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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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KATHLEEN McHUGH, and DEANNA SCHNEIDER, Individually and on behalf of all persons similarly situated,  
Plaintiffs,  
vs. 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,

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(Caption continued)  
DEPOSITION OF  
PATRICK HANNON  
Madison, Wisconsin  
December 17, 2012  
10:50 a.m. to 12:01 p.m.  
Kathy A. Halma, RPR

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1 and  
2 CONTINENTAL CASUALTY COMPANY and  
3 COLUMBIA CASUALTY COMPANY,  
4 Cross-Claim Defendants  
5 and  
6 LUMBERMENS MUTUAL CASUALTY  
7 COMPANY, AMERICAN MOTORISTS  
8 INSURANCE COMPANY, and JOHN DOE  
9 INSURANCE COMPANIES 1-20,  
10 Third-Party Defendants.

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11 A P P E A R A N C E S  
12 THE COLLINS LAW FIRM, P.C., 1770 North  
13 Park Street, Suite 200, Naperville, Illinois, 60563, by  
14 MR. EDWARD J. MANZKE, ejmanzke@collinslaw.com, appeared  
15 on behalf of the Plaintiffs.  
16 VARGA, BERGER, LEDSKY, HAYES & CASEY,  
17 125 South Wacker Drive, Suite 1250, Chicago, Illinois,  
18 60606-4473, by MR. MICHAEL D. HAYES, mhayes@vblhc.com,  
19 appeared on behalf of the Plaintiffs.  
20 MICHAEL, BEST & FRIEDRICH, LLP, 100 East  
21 Wisconsin Avenue, Milwaukee, Wisconsin, 53202, by MR.  
22 JOHN A. BUSCH, jabusch@michaelbest.com, appeared on  
23 behalf of Madison-Kipp Corporation.  
24 MICHAEL, BEST & FRIEDRICH, LLP, One  
25 South Pinckney Street, Suite 700, Madison, Wisconsin,  
53703, by MS. LEAH H. ZIEMBA and MR. ALBERT BIANCHI,  
JR., lhziemba@michaelbest.com and  
abianchi@michaelbest.com, appeared on behalf of  
Madison-Kipp Corporation.  
TROUTMAN SANDERS, LLP, 55 West Monroe  
Street, Suite 3000, Chicago, Illinois, 60603-5758, by  
MR. CHRISTOPHER H. WHITE,  
christopher.white@troutmansanders.com, appeared on  
behalf of the Defendant Continental Casualty Company.  
MEISSNER, TIERNEY, FISHER & NICHOLS,

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1 S.C., 111 East Kilbourn Avenue, 19th Floor, Milwaukee,  
2 Wisconsin, 53202-6622, by MR. MICHAEL J. COHEN,  
3 mjc@mtfn.com, appeared on behalf of United States Fire  
4 Insurance Company.  
5 HALE & WAGNER, S.C., 839 North Jefferson  
6 Street, Suite 400, Milwaukee, Wisconsin, 53202, by MR.  
7 JACQUES C. CONDON, jcc@halewagner.com, appeared on  
8 behalf of American Motorists Insurance Company.  
9 I N D E X  
10 PATRICK HANNON  
11 By Mr. Busch.....5  
12 By Mr. White.....41  
13 By Mr. Condon.....46  
14 By Mr. Cohen.....48  
15 By Mr. Manzke.....53  
16 E X H I B I T S  
17 No. 1 Discovery Documents; PLF\_128\_S\_MARQ\_000001  
18 to 000192.....5  
19 No. 2 Answers to Defendant Madison-Kipp Corporation's  
20 First Set of Interrogatories.....5  
21 No. 3 Answers to Defendant United States Fire  
22 Insurance Company's First Set of  
23 Interrogatories.....5  
24 No. 4 Responses to Defendant Madison-Kipp  
25 Corporation's First Set of Requests for  
Documents and Things.....5  
No. 5 Responses to Defendant United States Fire  
Insurance Company's First Set of Requests

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1 for Production.....5  
2  
3 (The original transcript was sent to Attorney  
4 Bianchi.)  
5 (The original exhibits were retained by the court  
6 reporter and attached to the original transcript.  
7 Copies were attached to all ordered copies.)  
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<p>1 TRANSCRIPT OF PROCEEDINGS                  2 (Exhibits 1 through 5 were marked.)                  3 PATRICK HANNON, called as a witness                  4 herein by the Defendants, after having been first                  5 duly sworn, was examined and testified as                  6 follows:                  7 EXAMINATION                  8 BY MR. BUSCH:                  9 Q Please state your name.                  10 A Patrick Hannon.                  11 Q And what's your current home address?                  12 A 128 South Marquette Street.                  13 Q Can you briefly describe for me your educational                  14 background.                  15 A Yes, I graduated from Stevens Point Area Senior                  16 High in 1999 and UW-Madison in 2004.                  17 Q What was your degree in?                  18 A Landscape architecture and horticulture.                  19 Q And briefly describe for me your work history                  20 since graduating.                  21 A I worked for Rettler Corporation from 2004 to                  22 2006, and SAA Design Group from 2006 to present.                  23 Q What were your job duties at Rettler?                  24 A Landscape architect.                  25 Q And those did not change during the time you were</p>	<p>1 A No.                  2 Q Does anyone in your house smoke?                  3 A No.                  4 Q When did you move into that house?                  5 A In the spring of 2007.                  6 Q And can you describe for me the circumstances                  7 under which you moved into that house?                  8 A We purchased the house and moved in.                  9 Q I'm going to show you what's been marked as                  10 Exhibit No. 1, and I want you to briefly take a                  11 look at that set of documents. We had requested                  12 documents be produced, and you will see at the                  13 bottom there's PLF_128_S_MARQ_00001 through                  14 000192. Are those the documents that you                  15 produced pursuant to our request for production,                  16 if you know?                  17 A Yes.                  18 Q I believe yours are in numeric order. I'd like                  19 for you to take a look at Pages 0002 through                  20 0004, which are some documents with regard to the                  21 assessor of the City of Madison. If you would                  22 look over that, and I'd ask you is there anything                  23 there that, to your knowledge, is not accurate?                  24 A The roof was actually replaced in 2011, not 2006.                  25 Otherwise it is correct.</p>
Page 6	Page 8
<p>1 there?                  2 A No.                  3 Q And then your new employer is SA --                  4 A SAA Design Group.                  5 Q And what are your job duties there?                  6 A Landscape architect.                  7 Q Have your job duties remained the same since you                  8 were hired there?                  9 A Yes.                  10 Q Can you briefly describe for me what do you do as                  11 a landscape architect?                  12 A Site design, planning and construction documents                  13 for parks, in-fill developments, streetscapes.                  14 Q Is most of your work on a commercial or                  15 residential basis?                  16 A Commercial and municipal.                  17 Q Do you live with anyone at 128 South Marquette?                  18 A Yes.                  19 Q With whom do you live?                  20 A My wife.                  21 Q What's her name?                  22 A Julia Cosgrove.                  23 Q Do you live with anyone else at that residence?                  24 A No.                  25 Q Do you smoke?</p>	<p>1 Q The roof was replaced while you owned it?                  2 A Yes.                  3 Q What other improvements, if any, have you done to                  4 the home since you moved in in 2007?                  5 A Some new appliances in the kitchen mostly, tiling                  6 floors, replacing vinyl flooring with wood,                  7 painting and some minor trim work changes.                  8 Q Interior trim?                  9 A Yes.                  10 Q Have you painted the exterior?                  11 A Yes.                  12 Q What year did you paint the exterior?                  13 A 2010.                  14 Q Have you done anything which required the pulling                  15 of a permit from the municipal authorities?                  16 A No.                  17 Q Did you reroof or did you hire someone to reroof?                  18 A I hired someone to reroof.                  19 Q Whom did you hire?                  20 A I don't remember the name of the contractor.                  21 Q Have you done your own painting or have you hired                  22 outside contractors to do your painting?                  23 A I did my own painting.                  24 Q Have you hired outside persons to do the trim                  25 work?</p>

Page 9	Page 11
1 A No.	1 2007, had you ever heard of Madison-Kipp?
2 Q When you bought the house in 2007, did you have a	2 A Yes.
3 mortgage?	3 Q And in what connection?
4 A Yes.	4 A Just the context of the neighborhood.
5 Q Do you still have a mortgage?	5 Q What did you ascertain or what was your -- What
6 A Yes.	6 did you know in 2007 in regard to Madison-Kipp
7 Q Have you refinanced that mortgage at any time?	7 and the neighborhood?
8 A No.	8 A I knew what they produced.
9 Q Pardon me?	9 Q And what did you believe they produced in 2007?
10 A No.	10 A Die casting aluminum parts.
11 Q In connection with your purchase in 2007, did you	11 Q How did you come to that knowledge?
12 retain any documents relating to that purchase?	12 A I have done some work in the neighborhood
13 A Yes.	13 professionally.
14 Q And what did you retain?	14 Q What have you done professionally in the
15 A The closing documents.	15 neighborhood?
16 Q Can you take a moment and look through there. I	16 A The site design for the Goodman Community Center
17 don't recall seeing closing documents.	17 Q Describe for me what is site design?
18 A I don't believe they are in here.	18 A Parking, playgrounds, pedestrian and vehicular
19 Q Okay. In those closing documents do you recall	19 circulation, layout of construction details.
20 whether you have information that may have been	20 Q And when did you perform work -- First of all, by
21 supplied to you by the previous owner?	21 whom were you employed when you performed that
22 A I don't believe so.	22 work?
23 Q Was the house purchased through a realtor?	23 A SAA Design Group.
24 A No.	24 Q And when did you perform that design work?
25 Q Did you know the person from whom you purchased	25 A I believe it was in 2007.
Page 10	Page 12
1 the home?	1 Q Prior to the time you purchased the home?
2 A No.	2 A I can't remember if it was prior to that.
3 Q It was a private sale?	3 Q What was the condition of the Center prior to the
4 A Yes.	4 first time you saw it?
5 Q Do you know if in connection with that sale there	5 A The Goodman Center?
6 was a Property Condition Report that was supplied	6 Q The Goodman Center, yes.
7 to you?	7 A It was a vacant building.
8 A Yes, there was.	8 Q And if you can recall, what was your assignment
9 Q Did you retain a copy of that?	9 in regard to the Goodman Center?
10 A Yes.	10 A To perform construction documents.
11 Q Is that in the closing documents?	11 Q What are construction documents?
12 A It's in the closing documents, not in this.	12 A Sets of plans and specifications for producing or
13 Q Correct. It's in the closing documents?	13 having a contractor install pavements and
14 A Yes.	14 playground surfacing equipment.
15 Q Do you recall as you sit here today what else may	15 Q Were you involved in the landscaping other than
16 be in the closing documents?	16 the playground?
17 A I don't recall.	17 A Yes.
18 Q Prior to purchasing the home did you do any due	18 Q Were you involved in the placement of parking
19 diligence in regard to the neighborhood?	19 lots?
20 A No.	20 A I was involved only from a construction
21 Q Where are you from originally?	21 administration standpoint. I did not perform any
22 A Stevens Point, Wisconsin.	22 of the work.
23 Q And how long have you lived in Madison?	23 Q Were there contractors other than your employer
24 A Since 1999.	24 who were involved in the rehabbing of the Goodman
25 Q Prior to the time that you purchased the house in	25 Center at that time?

Page 13	Page 15
<p>1 A Yes, yes.</p> <p>2 Q Who else was involved?</p> <p>3 A I don't remember the names of the contractors.</p> <p>4 Q Is it fair to say that the work that was done by</p> <p>5 your employer was more of a landscaping nature or</p> <p>6 was it a larger engagement than that?</p> <p>7 A It was a larger engagement than that.</p> <p>8 Q How large was that engagement?</p> <p>9 A We did everything from storm water permitting to</p> <p>10 approvals through the city and bid documents.</p> <p>11 Q In connection with the work that you did in</p> <p>12 regard to the Goodman Center in or about 2007,</p> <p>13 did you learn of any environmental issues in</p> <p>14 regard to the neighborhood in general or the</p> <p>15 Goodman Center in particular?</p> <p>16 A No.</p> <p>17 Q Did you do any due diligence or, to your</p> <p>18 knowledge, was any due diligence done in regard</p> <p>19 to any environmental issues? Do you know what I</p> <p>20 mean by "environmental issues?"</p> <p>21 A I do.</p> <p>22 Q Environmental issues in regard to the Goodman</p> <p>23 Center in 2007?</p> <p>24 A I did not.</p> <p>25 Q Do you know what PCE is?</p>	<p>1 Q Does your home have a basement?</p> <p>2 A Yes.</p> <p>3 Q How do you use that basement?</p> <p>4 A Laundry. I have a small art studio set up and</p> <p>5 storage.</p> <p>6 Q Have you done any remodeling or reconstruction of</p> <p>7 your basement since you moved there in 2007?</p> <p>8 A Yes.</p> <p>9 Q What have you done?</p> <p>10 A I have put in a tile floor over the concrete</p> <p>11 floor and painted.</p> <p>12 Q When did you put in the tile floor?</p> <p>13 A 2010.</p> <p>14 Q Prior to purchasing your home in 2007, did you</p> <p>15 ever have any conversation with your now</p> <p>16 neighbors in regard to this neighborhood?</p> <p>17 A No.</p> <p>18 Q Did you encounter or meet any of your neighbors</p> <p>19 prior to moving in?</p> <p>20 A Yes.</p> <p>21 Q And under what circumstances had you met your</p> <p>22 neighbors?</p> <p>23 A Just visiting the house. One of them happened to</p> <p>24 be outside.</p> <p>25 Q Pardon me?</p>
Page 14	Page 16
<p>1 A Yes.</p> <p>2 Q When did you first become aware of the term PCE?</p> <p>3 A 2011.</p> <p>4 Q Prior to that you had no knowledge of it?</p> <p>5 A No.</p> <p>6 Q And you did not encounter the term PCE in regard</p> <p>7 to any of the work you did at the Goodman Center</p> <p>8 in the year 2007?</p> <p>9 A No.</p> <p>10 Q Directing your attention back to your house, do</p> <p>11 you know the approximate year that your home was</p> <p>12 built?</p> <p>13 A I do not know.</p> <p>14 Q Do you believe it to be built prior to World War</p> <p>15 II?</p> <p>16 A Around then.</p> <p>17 Q What's your current heating source?</p> <p>18 A Forced air.</p> <p>19 Q Is it gas, natural gas fired?</p> <p>20 A Yes.</p> <p>21 Q How old is your furnace, do you know?</p> <p>22 A I don't know.</p> <p>23 Q Do you know what the original heating source was</p> <p>24 of your home?</p> <p>25 A I don't know.</p>	<p>1 A One of the neighbors happened to be outside.</p> <p>2 Q Do you know who that was?</p> <p>3 A His name was Bob. I don't recall his last name.</p> <p>4 He's since moved.</p> <p>5 Q Do you know when he moved?</p> <p>6 A I don't.</p> <p>7 Q Do you recall the address of the home in which</p> <p>8 Bob lived?</p> <p>9 A It's immediately adjacent to mine.</p> <p>10 Q In which direction?</p> <p>11 A Towards the bike path.</p> <p>12 Q I believe you stated that you became familiar</p> <p>13 with the term PCE sometime in 2011, correct?</p> <p>14 A Yes.</p> <p>15 Q Can you describe to me the circumstances under</p> <p>16 which you became aware of the initials PCE?</p> <p>17 A It was at a neighborhood meeting.</p> <p>18 Q And where was that meeting held?</p> <p>19 A It was here (indicating).</p> <p>20 Q In the Goodman Center?</p> <p>21 A Yes.</p> <p>22 Q Can you describe for me the circumstances under</p> <p>23 which you attended that meeting?</p> <p>24 A I believe a notice of meeting was sent out to the</p> <p>25 neighborhood regarding the contamination.</p>

Page 17	Page 19
<p>1 Q Do you know who sponsored the meeting?</p> <p>2 A I don't.</p> <p>3 Q Do you recall who chaired the meeting?</p> <p>4 A I don't.</p> <p>5 Q Was the meeting run by any lawyers, to your</p> <p>6 knowledge?</p> <p>7 A No.</p> <p>8 Q Was it run by the DNR?</p> <p>9 A Yes.</p> <p>10 Q Do you recall were there any representatives of</p> <p>11 Madison-Kipp there?</p> <p>12 A I don't recall.</p> <p>13 Q Within the year 2011, do you recall the month or</p> <p>14 season under which or month or season that that</p> <p>15 meeting was held?</p> <p>16 A I believe it was spring.</p> <p>17 Q Spring of 2011?</p> <p>18 A Yes.</p> <p>19 Q What do you recall being stated at that meeting?</p> <p>20 A It was I believe an overview of what had been</p> <p>21 found in some of the initial tests on the</p> <p>22 Madison-Kipp property.</p> <p>23 Q As you sit here today, do you have a recollection</p> <p>24 of in general what was stated in regard to the</p> <p>25 overview?</p>	<p>1 Q Between those two meetings did you continue to</p> <p>2 use your house in the same way you had used it</p> <p>3 before?</p> <p>4 A No.</p> <p>5 Q How did you change?</p> <p>6 A We began using the basement less.</p> <p>7 Q And why was that?</p> <p>8 A Because of the possibility of contaminants in the</p> <p>9 subsoil.</p> <p>10 Q You heard the term sub-slab at the meeting in</p> <p>11 2011?</p> <p>12 A I am not sure.</p> <p>13 Q Did anyone at that meeting in 2011 tell you to</p> <p>14 reduce the usage of your basement?</p> <p>15 A No.</p> <p>16 Q What caused you to reduce the usage of your</p> <p>17 basement?</p> <p>18 A I did some research on what these chemicals are</p> <p>19 and their potential long and short-term health</p> <p>20 effects.</p> <p>21 Q On the internet?</p> <p>22 A Yes, and speaking with friends and family.</p> <p>23 Q With whom did you speak?</p> <p>24 A My parents, my brother and sister-in-law and my</p> <p>25 uncle.</p>
Page 18	Page 20
<p>1 A I believe they expanded the testing from a small</p> <p>2 area near the building to a larger test area.</p> <p>3 They were finding more contaminants.</p> <p>4 Q Other than that overview and the imparting of</p> <p>5 that information, do you recall anything else</p> <p>6 being stated at that meeting?</p> <p>7 A No.</p> <p>8 Q As a result of that meeting, did you take any</p> <p>9 action?</p> <p>10 A No.</p> <p>11 Q Do you recall any other pollutants being</p> <p>12 discussed at that meeting other than PCE?</p> <p>13 A I believe TCE may have been brought up.</p> <p>14 Q Do you recall what was said in regard to TCE at</p> <p>15 that meeting?</p> <p>16 A No.</p> <p>17 Q What was the -- If that were in the spring of</p> <p>18 2011, what's the next event you recall in regard</p> <p>19 to pollution in general of Madison-Kipp in the</p> <p>20 neighborhood in which you were involved?</p> <p>21 A I believe the next event was another neighborhood</p> <p>22 meeting led by our Alderperson, Marsha Rummel.</p> <p>23 Q And between those two meetings you don't recall</p> <p>24 taking any action or doing anything?</p> <p>25 A No.</p>	<p>1 Q And are any of those persons, to your knowledge,</p> <p>2 more knowledgeable than you in these matters?</p> <p>3 A Yes.</p> <p>4 Q And whom do you believe to be more knowledgeable</p> <p>5 and why?</p> <p>6 A My uncle works for Public Health in I believe</p> <p>7 Milwaukee County, and my brother and</p> <p>8 sister-in-law are attorneys that do a lot of work</p> <p>9 with environmental issues.</p> <p>10 Q When was the next -- Did you retain any</p> <p>11 scientists between 2011 and the meeting here at</p> <p>12 the Goodman Center and the next meeting to survey</p> <p>13 your property?</p> <p>14 A No.</p> <p>15 Q Did you ask to have any testing done on your</p> <p>16 property between those times?</p> <p>17 A No.</p> <p>18 Q Describe for me the circumstances under which the</p> <p>19 next neighborhood meeting was held, and I believe</p> <p>20 you said it was chaired by your Alderperson?</p> <p>21 A Yes.</p> <p>22 Q What were the circumstances of that meeting?</p> <p>23 A I believe that was another update on the</p> <p>24 contamination issue.</p> <p>25 Q Other than the Alderperson, who was in</p>

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1 attendance?  
 2 A Our Congress person and I believe Norm Berger.  
 3 Q An attorney?  
 4 A Yes.  
 5 Q Was that sometime in 2011, as well?  
 6 A I think it was.  
 7 Q To your knowledge, was there anyone there from  
 8 Madison-Kipp?  
 9 A I believe there was somebody from Madison-Kipp  
 10 there.  
 11 Q What do you recall, if anything, being stated at  
 12 that meeting?  
 13 A There was a presentation by Mike Schmoller from  
 14 the DNR going over the current testing that was  
 15 going on, and he basically gave a rundown of what  
 16 these chemicals are, what they do, how they  
 17 travel through the soil and what the next steps  
 18 were.  
 19 Q Do you recall participating in any manner in that  
 20 meeting other than as a listener?  
 21 A No.  
 22 Q At the conclusion of that meeting do you recall  
 23 doing anything specifically in regard to the  
 24 matters that were discussed at that meeting?  
 25 A No.

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1 Q Prior to that meeting, do you recall if your home  
 2 had been tested in any way?  
 3 A No.  
 4 Q Do you recall if your soil had been tested in any  
 5 way?  
 6 A No.  
 7 Q And you believe that meeting was sometime in  
 8 2011?  
 9 A I believe so.  
 10 Q After that meeting, what was the next -- Strike  
 11 that.  
 12 Did anything stated at that meeting  
 13 change the way in which you used your home?  
 14 A Yes.  
 15 Q How?  
 16 A At that point we stopped planting vegetable crops  
 17 directly into the soil and installed several  
 18 raised beds to do vegetable gardening instead.  
 19 Q Did anyone at that meeting tell you to do that?  
 20 A No.  
 21 Q What led you to do that?  
 22 A Increasing concern over the chemicals found.  
 23 Q And that's based upon your own research and your  
 24 discussions with others?  
 25 A Yes.

Page 23

1 Q Did you consult any scientists in regard to that?  
 2 A No.  
 3 Q What's the next event you recall, if any, in  
 4 regard to the pollution concerns you had about  
 5 your property?  
 6 A I believe the next event was a meeting with our  
 7 attorneys to -- or the class attorneys to discuss  
 8 this particular lawsuit.  
 9 MR. BUSCH: Ed, was that a closed  
 10 meeting, do you know?  
 11 MR. MANZKE: Yes, that was after our  
 12 class was certified.  
 13 MR. BUSCH: Okay.  
 14 BY MR. BUSCH:  
 15 Q What was the next meeting you recall, if any,  
 16 after the meeting with your attorneys in regard  
 17 to environmental concerns that you had, if you  
 18 did attend another meeting?  
 19 A There was another meeting with our attorneys at  
 20 Lowell Elementary School.  
 21 MR. BUSCH: Ed, was that also a closed  
 22 meeting, do you know?  
 23 MR. MANZKE: Yes.  
 24 BY MR. BUSCH:  
 25 Q Other than those two meetings with your lawyers,

Page 24

1 what was the next event you recall in regard to  
 2 your environmental concerns?  
 3 A Next event in terms of meeting or --  
 4 Q Any event.  
 5 A I believe it was just following through on  
 6 completing some of the information that was asked  
 7 of us for the case.  
 8 Q In the documents that you have in front of you,  
 9 if you would turn to Exhibit 1, Page 115, and  
 10 it's a document that runs through 120. It's an  
 11 Indoor Quality Building Survey, correct?  
 12 A Yes.  
 13 Q Take a moment to look at that. I'm going to ask  
 14 you if there's anything in there that you believe  
 15 to be inaccurate.  
 16 A It appears to be accurate.  
 17 Q Okay. Do you recall at some point in time  
 18 someone coming into your house and doing an  
 19 indoor air quality survey?  
 20 A Yes.  
 21 Q Do you recall a gentleman by the name of Tim  
 22 Malessi doing so?  
 23 A I don't recall his name.  
 24 Q But you do recall being there?  
 25 A Yes.

Page 25	Page 27
<p>1 Q And was it sometime in the -- This is dated, I</p> <p>2 believe, March of 2012. Was it at or about that</p> <p>3 time?</p> <p>4 A Yes.</p> <p>5 Q Directing your attention to Pages 121 through 124</p> <p>6 of Exhibit 1, that's a Soil Vapor Sample</p> <p>7 Collection Log. Do you see that?</p> <p>8 A Yes.</p> <p>9 Q These are documents that you supplied to us,</p> <p>10 correct? These are from your files?</p> <p>11 A Yes.</p> <p>12 Q Describe for me the circumstances under which you</p> <p>13 obtained pages 121 through 124.</p> <p>14 A I believe this was mailed to me after the tests</p> <p>15 were completed.</p> <p>16 Q Directing your attention to Pages 171 and 172.</p> <p>17 A Yes.</p> <p>18 Q Now that's a letter of April 3, 2012, correct?</p> <p>19 A Correct.</p> <p>20 Q Do you recall receiving that document at some</p> <p>21 point in time?</p> <p>22 A Yes.</p> <p>23 Q Do you recall reading it?</p> <p>24 A Yes.</p> <p>25 Q It indicates in the third paragraph that the</p>	<p>1 some of these chemicals are, how they travel</p> <p>2 through the soil and what some of the long-term</p> <p>3 effects can be. I asked him specifically about</p> <p>4 direct contact with some of these chemicals in</p> <p>5 the back yard and what risk that poses. He told</p> <p>6 me that according to his information that these</p> <p>7 are not terribly high levels, and we should be</p> <p>8 reasonably safe, although the long-term risks are</p> <p>9 not very well understood.</p> <p>10 Q That did not give you any further comfort?</p> <p>11 A No.</p> <p>12 Q Directing your attention to Page 114, that's a</p> <p>13 letter to you from Bob Nauta of May 8, 2012. Do</p> <p>14 you see that?</p> <p>15 A Yes.</p> <p>16 Q It references the fact that there were two soil</p> <p>17 samples taken from your back yard in 2012. Do</p> <p>18 you see that?</p> <p>19 A Yes.</p> <p>20 Q Do you recall those soil samples being taken?</p> <p>21 A I do.</p> <p>22 Q And it indicates in the third paragraph that</p> <p>23 there were no PCBs or VOCs detected in either</p> <p>24 sample. Do you see that?</p> <p>25 A Yes.</p>
Page 26	Page 28
<p>1 level of PCE in the collected sample, and this is</p> <p>2 the sub-slab sample, correct?</p> <p>3 A Correct.</p> <p>4 Q Was below the sub-slab soil gas residential</p> <p>5 action level provided by the WDNR. Do you see</p> <p>6 that?</p> <p>7 A Yes.</p> <p>8 Q Now when you read that, did you take any action</p> <p>9 in response thereto?</p> <p>10 A No.</p> <p>11 Q Did it give you any level of comfort in regard to</p> <p>12 the continued use of your basement?</p> <p>13 A No.</p> <p>14 Q Did you consult any scientists in regard to what</p> <p>15 it meant to be below the sub-slab soil gas</p> <p>16 residential action level?</p> <p>17 A No.</p> <p>18 Q Did you call the DNR in regard to that to</p> <p>19 ascertain what, if anything, that meant?</p> <p>20 A Yes.</p> <p>21 Q With whom did you speak at the DNR?</p> <p>22 A Mike Schmoller.</p> <p>23 Q What did he say to you?</p> <p>24 A He told me that basically that they are not --</p> <p>25 Well, what did he say. He explained to me what</p>	<p>1 Q Did you have a conversation with Mr. Schmoller or</p> <p>2 Mr. Nehls-Lowe upon receipt of this letter?</p> <p>3 A No.</p> <p>4 Q Did it give you any level of comfort in the fact</p> <p>5 that there were no PCBs or VOCs detected in</p> <p>6 either sample?</p> <p>7 A No.</p> <p>8 Q Your concerns were not assuaged at all?</p> <p>9 A No.</p> <p>10 Q Is that because of a disbelief that -- to the</p> <p>11 effect that there were PCBs or VOCs on your</p> <p>12 property?</p> <p>13 A Can you repeat the question?</p> <p>14 Q Is that based on some level of disbelief or</p> <p>15 incredulity in regard to the report that was</p> <p>16 done?</p> <p>17 A No.</p> <p>18 Q If I may ask, and maybe you don't have an answer,</p> <p>19 why were you not relieved and your concerns</p> <p>20 ameliorated?</p> <p>21 A Basically the fact that they are two small</p> <p>22 samples taken at only two locations. That to me</p> <p>23 does not constitute a complete investigation of</p> <p>24 the presence.</p> <p>25 Q Have you asked anybody to conduct more samples?</p>

Page 29	Page 31
1 A I have not.	1 A Yes.
2 Q Have you talked to Mr. Schmoller and said you	2 Q And it indicates the results of certain testing?
3 want more samples?	3 A Yes.
4 A I have not.	4 Q Did you receive this on or about the date that it
5 Q Have you talked to Mr. Nehls-Lowe and told him	5 bears?
6 you want more samples?	6 A Yes.
7 A I have not.	7 Q Did you review it?
8 Q Have you called MKC and asked them to do more	8 A Yes.
9 samples?	9 Q Did it cause you any additional concern or
10 A I have not.	10 assuage your concerns in any way?
11 Q Have you retained anybody to do more samples on	11 A It did not assuage my concerns in any way.
12 your own behalf?	12 Q You had continued concerns in regard to your
13 A I have not.	13 property?
14 Q Directing your attention to Pages 23, 24 and 25	14 A Yes.
15 of Exhibit 1. Do you see that?	15 Q The letter invites you at Page 16 to contact
16 A Yes.	16 Henry Nehls-Lowe of the Division of Public
17 Q Do you recall receiving these at or about the	17 Health, at that time Wisconsin Department of
18 time the date they bear?	18 Health Services. Do you see that?
19 A Yes.	19 A Yes.
20 Q Do you recall reading them?	20 Q We also invite you to contact Mr. Schmoller. Do
21 A Yes.	21 you see that?
22 Q Do you recall having any reaction upon receipt?	22 A Yes.
23 A I was not surprised by what I found.	23 Q In regard to any questions you had?
24 Q And what about it was not surprising to you?	24 A Yes.
25 A I was not surprised that some of these chemicals	25 Q Did you, after September 4, 2012, contact Henry
Page 30	Page 32
1 were found.	1 Nehls-Lowe?
2 Q Upon reading or upon receipt of the July 20, 2012	2 A No.
3 letter, did you take any action?	3 Q Did you contact Michael Schmoller?
4 A No.	4 A No.
5 Q Did you request any more sampling being done?	5 Q Directing your attention to Page 5 of Exhibit 1,
6 A No.	6 this is a letter to you dated October 1, 2012,
7 Q Did it give you any level of further comfort in	7 correct?
8 regard to the status of your property?	8 A Correct.
9 A No.	9 Q From Mr. Schmoller?
10 Q Directing your attention to Page 22 of Exhibit 1,	10 A Correct.
11 that's a request from the DNR for a signed Access	11 Q I'm referring to the third paragraph. It covers
12 Agreement. Do you see that?	12 a copy of the WSLH lab report for your sub-slab
13 A Yes.	13 and indoor air sample. Do you see that?
14 Q Did you execute it?	14 A Yes.
15 A Yes.	15 Q It reports to you that the results show that a
16 Q To your knowledge, have there been further tests	16 small amount of PCE was detected in the sample
17 done in regard to your property?	17 from beneath your basement. Additionally, no PCE
18 A I believe so.	18 was found in the indoor air sample taken from
19 Q Do you know the dates?	19 your house. Do you recall those?
20 A I don't.	20 A Yes.
21 Q Directing your attention to Pages 14 through 16	21 Q Okay. Do you know if the small amount of PCE
22 of Exhibit 1, do you see that?	22 that was detected beneath your sub-slab reached
23 A Yes.	23 any kind of action level on the part of the DNR?
24 Q This is a letter to you from a Mr. Nauta dated	24 A I don't recall.
25 September 4, 2012?	25 Q It also goes on to say that the WSLH laboratory



Page 33	Page 35
<p>1 report also shows very low levels of VOCs other                  2 than PCE and soil vapors from beneath your home                  3 and your indoor air. Do you see that sentence?                  4 A Yes.                  5 Q He goes on to say "These compound may be due to                  6 trace amounts of VOCs from products, paints,                  7 adhesives, fragrances, et cetera, commonly found                  8 in the typical home and may be unrelated to the                  9 activities that took place at Madison-Kipp in the                  10 past." Do you see that?                  11 A Yes.                  12 Q When you read that sentence, did you take any                  13 action in regard to it?                  14 A Yes.                  15 Q What did you do?                  16 A I removed some adhesives and polyurethane I had                  17 in the basement.                  18 Q Because you knew that they may contain VOCs,                  19 correct?                  20 A Yes.                  21 Q Did you do that in response to this letter or                  22 were you aware of that before the tests were                  23 conducted in your home?                  24 A As a result of this letter, I took another look                  25 and found two items that I was no longer using</p>	<p>1 in your home a sub-slab mitigation system." Do                  2 you see that?                  3 A Yes.                  4 Q Have you had a sub-slab mitigation system                  5 installed in your house?                  6 A Yes.                  7 Q When did you have it installed?                  8 A I don't recall the date.                  9 Q It was sometime after October 1st?                  10 A Yes.                  11 Q Has it functioned, to your knowledge, as                  12 intended?                  13 A Yes.                  14 Q Okay. And how is it intended to function?                  15 A To remove soil vapor from the sub-slab.                  16 Q Have you had it tested?                  17 A No.                  18 Q Has it resulted in you changing the patterns of                  19 usage of your basement?                  20 A No.                  21 Q Why not?                  22 A The fact is there are still concerns over                  23 chemicals in our house and property.                  24 Q Now you have sued Madison-Kipp believing or                  25 alleging that there's been -- you have suffered</p>
Page 34	Page 36
<p>1 and decided to get rid of them.                  2 Q When you did your internet search or your own                  3 research in regard to PCE, you looked at VOCs in                  4 general, did you not?                  5 A I looked specifically at PCBs.                  6 Q You did not look at other VOCs?                  7 A I did, but I focused my attention on PCEs and                  8 TCEs.                  9 Q So was this the first time you became aware that                  10 polyurethane and other such similar compounds                  11 could be the source of VOCs in your basements?                  12 A No.                  13 Q So when did you first learn that?                  14 A I think that's something I have always sort of                  15 known.                  16 Q But even though you had that knowledge, you did                  17 not take any action to remove those products from                  18 your basement, correct?                  19 A Correct.                  20 Q This was just another reminder to you that maybe                  21 you should take them out of your basement?                  22 A Correct.                  23 Q Okay. The letter goes on to say "Because we have                  24 found detectable concentrations of PCE in your                  25 residence, the Department is offering to install</p>	<p>1 property damage?                  2 A Yes.                  3 Q Can you describe for me how you believe you have                  4 suffered property damage?                  5 A Primarily, I cannot sell my house, I cannot enjoy                  6 the use of it as I once did, both inside the                  7 house and on the property. We are concerned                  8 about having guests over. We used to use a                  9 portion of the basement as a guest room, but we                  10 no longer do that. We have essentially lost a                  11 room of my house. We have concerns just living                  12 in this environment. We are concerned about the                  13 health and safety of our pets, both dogs, that                  14 spend a lot of time outside with direct contact                  15 with the soil.                  16 Q Has anyone from the DNR or from the Department of                  17 Health told you not to use the basement, the room                  18 in your basement?                  19 A No.                  20 Q Have you come to that conclusion yourself not to                  21 use the basement?                  22 A Yes.                  23 Q What efforts have you done to sell house?                  24 A None.                  25 Q Have you consulted any professional realtors in</p>

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1 regard to the sale of your home?  
 2 A I have.  
 3 Q With whom have you spoken?  
 4 A Mary Duff, Stark Realty.  
 5 Q Anyone else?  
 6 A No.  
 7 Q When did you contact Ms. Duff?  
 8 A I believe spring of 2012.  
 9 Q Have you had your house appraised?  
 10 A No.  
 11 Q To your knowledge, has anyone had your house  
 12 appraised?  
 13 A No.  
 14 Q When I use the word "assessment," do you know  
 15 what I mean by "assessment?"  
 16 A Yes.  
 17 Q It's in regard to property taxes?  
 18 A Yes.  
 19 Q Have you taken any steps to reduce your property  
 20 taxes -- strike that -- to reduce your assessment  
 21 at all in regard to your property taxes?  
 22 A No. The city has done it for me.  
 23 Q What have they done?  
 24 A They reduced the property value.  
 25 Q When?

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1 A This year.  
 2 Q By how much?  
 3 A It's in the document here.  
 4 Q We're looking at Pages 02 through 04?  
 5 A Yes.  
 6 Q And the assessment for 2012 was reduced to  
 7 \$134,000?  
 8 A Yes.  
 9 Q Do you know the reason why?  
 10 A I called the assessor, and he said it was due  
 11 largely to the activities going on in the  
 12 neighborhood with contamination and comparable  
 13 sales.  
 14 Q Who told you that?  
 15 A The city assessor.  
 16 Q What was his name?  
 17 A I don't remember.  
 18 Q When did you make that call?  
 19 A Just after the 2012 assessments were mailed out.  
 20 Q So you were satisfied with what the assessor had  
 21 done?  
 22 A I wasn't satisfied.  
 23 Q But you have not taken any further steps?  
 24 A No.  
 25 Q Directing your attention to Exhibit 2, can you

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1 identify that, please. Take a look at that. Can  
 2 you identify what Exhibit 2 is?  
 3 A Yes, it is a document explaining the class.  
 4 Q I think -- Let me see that. With regard to  
 5 these, we will just go through them quickly, 2  
 6 through 5, and I want you to identify the exhibit  
 7 number and if you would read -- it starts answers  
 8 or responses. I just need you to identify them  
 9 for the record. I apologize.  
 10 A Okay. Exhibit 2, "Class Members' (Patrick Hannon  
 11 and Julia Cosgrove) Answers to Defendant's  
 12 Madison-Kipp Corporation's First Set of  
 13 Interrogatories."  
 14 Q And Exhibit 3.  
 15 A Exhibit 3, "Class Members' (Patrick Hannon and  
 16 Julia Cosgrove) Answers to Defendant United  
 17 States Fire Insurance Company's First Set of  
 18 Interrogatories."  
 19 Q And what's Exhibit 4?  
 20 A "Class Members' (Patrick Hannon and Julia  
 21 Cosgrove) Responses to Defendant Madison-Kipp  
 22 Corporation's First Set of Requests for Documents  
 23 and Things."  
 24 Q And Exhibit 5?  
 25 A "Class Members' (Patrick Hannon and Julia

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1 Cosgrove) Responses to Defendant United States  
 2 Fire Insurance Company's First Set of Requests  
 3 for Production."  
 4 Q Directing are attention to Exhibit 2 -- Strike  
 5 that.  
 6 MR. BUSCH: Actually, why don't we take  
 7 a moment.  
 8 (A recess was taken.)  
 9 BY MR. BUSCH:  
 10 Q In 2007 when you were involved in the Goodman  
 11 Center project, I believe you said you were  
 12 involved in some landscaping with regard to  
 13 playgrounds?  
 14 A Yes.  
 15 Q Were you involved in the landscaping and/or  
 16 landscape architecture in regard to anything  
 17 other than the playgrounds?  
 18 A Yes, the site as a whole.  
 19 Q And as part of that did you involve yourself in  
 20 ascertaining whether there were any restrictions  
 21 on the use of the property?  
 22 A No.  
 23 Q Were you involved at all in any -- the  
 24 importation of or the importing of any soils,  
 25 additional soils, be they top soils or others

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<p>1 onto the Goodman Center?</p> <p>2 A We would have brought in clean top soil for some</p> <p>3 of the planting beds.</p> <p>4 Q And do you recall the reason why?</p> <p>5 A Plant health. Just to ensure plant health.</p> <p>6 Q Were you aware of any environmental restrictions</p> <p>7 associated with the soils at the Goodman Center?</p> <p>8 A No.</p> <p>9 MR. BUSCH: That's all I have.</p> <p>10 EXAMINATION</p> <p>11 BY MR. WHITE:</p> <p>12 Q Good morning, Mr. Hannon. My name is Chris</p> <p>13 White. I'm the lawyer for Continental Casualty</p> <p>14 Company and Columbia Casualty Company, which are</p> <p>15 two of Madison-Kipp's insurance companies. I</p> <p>16 have just a couple extra questions for you. When</p> <p>17 were you born?</p> <p>18 A I'm sorry?</p> <p>19 Q What's your birth date?</p> <p>20 A October 3, 1980.</p> <p>21 Q On October 3, 1980, where were you living? Where</p> <p>22 was your home?</p> <p>23 A Stevens Point, Wisconsin.</p> <p>24 Q How long did you continue to live at that</p> <p>25 residence in Stevens Point?</p>	<p>1 Q Do you know where your wife lived prior to 2005?</p> <p>2 A Minneapolis for four years.</p> <p>3 Q Okay. That takes us back to about 2001, more or</p> <p>4 less?</p> <p>5 A Yes.</p> <p>6 Q Do you know where your wife lived prior to 2001?</p> <p>7 A New Glarus, Wisconsin.</p> <p>8 Q Do you know how long she lived in New Glarus?</p> <p>9 A New Glarus? Since birth.</p> <p>10 Q Okay.</p> <p>11 A Since 1983.</p> <p>12 Q Do you and your wife have any children?</p> <p>13 A No.</p> <p>14 Q Does anyone else live in the home with you other</p> <p>15 than you and your wife?</p> <p>16 A No.</p> <p>17 Q Why did you consult with a realtor in the spring</p> <p>18 of 2012?</p> <p>19 A I wanted to gauge the salability of our house at</p> <p>20 the time. My wife was considering going to</p> <p>21 graduate school in Denver, and we wanted to know</p> <p>22 if it would be possible to sell our house.</p> <p>23 Q Did your wife ultimately decide to go to graduate</p> <p>24 school in Denver?</p> <p>25 A No.</p>
Page 42	Page 44
<p>1 A Eighteen years.</p> <p>2 Q Is that through 1998 or 1999?</p> <p>3 A Yes.</p> <p>4 Q Is that when you went to college?</p> <p>5 A Yes.</p> <p>6 Q When were you married?</p> <p>7 A 2007.</p> <p>8 Q Has your wife lived with you continuously at all</p> <p>9 times since 2007 to the present?</p> <p>10 A Yes.</p> <p>11 Q Do you know where your wife lived prior to your</p> <p>12 getting married in 2007?</p> <p>13 A She lived in Madison, as well.</p> <p>14 Q Do you know where in Madison?</p> <p>15 A Yes, an apartment downtown.</p> <p>16 Q Okay. And by "downtown" you are talking about a</p> <p>17 location several miles from the Madison-Kipp</p> <p>18 facility?</p> <p>19 A Hamilton Street, yes.</p> <p>20 Q Do you know how long she lived in the apartment</p> <p>21 in Downtown Madison?</p> <p>22 A She lived in two different apartments for about</p> <p>23 two years a year at each.</p> <p>24 Q So that takes us back to about 2005, roughly?</p> <p>25 A Yes.</p>	<p>1 Q Do you have any present plans to move out of the</p> <p>2 Madison area?</p> <p>3 A We don't feel that we can, so no.</p> <p>4 Q Putting aside whether or not you can sell your</p> <p>5 house, do you have any plans to move in the</p> <p>6 immediate future?</p> <p>7 A If we could sell our house, we would move.</p> <p>8 Q Why would you move?</p> <p>9 A We wanted to move to the Colorado area for</p> <p>10 several years. She would possibly pursue a PhD</p> <p>11 program at the university there.</p> <p>12 Q Is the only thing that's impeding your plans to</p> <p>13 move to Colorado the fact that you believe you</p> <p>14 can't sell your current residence?</p> <p>15 A Yes.</p> <p>16 Q Have you hired a realtor to attempt to market</p> <p>17 your current residence?</p> <p>18 A No. In my conversation with Mary Duff, she</p> <p>19 basically told us that it was not worth trying.</p> <p>20 MR. BUSCH: Move to strike.</p> <p>21 MR. COHEN: Hearsay.</p> <p>22 BY MR. WHITE:</p> <p>23 Q I think earlier you mentioned that you had</p> <p>24 replaced some vinyl floors with hardwood floors</p> <p>25 in your home?</p>

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1 A Yes.  
 2 Q When you did that, did you remove the old vinyl  
 3 floor or did you lay the hardwood on top?  
 4 A I removed the vinyl and I put the hardwood on  
 5 top.  
 6 Q Did you do that or did you have a contractor do  
 7 that?  
 8 A I did that.  
 9 Q Prior to removing the vinyl floor, did you make  
 10 any effort to determine whether the floor tiles  
 11 contained asbestos?  
 12 A No.  
 13 Q Did you make any effort to determine whether the  
 14 adhesive holding the vinyl to the surface  
 15 underneath it contained asbestos?  
 16 A No.  
 17 Q Did you wear any sort of respiratory protection  
 18 when you were removing the vinyl floor?  
 19 A No.  
 20 Q During the time that you've lived in your home,  
 21 have you noticed any peeling or chipping paint  
 22 anywhere throughout the house?  
 23 A No.  
 24 MR. WHITE: That's all I have.  
 25 EXAMINATION

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1 BY MR. CONDON:  
 2 Q Mr. Hannon, my name is Jacques Condon. I  
 3 represent another insurer in the case. I'm a  
 4 little confused on the dates as to when you moved  
 5 in and when you were doing work around what's now  
 6 the Goodman Center. Tell me time frame wise what  
 7 came first.  
 8 MR. MANZKE: I will object as asked and  
 9 answered, but you can answer.  
 10 THE WITNESS: I don't remember the exact  
 11 time frame of doing the work in the neighborhood,  
 12 but a project like this typically goes on for  
 13 quite awhile from initial approvals with the  
 14 city. In terms of site design and all that to  
 15 construction, it's typically a year and one-half  
 16 to two-year process, so I don't recall exactly  
 17 when I started working on it.  
 18 BY MR. CONDON:  
 19 Q Were you living in the home at that time, the  
 20 home on Marquette?  
 21 A I believe we moved in probably midway through my  
 22 involvement in the project.  
 23 Q And do you recall what staging was along at the  
 24 time that you moved in?  
 25 A I think it was fairly well completed. The

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1 pavement was in and the building was basically  
 2 open.  
 3 Q Okay. This is back in 2007, right?  
 4 A I believe so.  
 5 Q Were you looking at other homes in Madison? What  
 6 was going on when you were looking for a home?  
 7 A We did look at other homes, mostly in this area.  
 8 Q Why in this area?  
 9 A It's a great neighborhood with places like this  
 10 to walk to, restaurants.  
 11 Q Did you know any other neighbors or any other  
 12 people that lived in the area at the time?  
 13 A Not at the time.  
 14 Q In the other neighborhoods that you might have  
 15 been looking, were they all within a few miles?  
 16 A Yes.  
 17 Q What were some of the things that you were  
 18 looking for? For instance, a yard?  
 19 A We wanted a yard. We wanted a smaller home. We  
 20 wanted a home in a vibrant kind of neighborhood  
 21 with things that we could walk to. There's a  
 22 bike path in proximity, and that was important.  
 23 Q And you found all those things when you found  
 24 your home on Marquette Street, right?  
 25 A Yes.

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1 MR. CONDON: Thank you. That's all I  
 2 have.  
 3 MR. COHEN: Thank you. A few follow-up  
 4 questions.  
 5 EXAMINATION  
 6 BY MR. COHEN:  
 7 Q My name is Mike Cohen and I represent U. S. Fire.  
 8 You said you talked to the city assessor, and you  
 9 don't recall his name, correct?  
 10 A I don't recall.  
 11 Q And that was shortly after you got the 2012  
 12 assessment?  
 13 A Yes.  
 14 Q So that would have been, what, within the last 30  
 15 days or so?  
 16 A No, I believe they come out in January. I'm not  
 17 sure of the date.  
 18 Q Earlier in the year?  
 19 A Earlier in the year.  
 20 Q Okay. Do you recall anything else about that  
 21 discussion that you didn't tell us today?  
 22 A No.  
 23 Q All right. Did you tell him that you thought  
 24 there should be a greater reduction than you got?  
 25 A No, I wanted to know why he reduced our property

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<p>1 value and did not -- Well, I wanted to know why</p> <p>2 our property value was reduced significantly.</p> <p>3 Q You were unhappy with that?</p> <p>4 A I was unhappy with that.</p> <p>5 Q Even though it meant you would be paying less</p> <p>6 taxes?</p> <p>7 A Correct.</p> <p>8 Q Okay. Did you tell him at any time during that</p> <p>9 discussion that you thought the property value</p> <p>10 should be zero?</p> <p>11 A No.</p> <p>12 Q You were suggesting it should have a higher</p> <p>13 property value, correct?</p> <p>14 A Correct.</p> <p>15 Q Did he tell you that other properties in the</p> <p>16 neighborhood did not have a similar reduction?</p> <p>17 A He told me that they did not reduce every house,</p> <p>18 but they compared our house to similar</p> <p>19 properties, and my understanding is that they</p> <p>20 weighed that in with the contamination issues and</p> <p>21 similar sale values and made a determination to</p> <p>22 reduce ours. I did not inquire about all the</p> <p>23 other properties on our street.</p> <p>24 Q Okay. Did you ask them for any information about</p> <p>25 the comparable sales?</p>	<p>1 city assessor?</p> <p>2 A I don't know.</p> <p>3 Q At some point in time you retained separate</p> <p>4 counsel, right?</p> <p>5 A Correct.</p> <p>6 Q And that was David Bender?</p> <p>7 A Correct.</p> <p>8 Q Okay. Do you know when that was?</p> <p>9 A We began talking to him probably December 2011,</p> <p>10 maybe January of 2012.</p> <p>11 Q How did you get to Mr. Bender?</p> <p>12 A He's a family friend.</p> <p>13 Q A friend of whom?</p> <p>14 A My brother-in-law is good friends with him.</p> <p>15 Q And I think you mentioned your brother-in-law --</p> <p>16 Is it your brother-in-law and sister were</p> <p>17 lawyers?</p> <p>18 A My brother-in-law and his wife are both</p> <p>19 attorneys.</p> <p>20 Q And where are they lawyers?</p> <p>21 A San Francisco.</p> <p>22 Q Does Mr. Bender still represent you?</p> <p>23 A No.</p> <p>24 Q When did you end that engagement?</p> <p>25 A Well, I guess we didn't exactly end it. He's</p>
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<p>1 A I did not.</p> <p>2 Q Was this before or after you had the conversation</p> <p>3 with the broker?</p> <p>4 A This was -- Hum. I'm trying to remember when I</p> <p>5 spoke with the broker. I don't remember which</p> <p>6 came first.</p> <p>7 Q Prior to this discussion had you looked at</p> <p>8 available public records to see which of the</p> <p>9 properties around your area had been reassessed</p> <p>10 at lower values?</p> <p>11 A I briefly looked at one or two, but did not get a</p> <p>12 comprehensive feel for it.</p> <p>13 Q Okay. That was information you could access</p> <p>14 online?</p> <p>15 A Yes.</p> <p>16 Q All right. And did you talk to any other</p> <p>17 neighbors about their reassessments?</p> <p>18 A I talked to my next-door neighbor Barry about it.</p> <p>19 Q And had his property been reassessed?</p> <p>20 A I don't believe so.</p> <p>21 Q And what's that address, do you know?</p> <p>22 A I don't know offhand.</p> <p>23 Q What's Barry's last name?</p> <p>24 A Carlson.</p> <p>25 Q And do you know if Barry Carlson contacted the</p>	<p>1 agreed to keep an eye on the case, so I guess</p> <p>2 perhaps he does represent us, but not in an</p> <p>3 official manner.</p> <p>4 Q Would it be fair to say he's monitoring the class</p> <p>5 action case for you?</p> <p>6 A Correct.</p> <p>7 Q Okay. After you retained Mr. Bender to represent</p> <p>8 you individually, you and your wife, did you have</p> <p>9 any testing done for soil, indoor air or sub-slab</p> <p>10 on your own?</p> <p>11 A Not on our own.</p> <p>12 Q The only testing that you have had done was</p> <p>13 testing that was done by the contractors for</p> <p>14 Madison-Kipp or the DNR?</p> <p>15 A Correct.</p> <p>16 Q From time to time do you access the DNR site for</p> <p>17 information?</p> <p>18 A Yes.</p> <p>19 Q How often do you do that?</p> <p>20 A Once every few weeks.</p> <p>21 Q What's the purpose of doing so?</p> <p>22 A They release neighborhood updates, which I read,</p> <p>23 and I can access the maps easily and conveniently</p> <p>24 on that.</p> <p>25 Q Is it accurate to say that you have never put</p>

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1 your home up for sale?  
 2 A Correct.  
 3 Q Is it also accurate to say that you have never  
 4 reached out to anybody that you thought may be  
 5 interested to see if they would want to buy your  
 6 house?  
 7 A Correct.  
 8 MR. COHEN: That's all I have.  
 9 MR. BUSCH: I have nothing further.  
 10 MR. MANZKE: I have a quick follow up.  
 11 EXAMINATION  
 12 BY MR. MANZKE:  
 13 Q Patrick, just a moment ago Mr. Cohen was asking  
 14 you some questions about your conversation with  
 15 the assessor. Do you remember those questions?  
 16 A Yes.  
 17 Q And I think you told him that you were  
 18 disappointed because you thought your property  
 19 value should actually be higher as opposed to  
 20 reduced. Is that fair?  
 21 A Correct.  
 22 Q And when you said that, are you talking about the  
 23 value of your property with contamination or  
 24 without?  
 25 A Without.

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1 MR. MANZKE: Okay. That's all I have.  
 2 MR. BUSCH: Thank you, sir.  
 3 MR. MANZKE: Reserve signature.  
 4 (At 12:01 p.m. the deposition  
 5 concluded.)  
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1 CERTIFICATE OF WITNESS  
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 3  
 4 I, PATRICK HANNON, have read the  
 5 foregoing page and the corrections, if any, having been  
 6 noted. The same is now a true and correct transcript  
 7 of my testimony.  
 8  
 9 \_\_\_\_\_  
 10 PATRICK HANNON  
 11  
 12  
 13 STATE OF WISCONSIN )  
 14 \_\_\_\_\_ COUNTY)  
 15  
 16 Subscribed and sworn to before me this  
 17 \_\_\_\_ day of \_\_\_\_\_, 2013.  
 18  
 19 \_\_\_\_\_  
 20  
 21 Notary Public  
 22 In and for the State of Wisconsin  
 23 My commission expires \_\_\_\_\_, \_\_\_\_.  
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1 STATE OF WISCONSIN )  
 2 MILWAUKEE COUNTY )  
 3 I, KATHY A. HALMA, Registered  
 4 Professional Reporter and Notary Public in and for the  
 5 State of Wisconsin, do hereby certify that the  
 6 deposition of PATRICK HANNON, was taken before me at  
 7 the Goodman Community Center, 149 Waubesa Street,  
 8 Madison, Wisconsin, on the 17th day of December, 2012,  
 9 commencing at 10:50 o'clock in the forenoon.  
 10 That it was taken at the instance of the  
 11 Defendants upon verbal interrogatories.  
 12 That said statement was taken to be used  
 13 in an action now pending in the UNITED STATES DISTRICT  
 14 COURT FOR THE WESTERN DISTRICT OF WISCONSIN, in which  
 15 KATHLEEN MC HUGH, et al., are the Plaintiffs and  
 16 MADISON-KIPP, et al., are the Defendants and  
 17 MADISON-KIPP CORPORATION is the Cross-Claimant and  
 18 CONTINENTAL CASUALTY COMPANY, et al., are the  
 19 Cross-Complainants and LUMBERMENS MUTUAL CASUALTY  
 20 COMPANY are the Third-Party Defendants.  
 21 A P P E A R A N C E S  
 22 THE COLLINS LAW FIRM, P.C, 1770 North  
 23 Park Street, Suite 200, Naperville, Illinois, 60563, by  
 24 MR. EDWARD J. MANZKE, ejmanzke@collinslaw.com, appeared  
 25 on behalf of the Plaintiffs.  
 26  
 27 VARGA, BERGER, LEDSKY, HAYES & CASEY,  
 28 125 South Wacker Drive, Suite 1250, Chicago, Illinois,

1 60606-4473, by MR. MICHAEL D. HAYES, mhayes@vblhc.com,  
2 appeared on behalf of the Plaintiffs.

3 MICHAEL, BEST & FRIEDRICH, LLP, 100 East  
4 Wisconsin Avenue, Milwaukee, Wisconsin, 53202, by MR.  
5 JOHN A. BUSCH, jabusch@michaelbest.com, appeared on  
6 behalf of Madison-Kipp Corporation.

7 MICHAEL, BEST & FRIEDRICH, LLP, One  
8 South Pinckney Street, Suite 700, Madison, Wisconsin,  
9 53703, by MS. LEAH H. ZIEMBA and MR. ALBERT BIANCHI,  
10 JR., lhziemba@michaelbest.com and  
11 abianchi@michaelbest.com, appeared on behalf of  
12 Madison-Kipp Corporation.

13 TROUTMAN SANDERS, LLP, 55 West Monroe  
14 Street, Suite 3000, Chicago, Illinois, 60603-5758, by  
15 MR. CHRISTOPHER H. WHITE,  
16 christopher.white@troutmansanders.com, appeared on  
17 behalf of the Defendant Continental Casualty Company.

18 MEISSNER, TIERNEY, FISHER & NICHOLS,  
19 S.C., 111 East Kilbourn Avenue, 19th Floor, Milwaukee,  
20 Wisconsin, 53202-6622, by MR. MICHAEL J. COHEN,  
21 mjc@mtfn.com, appeared on behalf of United States Fire  
22 Insurance Company.

23 HALE & WAGNER, S.C., 839 North Jefferson  
24 Street, Suite 400, Milwaukee, Wisconsin, 53202, by MR.  
25 JACQUES C. CONDON, jcc@halewagner.com, appeared on  
behalf of American Motorists Insurance Company.

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

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

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Notary Public in and  
for the State of Wisconsin

Dated this 31st day of December, 2012,  
Milwaukee, Wisconsin.