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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

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,

(Caption continued)
DEPOSITION OF
JUDITH A. JAMES
Madison, Wisconsin
January 8, 2013
2:30 p.m. to 3:21 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.

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, One
21 South Pinckney Street, Suite 700, Madison, Wisconsin,
22 53703, by MS. LEAH H. ZIEMBA and MR. ALBERT BIANCHI,
23 JR., lhziemba@michaelbest.com and
24 abianchi@michaelbest.com, appeared on behalf of
25 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,
S.C., 111 East Kilbourn Avenue, 19th Floor, Milwaukee,
Wisconsin, 53202-6622, by MS. JENNIFER KREIL,
jbk@mtfn.com, appeared on behalf of United States Fire
Insurance Company.

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1 DEUTCH & WEISS, LLC, 7670 North Port
2 Washington Road, Milwaukee, Wisconsin, 53217, by MR.
3 CHARLES W. KRAMER, charles.kramer@mweisslaw.net,
4 appeared on behalf of American Motorists Insurance
5 Company.
6 I N D E X
7 JUDITH A. JAMES
8 By Mr. Bianchi.....5
9 By Mr. White.....28
10 By Ms. Kreil.....37
11 E X H I B I T S
12 No. 1 Discovery Documents; PLF_118_S_MARQ_000001
13 to 000004.....5
14 No. 2 Answers to Defendant Madison-Kipp Corporation's
15 First Set of Interrogatories.....5
16 No. 3 Answers to Defendant United States Fire
17 Insurance Company's First Set of
18 Interrogatories.....5
19 No. 4 Responses to Defendant Madison-Kipp
20 Corporation's First Set of Requests for
21 Documents and Things.....5
22 No. 5 Responses to Defendant United States Fire
23 Insurance Company's First Set of Requests
24 for Production.....5
25

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1 (The original transcript was sent to Attorney
2 Bianchi.)
3
4 (The original exhibits were retained by the court
5 reporter and attached to the original transcript.
6 Copies were attached to all ordered copies.)
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<p>1 TRANSCRIPT OF PROCEEDINGS 2 (Exhibits 1 through 5 were marked.) 3 JUDITH A. JAMES, 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. BIANCHI: 9 Q Good afternoon. 10 A Hi. 11 Q Could you please state and spell your full name 12 for the record. 13 A Judith Ann James; JU-D-I-T-H, A-N-N, J-A-M-E-S. 14 Q And what's your home address? 15 A 118 South Marquette Street. 16 Q And have you ever been deposed before, Ms. James? 17 A No, I have not. 18 Q I will give you a couple ground rules to make 19 this go as smoothly as we can. Kathy is here 20 reporting on everything that's going on, so the 21 easiest thing to do is to allow me to finish my 22 questions and not speak over each other, and then 23 you answer it even if you know the answer. It 24 can seem a little awkward, you could probably 25 finish my question, but that way she can get</p>	<p>1 Q Have you had any schooling related to culinary? 2 A No. 3 Q So before the Madison Club -- Let's just go to 4 that job. What was the job right before Madison 5 Club as a pastry chef? 6 A Sardine's. 7 Q What did you do there? 8 A I was the pastry chef. 9 Q Do you smoke? 10 A No. 11 Q Do you live in the house alone, the 118 South 12 Marquette Street home? 13 A I live there with my boyfriend, Neil Stalboerger. 14 Q Just the two of you? 15 A Um-hum. 16 Q Does Neil smoke? 17 A No. 18 Q How long have you and Neil lived at the 118 19 Marquette street? 20 A We purchased our house in March of 2008. 21 Q Is this the first home that either of you had 22 purchased? 23 A Yes. 24 Q And how long have you been with -- been together 25 with Neil?</p>
Page 6	Page 8
<p>1 everything down, and also verbal answers are 2 needed at all times. 3 A Okay. 4 Q If you need a break or have any questions or 5 something is unclear, feel free to speak up and 6 say as much. What is your educational 7 background? 8 A I have a Bachelor's of Science from the 9 University of Madison. 10 Q And what year did you graduate and obtain that? 11 A '98. Summer of '98. 12 Q And upon graduation what kind of employment did 13 you have? 14 A I was working -- Many jobs. I was working in 15 restaurants mostly. 16 Q Waitress? 17 A All of the above, waitressing, hostessing, 18 working in the kitchen. 19 Q And how long were you doing that? 20 A From '98 to the present. 21 Q So you currently are involved in a restaurant? 22 A Yes, I am the executive pastry chef at the 23 Madison Club. 24 Q How long have you been there? 25 A Two years.</p>	<p>1 A In March it will be six years. 2 Q I'm going to have you look at -- This has been 3 marked as Exhibit 1. I will represent to you 4 that these are the documents that you provided to 5 your attorneys who then provided them to us in 6 response to our discovery requests. Does that 7 seem to be true? 8 A Yes. 9 Q And if you see in the lower, right-hand corner 10 there's something that's called a Bates number, 11 PLF_118_S_MARQ, and then there's a bunch of 12 zeroes and a number. I will reference that. I'd 13 like you to go to the one that has the number 2. 14 A Okay. 15 Q And look over that document and the next page 16 with the number 3 and tell me if you see anything 17 that's incorrect. 18 A No. 19 Q At the top you'll notice there's an assessment. 20 Have you ever challenged your assessment of 21 \$190,000 for the value of the home? 22 A No. 23 Q Do you believe that your home is worth \$190,000? 24 A I don't know. I think it was worth \$190,000 when 25 we purchased it, but we don't know that the land</p>

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<p>1 was contaminated. Now I don't know.</p> <p>2 Q But you never challenged the city's assessment,</p> <p>3 including in 2012, that that's what the home is</p> <p>4 worth?</p> <p>5 A No.</p> <p>6 Q How is the home heated?</p> <p>7 A We have a boiler with steam heat.</p> <p>8 Q Do you know was there ever a coal bin in the</p> <p>9 basement that you are aware of?</p> <p>10 A No.</p> <p>11 Q And how do you and Neil use the basement?</p> <p>12 A Right now for laundry. We were going to do like</p> <p>13 a shop down there, but now we've changed that</p> <p>14 plan.</p> <p>15 Q What do you mean by "shop?"</p> <p>16 A Like a wood shop or, you know, a workshop.</p> <p>17 Q Do you and Neil do woodworking?</p> <p>18 A We're kind of do-it-yourselfers, home improvement</p> <p>19 kind of people. We have a lot of tools.</p> <p>20 Q And do you store anything in the basement?</p> <p>21 A My cat lives in the basement, so her food and</p> <p>22 litter boxes are down there.</p> <p>23 Q Anything else like paint?</p> <p>24 A There's a little bit of house paint.</p> <p>25 Q Any kind of glues or cleaners?</p>	<p>1 Q When you purchased the home in 2008, what kind of</p> <p>2 due diligence or process did you go through in</p> <p>3 purchasing the property?</p> <p>4 A We had a home inspector and we looked over the</p> <p>5 documents provided by the seller, the condition</p> <p>6 report.</p> <p>7 Q Was there an environmental disclosure along with</p> <p>8 that?</p> <p>9 A No, there was not.</p> <p>10 Q Since finding out about the alleged contamination</p> <p>11 in the basement, have you ever contacted the</p> <p>12 previous owners about that?</p> <p>13 A No.</p> <p>14 Q So you don't know if they knew about it or not?</p> <p>15 A No.</p> <p>16 Q And did you use a realtor in purchasing the home?</p> <p>17 A I did.</p> <p>18 Q Who was your realtor?</p> <p>19 A Anna Trull, Stark Realtors.</p> <p>20 Q How did you guys decide on this specific property</p> <p>21 at that time?</p> <p>22 A We loved the neighborhood; we loved the house.</p> <p>23 It's just the one we wanted.</p> <p>24 Q Did you look at many other homes?</p> <p>25 A We looked at several houses.</p>
Page 10	Page 12
<p>1 A Our laundry is down there, so laundry detergent.</p> <p>2 Q Any other kind of cleaning solvents or anything</p> <p>3 like that that you have used around the house?</p> <p>4 A Not really.</p> <p>5 Q Has your use of the basement changed? You</p> <p>6 said --</p> <p>7 A Yes, because we were going to fix up the laundry</p> <p>8 room and build a workshop down there, and now</p> <p>9 we're not doing that.</p> <p>10 Q And did someone tell you not to do that?</p> <p>11 A No, we have just decided not to spend as much</p> <p>12 time in the basement because of the vapors.</p> <p>13 Q But no one -- Did anyone from DNR tell you that</p> <p>14 you should use your basement less frequently?</p> <p>15 A No.</p> <p>16 Q Anyone from the City of Madison Department of</p> <p>17 Health tell you that?</p> <p>18 A No.</p> <p>19 Q Any other state agency tell you that?</p> <p>20 A No.</p> <p>21 Q Have you made any attempt to try and sell your</p> <p>22 home?</p> <p>23 A No.</p> <p>24 Q Have you ever had the basement tested for radon?</p> <p>25 A No.</p>	<p>1 Q Same neighborhood? Different neighborhood?</p> <p>2 A Mostly in the same neighborhood.</p> <p>3 Q Do you remember the purchase price of the home in</p> <p>4 2008?</p> <p>5 A It was \$193,900.</p> <p>6 Q Did you obtain a mortgage to purchase the home?</p> <p>7 A We did.</p> <p>8 Q Do you remember who it was through?</p> <p>9 A I'm spacing the name. They have sold my mortgage</p> <p>10 since, so it's not who I write the check to. I</p> <p>11 forget who the original mortgage was with.</p> <p>12 Q Okay. But who you currently have your mortgage</p> <p>13 with, it's the same mortgage, the current company</p> <p>14 just purchased it from some other company?</p> <p>15 A Yes. Boulevard Bank brought it from the original</p> <p>16 people we got the mortgage from.</p> <p>17 Q And do you know was there an appraisal done</p> <p>18 before you obtained the mortgage on the home?</p> <p>19 A Yes.</p> <p>20 Q Was there any mention in the appraisal of any</p> <p>21 kind of environmental issues, do you recall?</p> <p>22 A No.</p> <p>23 Q Would you have the documents from that appraisal?</p> <p>24 A I don't know. I might have them.</p> <p>25 Q When you were in the process of purchasing the</p>

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<p>1 home at 218 Marquette, were you aware that 2 Madison-Kipp was nearby? 3 A Yes. 4 Q And did you consider the impact that Madison-Kipp 5 may have on the value of the home? 6 A Yes. Well, we considered the value, what it was 7 appraised at. 8 Q Did you talk to the owners or your realtor or 9 anybody about Madison-Kipp being there? 10 A No. 11 Q So you had no concerns about being next to 12 Madison-Kipp? 13 A I lived over on Tallmadge, a couple blocks away, 14 when we bought the house, so I was very familiar 15 with the neighborhood. I knew I was purchasing a 16 house next to a parking lot and there might be 17 noise. That was my main concern. 18 Q Did believe the property to be worth less than 19 maybe a similar property that wasn't next to a 20 factory? 21 A No. 22 Q Did you do any research about Madison-Kipp before 23 you purchased the property? 24 A I Googled it to see what they do and saw that 25 they make automotive parts, and that was really</p>	<p>1 about the contamination besides those 2 conversations with Berge and Schneider? 3 A I believe it was from the DNR. 4 Q Do you remember what that contact was? 5 A They wanted to test my back yard. 6 Q Do you remember how they contacted you? 7 A Oh, yeah, he came to my front door. I had a 8 personal conversation with him. 9 Q Do you remember who it was, the name? 10 A No. 11 Q Do you remember about when it was? 12 A It would have been late fall of 2011, because it 13 was cold out and I asked him to step into the 14 hallway. 15 Q And do you remember exactly, you know, not 16 exactly, but do you remember what the 17 conversation was about? 18 A Yes, he said there had been some contamination 19 from Kipp and the DNR was concerned about it, and 20 they were testing people's soil in their back 21 yards, and that they might do some indoor air 22 testing in my house. 23 Q And so what happened from there? 24 A I signed a release form to give them permission 25 to test the soil in my back yard.</p>
Page 14	Page 16
<p>1 the only thing that came up. 2 Q And when did you first become aware of the 3 alleged pollution and contamination issues at the 4 home? 5 A The neighbors started talking about it last 6 summer. 7 Q So the summer of -- 8 A 2011. 9 Q When you say "neighbors," who specifically, do 10 you know? 11 A Prentice Berge and Deanna Schneider, because they 12 were getting their house tested. 13 Q What kind of conversations did you have with them 14 about these issues? 15 A That was the first I learned that there was any 16 contamination from Kipp, and that I -- I was 17 under the impression that there had been a spill 18 behind their houses and that those were the only 19 houses that were affected, and they were having 20 their basements tested and were getting the 21 mitigation systems. 22 Q And did that -- Did they tell you that, that 23 that's why they were getting their homes tested? 24 A Yes. 25 Q What was the next time that you heard something</p>	<p>1 Q And next after that? 2 A ARCADIS came to my house and put probes in my 3 basement floor and then also in my living room, 4 tested the air quality, and then a few weeks 5 later I got the results and found out that there 6 was PCE vapors in my house, in my living room and 7 in the basement. 8 Q When did you receive information that there was 9 PCE in your house, in the air in the house? 10 A I don't know the exact date, but it was the test 11 results from ARCADIS, like their lab results. 12 They came in the mail. 13 Q And their lab results said that there was PCE in 14 the air samples? 15 A Yes. 16 Q Did you contact the DNR after that? 17 A I attended a neighborhood meeting that the DNR 18 held at the Goodman Community Center. 19 Q Did you have any questions or interaction with 20 anybody there? 21 A Yes, I had a lot of questions. We were scared. 22 We were like there are poisonous fumes coming 23 into our house. I wanted a mitigation system. 24 Q Did you obtain one? 25 A Yes.</p>

Page 17	Page 19
<p>1 Q And when was that?</p> <p>2 A Two months ago, maybe. It was pretty recently.</p> <p>3 Q And did that help with your concern?</p> <p>4 A A little. I wouldn't say entirely, because I</p> <p>5 don't feel confident that it's working.</p> <p>6 Q Why is that?</p> <p>7 A I have a very old house and the concrete floor</p> <p>8 has a lot of cracks and holes in it, and that</p> <p>9 makes it not work as well.</p> <p>10 Q Did you ask anyone about the levels of the PCE in</p> <p>11 the air, like what the effects of the levels that</p> <p>12 were found would be?</p> <p>13 A I researched it online and found out that they</p> <p>14 are cancer causing.</p> <p>15 Q In any amount? Is that what you are saying you</p> <p>16 found online?</p> <p>17 A It's known to cause cancer. I don't know if</p> <p>18 anyone knows what amount.</p> <p>19 Q Do you know if the levels that were detected in</p> <p>20 your home were above what DNR or the US EPA --</p> <p>21 the levels that they have set as safe to have in</p> <p>22 a home?</p> <p>23 MR. MANZKE: I will object to the form</p> <p>24 of the question, but you can answer that.</p> <p>25 THE WITNESS: I don't think any level of</p>	<p>1 collateral for a small business loan.</p> <p>2 Q What small business is that?</p> <p>3 A Stalzy's Deli.</p> <p>4 Q And is that a business that both you and Neil</p> <p>5 own?</p> <p>6 A Neil and our next-door neighbor, Corbin Reynolds,</p> <p>7 are the owners.</p> <p>8 Q And do you know was there an appraisal done of</p> <p>9 your home before you put it up as collateral for</p> <p>10 the loan?</p> <p>11 A No, I don't think they did. I think they used</p> <p>12 the appraisal from our original purchase.</p> <p>13 Q Do you know if the credit union asked for any</p> <p>14 kind of environmental disclosures related to the</p> <p>15 loan?</p> <p>16 A No, they did not.</p> <p>17 Q Since you and Neil purchased the home, has anyone</p> <p>18 else lived there besides your cat?</p> <p>19 A And my dog. No.</p> <p>20 Q I will have you look at what's been marked as</p> <p>21 Exhibit 2, and just at the very bottom of that</p> <p>22 first page if you could read the cover page. If</p> <p>23 you could just read the very bottom there that</p> <p>24 starts with "Class Members." Read that sentence,</p> <p>25 please.</p>
Page 18	Page 20
<p>1 a cancer causing poison is safe. I know that</p> <p>2 there's action levels that are recommended and</p> <p>3 those vary state by state. The level that was</p> <p>4 found in my living room was not above the action</p> <p>5 level. I'm not sure about the basement. That</p> <p>6 was higher.</p> <p>7 BY MR. BIANCHI:</p> <p>8 Q And the home that you lived in that was a couple</p> <p>9 blocks away before the 118 Marquette, did you</p> <p>10 ever go in that basement?</p> <p>11 A Yes.</p> <p>12 Q Do you know was that home ever tested for PCE?</p> <p>13 A No.</p> <p>14 Q Was it ever tested for radon?</p> <p>15 A Not that I know of.</p> <p>16 Q Since purchasing the home in 2008, have you and</p> <p>17 Neil refinanced at all?</p> <p>18 A No.</p> <p>19 Q Have you taken any additional equity out of the</p> <p>20 home?</p> <p>21 A No.</p> <p>22 Q In February of 2011 you did not put up the home</p> <p>23 as equity for a \$30,000 loan from Summit Credit</p> <p>24 Union?</p> <p>25 A Yes, I didn't understand that. We used it as</p>	<p>1 A Okay.</p> <p>2 MR. MANZKE: He wants you to read it out</p> <p>3 loud.</p> <p>4 THE WITNESS: Sorry. "Class Members'</p> <p>5 (Neil Stalboerger and Judith James) Answers to</p> <p>6 Defendant Madison-Kipp Corporation's First Set of</p> <p>7 Interrogatories.</p> <p>8 BY MR. BIANCHI:</p> <p>9 Q Okay. And could you just look through that and</p> <p>10 please confirm for me that these are the</p> <p>11 interrogatories that you provided the answers to.</p> <p>12 A Yes.</p> <p>13 Q We're going to go through the same process with a</p> <p>14 couple documents really quick. I'm going to hand</p> <p>15 you what's been marked as Exhibit No. 3. Can you</p> <p>16 read that same kind of little area there.</p> <p>17 A "Class Members' (Neil Stalboerger and Judith</p> <p>18 James) Answers to Defendant United States Fire</p> <p>19 Insurance Company's First Set of</p> <p>20 Interrogatories."</p> <p>21 Q And I will represent to you and ask is this your</p> <p>22 response that you provided to those, as well?</p> <p>23 A Yes.</p> <p>24 Q Look at Exhibit No. 4. Please read that, as</p> <p>25 well.</p>

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<p>1 A "Class Members' (Neil Stalboerger and Judith 2 James) Responses to Defendant Madison-Kipp's 3 Corporation's First Set of Requests for Documents 4 and Things." 5 Q Okay. And is this the response to the -- I know 6 this isn't the actual documents, but these are 7 the responses that were provided, and then the 8 documents that we looked at in Exhibit 1 were the 9 actual documents that you provided in response to 10 this, correct? 11 A Yes. 12 Q I will have you turn to Page 4 of this document, 13 Paragraph 5. I just want to confirm do you ever 14 email with any of the other class members like, 15 you know, Schneider or Prentice Berge? 16 A No, I never emailed them. 17 Q I am giving you what's been marked as Exhibit No. 18 5. Can you read that, please. 19 A "Class Members' (Neil Stalboerger and Judith 20 James) Responses to Defendant United States Fire 21 Insurance Company's First Set of Requests for 22 Production." 23 Q This is the responses that were provided to the 24 United States Fire Insurance Company by you and 25 Neil?</p>	<p>1 this was it, I would not have purchased that 2 house. I would have bought a house that didn't 3 have a contamination issue. 4 Q What if all the homes on the east side of Madison 5 had similar levels, if they were actually tested 6 for the same chemicals? Would that change your 7 view of that? 8 A No. 9 Q What about radon? 10 A What about radon? 11 Q If a home had some kind of levels of radon that 12 were below what any governmental agency says 13 required action, would you also not want to live 14 in a home that had that, as well? 15 A It might affect my decision to purchase the home, 16 yes. 17 Q Do you know any kind of household products that 18 give off similar PCE or VOC readings? 19 A No. 20 Q So would you know whether you kept any of those 21 in your home or not? 22 A I don't have hardly any chemicals in my home at 23 all, and I purchase house paint that are low or 24 no VOCs by Sherwin-Williams. 25 Q And, again, I apologize if I'm repeating the</p>
Page 22	Page 24
<p>1 A Yes. 2 Q Have you kept all the documents you received from 3 the DNR regarding the alleged contamination? 4 A I don't know if I have all of them. 5 Q Do you have some? 6 A Yes. 7 Q And how about documents from Madison-Kipp, if you 8 would have received any? 9 A No, I don't have any documents from Kipp. 10 Q How about from ARCADIS? 11 A Yes. 12 Q You have those results still? 13 A Yes. 14 Q And I'm going to have you go back to Exhibit 15 No. 2, so that is your responses to 16 Madison-Kipp's interrogatories. In response to 17 Page 4, answer to No. 5, you note that the value 18 of the property cannot be restored. Why is that? 19 A Well, now there's this huge stigma in our 20 neighborhood that it is all contaminated, and I 21 don't know that you can fix that. 22 Q You say "stigma." If there's evidence that the 23 levels of contamination are below, as you said, 24 EPA and US EPA levels, can that be changed? 25 A I don't know. Well, I think had I known that</p>	<p>1 question, but you have not tried to sell your 2 home, though, since finding out about the 3 contamination, is that true? 4 A That is true. 5 Q But you believe that there's no -- it no longer 6 carries a value? 7 A Correct. 8 Q But you have not contacted the city to lower your 9 taxes based on that, correct? 10 A Correct. 11 Q And have you ever heard of a neighborhood 12 association with the moniker SASY? 13 A Yes. 14 Q Are you a part of that group? 15 A Everyone in the neighborhood is a part of the 16 group, so yes. 17 Q Do you receive emails from them? 18 A Yes. 19 Q Have you ever received any emails from them 20 related to Kipp? 21 A Yes. 22 Q Would you still have those emails? 23 A No. 24 Q If you were to receive an email now from SASY 25 about Kipp, would you maintain that email? Would</p>

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1 you keep it?
 2 A No, because they weren't -- they weren't emails
 3 that had any information. They were just come
 4 and share your concerns, the neighborhood
 5 concerns.
 6 Q Have you ever talked with anyone besides your
 7 neighbors about the contamination involving Kipp?
 8 A No.
 9 MR. BIANCHI: Okay. Let's take a quick
 10 break.
 11 (A recess was taken.)
 12 MR. BIANCHI: Just a couple more
 13 questions.
 14 BY MR. BIANCHI:
 15 Q For the business loan that was taken out, would
 16 you have the documents related to that at your
 17 house?
 18 A No, I do not have them. They might be at the
 19 business.
 20 Q Okay.
 21 A Corbin Reynolds might have those at the business.
 22 Q And then you said that you might have the
 23 documents like regarding the appraisal and other
 24 closing documents for when you purchased the
 25 home, is that right?

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1 A Yes.
 2 MR. MANZKE: When we are done this week,
 3 I will go back and confirm with Judy and grab
 4 whatever she has.
 5 MR. BIANCHI: Sure. And I was going to
 6 say with regards to everyone we will go through
 7 and figure out what people may have that's
 8 responsive and stuff. Thank you.
 9 BY MR. BIANCHI:
 10 Q As far as being in business with the Reynolds',
 11 do you speak -- have you ever spoken with
 12 Elizabeth about the contamination issues?
 13 A Yes.
 14 Q What kind of conversation did you have with her
 15 about it?
 16 A Our concerns, we're upset, you know, we bought
 17 these homes to start our lives, you know, to
 18 start families and have our future, and now it's
 19 just we're really, really bummed out and upset
 20 about it, and everything feels like it's up in
 21 the air, you know, we don't really know what to
 22 do.
 23 Q Exhibit No. 2, Page 6, if you turn there, please,
 24 and then look at Paragraph 11. You referenced a
 25 hobby room. What exactly is that?

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1 A I guess like the workshop I was referring to.
 2 Q You do have one down there, though?
 3 A Yes.
 4 Q But currently it's not -- you moved it?
 5 A We had all of our tools and were starting to do
 6 projects down there, but we have stopped doing
 7 that since we found out about the contamination.
 8 Q Where do you do the projects then?
 9 A At the deli.
 10 Q And what kind of like projects are they?
 11 A All different kinds of things, like craft
 12 projects, and Neil was, you know, doing some
 13 painting down there and he was -- He golfs, so he
 14 was doing stuff with his golf clubs down there.
 15 Q Any kind of glues, Super Glue, wood glue?
 16 A I have wood glue.
 17 Q No Super Glue or anything like that?
 18 A No.
 19 Q And I can't remember, I think you may have said
 20 this, but you have a bachelor of science?
 21 A Yes, in wildlife ecology.
 22 MR. BIANCHI: That's all the questions I
 23 have for now. I'll send it down this way.
 24 EXAMINATION
 25 BY MR. WHITE:

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1 Q Okay. Good afternoon, Ms. James. My name is
 2 Chris White. I represent a couple of
 3 Madison-Kipp's insurance companies, Continental
 4 Casualty Company and Columbia Casualty Company
 5 I have a couple questions for you.
 6 A Okay.
 7 Q To begin with, to change gears a little bit, can
 8 you tell me where you were living on January 1st
 9 of 1980?
 10 A In Oconomowoc, Wisconsin.
 11 Q And how long did you continue to live in
 12 Oconomowoc, Wisconsin?
 13 A Until I moved to Madison in '94 to go to school.
 14 Q Your boyfriend is Neil Stalboerger?
 15 A Correct.
 16 Q And did I understand correctly that you and
 17 Mr. Stalboerger bought your current home on
 18 Marquette Street together in 2008?
 19 A Correct.
 20 Q Did the two of you live together before you
 21 purchased the house?
 22 A No.
 23 Q Where did Neil live prior to purchasing the house
 24 with you?
 25 A On Jenifer Street.

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<p>1 Q Where is Jenifer Street in Madison?</p> <p>2 A It's the near east side.</p> <p>3 Q Approximately how far from Madison-Kipp is</p> <p>4 Jenifer Street?</p> <p>5 A Two miles.</p> <p>6 Q Do you know how long Neil lived at the Jenifer</p> <p>7 Street residence for?</p> <p>8 A Nine months, maybe.</p> <p>9 Q Do you know where he lived prior to living on</p> <p>10 Jenifer Street?</p> <p>11 A He lived about three months on East Washington</p> <p>12 right off the Capitol Square.</p> <p>13 Q And that's, again, several miles from</p> <p>14 Madison-Kipp?</p> <p>15 A Two and one-half miles.</p> <p>16 Q Do you know where he lived prior to the</p> <p>17 Washington Street residence?</p> <p>18 A That was Jenifer street, as well, right by the</p> <p>19 Jenifer Street Market, so that would be about</p> <p>20 half-a-mile from Madison-Kipp.</p> <p>21 Q Do you know how long he lived at that residence?</p> <p>22 A I believe about two years.</p> <p>23 Q Do you know where he lived prior to that?</p> <p>24 A Closer to downtown Madison on Hamilton Street, I</p> <p>25 think it was.</p>	<p>1 A I primed and painted.</p> <p>2 Q Did you remove the existing layer of paint first?</p> <p>3 A Just the loose paint with a scraper.</p> <p>4 Q Have you had any issues with chipping or peeling</p> <p>5 paint on the interior of your house?</p> <p>6 A No.</p> <p>7 Q Have you done any home renovations since you</p> <p>8 purchased the home in 2008?</p> <p>9 A Just painting.</p> <p>10 Q So you haven't done anything where you have torn</p> <p>11 out an old set of building materials and replaced</p> <p>12 it with new building materials? I mean either</p> <p>13 flooring or walls or anything like that.</p> <p>14 A No, no.</p> <p>15 Q Earlier when we were talking about the mitigation</p> <p>16 system you mentioned that your basement floor has</p> <p>17 a number of cracks and holes?</p> <p>18 A Correct.</p> <p>19 Q And you were concerned that those cracks and</p> <p>20 holes were impeding the effectiveness of the</p> <p>21 mitigation system?</p> <p>22 A Correct.</p> <p>23 Q What is the basis for that understanding?</p> <p>24 A The man who installed it had a conversation with</p> <p>25 me about it.</p>
Page 30	Page 32
<p>1 Q Do you know how long he lived on Hamilton Street?</p> <p>2 A About one year.</p> <p>3 Q Do you know where he lived prior to that?</p> <p>4 A No. I mean, he moved maybe every year. He lived</p> <p>5 on the east side. He always lived on the east</p> <p>6 side of Madison.</p> <p>7 Q Did he grow up in Madison?</p> <p>8 A No, he grew up in Minnesota.</p> <p>9 Q Do you know when, approximately, it is that he</p> <p>10 first moved to Madison?</p> <p>11 A I'm not positive. I think '98.</p> <p>12 Q To your knowledge, prior to 1998 Neil Stalboerger</p> <p>13 never lived in Madison, Wisconsin, is that</p> <p>14 correct?</p> <p>15 A To the best of my knowledge, correct.</p> <p>16 Q Have you done any paint stripping in your home</p> <p>17 since you purchased it?</p> <p>18 A No.</p> <p>19 Q Have you had any issues with chipping or peeling</p> <p>20 paint in your home?</p> <p>21 A Yes.</p> <p>22 Q Where have you had chipping or peeling paint?</p> <p>23 A On the exterior of the house.</p> <p>24 Q What did you do about the chipping and peeling</p> <p>25 paint?</p>	<p>1 Q Are you talking about the technician that came to</p> <p>2 actually --</p> <p>3 A Yes, he actually had to patch some of the larger</p> <p>4 holes in my floor, and we have like an old</p> <p>5 cistern, like a water cistern in the basement,</p> <p>6 and he tried to put a plywood thing and seal it</p> <p>7 as best that he could, but he said we had the</p> <p>8 worst basement floor on the street, the worst</p> <p>9 foundation. We have the oldest house on the</p> <p>10 street, and we have the thinnest and oldest</p> <p>11 foundation, so he put two fans for the mitigation</p> <p>12 system to try to get it to work better.</p> <p>13 Q After he finished installing the system, do you</p> <p>14 know if he did any sort of test to see if it was</p> <p>15 functioning correctly?</p> <p>16 A I don't know.</p> <p>17 Q After he finished doing the various patching and</p> <p>18 whatnot that he did on your floor, did you have</p> <p>19 any conversation with him about -- Strike that.</p> <p>20 After he finished doing the various work</p> <p>21 he did patching the floor, did you have any</p> <p>22 conversation with him about whether or not that</p> <p>23 would be sufficient to rectify any problems with</p> <p>24 the system's operation?</p> <p>25 A Yes, I asked him if he thought this was going to</p>

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<p>1 work, and he thought he had installed it to the</p> <p>2 best of his ability. I pointed out a few more</p> <p>3 kind of holes and cracks and stuff, and he said</p> <p>4 that I could go ahead and patch those, if I</p> <p>5 wanted to.</p> <p>6 Q Do you think it was necessary to patch the</p> <p>7 remaining holes and cracks?</p> <p>8 A He didn't do it. He only did -- like there was</p> <p>9 two really big holes. He did those ones.</p> <p>10 Q Did you mention the issues with the cracks in the</p> <p>11 floor to anyone at the DNR?</p> <p>12 A No.</p> <p>13 Q Since the system has been up and running, has</p> <p>14 anyone come to check it to see if it's</p> <p>15 functioning?</p> <p>16 A No.</p> <p>17 Q Have you asked the DNR to have anyone come and</p> <p>18 check it because of the issues with the cracks in</p> <p>19 the floor?</p> <p>20 A No, because they just installed it, you know,</p> <p>21 probably less than two months ago, so I haven't</p> <p>22 spoken with the DNR since then.</p> <p>23 Q Earlier you mentioned that you weren't sure</p> <p>24 whether you had all the various documents you</p> <p>25 received from the DNR about test results, et</p>	<p>1 Q When you were purchasing your home in 2008, did</p> <p>2 you have a real estate agent?</p> <p>3 A Yes.</p> <p>4 Q Did your real estate agent take you around</p> <p>5 Madison and show you various properties that were</p> <p>6 for sale?</p> <p>7 A Yes.</p> <p>8 Q Did you see other homes that were the same price</p> <p>9 as the home you ended up purchasing, but that</p> <p>10 were smaller?</p> <p>11 A That were smaller?</p> <p>12 Q Yes.</p> <p>13 A No. I think the house we purchased was the</p> <p>14 largest and the most expensive home that we</p> <p>15 looked at.</p> <p>16 Q In your opinion is it safe for you to continue</p> <p>17 living in your home?</p> <p>18 A I guess safe is a really relative term.</p> <p>19 Q What do you mean by that?</p> <p>20 A Because we're surrounded by things that are</p> <p>21 unsafe for us everywhere, so I don't know. I'm</p> <p>22 not educated enough about these chemicals and the</p> <p>23 contaminants that are in my house and in my yard</p> <p>24 to know for sure if it's safe to live there or</p> <p>25 not.</p>
Page 34	Page 36
<p>1 cetera, on your property. Why is that?</p> <p>2 A Because they are all online, so I have just been</p> <p>3 referencing the results online.</p> <p>4 Q Have you received any letters from the DNR</p> <p>5 providing you test results specific to your</p> <p>6 property or your home?</p> <p>7 A Yes.</p> <p>8 Q Are those documents available online?</p> <p>9 A I believe so, yes.</p> <p>10 Q Have you checked to see if those documents are</p> <p>11 online?</p> <p>12 A Yes, I looked at them today.</p> <p>13 Q And you saw specific letters and test results</p> <p>14 directly to your individual property on the DNR's</p> <p>15 website?</p> <p>16 A I can look up my address for my house and see the</p> <p>17 test results.</p> <p>18 Q Earlier when you were talking about emails from</p> <p>19 the SASY Neighborhood Association, I wasn't</p> <p>20 clear. Have you gotten any emails from that</p> <p>21 email list with substantive information about the</p> <p>22 cleanup? What I mean by "substantive" is</p> <p>23 anything other than just "Here's the schedule for</p> <p>24 the next community meeting."</p> <p>25 A No.</p>	<p>1 Q Do you believe there is an unreasonable risk to</p> <p>2 your safety by continuing to live in your current</p> <p>3 home?</p> <p>4 A I think there might be.</p> <p>5 Q Why do you continue to live in your current home?</p> <p>6 A I think it's the only financial option that I</p> <p>7 have right now.</p> <p>8 Q Have you spoken with any medical doctors about</p> <p>9 whether or not it's safe for you to continue</p> <p>10 living in your home?</p> <p>11 A No.</p> <p>12 Q Have you spoken with anyone with an engineering</p> <p>13 background or a chemistry background as to</p> <p>14 whether it's safe for you to continue living in</p> <p>15 your home?</p> <p>16 A No.</p> <p>17 Q Have you spoken with anyone with any formal,</p> <p>18 specialized knowledge as to whether it's safe for</p> <p>19 you to continue living in your home?</p> <p>20 A No.</p> <p>21 Q And as far as the damages that you are claiming</p> <p>22 in this lawsuit, are you claiming any damages</p> <p>23 that took place between January 1st of 1980 --</p> <p>24 Strike that.</p> <p>25 With respect to damages you are claiming</p>

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1 in the lawsuit, are you claiming that you
 2 sustained any damages between January 1st of 1980
 3 and January 1st of 1987?
 4 A No.
 5 MR. WHITE: That's all I have. Thank
 6 you.
 7 BY MS. KREIL:
 8 Q Good afternoon. My name is Jennifer Kreil. I
 9 represent United States Fire Insurance Company,
 10 which is another one of Madison-Kipp's insurers.
 11 Did you say before that you used Anna Trull as
 12 your realtor?
 13 A Anna Trull, correct.
 14 Q Trull?
 15 A T-R-U-L-L.
 16 Q How did you go about using -- How did you come to
 17 use Ms. Trull? Did someone recommend her to you?
 18 A She was a friand of a friend.
 19 Q It wasn't someone in the neighborhood that had
 20 recommended you from the Madison-Kipp area?
 21 A It was when I was living on Tallmadge Street.
 22 She was showing a house to my friend. It was
 23 like a friend of a friend when I was living
 24 there.
 25 Q Okay. Let me make my question a little clearer.

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1 Did one of the other class members -- Did one of
 2 the other class members or another person living
 3 on Waubesa or Marquette Street recommend that you
 4 use Ms. Trull?
 5 A No.
 6 MS. KREIL: I have no other questions.
 7 MR. KRAMER: No, nothing.
 8 MR. MANZKE: You are done. We'll
 9 reserve.
 10 (At 3:21 p.m. the deposition concluded.)
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1 CERTIFICATE OF WITNESS
 2
 3
 4 I, JUDITH A. JAMES, 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 _____
 11 JUDITH A. JAMES
 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 _____, ____.
 24
 25

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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 JUDITH A. JAMES, was taken before me at
 7 the law offices of MICHAEL, BEST & FRIEDRICH, LLP, One
 8 South Pinckney Street, Suite 700, Madison, Wisconsin,
 9 on the 8th day of January, 2013, commencing at 2:30
 10 o'clock in the afternoon.
 11 That it was taken at the instance of the
 12 Defendants upon verbal interrogatories.
 13 That said statement was taken to be used
 14 in an action now pending in the UNITED STATES DISTRICT
 15 COURT FOR THE WESTERN DISTRICT OF WISCONSIN, in which
 16 KATHLEEN MC HUGH, et al., are the Plaintiffs and
 17 MADISON-KIPP, et al., are the Defendants and
 18 MADISON-KIPP CORPORATION is the Cross-Claimant and
 19 CONTINENTAL CASUALTY COMPANY, et al., are the
 20 Cross-Complainants and LUMBERMENS MUTUAL CASUALTY
 21 COMPANY are the Third-Party Defendants.
 22 A P P E A R A N C E S
 23 THE COLLINS LAW FIRM, P.C, 1770 North
 24 Park Street, Suite 200, Naperville, Illinois, 60563, by
 25 MR. EDWARD J. MANZKE, ejmanzke@collinslaw.com, appeared
 on behalf of the Plaintiffs.

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1 VARGA, BERGER, LEDSKY, HAYES & CASEY,
125 South Wacker Drive, Suite 1250, Chicago, Illinois,
2 60606-4473, by MR. MICHAEL D. HAYES, mhayes@vblhc.com,
appeared on behalf of the Plaintiffs.

3
4 MICHAEL, BEST & FRIEDRICH, LLP, One
South Pinckney Street, Suite 700, Madison, Wisconsin,
5 53703, by MS. LEAH H. ZIEMBA and MR. ALBERT BIANCHI,
JR., lhziemba@michaelbest.com and
6 abianchi@michaelbest.com, appeared on behalf of
Madison-Kipp Corporation.

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

10 MEISSNER, TIERNEY, FISHER & NICHOLS,
S.C., 111 East Kilbourn Avenue, 19th Floor, Milwaukee,
11 Wisconsin, 53202-6622, by MS. JENNIFER KREIL,
jbk@mtfn.com, appeared on behalf of United States Fire
12 Insurance Company.

13 DEUTCH & WEISS, LLC, 7670 North Port
Washington Road, Milwaukee, Wisconsin, 53217, by MR.
14 CHARLES W. KRAMER, charles.kramer@mweisslaw.net,
appeared on behalf of American Motorists Insurance
15 Company.

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

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

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4
5
6 _____
Notary Public in and
7 for the State of Wisconsin

8
9
10 Dated this 14th day of January, 2013,
11 Milwaukee, Wisconsin.