

Page 1

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
ANITA VAN AMBER

Madison, Wisconsin
December 12, 2012
12:58 p.m. to 1:40 p.m.

Kim M. Peterson
Registered Professional Reporter

Page 2

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,

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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

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

8 KRAMER, appeared on behalf of Lumbermens Mutual Casualty

9 Company.

10 INDEX

11 WITNESS	EXAMINATION	PAGE
12 ANITA VAN AMBER	By Mr. Busch	4
13	By Mr. White	27
14	By Mr. Kramer	30

15 EXHIBITS

16 EXHIBIT NO.:	MARKED ID'D
17 1 - 233 Waubesa Street documents	4 5
18 2 - Van Amber answers to MKC interrogatories	4 6
19 3 - Van Amber answer to USF document request .	4 6
20 4 - Van Amber response to MKC document request	4 6
21 5 - Van Amber response to USF interrogatories.	4 6

22

23 (The original exhibits were attached to the original

24 transcript.)

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

Page 4

1 PROCEEDINGS

2 (Exhibit Nos. 1 through 5 were marked

3 for identification.)

4 ANITA VAN AMBER, 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 Anita M. Van Amber.

11 Q And what is your address, please?

12 A 233 Waubesa Street, Madison, Wisconsin.

13 Q Can you briefly describe for me your educational

14 background?

15 A College graduate is the highest.

16 Q And what was your degree in?

17 A Communication and the arts.

18 Q Can you briefly describe for me -- I just want to

19 get my notebook -- your job history since

20 graduating from college?

21 A Sure. I was a copywriter at a radio station. I

22 was a sports reporter for a newspaper. These are

23 both in Green Bay, Wisconsin.

24 Q Okay.

25 A Oh, I worked at a railroad museum in Green Bay as

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

Page 9	Page 11
<p>1 A I believe so.</p> <p>2 Q Okay. And if -- you don't -- if there were a</p> <p>3 property condition report, it would be in there if</p> <p>4 you retained it?</p> <p>5 A Yes.</p> <p>6 Q Okay.</p> <p>7 A I would assume so.</p> <p>8 Q When you moved in 1999 into your home, did you</p> <p>9 join the S-A-S-Y Neighborhood Association?</p> <p>10 A No.</p> <p>11 Q Did there come a time when you did join that</p> <p>12 association?</p> <p>13 A No.</p> <p>14 Q So as we sit here today you're not a member.</p> <p>15 A No.</p> <p>16 Q Okay. Do you receive any e-mails from that</p> <p>17 association?</p> <p>18 A I believe I have gotten a couple.</p> <p>19 Q Okay. Has that -- If I were to put that</p> <p>20 temporally somewhere, would that have been of</p> <p>21 recent vintage, or does it go back in time, do you</p> <p>22 know?</p> <p>23 A I don't know.</p> <p>24 Q Okay. If you're not a member of the S-A-S-Y</p> <p>25 Neighborhood Association, are you a member of any</p>	<p>1 Q Did you -- And did you get a -- did you hire a</p> <p>2 contractor to do that?</p> <p>3 A Yes.</p> <p>4 Q Have you maintained or retained the documents</p> <p>5 associated with that building of the garage?</p> <p>6 A I don't know.</p> <p>7 Q Okay. Do you know who the contractor was?</p> <p>8 A I don't recall.</p> <p>9 Q To your knowledge, did the contractor pull a</p> <p>10 permit, building permit for it?</p> <p>11 A Yes.</p> <p>12 Q Okay. You also indicate that you've remodeled the</p> <p>13 bathroom. Do you know when -- what year it was</p> <p>14 that you remodeled the bathroom?</p> <p>15 A Approximately five years ago.</p> <p>16 Q 2007?</p> <p>17 A Okay.</p> <p>18 Q I'm just -- I apologize. Just in my head I said</p> <p>19 that. Sometime 2006 to 2008 you would have</p> <p>20 remodeled the bathroom?</p> <p>21 A I don't recall exactly.</p> <p>22 Q What was involved in the remodeling?</p> <p>23 A I tiled the bathroom floor and the shower</p> <p>24 surround. And there was a window in the</p> <p>25 shower/bathtub area and that was removed and glass</p>
Page 10	Page 12
<p>1 liservices or other e-mail chains related to the</p> <p>2 neighborhood?</p> <p>3 A Yes.</p> <p>4 Q And which ones are you a member of?</p> <p>5 A The DNR and our local alderperson.</p> <p>6 Q They have a -- They send updates from time to time</p> <p>7 or communications from time to time?</p> <p>8 A Yes.</p> <p>9 Q Okay. And is it a -- an interactive liservice, or</p> <p>10 is it information from their offices?</p> <p>11 A I believe it's information.</p> <p>12 Q Okay. In your answers to interrogatories you</p> <p>13 indicated that a Mr. Oaks lives with you</p> <p>14 currently. Is that true?</p> <p>15 A Yes.</p> <p>16 Q Does Mr. Oaks -- And he doesn't smoke either,</p> <p>17 correct?</p> <p>18 A No.</p> <p>19 Q Okay. Directing your attention to Exhibit 3, page</p> <p>20 4, in the -- you indicate in that response that</p> <p>21 throughout the years I've cared for my home</p> <p>22 building a garage, remodeling the bathroom, new</p> <p>23 flooring and paint. Do you recall the year in</p> <p>24 which you built the garage?</p> <p>25 A I believe it was 2004.</p>	<p>1 brick was put in there.</p> <p>2 Q Okay. Do you know if you pulled a permit for</p> <p>3 that?</p> <p>4 A No.</p> <p>5 Q Okay. It also indicates that you put in new</p> <p>6 flooring. Do you know when you put the new</p> <p>7 flooring in?</p> <p>8 A I believe it was last year.</p> <p>9 Q 2011, or --</p> <p>10 A Possibly 2010.</p> <p>11 Q Okay. And can you describe for me what was</p> <p>12 entailed in the -- in the new flooring, what you</p> <p>13 put in? I mean --</p> <p>14 A Oh.</p> <p>15 Q Was it the entire house that you refloored?</p> <p>16 A The kitchen floor.</p> <p>17 Q And what did you take out and what did you replace</p> <p>18 it with?</p> <p>19 A They removed the old flooring, put in a new</p> <p>20 subfloor and put -- I believe it's vinyl on top of</p> <p>21 it.</p> <p>22 Q Okay. And then it says, of course, you painted.</p> <p>23 How -- Have you repainted every room since you've</p> <p>24 moved in?</p> <p>25 A Haven't painted any room.</p>

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

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

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

Page 25

1 large pile of documents, there's one 00154 through
 2 157. Do you see that? It's -- Yeah, it's
 3 probably easier. I apologize.
 4 A Yes.
 5 Q That's a -- a print of a Vapor Intrusion, Human
 6 Health Hazards?
 7 A Yes.
 8 Q And it's -- I believe it has a publication date
 9 of -- Let's see. I thought it had a publication
 10 date on it. Oh, it looks like, I don't know,
 11 2003. Did you pull this off after you received
 12 the letter from the DNR, or did you pull it off in
 13 2003, do you know?
 14 A What do you mean by pull it off?
 15 Q Well, I assume you pulled this off the Internet,
 16 or did you not pull this off the Internet?
 17 A I don't recall where this came from.
 18 Q But you don't recall having any -- doing any due
 19 diligence on your own part or being put on notice
 20 at all in regard to any potential contamination on
 21 your property until after you received a letter
 22 from the DNR about the -- a level of contaminants
 23 on your property, correct?
 24 A Correct.
 25 Q Okay. And your best recollection is that was

Page 26

1 either in 2011 or 2012?
 2 A Correct. That's my best recollection.
 3 Q Looking at page 8 and 9, this is a -- a letter to
 4 you or a postcard to you from Alderperson Rummel?
 5 A Yes.
 6 Q Indicating that there was to be a meeting
 7 February 29th, 2012. Do you see that?
 8 A Yes.
 9 Q It's likely that -- that your awareness of a -- of
 10 potential contaminants predated February 29th,
 11 2012, or you don't know?
 12 A I don't know.
 13 MR. BUSCH: Okay. Why don't we take a
 14 couple minutes, let me just double check where I'm
 15 going. It will advance the ball, I can assure
 16 you.
 17 MR. MANZKE: Sure.
 18 (Recess taken.)
 19 BY MR. BUSCH:
 20 Q Miss Van Amber, in connection with your
 21 refinancing did you -- have to filled out forms,
 22 do you know?
 23 A Yes.
 24 Q Okay. And do you have a copy of those at home or
 25 somewhere?

Page 27

1 A Yes.
 2 Q Okay. I would ask that you retain those. I don't
 3 know if they were called for in the document
 4 requests, but I'm going to ask for them.
 5 MR. MANZKE: Sure, yeah.
 6 MR. BUSCH: That's all the questions I
 7 have.
 8 EXAMINATION
 9 BY MR. WHITE:
 10 Q Good afternoon, Miss Van Amber. My name is Chris
 11 White. I represent two of Madison-Kipp's
 12 insurance companies; Continental Casualty Company
 13 and Columbia Casualty Company. I have very few
 14 questions for you.
 15 The first is you mentioned a Thomas
 16 Oaks earlier.
 17 A Yes.
 18 Q Who is Mr. Oaks?
 19 A He's a friend.
 20 Q And are you married to him?
 21 A He's a friend.
 22 Q How long has he lived with you?
 23 A Approximately eight-and-a-half years.
 24 Q Okay. Where were you living on January 1st of
 25 1980?

Page 28

1 A I was in Green Bay, I know that.
 2 Q And how -- how long did you remain in the home you
 3 were living in in Green Bay?
 4 A I'm sorry. What was the end of that question?
 5 Q How long did you remain in the same home in Green
 6 Bay that you were living in in 1980?
 7 A I don't recall.
 8 Q Can you estimate if it was a year, five years, 10
 9 years?
 10 A No, I can't estimate. I don't recall.
 11 Q When did you first move to Madison?
 12 A 1993.
 13 Q Okay. Prior to 1993 had you ever lived in
 14 Madison?
 15 A No.
 16 Q Okay. Do you know when Mr. Oaks moved to Madison?
 17 A He was born and raised in Madison.
 18 Q Okay. Do you know when the first time was that he
 19 ever lived on either Waubesa Street or Marquette
 20 Street?
 21 A As I mentioned earlier, he moved in -- or he's
 22 lived with me approximately eight-and-a-half
 23 years.
 24 Q Okay. Do you know if your home contains any
 25 asbestos?

Page 29

1 A Not that I'm aware of.
 2 Q Have you ever had your home inspected for
 3 asbestos?
 4 A No.
 5 Q Do you know if your home contains any lead paint?
 6 A No.
 7 Q Have you ever had your home inspected for lead
 8 paint?
 9 A No.
 10 Q Do you have any chipping or peeling paint in your
 11 home?
 12 A No.
 13 Q Okay. And then the deck that Mr. Busch was asking
 14 you about earlier, the deck that you no longer
 15 feel comfortable going out on, is that a front
 16 deck or a back deck?
 17 A It's a back deck.
 18 Q And did you build that deck, or was the deck --
 19 did the deck come with the house when you
 20 purchased it?
 21 A Yes, the deck came with the house.
 22 Q What is the approximate distance from the deck to
 23 Madison-Kipp?
 24 A If I had to guess -- Do you want me to guess?
 25 Q Your best approximation.

Page 30

1 A Eight to 10 feet.
 2 MR. WHITE: Thank you. That's all I
 3 have.
 4 MS. KREIL: I have no questions.
 5 EXAMINATION
 6 BY MR. KRAMER:
 7 Q I have a few questions. What is the deck made out
 8 of?
 9 A Some sort of wood.
 10 Q Is it elevated off of the ground?
 11 A Yes.
 12 Q And you earlier indicated that you're not using
 13 the deck because of health concerns?
 14 A Yes.
 15 Q Why do you have health concerns about using the
 16 deck?
 17 A Because of the contaminants found in the backyard.
 18 Q And how do you feel that the contaminants in the
 19 backyard would affect your health? I guess what
 20 I'm looking for is, you know, if -- let's say
 21 buried somewhere in the soil there's some
 22 radioactive chemical two miles down. Somehow
 23 that -- that buried chemical has to interact with
 24 you.
 25 What's the path you think that the

Page 31

1 contaminants in the backyard would interact with
 2 you on the deck?
 3 A I don't know.
 4 MR. KRAMER: Okay. Nothing further.
 5 MR. BUSCH: We have completed all my
 6 questions.
 7 THE WITNESS: Great.
 8 (At 1:40 p.m. the deposition
 9 concluded.)
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Page 32

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 ANITA VAN AMBER, 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 12:58
 9 o'clock in the afternoon.
 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

Page 33

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 Wacher 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.

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 _____
 22 Notary Public in and for
 23 the State of Wisconsin
 24 Dated this 20th day of December, 2012,
 25 Milwaukee, Wisconsin.
 My commission expires March 9, 2014.
 Halma-Jilek Reporting, Inc. (414) 271-4466

9 (Pages 33 to 34)