monday.
22		there's get these out of the way. The exhibits	22	Q	Okay. And who did it?
23		in front of you, there's an Exhibit 2. Can you	23	Α	Munn Appraisal.
24		name Can you just tell me what it says, as far	24	Q	Did you commission it to be done?
25		as on the front page. It should say Class Member	25	A	No, the bank did.
		Page 6			Page 8
1		Anita Van Amber's Answers to or what does it	1	Q	Okay. Are you in the process of refinancing?
2		say?	2	A	Yes.
3	A	Class Member Anita Van Amber's Answers to	3	Q	Okay. Is this the first refinancing you've done
4		Defendant Madison-Kipp Corporation's First Set of	4		since 2004?
5		Interrogatories.	5	A	Yes.
6	Q	Okay. And that's what's Exhibit 3?	6	Q	Okay. At the time that you purchased the home in
7	A	Class Member Anita Van Amber Answers to Defendant	7		1999, do you recall nowadays I know there's
8		United States Fire Insurance Company's First Set	8		this disclosure statement that comes when there's
9		of Interrogatories.	9		a purchase, and I don't know whether that was
10	Q	Is Exhibit 4 the responses to the first request	10		was in existence in 19 it's kind of a condition
11		for documents from Madison-Kipp?	11		report, property condition report. Do you recall
12	A	Yes.	12		if you received anything like that in 1999?
13	Q	And Number 5 is the responses to request to	13	A	I don't recall.
14		produce from United States Fire Insurance,	14	Q	Okay. Do you Did you maintain or did you
15		correct?	15		retain any of the documents associated with the
16	A	Correct.	16		purchase of your home?
17	Q	Okay. Directing your attention to Exhibit 3,	17	A	Yes.
18		page 2, this indicates that you purchased your	18	Q	Did you keep that in a in a separate file
19		home in September of 1999, correct?	19		somewhere in your house?
20	A	Yeah, it was actually August. I moved in	20	A	Yes.
21	0	September. Okay And from whom do you recall from whom	21 22	Q	Okay. Does it have a copy of the purchase and
22 23	Q	Okay. And from whom do you recall from whom you purchased your home?	23	٨	sale, the offer to purchase and the I believe so.
24	A	I don't recall the names. I know they were from	23 24	A Q	Okay. It would have mortgage information in it as
25	Л	Green Bay.	25	Ų	well?
		Green Buj.	ر ت		wen.

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13			Page 9			Page 11
2 Q Okay. And if — you don't — if there were a grouperty condition report, it would be in there if you retained it? 3 A Yes. 4 Q Mave you maintained or retained the documents associated with that building of the garage? 5 A Yes. 6 Q Okay. 7 A I would assume so. 8 Q When you moved in 1999 into your home, did you join the S-A-S-Y Neighborhood Association? 9 Join the S-A-S-Y Neighborhood Association? 10 A No. 11 Q Did there come a time when you did join that association? 12 association? 13 A No. 14 Q So as we sit here today you're not a member. 14 A No. 15 A No. 16 Q Okay. Do you receive any e-mails from that association? 17 A Sociation? 18 A T believe I have gotten a coupte. 19 Q Okay. Has that — If I were to put that temporally somewhere, would that have been of recent vintage, or does it go back in time, do you are to thing, or receive vintage, or does it go back in time, do you are to the neighborhood? 22 know? 23 A I don't know. 24 Q Okay. If you're not a member of the S-A-S-Y Neighborhood Association, are you a member of any Page 10 1 I liservices or other e-mail chains related to the neighborhood? 2 A Yes. 4 Q And which ones are you a member of? 5 A The DNR and our local alderperson. 6 Q They have a — They send updates from time to time or communications from time to time? 7 A Yes. 9 Q Okay. In your answers to interrogatories you in indicated that a Mr. Oaks lives with you currently. Is that true? 14 A No. 15 A No. 16 Q Does Mr. Oaks — And he doesn't smoke cither, correct? 18 A No. 19 Q Okay. In your answers to interrogatories you indicated that a Mr. Oaks lives with you currently. Is that true? 20 Q Okay. Directing your attention to Exhibit 3, page 4, in the – you indicate in that response that throughout the years I've cared for my home will have the page and paint. Do you recall the year in which you built the garage? 21 A They remodeled the bathroom. Poor of that it with a that it with that building of the garage? 22 A I don't know. 23 A Yes. 9 Q Okay. In you answer	1	A	I believe so.	1	O	Did you And did you get a did you hire a
property condition report, it would be in there if you retained it? A Yes. Q Okay. A I would assume so. Q When you moved in 1999 into your home, did you join the S-A-S-Y Neighborhood Association? A No. Did there come a time when you did join that association? A No. Complete the today you're not a member. A No. Complete the today you're not a member. A No. Complete the today you're not a member. Complete the tenday you're not a member. Complete the tenday you're not a member. Complete the tenday you're not a member. Complete the you of the your that association? Complete the you're not a member. Complete the you're remodeled the bathroom. Complete the you're you would have remodeled the bathroom? Complete the you're not a member of you have remodeled the bathroom? Complete the you're not a member of you have you you would have remodeled the bathroom? Complete the you're not a member of you have you you would have remodeled the bathroom? Complete the you're not a member of you have you you would have remodeled the bathroom? Complete the you're not a member of you have you you would have remodeled the bathroom? Complete the you're not a member of you have you you know when you you would have remodeled the bathroom? Complete the you're not a member of you have you you know when you you the new flooring. Do you know when you put the new flooring. Do you know when you put in new flooring. Do you know when you put in new flooring. Do you know when you put in new flooring. Do you know when you put in new flooring. Do you know when you put in a new subfloor and put — I believe it's vinyl on top of it with that you put in a new subfloor and put — I believe it's vinyl on top of it with that you put in new flooring. You want the world of you would have r	2	Q	Okay. And if you don't if there were a			
4 you retained it? 5 A Yes. 6 Q Okay. 7 A I would assume so. 8 Q When you moved in 1999 into your home, did you join the S-A-S-Y Neighborhood Association? 9 Join the S-A-S-Y Neighborhood Association? 10 A No. 11 Q Did there come a time when you did join that association? 11 Q Did there come a time when you did join that association? 12 association? 13 A No. 14 Q So as we sit here today you're not a member. 14 A No. 15 A No. 16 Q Okay. Do you receive any e-mails from that association? 18 A I believe I have gotten a couple. 19 Q Okay. Has thatIf I were to put that reporally somewhere, would that have been of recent vintage, or does it go back in time, do you know? 22 A I don't know. 23 A I don't know. 24 Q Okay. If you're not a member of the S-A-S-Y Neighborhood Association, are you a member of any or is it information from their offices? 24 Q And which ones are you a member of? 25 A The DNR and our local aldeeperson. 26 Q They have a They send updates from time to time? 27 or communications from time to time? 28 A Yes. 29 Q Okay. And is it a an interactive liservice, or is it information from their offices? 10 Q Okay. In your answers to interrogatories you indicated that a Mr. Oaks lives with you currently. I shat true? 10 Q Does Mr. Oaks And he doesn't smoke cither, correct? 11 A No. 12 Q Okay. Divorecting your attention to Exhibit 3, page 4, in the you indicate in that response that thoughout the years in word in the pouliding a garage, remodeled the bathroom, new 10 pour land which you built the garage? 20 A No. 21 Correct? 22 A not the first the pour land which one or good pour call the year in was that you remodeled the bathroom moved in the subtractor was? 22 A lon't know. 23 A Yes. 24 Q Noay. I first a mainteractive liservice, or is it information from their offices? 25 A Yes. 26 Q Okay. And can you describe for me what was emided in the in the new flooring, what you put in new 10 pour in that? 27 Correct? 28 A Yes. 29 Q Okay. In your answers to interrogatories you indicated that a Mr. O	3			3	A	Yes.
5 A Yes. 6 Q Okay. 7 A I would assume so. 8 Q When you moved in 1999 into your home, did you join the SA-SY Neighborhood Association? 10 A No. 11 Q Did there come a time when you did join that association? 12 a association? 13 A No. 14 Q So as we sit here today you're not a member. 15 A No. 16 Q Okay. Do you receive any e-mails from that association? 17 association? 18 A I believe I have gotten a couple. 19 Q Okay. Bas that — If I were to put that temporally somewhere, would that have been of recent vintage, or does it go back in time, do you know? 12 Row? 13 A I don't know. 15 A No. 16 Q Okay. Ho you receive any e-mails from that association? 17 A Okay. 18 Q I might just in my head I said that. Sometime 2006 to 2008 you would have remodeled the bathroom? 19 Q Okay. If you're not a member of the S-A-S-Y Neighborhood Association, are you a member of any bridge or communications from time to time? 19 Q Okay. If you're not a member of the S-A-S-Y Neighborhood? 20 They have a — They send updates from time to time? 21 I listervices or other e-mail chains related to the neighborhood? 22 I listervices or other e-mail chains related to the neighborhood? 23 A I don't know. 24 Q Okay. If you're not a member of the S-A-S-Y Neighborhood Association, are you a member of any bridge or communications from time to time? 25 Page 10 Fage 10 Fage 12 brick was put in there. 26 Q Okay. And si it a — an interactive liservice, or is it information from their offices? 27 I helieve it is information from their offices? 28 A Yes. 29 Q Okay. In you're not a member of the source. 30 Q Okay. In your answers to interrogatories you indicated that a Mr. Oaks lives with you uirrently. Is that true? 31 A No. 32 A Yes. 33 A Yes. 44 Q And which ones are you a member of the source. 45 A Yes. 46 Q Does Mr. Oaks - And he doesn't smoke either, correct? 46 Q Does Mr. Oaks - And he doesn't smoke either, correct? 47 Correct? 48 A Yes. 49 Q Okay. In your answers to interrogatories you indicated that a Mr. Oaks lives with you uirrently. Is that true? 40 Q	4			4	Q	Have you maintained or retained the documents
6 Q Okay. I you're not a member of the S-A-S-Y Neighborhood Association, are you a member of any of the promote of the property of the process of the promote of the property of the process of the promote of the property of the process of the promote of the prom	5	A	Yes.	5		associated with that building of the garage?
7 Q Okay. Do you know who the contractor was? 8 Q When you moved in 1999 into your home, did you you have you will have shared. Ye like the save in the share of	6	Q	Okay.	6	A	
join the S-A-S-Y Neighborhood Association? A No. 10 Did there come a time when you did join that 21 A No. 11 Q Did there come a time when you did join that 21 A No. 12 Q Okay. You also indicate that you've remodeled the bathroom. Do you know when — what year it was that you remodeled the bathroom? 15 A No. 16 Q Okay. Do you receive any e-mails from that 26 Q Okay. Do you receive any e-mails from that 27 A Approximately five years ago. 17 A Okay. 18 A I believe I have gotten a couple. 19 Q Okay. Has that — If I were to put that 20 temporally somewhere, would that have been of 21 recent vintage, or does it go back in time, do you 22 know? 23 A I don't know. 24 Q Okay. If you're not a member of the S-A-S-Y Neighborhood Association, are you a member of any 25 shower/bathtub area and that was removed and glas 3 A Yes. 3 A Yes. 4 Q And which ones are you a member of? 4 Q And which ones are you a member of? 5 A The DNR and our local alderperson. 6 Q They have a — They send updates from time to time or communications from time to time? 7 Okay. And is it a — an interactive liservice, or is it information. 10 I believe it is information from their offices? 11 A I believe it is information from their offices? 12 Obes Mr. Oaks I ves with you indicated that a Mr. Oaks lives with you building a garage, remodeling the bathroom how which one of it with? 18 A Yes. 29 Oos My. Directing your attention to Exhibit 3, page 4, in the — you indicate in that response that throughout the years Ive care of my home building a garage, remodeling the bathroom, new flooring and paint. Do you recall the year in which you built the garage? 20 What was is involved in the remodeling? 21 Treent vest and that was removed and glass surround. And there was a window in the shower surround. And there was a window in the shower surround. And there was a window in the	7		I would assume so.	7	Q	Okay. Do you know who the contractor was?
10	8	Q	When you moved in 1999 into your home, did you	8	A	I don't recall.
11 Q Did there come a time when you did join that 12 association? 13 A No. 14 Q So as we sit here today you're not a member. 15 A No. 16 Q Okay. Do you receive any e-mails from that 16 Q Okay. Do you receive any e-mails from that 17 association? 18 A I believe I have gotten a couple. 19 Q Okay. Has that — If I were to put that 19 temporally somewhere, would that have been of 20 temporally somewhere, would that have been of 21 recent vintage, or does it go back in time, do you 22 know? 23 A I don't know. 24 Q Okay. If ulon't know. 25 Neighborhood Association, are you a member of any 26 Neighborhood Association, are you a member of any 27 Neighborhood Association, are you a member of any 28 A Yes. 29 Q And which ones are you a member of? 20 A The DNR and our local alderperson. 21 The DNR and our local alderperson. 22 Q Okay. And is it a — an interactive liservice, or 23 is it information from their offices? 24 Q Okay. In your answers to interrogatories you 25 is it information from their offices? 26 Q Does Mr. Oaks — And he doesn't smoke either, correct? 27 Correct? 28 A No. 29 Q Okay. Directing your attention to Exhibit 3, page 4, in the — you indicate in that response that throughout the years I've agrae for my home 29 building a garage, remodeling the bathroom, new flooring and paint. Do you recall the year in which you built the garage? 20 Okay. And the it aspociation, are you a member of any 21 Page 10 22 Dockay. In your answers to interrogatories you in the endicated that a Mr. Oaks lives with you currently. Is that true? 21 Correct? 22 Q Okay. Directing your attention to Exhibit 3, page 4, in the — you indicate in that response that throughout the years I've acred for my home 23 building a garage, remodeling the bathroom, new flooring and paint. Do you recall the year in which you built the garage? 23 A I don't know. 24 Correction of the shower surround. And there as window in the shower/bathtub area and that was removed and glas 24 Correction of the shower surround. And there as window in the shower/batht	9		join the S-A-S-Y Neighborhood Association?	9	Q	To your knowledge, did the contractor pull a
12	10	A	No.	10		permit, building permit for it?
13	11	Q	Did there come a time when you did join that	11	Α	Yes.
14 that you remodeled the bathroom? 15 A No. 16 Q Okay. Do you receive any e-mails from that 16 Q Okay. Do you receive any e-mails from that 17 a association? 18 A I believe I have gotten a couple. 19 Q Okay. Has thatIf I were to put that 20 temporally somewhere, would that have been of 21 recent vintage, or does it go back in time, do you 22 know? 23 A I don't know. 24 Q Okay. If you're not a member of the S-A-S-Y 25 Neighborhood Association, are you a member of any 26 Neighborhood Association, are you a member of any 27 Page 10 28 Page 10 29 And which ones are you a member of? 20 A The DNR and our local alderperson. 21 A Ves. 22 Q Nay. And is it a an interactive liservice, or 23 is it information from their offices? 24 Q Okay. And is it a an interactive liservice, or 25 is it information from their offices? 26 Q Okay. And which ones are you a member of time? 27 Correct? 28 A Yes. 29 Q Okay. And is it a an interactive liservice, or 29 Q Okay. In also indicates that you put in new 29 G Okay. In also indicates that you put the new 29 G Okay. In also indicates that you put the new 29 G Okay. In also indicates that you put the new 29 G Okay. In also indicates that you put in new 29 G Okay. And is it a an interactive liservice, or 20 is it information from their offices? 21 A I believe it's information. 22 G Okay. In also indicates that you put the new 25 In the new flooring, what you 26 put in the correct? 27 In the new flooring, what you 28 put in the correct? 29 G Okay. And a is it a an interactive liservice, or 29 G Okay. And is it a an interactive liservice, or 29 G Okay. And is it a an interactive liservice, or 29 G Okay. In also indicates that you put in new 29 G Okay. In a liservice and in the remodeled the and in the remodeled the and what did you replace it with? 29 G Okay. In a least the correct? 20 G Okay. In a least the correct? 21 G Okay. In a least the correct? 22 G Okay. And can you describe for me what was entiled in the in the new flooring, what you put in? 24 G Okay. Do	12		association?	12	Q	Okay. You also indicate that you've remodeled the
15	13	A	No.	13		bathroom. Do you know when what year it was
16	14	Q	So as we sit here today you're not a member.	14		that you remodeled the bathroom?
17 A Okay. 18 A T believe I have gotten a couple. 19 Q Okay. Has that — If I were to put that temporally somewhere, would that have been of recent vintage, or does it go back in time, do you know? 21 know? 22 know? 23 A I don't know. 24 Q Okay. If you're not a member of the S-A-S-Y Neighborhood Association, are you a member of any 25 brick was put in there. 25 Neighborhood? 26 A The DNR and our local alderperson. 27 A The DNR and our local alderperson. 28 A Yes. 29 Q Okay. And is it a — an interactive liservice, or is it information from their offices? 20 Q Okay. In your answers to interrogatories you indicated that a Mr. Oaks lives with you currently. Is that true? 20 Q Okay. In your asswers to interrogatories you indicated that a Mr. Oaks lives with you currently. Is that true? 31 A Yes. 42 Q Okay. In jour answers to interrogatories you indicated that a Mr. Oaks lives with you currently. Is that true? 32 A The Jone And what did you replace it with? 33 A Yes. 44 Q Okay. In your answers to interrogatories you indicated that a Mr. Oaks lives with you currently. Is that true? 44 A No. 45 Yes. 46 Q Okay. And is it a — an interactive liservice, or is information from their offices? 46 Q Okay. In your answers to interrogatories you indicated that a Mr. Oaks lives with you currently. Is that true? 46 Q Okay. In your answers to interrogatories you indicated that a Mr. Oaks lives with you currently. Is that true? 47 A No. 48 A No. 49 Q Okay. Driecting your attention to Exhibit 3, page 4, in the — you indicate in that response that throughout the years I've cared for my home building a garage, remodeling the bathroom, new flooring and paint. Do you recall the year in you which you built the garage? 40 Okay. And then it says, of course, you painted. How — Have you repainted every room since you've moved in?	15	A	No.	15	A	Approximately five years ago.
18	16	Q	Okay. Do you receive any e-mails from that	16	Q	2007?
19 Q Okay. Has that If I were to put that temporally somewhere, would that have been of 20 remodeled the bathroom? 11 recent vintage, or does it go back in time, do you 21 A I don't recall exactly. 22 know? 23 A I don't know. 24 Q Okay. If you're not a member of the S-A-S-Y 24 surround. And there was a window in the shower shower/bathtub area and that was removed and glas page 10 1 liservices or other e-mail chains related to the neighborhood? 2 A The DNR and our local alderperson. 4 Q And which ones are you a member of? 4 A No. 5 A The DNR and our local alderperson. 6 Q They have a They send updates from time to time? 7 or communications from time to time? 8 A Yes. 9 Q Okay. And is it a an interactive liservice, or 10 is it information from their offices? 11 A I believe it's information. 12 Q Okay. In your answers to interrogatories you indicated that a Mr. Oaks lives with you 13 currently. Is that true? 14 A Yes. 15 Q Okay. Directing your attention to Exhibit 3, page 4, in the you indicate in that response that throughout the years I've cared for my home building a garage, remodeling the bathroom, new 10 can always a window in the shower share and that was removed and glas benevir was a window in the shower/bathtub area and that was removed and glas brick was put in there. Q Okay. Do you know if you pulled a permit for thate? 4 A No. Cokay. Do you know wif you put in new 10 okay. It also indicates that you put in new 10 okay. It also indicates that you put in new 10 okay. It also indicates that you put in new 10 okay. It also indicates that you put in new 10 okay. It also indicates that you put in new 10 okay. It also indicates that you put in new 10 okay. It also indicates that you put in new 10 okay. It also indicates that you put in new 10 okay. It also indicates that you put in new 10 okay. It also indicates that you put in new 10 okay. It also indicates that you put in new 10 okay. It also indicates that you put in new 10 okay. It also indicates that you put in new 10 okay. It also indicates	17		association?	17	A	Okay.
temporally somewhere, would that have been of recent vintage, or does it go back in time, do you know? 21	18	A	I believe I have gotten a couple.	18	Q	I'm just I apologize. Just in my head I said
21 recent vintage, or does it go back in time, do you know? 22 Q What was involved in the remodeling? 23 A I don't know. 24 Q Okay. If you're not a member of the S-A-S-Y 25 Neighborhood Association, are you a member of any 25 Neighborhood Association, are you a member of any 25 Page 10 Page 12	19	Q	Okay. Has that If I were to put that	19		that. Sometime 2006 to 2008 you would have
22	20		temporally somewhere, would that have been of	20		remodeled the bathroom?
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24	22		know?	22	Q	What was involved in the remodeling?
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24 which you built the garage? 24 moved in?	21		building a garage, remodeling the bathroom, new	22	V	Okay. And then it says, of course, you painted.
	21 22				Q	How Have you repainted every room since you've
25 A I believe it was 2004. 25 A Haven't painted any room.	21 22 23		flooring and paint. Do you recall the year in	23	Q	How Have you repainted every room since you've

12/12/12

		Page 13			Page 15
1	Q	Okay. Have you painted the outside?	1	Q	Upon receipt of that letter did you contact anyone
2	À	Yes.	2		at the DNR or the City Health Department to
3	Q	Okay. When did you most recently paint the	3		inquire further?
4		outside?	4	Α	No.
5	A	Last year. Possibly the year before. I'm sorry.	5	Q	Did you take any action at all upon receipt of the
6	Q	Did you hire a contractor to do it?	6		letter?
7	À	Yes.	7	A	I'm not sure.
8	Q	Okay. It also indicates there that that you no	8	Q	If not in response to that letter, do you recall
9		longer enjoy the deck in your yard.	9		taking any actions since receipt of that letter in
10	A	No.	10		regard to your home and the alleged contamination?
11	Q	Okay. Did there come a specific time when you	11	A	Yes.
12		stopped enjoying the deck in your yard?	12	Q	And what have you done?
13	A	Last year.	13	À	I did a little research on the Internet.
14	Q	Was there an event that led you to not enjoy the	14	Q	Okay.
15		deck in your backyard?	15	À	And I have attended meetings.
16	A	Yes.	16	Q	Have you formed in your own mind any belief as to
17	Q	And what was that?	17		whether there's any health risk associated with
18	À	When I found out that there was potential	18		your use of your deck?
19		contaminants in the backyard.	19	A	Yes.
20	Q	And how did you learn that?	20	Q	And what what do you believe that health risk
21	À	I believe after I got test results.	21		to be?
22	Q	If you look in the that Exhibit 1, which is the	22	A	Only that I believe there is a health risk.
23	_	big, thick group, those should be numerically	23	Q	Okay. Have you attempted to, in your own head, to
24		they should say PLF 233 WAUB, and then there are	24		try to quantify it in any way, shape or form?
25		numbers. You see that?	25	A	No.
		Page 14			Page 16
1	A	Yes.	1	Q	Okay. Did Is that based upon your research, or
2	Q	Those are Bates stamp numbers. If you would look	2		were you advised by someone that there was a
3		at the one that starts at page 18. It's 18 and	3		health risk associated with the use of your deck?
4		19. See that?	4	A	Just on the information I have.
5	A	Yes.	5	Q	And that's information from the DNR?
6	Q	And that's a letter to you on April 26, 2012 from	6	A	I believe any of the test results I've gotten
7		Miss Hanefeld. Do you see that?	7		is it's based on that information.
8	A	Yes.	8	Q	So from time to time you may have received test
9	Q	Is this the letter that that prompted or that	9		results either from the DNR, from Madison-Kipp or
10		resulted in you not enjoying your deck, or was it	10		some other source that indicates what the test
11		another letter, do you know?	11		results have been, and from that you've concluded
12	A	I don't know.	12		that you believe that there's a health risk
13	Q	Was this approximately the same time? This is	13		associated with the use of your deck?
14		2012. Or does it go back to 2011 that you had	14	A	Yes.
15		concern?	15	Q	Okay. Other than that, other than what you've
16	A	I'm not sure.	16		received from the DNR, Madison-Kipp or the Madison
17	Q	Okay. But it it's your recollection that you	17		Health Department, has there been any other
18		received a letter at some point in time which	18		information or other source that has led you to
19		prompted you to enjoy your deck less than you had	19		believe that there's a health risk associated with
20		before.	20		the use of your deck?
21	A	Yes.	21	A	No, I don't believe so.
22	Q	And do you recall the if you don't recall	22 23	Q	Okay. You also indicate that you used to enjoy
		the if that was the letter, can you recall what			your garden, correct?
23		the letter said?	7/21	4	It's a little nerennial garden in the corner was
24 25	A	the letter said? No.	24 25	A Q	It's a little perennial garden in the corner, yes. Okay. That's in your backyard?

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		Page 17			Page 19
1	A	Correct.	1	Q	Okay. And when was that installed, do you know?
2	Q	Do you still garden?	2	À	I don't recall.
3	À	I didn't in 2012, no.	3	Q	Sometime after this letter?
4	Q	And was that related at all to your concerns	4	À	Yes.
5		relating to Madison-Kipp?	5	Q	And was that did you was that at your
6	A	Yes.	6		expense, do you know?
7	Q	Okay. Directing your attention to the that	7	A	No.
8		page 18 of Exhibit 1, it's page yeah, page 18,	8	Q	Have you had any problems at all with regard to
9		that should be a letter of April 26, 2012. Do you	9		the operation and use of that sub-slab mitigation
10		have that in front of you?	10		system?
11	A	Yes.	11	A	No.
12	Q	This is a letter from the Department of Natural	12	Q	What do you believe its purpose is?
13		Resources, correct?	13	A	I believe it's attempting to vent the sub-slab of
14	A	Correct.	14		the basement.
15	Q	And it it indicates that there were very low	15	Q	Okay. Has it given you any increased I'll use
16		levels of VOC's, other than PCE, in the soil and	16		the word comfort. Has it given you any increased
17		vapors beneath your home in your indoor area? See			comfort in regard to the use and enjoyment of your
18		that.	18		home?
19	A	Yes.	19	A	No.
20	Q	It also says there's a small amount of PCE. Do	20	Q	And And is there a reason why you don't
21		you see that?	21		believe do you believe it's improved your home
22	A	Yes.	22		to have that there?
23	Q	It also advises you that the levels of PCE are	23	A	Improved my home in what regard?
24 25		below that which is considered potentially harmful to human health. Do you see that?	24 25	Q	That's a bad question. It's your belief that because of the conduct of Madison-Kipp your
43		·	43		
,		Page 18	-		Page 20
1	A	Yes.	1		personal use and enjoyment of the home has been
2	Q	Do you believe that statement to be inaccurate?	2 3	٨	diminished, is that fair to say? Yes.
3 4	A Q	Do I I'm sorry. Do you believe the statement that the levels are	4	A Q	It's also your belief that the value of your home
5	Q	below that which is considered potentially harmful	5	Q	has been diminished, correct?
6		to human health, do you believe that to be an	6	A	Yes.
7		inaccurate statement?	7	Q	The installation of the sub-slab system was to
8	A	No.	8	V	exit toxins that were below the sub-slab, is that
9	Q	Okay. So you believe it's accurate. The DNR	9		what your understanding was? Vapors?
10	×	is You have no reason to disbelieve what the	10	Α	It's my understanding that it was something that
11		DNR	11		might help vent whatever was under the sub-slab of
12	A	Correct.	12		the basement.
13	Q	Okay. That being said, you still don't use your	13	Q	But And you had it put in.
14	_	deck, correct?	14	À	Yes.
15	A	Correct.	15	Q	And it's your hope and belief that it does what
16	Q	Directing your attention to that page 25, which is	16	-	it's supposed to do, correct?
17		also in that, this is a letter from Mr. Schmoller	17	A	Yes.
18				_	
		at the Department of Natural Resources	18	Q	But its mere installation still has not improved
19	A	at the Department of Natural Resources Yes.	19	Q	or increased your use or enjoyment of your home,
19 20	A Q	at the Department of Natural Resources Yes offering to install a sub-slab mitigation	19 20		or increased your use or enjoyment of your home, is that fair to say?
19 20 21	Q	at the Department of Natural Resources Yes offering to install a sub-slab mitigation system. Do you see that?	19 20 21	A	or increased your use or enjoyment of your home, is that fair to say? Correct.
19 20 21 22	Q A	at the Department of Natural Resources Yes offering to install a sub-slab mitigation system. Do you see that? Yes.	19 20 21 22		or increased your use or enjoyment of your home, is that fair to say? Correct. Okay. I just wanted to get that straight. If
19 20 21 22 23	Q	at the Department of Natural Resources Yes offering to install a sub-slab mitigation system. Do you see that? Yes. Did you ultimately have a sub-slab mitigation	19 20 21 22 23	A	or increased your use or enjoyment of your home, is that fair to say? Correct. Okay. I just wanted to get that straight. If you'd take a look at on that same Exhibit 1,
19 20 21 22	Q A	at the Department of Natural Resources Yes offering to install a sub-slab mitigation system. Do you see that? Yes.	19 20 21 22	A	or increased your use or enjoyment of your home, is that fair to say? Correct. Okay. I just wanted to get that straight. If

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		Page 21			Page 23
1		minute and read through this, understanding that	1		mean seen any conduct, since you've been there
2		it's got some historic information it in and some	2		since 1999 that's been that's occurred on the
3		other stuff, but my question is very simply is	3		Madison-Kipp property which you believe
4		is there anything on pages 2, 3 and 4 which, to	4		constitutes a violation of any law?
5		your knowledge, is inaccurate?	5	A	No.
6	A	No.	6	Q	Have you ever seen any seen, and I mean
7	Q	Your house has a basement?	7		visually seen, any conduct by anyone on
8	À	Yes.	8		Madison-Kipp since you've lived there which you
9	Q	And how is that used?	9		believe to be aimed at intentionally harming you
10	A	Laundry's down there, the cat's litter box, and we	10		or your property?
11		have a treadmill.	11	A	No.
12	Q	Okay. Do you use the basement from time to time?	12	Q	Have you seen any conduct at Madison-Kipp since
13		Do you personally go down there, other than for	13		you've lived there, and by that I mean visually
14		laundry from time to time?	14		seen, which you believe to be negligent on their
15	A	Yes.	15		part?
16	Q	Do you use the treadmill when you're in the	16	Α	No.
17		basement, for example?	17	Q	Were you aware in the 1999 to 2004 time period of
18	A	On occasion, yes.	18		a controversy between Madison-Kipp and some of its
19	Q	Okay. Do you know what year your house was	19		neighbors associated with an air permitting?
20		constructed?	20	A	I believe I was.
21	A	I don't recall.	21	Q	And were you involved at all in any meetings in
22	Q	Is it pre-World War II would you believe?	22		which that air permitting was discussed?
23	A	I believe that.	23	A	I recall attending one meeting.
24	Q	What kind of heating do you have? And by that	24	Q	And was that a meeting at Madison-Kipp, or some
25		I is it forced air or is it radiator, do you	25		other place?
		Page 22			Dama 24
		9			Page 24
1		know?	1	A	It was at Olbrich Gardens.
1 2	A		1 2	A Q	
	A Q	know? Forced air. In your basement do you have what used to be a			It was at Olbrich Gardens. And were you did you go there for informational purposes?
2		know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know?	2 3 4	Q A	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct.
2 3	Q A	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so.	2 3 4 5	Q	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate,
2 3 4 5 6	Q	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this.	2 3 4 5 6	Q A	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word
2 3 4 5 6 7	Q A	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage?	2 3 4 5 6 7	Q A	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate?
2 3 4 5 6 7 8	Q A Q A	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes.	2 3 4 5 6 7 8	Q A Q A	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure.
2 3 4 5 6 7 8 9	Q A Q A Q	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there?	2 3 4 5 6 7 8	Q A Q	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in
2 3 4 5 6 7 8 9	Q A Q A Q A	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there? You did ask me that and I said a couple cans, yep.	2 3 4 5 6 7 8 9	Q A Q A Q	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in regard to the air permitting?
2 3 4 5 6 7 8 9 10	Q A Q A Q	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there? You did ask me that and I said a couple cans, yep. What kind of cans? It's from from the outdoor	2 3 4 5 6 7 8 9 10	Q A Q A Q	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in regard to the air permitting? No.
2 3 4 5 6 7 8 9 10 11 12	Q A Q A Q	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there? You did ask me that and I said a couple cans, yep. What kind of cans? It's from from the outdoor painting?	2 3 4 5 6 7 8 9 10 11	Q A Q A Q	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in regard to the air permitting? No. Okay. You were there for informational purposes.
2 3 4 5 6 7 8 9 10 11 12 13	Q A Q A Q A Q A	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there? You did ask me that and I said a couple cans, yep. What kind of cans? It's from from the outdoor painting? Correct.	2 3 4 5 6 7 8 9 10 11 12 13	Q A Q A Q A	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in regard to the air permitting? No. Okay. You were there for informational purposes. Correct.
2 3 4 5 6 7 8 9 10 11 12 13 14	Q A Q A Q	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there? You did ask me that and I said a couple cans, yep. What kind of cans? It's from from the outdoor painting? Correct. Okay. Do you keep any other kind of of	2 3 4 5 6 7 8 9 10 11 12 13 14	Q A Q A Q	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in regard to the air permitting? No. Okay. You were there for informational purposes. Correct. As a neighbor just to figure out what was going
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q A Q A Q A Q A Q	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there? You did ask me that and I said a couple cans, yep. What kind of cans? It's from from the outdoor painting? Correct. Okay. Do you keep any other kind of of household goods down there?	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q A Q A Q A Q	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in regard to the air permitting? No. Okay. You were there for informational purposes. Correct. As a neighbor just to figure out what was going on.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q A Q A Q A Q A A Q A	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there? You did ask me that and I said a couple cans, yep. What kind of cans? It's from from the outdoor painting? Correct. Okay. Do you keep any other kind of of household goods down there? Such as?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q A Q A Q A Q A A A A A A A A A A A A A	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in regard to the air permitting? No. Okay. You were there for informational purposes. Correct. As a neighbor just to figure out what was going on. Correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q A Q A Q A Q A Q A Q A Q	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there? You did ask me that and I said a couple cans, yep. What kind of cans? It's from from the outdoor painting? Correct. Okay. Do you keep any other kind of of household goods down there? Such as? Spackle?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q A Q A Q A Q	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in regard to the air permitting? No. Okay. You were there for informational purposes. Correct. As a neighbor just to figure out what was going on. Correct. Is your application, your current application for
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q A Q A Q A Q A Q A Q A	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there? You did ask me that and I said a couple cans, yep. What kind of cans? It's from from the outdoor painting? Correct. Okay. Do you keep any other kind of of household goods down there? Such as? Spackle? No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q A Q A Q A Q A A A A A A A A A A A A A	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in regard to the air permitting? No. Okay. You were there for informational purposes. Correct. As a neighbor just to figure out what was going on. Correct. Is your application, your current application for a mortgage, is it for an increase in the principal
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q A Q A Q A Q A Q A Q A Q	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there? You did ask me that and I said a couple cans, yep. What kind of cans? It's from from the outdoor painting? Correct. Okay. Do you keep any other kind of of household goods down there? Such as? Spackle? No. Paint thinner?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q A Q A Q A Q A Q A Q	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in regard to the air permitting? No. Okay. You were there for informational purposes. Correct. As a neighbor just to figure out what was going on. Correct. Is your application, your current application for a mortgage, is it for an increase in the principal amount of money that's due on your mortgage?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q A Q A Q A Q A Q A Q A Q A A Q A	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there? You did ask me that and I said a couple cans, yep. What kind of cans? It's from from the outdoor painting? Correct. Okay. Do you keep any other kind of of household goods down there? Such as? Spackle? No. Paint thinner? No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q A Q A Q A Q A Q A A Q A A A A A A A A	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in regard to the air permitting? No. Okay. You were there for informational purposes. Correct. As a neighbor just to figure out what was going on. Correct. Is your application, your current application for a mortgage, is it for an increase in the principal amount of money that's due on your mortgage? No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q A Q A Q A Q A Q	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there? You did ask me that and I said a couple cans, yep. What kind of cans? It's from from the outdoor painting? Correct. Okay. Do you keep any other kind of of household goods down there? Such as? Spackle? No. Paint thinner? No. Cleaning supplies?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q A Q A Q A Q A Q A Q A Q A Q	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in regard to the air permitting? No. Okay. You were there for informational purposes. Correct. As a neighbor just to figure out what was going on. Correct. Is your application, your current application for a mortgage, is it for an increase in the principal amount of money that's due on your mortgage? No. Just a refinance?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q A Q A Q A	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there? You did ask me that and I said a couple cans, yep. What kind of cans? It's from from the outdoor painting? Correct. Okay. Do you keep any other kind of of household goods down there? Such as? Spackle? No. Paint thinner? No. Cleaning supplies? No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q A Q A Q A Q A A Q A	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in regard to the air permitting? No. Okay. You were there for informational purposes. Correct. As a neighbor just to figure out what was going on. Correct. Is your application, your current application for a mortgage, is it for an increase in the principal amount of money that's due on your mortgage? No. Just a refinance? Correct.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A Q A Q A Q A Q A Q	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there? You did ask me that and I said a couple cans, yep. What kind of cans? It's from from the outdoor painting? Correct. Okay. Do you keep any other kind of of household goods down there? Such as? Spackle? No. Paint thinner? No. Cleaning supplies? No. Have you attempted to sell your home since 1999?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q A Q A Q A Q A Q A Q A Q A Q	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in regard to the air permitting? No. Okay. You were there for informational purposes. Correct. As a neighbor just to figure out what was going on. Correct. Is your application, your current application for a mortgage, is it for an increase in the principal amount of money that's due on your mortgage? No. Just a refinance? Correct. Take advantage of the lower interest rates?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q A Q A Q A	know? Forced air. In your basement do you have what used to be a coal bin or anything like that, do you know? I don't believe so. Okay. And excuse me if I already asked you this. Do you use the basement for storage? Yes. Do you keep paint down there? You did ask me that and I said a couple cans, yep. What kind of cans? It's from from the outdoor painting? Correct. Okay. Do you keep any other kind of of household goods down there? Such as? Spackle? No. Paint thinner? No. Cleaning supplies? No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q A Q A Q A Q A Q A Q A Q A A Q A	It was at Olbrich Gardens. And were you did you go there for informational purposes? Correct. As you sit here, and I'll use the term advocate, do you know what I mean when I say the word advocate? Sure. Were you an advocate on one side or the other in regard to the air permitting? No. Okay. You were there for informational purposes. Correct. As a neighbor just to figure out what was going on. Correct. Is your application, your current application for a mortgage, is it for an increase in the principal amount of money that's due on your mortgage? No. Just a refinance? Correct.

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1		large pile of documents, there's one 00154 through	1	A	Yes.
2		157. Do you see that? It's Yeah, it's	2	Q	Okay. I would ask that you retain those. I don't
3		probably easier. I apologize.	3		know if they were called for in the document
4	Α	Yes.	4		requests, but I'm going to ask for them.
5	Q	That's a a print of a Vapor Intrusion, Human	5		MR. MANZKE: Sure, yeah.
6		Health Hazards?	6		MR. BUSCH: That's all the questions I
7	A	Yes.	7		have.
8	Q	And it's I believe it has a publication date	8		EXAMINATION
9		of Let's see. I thought it had a publication	9	BY	MR. WHITE:
10		date on it. Oh, it looks like, I don't know,	10	Q	Good afternoon, Miss Van Amber. My name is Chris
11		2003. Did you pull this off after you received	11		White. I represent two of Madison-Kipp's
12		the letter from the DNR, or did you pull it off in	12		insurance companies; Continental Casualty Company
13		2003, do you know?	13		and Columbia Casualty Company. I have very few
14	Α	What do you mean by pull it off?	14		questions for you.
15	Q	Well, I assume you pulled this off the Internet,	15		The first is you mentioned a Thomas
16	•	or did you not pull this off the Internet?	16		Oaks earlier.
17	A	I don't recall where this came from.	17	A	Yes.
18	Q	But you don't recall having any doing any due	18	Q	Who is Mr. Oaks?
19		diligence on your own part or being put on notice	19	À	He's a friend.
20		at all in regard to any potential contamination on	20	Q	And are you married to him?
21		your property until after you received a letter	21	À	He's a friend.
22		from the DNR about the a level of contaminants	22	Q	How long has he lived with you?
23		on your property, correct?	23	À	Approximately eight-and-a-half years.
24	Α	Correct.	24	Q	Okay. Where were you living on January 1st of
25	Q	Okay. And your best recollection is that was	25		1980?
		Page 26			Page 28
1		either in 2011 or 2012?	1	A	I was in Green Bay, I know that.
2	Α	Correct. That's my best recollection.	2	Q	And how how long did you remain in the home you
3	Q	Looking at page 8 and 9, this is a a letter to	3		were living in in Green Bay?
4		you or a postcard to you from Alderperson Rummel?	4	A	I'm sorry. What was the end of that question?
5	A	Yes.	5	Q	How long did you remain in the same home in Green
6	Q	Indicating that there was to be a meeting	6		Bay that you were living in in 1980?
7		February 29th, 2012. Do you see that?	7	A	I don't recall.
8	A	Yes.	8	Q	Can you estimate if it was a year, five years, 10
9	Q	It's likely that that your awareness of a of	9		years?
10	_	potential contaminants predated February 29th,	10	A	No, I can't estimate. I don't recall.
11		2012, or you don't know?	11	Q	When did you first move to Madison?
12	A	I don't know.	12	A	1993.
13		MR. BUSCH: Okay. Why don't we take a	13	Q	Okay. Prior to 1993 had you ever lived in
14		couple minutes, let me just double check where I'm	14		Madison?
15		going. It will advance the ball, I can assure	15	A	No.
16		you.	16	Q	Okay. Do you know when Mr. Oaks moved to Madison?
17		MR. MANZKE: Sure.	17	A	He was born and raised in Madison.
18		(Recess taken.)	18	Q	Okay. Do you know when the first time was that he
19	BY	MR. BUSCH:	19		ever lived on either Waubesa Street or Marquette
20	Q	Miss Van Amber, in connection with your	20		Street?
21		refinancing did you have to filled out forms,	21	A	As I mentioned earlier, he moved in or he's
22		do you know?	22		lived with me approximately eight-and-a-half
23	A	Yes.	23		years.
24	Q	Okay. And do you have a copy of those at home or	24	Q	Okay. Do you know if your home contains any
25		somewhere?	25		asbestos?

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		Page 29		Page 31
1	A	Not that I'm aware of.	1	contaminants in the backyard would interact with
2	Q	Have you ever had your home inspected for	2	you on the deck?
3	~	asbestos?	3	A I don't know.
4	A	No.	4	MR. KRAMER: Okay. Nothing further.
5	Q	Do you know if your home contains any lead paint?	5	MR. BUSCH: We have completed all my
6	À	No.	6	questions.
7	Q	Have you ever had your home inspected for lead	7	THE WITNESS: Great.
8	`	paint?	8	(At 1:40 p.m. the deposition
9	A	No.	9	concluded.)
10	Q	Do you have any chipping or peeling paint in your	10	,
11		home?	11	
12	A	No.	12	
13	Q	Okay. And then the deck that Mr. Busch was asking	13	
14		you about earlier, the deck that you no longer	14	
15		feel comfortable going out on, is that a front	15	
16		deck or a back deck?	16	
17	A	It's a back deck.	17	
18	Q	And did you build that deck, or was the deck	18	
19		did the deck come with the house when you	19	
20		purchased it?	20	
21	Α	Yes, the deck came with the house.	21	
22	Q	What is the approximate distance from the deck to	22	
23		Madison-Kipp?	23	
24	A	If I had to guess Do you want me to guess?	24	
25	Q	Your best approximation.	25	
		Page 30		Page 32
1	A	Eight to 10 feet.	1	STATE OF WISCONSIN)
2		MR. WHITE: Thank you. That's all I	2	MILWAUKEE COUNTY) SS:
3		have.	3	I, KIM M. PETERSON, CM, Registered
4		MS. KREIL: I have no questions.	4	Professional Reporter and Notary Public in and for the
5		EXAMINATION	5	State of Wisconsin, do hereby certify that the deposition
6	BY	MR. KRAMER:	6	of ANITA VAN AMBER, was taken before me at the Goodman
7	Q	I have a few questions. What is the deck made out	7	Community Center, 149 Waubesa Street, Madison, Wisconsin,
8		of?	8	on the 12th day of December, 2012, commencing at 12:58
9	A	Some sort of wood.	9	o'clock in the afternoon.
10	Q	Is it elevated off of the ground?	10	That it was taken at the instance of
11	A	Yes.	11	the Defendants upon verbal interrogatories.
12	Q	And you earlier indicated that you're not using	12	That said deposition was taken to be
13		the deck because of health concerns?	13	used in an action now pending in the United States
14	A	Yes.	14	District Court, Western District of Wisconsin, Wisconsin,
15	Q	Why do you have health concerns about using the	15	in which KATHLEEN McHUGH AND DEANNA SCHNEIDER, et al.,
16		deck?	16	are the Plaintiffs, MADISON-KIPP CORPORATION, CONTINENTAL
17	A	Because of the contaminants found in the backyard.	17	CASUALTY COMPANY, UNITED STATES FIRE INSURANCE COMPANY
18	Q	And how do you feel that the contaminants in the	18	and ABC INSURANCE COMPANIES 1-50, are the Defendants,
19		backyard would affect your health? I guess what	19	MADISON-KIPP CORPORATION, is the Cross-Claimant,
20		I'm looking for is, you know, if let's say	20	CONTINENTAL CASUALTY COMPANY, COLUMBIA CASUALTY COMPA
21		buried somewhere in the soil there's some	21	and UNITED STATES FIRE INSURANCE COMPANY, are the
		radioactive chemical two miles down. Somehow	22	Cross-Claim Defendants, CONTINENTAL CASUALTY COMPANY and
22			23	COLUMBIA CASUALTY COMPANY, are the Cross-Claim
22 23		that that buried chemical has to interact with		
22		you. What's the path you think that the	24 25	Defendants, and LUMBERMENS MUTUAL CASUALTY COMPANY, AMERICAN MOTORISTS INSURANCE COMPANY and JOHN DOE

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 1
      INSURANCE COMPANIES 1-20, are the Third-Party Defendants.
 2
                APPEARANCES
 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 Wacher Drive, Suite 1250, Chicago, Illinois,
 9
      60606-4473, nberger@vblhc.com, by MR. NORMAN B. BERGER,
10
      appeared on behalf of the Plaintiffs.
                MICHAEL, BEST & FRIEDRICH, LLP, 100
11
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
      lhziemba@michaelbest.com, by MR. ALBERT BIANCHI, JR. and
18
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.
                                                      Page 34
 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
21
                    Notary Public in and for
22
                    the State of Wisconsin
23
      Dated this 20th day of December, 2012,
      Milwaukee, Wisconsin.
24
      My commission expires March 9, 2014.
      Halma-Jilek Reporting, Inc. (414) 271-4466
25
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