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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
KENNETH T. HENNRICK
Madison, Wisconsin
January 9, 2013
3:55 p.m. to 5:15 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@vbthc.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 NISTLER LAW OFFICE, S.C., 3235 North
2 124th Street, Brookfield, Wisconsin, 53005, by MR.
3 JACQUES C. CONDON, jcondon@nistlerlaw.com, appeared on
4 behalf of American Motorists Insurance Company.
5 I N D E X
6 KENNETH T. HENNRICK
7 By Mr. Bianchi.....5
8 By Mr. White.....35
9 By Mr. Condon.....58
10 By Ms. Kreil.....60
11 E X H I B I T S
12 No. 1 Discovery Documents; PLF_142_S_MARQ_000001
13 to 000034.....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 KENNETH T. HENNRICK, called as a 4 witness herein by the Defendants, after having 5 been first duly sworn, was examined and testified 6 as follows: 7 EXAMINATION 8 BY MR. BIANCHI: 9 Q Good afternoon. 10 A Hi. 11 Q Can you please state and spell your name for the 12 record. 13 A Kenneth Hennrick; K-E-N-N-E-T-H H-E-N-N-R-I-C-K 14 Q And what is the address of your home? 15 A 142 South Marquette Street, Madison, Wisconsin, 16 53704. 17 Q And do you live there alone or with others? 18 A It's a two-unit house. I live in one of the 19 units, and I have a tenant that lives in the 20 second unit. 21 Q And which of the two units do you live in? 22 A I live in No. 1. 23 Q And is that the upper or the lower? 24 A The lower. 25 Q And the tenant in the upper is one person?</p>	<p>1 the rent price. Heat and electricity is 2 separate. 3 Q And do you provide the unit with any appliances? 4 A Yes. 5 Q Which ones? 6 A Refrigerator, stove. 7 Q Is there any laundry provided? 8 A No. 9 Q And, Mr. Hennrick, what's your educational 10 background? 11 A I have an MD. It's my highest level of 12 education. 13 Q Where did you obtain that? 14 A The MD is from Tel Aviv University in Israel. 15 Q And where did you do your undergrad, and what is 16 your undergraduate degree in? 17 A I have an undergraduate BS degree in anthropology 18 from the University of Michigan. 19 Q And when did you complete your undergraduate 20 degree? 21 A 2003. 22 Q And when did you complete your MD? 23 A 2010. 24 Q Do you smoke? 25 A No.</p>
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<p>1 A One person. 2 Q Do you know his or her name? 3 A Her name is Megan Otto; M-E-G-A-N O-T-T-O. 4 Q How long has Megan rented? 5 A Nearly the entire time that I have lived at the 6 property, which would be since approximately 7 August 2010. 8 Q And is that when you purchased the property? 9 A Yes. 10 Q Does she have a lease with you? 11 A Yes. 12 Q Is it written? 13 A Yes. 14 Q How long is the lease for? 15 A One year. 16 Q So she's renewed it twice now? 17 A Yes. 18 Q And how much does she pay in rent? 19 A The rent for the first two years was \$700 without 20 utilities, and the rent now for this current 21 lease period is \$720, again, without utilities. 22 Q When you say "utilities," is that heat and 23 electric? 24 A Heat and electric is separate. Water is -- Yes, 25 I'm sorry. I was mistaken. Water is included in</p>	<p>1 Q Does your tenant smoke? 2 A No. 3 Q Do you have something in the lease saying that 4 she can't smoke in the apartment, or do you 5 forbid it? 6 A Yes, I believe so. I'm not -- Yes, I believe so. 7 I'm quite certain that there's something like 8 that, but I would have to rereview the lease to 9 be 100 percent sure. 10 Q And you still have all the leases that she's 11 signed with you? 12 A Yes, I do. 13 Q And I'm going to have you look at what's been 14 marked as Exhibit No. 1. I'm going to tell you 15 that these are the documents that you provided to 16 your attorney in response to our discovery 17 requests. Does that seem true to you? 18 A Yes. 19 Q And in the lower, right-hand corner, if you look 20 there's little numbers that are called Bates 21 numbers. I'm going to use those to be able to 22 direct you to certain documents. 23 A Okay. 24 Q Let's start with Document Pages 2 and 3. Can you 25 just look that over and tell me if you see</p>

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<p>1 anything on there that is incorrect.</p> <p>2 A No, everything is or everything appears to be</p> <p>3 correct to the best of my knowledge.</p> <p>4 Q And at the top with the assessment, it's your</p> <p>5 understanding that the value assessed to the</p> <p>6 house by the city has stayed the same at \$121,000</p> <p>7 between 2011 and 2012?</p> <p>8 A Yes.</p> <p>9 Q And have you ever contacted the assessor to</p> <p>10 challenge that value?</p> <p>11 A Yes.</p> <p>12 Q When was that?</p> <p>13 A That was for the 2011 property tax cycle.</p> <p>14 Q And what did you do?</p> <p>15 A I contacted the city assessor because I had</p> <p>16 purchased the property as a foreclosure and</p> <p>17 thought that the assessed value might be</p> <p>18 incorrect.</p> <p>19 Q What did you think it should have been?</p> <p>20 A I thought that it should have been a little bit</p> <p>21 lower, perhaps.</p> <p>22 Q And besides calling over there, did you file</p> <p>23 anything?</p> <p>24 A I don't remember. I think -- No. I called</p> <p>25 over -- I called over there and talked to them,</p>	<p>1 a mortgage on the property?</p> <p>2 A Yes.</p> <p>3 Q And so the assessor found the value of the home</p> <p>4 to be \$105,000, is that correct?</p> <p>5 A That's correct. There is a second -- or there's</p> <p>6 a later appraisal of the house for a different</p> <p>7 value, though, when it was refinanced.</p> <p>8 Q When did you refinance?</p> <p>9 A Approximately one year ago.</p> <p>10 Q And so there was another appraisal that was done</p> <p>11 in January, February of 2010?</p> <p>12 A Another appraisal was done in 2012.</p> <p>13 Q And do you still have a copy of that appraisal?</p> <p>14 A When I first received the request for the</p> <p>15 documents, I wasn't able to find those documents</p> <p>16 because they were on a CD, but I have -- I</p> <p>17 believe that I found them now, so, yes, I have</p> <p>18 those documents now.</p> <p>19 Q Do you know in the appraisal that was done in</p> <p>20 2012 is there any mention of environmental</p> <p>21 contamination?</p> <p>22 A There is no mention of environmental</p> <p>23 contamination in the appraisal.</p> <p>24 Q Did you talk with the appraiser about any of the</p> <p>25 current issues that are involved in this case</p>
Page 10	Page 12
<p>1 and they explained the process to me for appeals</p> <p>2 to the county assessor or the property tax</p> <p>3 assessor. It was very complicated and difficult,</p> <p>4 and so I decided to not move forward with it at</p> <p>5 all.</p> <p>6 Q And so you said you purchased your home in 2010</p> <p>7 as a foreclosure?</p> <p>8 A Correct.</p> <p>9 Q Do you remember the price?</p> <p>10 A Approximately \$99,000.</p> <p>11 Q And did you take out a mortgage?</p> <p>12 A Yes.</p> <p>13 Q Do you remember how much that was for?</p> <p>14 A No, I don't recall off the top of my head.</p> <p>15 Q Do you remember the company that provided the</p> <p>16 mortgage or the bank?</p> <p>17 A Yes.</p> <p>18 Q What bank is it?</p> <p>19 A Town Bank of Delafield, Wisconsin.</p> <p>20 Q If you will look at document starting on Page 5</p> <p>21 from that Exhibit 1. Is this the assessment that</p> <p>22 was done of the home at 142 Marquette before you</p> <p>23 purchased it?</p> <p>24 A Yes.</p> <p>25 Q Did you need this assessment to be able to obtain</p>	<p>1 involving Madison-Kipp?</p> <p>2 A No, I never spoke with the appraiser.</p> <p>3 Q Did you tell your lender about the potential</p> <p>4 contamination issues with the property?</p> <p>5 A No.</p> <p>6 Q And were you able to refinance?</p> <p>7 A Yes.</p> <p>8 Q And do you know the bank that that's through?</p> <p>9 A Yes, it was through M&I, which is a local bank,</p> <p>10 and then they were in the process of being bought</p> <p>11 out by BMO Harris, and then the servicing or the</p> <p>12 mortgage or something like that was sold to</p> <p>13 Wells-Fargo.</p> <p>14 Q When you purchased the home as a foreclosure, did</p> <p>15 you receive any kind of disclosure or data sheets</p> <p>16 from the bank that you purchased the home from?</p> <p>17 A Yes.</p> <p>18 Q Was there any mention of any kind of</p> <p>19 environmental contamination issues?</p> <p>20 A No, there was no mention of any environmental</p> <p>21 problems.</p> <p>22 Q And what was the bank that you purchased the home</p> <p>23 from, do you remember?</p> <p>24 A I believe that it was Anchor Bank, but I'm not</p> <p>25 certain.</p>

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<p>1 Q And do you have the documents from the closing of 2 your purchase? 3 A I looked for them in preparation for this and 4 wasn't able to find them, but if I -- if I looked 5 again, I might be able to find them. 6 Q Okay. Is there a basement in the home at 142 7 Marquette? 8 A Yes. 9 Q Do you use it? 10 A Yes. 11 Q What do you use it for? 12 A Storage, laundry, cat litter box, home 13 improvement things, like a workshop-ish sort of 14 area. 15 Q And what do you store down there? 16 A Tools, laundry, cleaning supplies, cat litter. 17 Q Any kind of paint? 18 A Yeah, yes. 19 Q Any kind of glue? 20 A No. 21 Q And what kind of cleaning products? Just kind of 22 normal stuff? 23 A Laundry detergent. 24 Q Any indoor paint or outdoor paint? 25 A I don't know.</p>	<p>1 had enjoyed and was spending a lot of money on 2 home repairs to the property to increase the 3 value of the property, and now I no longer feel 4 that that is a good investment or a safe 5 investment or a productive use of my money, so I 6 do not invest or work -- I don't invest any money 7 in the improvement of the property or the grounds 8 or spend any of my additional money on that sort 9 of a thing. 10 Q Okay. Has anyone told you that it's unsafe to be 11 in your back yard? 12 A Yes. 13 Q Who told you that? 14 A At the public meetings my interpretation of the 15 people that have been there's comments is that it 16 is unsafe or potentially unsafe to be in the 17 basement or -- and/or the back yard of the 18 property. 19 Q You said your interpretation. Has anyone at 20 those meetings told you that it is unsafe for you 21 to use your back yard? 22 A No. 23 Q Has anyone at those meetings told you it is 24 unsafe to use your basement? 25 A No, but when pressed -- When other people at</p>
Page 14	Page 16
<p>1 Q But it's your paint? 2 A It's my paint. I suspect it's indoor paint. 3 Q And the laundry downstairs, it's only laundry for 4 you, not for the tenant? 5 A Yes. 6 Q And do you permit the tenant to store anything 7 downstairs? 8 A Just snow tires. Otherwise no. 9 Q And you said that you are currently receiving 10 \$720 rent from your tenant. Do you believe that 11 that's a fair market value for the rental of that 12 property? 13 A Yes. 14 Q Have you ever had the home tested for radon? 15 A Not to my knowledge, no. 16 Q And has your use of the property changed since 17 you learned about potential contamination? 18 A Yes. 19 Q How did that change? 20 A My use of the property -- I guess that I use the 21 back yard less because I feel less safe in the 22 back yard. I maybe use the basement less because 23 I also feel like it's less safe to be there. 24 Those are the two main ways. Oh, the significant 25 change in my use of the property is I previously</p>	<p>1 those meetings have pressed them for an answer to 2 the question "Is it safe to use my basement 3 and/or back yard," they will not clearly answer 4 the question with a "Yes, it is safe," or, "No, 5 it's not safe" answer. 6 Q And which people are those that would answer that 7 question? Do you know specifically? 8 A The different public health officials that have 9 been at those meetings. I don't know all the 10 names. There's a Mr. Schmoller and a 11 Mr. Hausbeck, I believe are two of the people, 12 but I don't recall all of the names. 13 Q And those people specifically did not answer that 14 question? 15 A To my full satisfaction, no, they did not answer 16 those questions. 17 Q If you had a mitigation system in the basement, 18 would that change your view of whether it was 19 safe to use your basement? 20 A Partially, yes. 21 Q How come only partially? 22 A I don't have a full understanding of the total 23 environmental danger or damage that the chemicals 24 cause to human health or -- to human health, nor 25 does anybody, maybe, or potentially, so I don't</p>

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<p>1 necessarily believe that insulation of the</p> <p>2 mitigation system alone would reduce my total</p> <p>3 risk from the exposure to the chemicals in the</p> <p>4 ground, in the water or in the sub-slab or</p> <p>5 anywhere on the property.</p> <p>6 Q Has anyone told you that the mitigation system</p> <p>7 wouldn't completely alleviate any danger?</p> <p>8 A No, nobody has told me that.</p> <p>9 Q So that's your own personal understanding based</p> <p>10 on the information that you have obtained?</p> <p>11 A Correct, but I have not received or I haven't</p> <p>12 read extensively about how the mitigation system</p> <p>13 works, I haven't had the mitigation -- how the</p> <p>14 mitigation systems works explained to me fully by</p> <p>15 anybody.</p> <p>16 Q Do you have a mitigation system?</p> <p>17 A No.</p> <p>18 Q And did you use a realtor to purchase this</p> <p>19 property?</p> <p>20 A Yes.</p> <p>21 Q And did the realtor tell you anything about</p> <p>22 Madison-Kipp being there?</p> <p>23 A No.</p> <p>24 Q Did you know that Madison-Kipp abutted the</p> <p>25 property?</p>	<p>1 Q And did you inform her about the potential</p> <p>2 contamination issues?</p> <p>3 A Between the -- so for the first lease and then</p> <p>4 also for the first renewal of the second lease,</p> <p>5 she was not aware of the contamination, and then</p> <p>6 between that second lease and the current one we</p> <p>7 had a brief discussion about the contamination.</p> <p>8 Q And what did you tell her?</p> <p>9 A That there was a problem with contamination on</p> <p>10 the property, and I did not know and nobody knew</p> <p>11 the full extent of the contamination, what kind</p> <p>12 of chemicals were a part of the contamination or</p> <p>13 just nobody knew anything to my satisfaction, and</p> <p>14 that was the end of the conversation.</p> <p>15 Q Did she ask for any reduction in rent?</p> <p>16 A No.</p> <p>17 Q And, actually, the rent went up, right?</p> <p>18 A Yes.</p> <p>19 Q And she expressed no problems about renting from</p> <p>20 you even in light of the contamination?</p> <p>21 A No, she did express problems with renting with</p> <p>22 the contamination, but I -- She asked about it</p> <p>23 and said she was also concerned, but, again, I</p> <p>24 told her -- I said that I do not understand all</p> <p>25 the issues with the contamination, I don't</p>
Page 18	Page 20
<p>1 A Yes.</p> <p>2 Q Do you think that that affected your view on the</p> <p>3 value of the home before you purchased it?</p> <p>4 A Yes, but -- Yes.</p> <p>5 Q And how?</p> <p>6 A Living directly adjacent to a factory I believed</p> <p>7 might slightly decreased the value of the</p> <p>8 property.</p> <p>9 Q So did you believe that you could get maybe a</p> <p>10 larger house at a cheaper price because it was</p> <p>11 near a factory?</p> <p>12 A No, no, because of the location of the property</p> <p>13 in relation to central Madison, in relation to a</p> <p>14 number of other things, I did not believe that I</p> <p>15 could get a larger house for less money or the</p> <p>16 same amount of money compared to a different</p> <p>17 place.</p> <p>18 Q Why did you pick that home?</p> <p>19 A Proximity to my workplace and downtown Madison.</p> <p>20 Q Did you always intend to use the upstairs unit as</p> <p>21 a rental?</p> <p>22 A Yes.</p> <p>23 Q So you said your tenant just resigned a year</p> <p>24 lease in August of 2012?</p> <p>25 A Approximately, yes.</p>	<p>1 understand how extensive the contamination is, I</p> <p>2 don't understand what the contamination is and,</p> <p>3 again, to the best of my knowledge, it appears</p> <p>4 that nobody seems to know the answers to those</p> <p>5 questions.</p> <p>6 Q Did you tell her you thought it was unsafe to use</p> <p>7 the back yard?</p> <p>8 A No.</p> <p>9 Q Did you tell her you thought it was unsafe to use</p> <p>10 the basement?</p> <p>11 A She doesn't have access to the basement, so she</p> <p>12 can't use it, so, no, I didn't tell her that.</p> <p>13 Q But you think it is unsafe to use the back yard?</p> <p>14 A Yes. She doesn't use the back yard ever. I have</p> <p>15 never seen her in the back yard except for</p> <p>16 parking her car back there.</p> <p>17 Q And are you at the home most days during the day?</p> <p>18 A No.</p> <p>19 Q Did you do any internet search or research about</p> <p>20 Madison-Kipp before you purchased the property?</p> <p>21 A No. Or very little. Very little.</p> <p>22 Q Did you talk to any of the neighbors about</p> <p>23 Madison-Kipp before you purchased the property?</p> <p>24 A Yes.</p> <p>25 Q Who did you talk to?</p>

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1 A Barb and Amy Kreikler, and I might have talked
 2 with other people, but I don't recall off the top
 3 of my head.
 4 Q Do you remember what they told you?
 5 A They mentioned concerns about noise from the
 6 factory, but that was their only concern at that
 7 time. Yes, I discussed that with Barb and Amy.
 8 I believe that they didn't know about the
 9 contamination or did not know how serious the
 10 contamination was at that time. Approximately a
 11 year ago I talked to them about the factory, and
 12 they expressed that they were also very concerned
 13 about the contamination.
 14 Q And what did they tell you at this later
 15 conversation, the more recent one?
 16 A That they were really concerned about -- They
 17 were concerned about the contamination, they
 18 were -- they just asked questions about my level
 19 of knowledge about the contamination. I
 20 explained to them what my level of knowledge and
 21 understanding was, which was not very much, and
 22 that was about it.
 23 Q Did you ever email with them?
 24 A I might have.
 25 Q Did you ever email with any of your other

Page 22

1 neighbors about Madison-Kipp issues?
 2 A Yes.
 3 Q Who?
 4 A I don't -- No. I haven't -- I haven't personally
 5 like initiated an email with any of the neighbors
 6 that I can recall other than scheduling meetings
 7 with the attorneys or discussions related to
 8 meetings with the attorneys. Additionally, I'm
 9 on the neighborhood -- I'm on some neighborhood
 10 email groups, I believe, but I just receive
 11 emails from them, I don't send emails to them.
 12 Q Is that SASY?
 13 A Yes.
 14 Q These emails with the class members, are the
 15 attorneys copied on all those emails or are they
 16 emails between you and the other --
 17 A I don't know off the top of my head.
 18 Q Do you don't know if some of the emails are just
 19 between you and some of your neighbors?
 20 A I believe some are between just me and the
 21 neighbors and some have the attorneys cc'd.
 22 Q And do you still have those emails?
 23 A I might, yeah.
 24 MR. BIANCHI: We would request those
 25 e-mails and for any of the other class members

Page 23

1 that might have those, too.
 2 BY MR. BIANCHI:
 3 Q After purchasing the home and finding out --
 4 Well, strike that. Let me start over.
 5 Do you remember when you first found out
 6 about the potential contamination issues?
 7 A I believe that I first found out about the
 8 potential contamination issues in the spring of
 9 2011 during the second round -- or during one
 10 round of City of Madison flyers about a public
 11 meeting to people in the neighborhood, and it was
 12 the second such group of notices I received and
 13 I -- after I got that I did go to a meeting at a
 14 church next to Bunky's Cafe on Atwood about the
 15 contamination and everything.
 16 Q And so at that meeting is when you first learned
 17 more details about the contamination?
 18 A Correct.
 19 Q And what did you do after that meeting regarding
 20 the contamination?
 21 A I spoke with many people. I spoke with my
 22 parents. I spoke with a friend who's an
 23 attorney. I spoke with many neighbors
 24 extensively. I just talked with a lot of people
 25 trying to gather more information about

Page 24

1 everything.
 2 Q And what did your friend who's an attorney have
 3 to say?
 4 MR. MANZKE: I will just object and
 5 instruct you that if you counseled or talked to
 6 your friend about legal advise or trying to get
 7 legal advice, that discussion is privileged and
 8 you don't have to disclose that information.
 9 BY MR. BIANCHI:
 10 Q Let me just ask did you ever become a client of
 11 your friend?
 12 A I don't know the answer to that question.
 13 Q Did you ever pay your friend money for legal
 14 services?
 15 A No.
 16 MR. MANZKE: You don't have to do either
 17 of those things in order for --
 18 MR. BIANCHI: To have the privilege if
 19 he wasn't the client?
 20 MR. MANZKE: That's correct. Take a
 21 look at the case law. All you have to do is seek
 22 legal counsel and that's privileged. You don't
 23 have to exchange money, you don't have to sign a
 24 retainer agreement, you just have to seek legal
 25 counsel and that makes it protected. So you can

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<p>1 tell him, if you want, but it's your privilege. 2 THE WITNESS: I mainly talked with him 3 about concerns about my liability to the lease, 4 to the woman I was leasing the upstairs apartment 5 to in regards to the contamination. I asked him 6 about just basic understanding or basic -- the 7 way environmental law works. I asked him his 8 opinion and his thoughts on the RCRA -- the RCRA 9 component of the environmental law. He mainly 10 informed me that he does tax law for the 11 government and is not very knowledgeable about 12 these things, it doesn't work like that, but in 13 law school he worked on an environmental law 14 project once so he did know about the RCRA. He 15 was able to tell me a little bit about what was 16 going on, but just very fundamental things. 17 BY MR. BIANCHI: 18 Q Did you seek any information from any 19 environmental professional, someone you would 20 think was, you know, an environmental 21 professional to you? 22 A Yes. 23 Q Who? 24 A I spoke with the people at the meeting, the 25 public health officials, and I also spoke with</p>	<p>1 as endocrine disruption goes and other areas of 2 human health in general. 3 Q Yes, we would like to see those documents, if you 4 still have them, or if you know what websites you 5 visited. 6 A Yes, I can look for them. 7 Q So after learning about this at the meeting, did 8 you contact the bank that you purchased the home 9 from? 10 A No, but now that you mention it, I wish that I 11 did. 12 Q Do you have any plans to contact them? 13 A Yes. Potentially, yes. 14 Q And you said you just refinanced in 2012. Did 15 you refinance at another time, as well, your 16 mortgage besides the most recent one? 17 A No. 18 Q Not in November of 2011? 19 A No. Well, I don't remember. I thought -- No, 20 November 2011 -- I don't remember the date of the 21 one refinance. To the best of my knowledge I 22 thought I had only refinanced once. 23 Q And that's fine. November is close, so as far as 24 you are aware, you have only done the one 25 refinance?</p>
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<p>1 the Director of Clinical Chemistry at the 2 University of Wisconsin Hospital in regards to 3 the chemical. 4 Q And what did he say? 5 A We discussed literature that I had -- scientific 6 literature that I had reviewed in regards to the 7 chemicals and their effect on neoplasia and human 8 carcinogenesis in general. We discussed 9 methodologies of human testing for the chemicals 10 mentioned or involved, and he told me that at 11 that point my knowledge already was probably a 12 lot higher than his, because it's such a 13 specialized field and so he didn't know -- he 14 didn't know anything more than me. 15 Q And you said you reviewed some information. Do 16 you recall -- like do you have those documents, 17 what you reviewed? 18 A I have some of them which I could provide. They 19 are just scientific reviews showing, which I 20 believe are similar to the DNR website, showing 21 that tetrachloroethylene and PCE are chemicals 22 related to tetrachloride, a chemical used in the 23 dry cleaning industry, that has a long history 24 of known carcinogenesis in humans and animals, 25 and also possible pathologic side-effects as far</p>	<p>1 A As far as I'm aware, yes. 2 Q And I'm going to have you look at Document 3 Exhibits 2, 3, 4 and 5, and those -- I will 4 represent that those are your discovery responses 5 to us and U. S. Fire in this lawsuit. 6 MR. MANZKE: Yes, they are. That's 7 correct. 8 BY MR. BIANCHI: 9 Q And I will have you look at Exhibit 2 then. 10 A Okay. 11 Q And I'm going to have you look at Page 3, the 12 answer to Question 3. You write, "I believe my 13 property has lost its value," and I know you have 14 kind of touched on this. You said that you know 15 you are not investing anymore. Has anyone told 16 you that it would be a bad idea to invest further 17 in your property? 18 A Yes. 19 Q Who? 20 A Friends. My friend who was the attorney spoke to 21 me, and, yeah, and my neighbors that I have 22 talked to about this. 23 Q But you haven't tried to resell your home? 24 A No, I haven't. I haven't tried to put my home on 25 the market in part because I believe that there's</p>

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<p>1 this negative connotation now associated with the</p> <p>2 home and that nobody would buy the home for a</p> <p>3 fair price, in my opinion, and also because I</p> <p>4 have heard of the experience of one of my</p> <p>5 neighbors a couple houses down who had tried to</p> <p>6 put his home on the market and received two</p> <p>7 offers for purchase, I believe, and then was not</p> <p>8 able to continue with closing on that home</p> <p>9 because the mortgages for the people that had</p> <p>10 placed offers to try to buy his home were denied</p> <p>11 because of the environmental problems. That has</p> <p>12 scared me enough that I didn't see any -- That</p> <p>13 scared me enough and gave me enough anxiety that</p> <p>14 I didn't think there was any real need to sell</p> <p>15 the home and/or spend any money in improving the</p> <p>16 home.</p> <p>17 Q And if you found out that the neighbor who tried</p> <p>18 to sell the home, that he turned down offers for</p> <p>19 his home, would that change your view of whether</p> <p>20 you think your home is marketable?</p> <p>21 A No.</p> <p>22 Q So the fact --</p> <p>23 A Not necessarily. I mean, it would depend on what</p> <p>24 the offer is. It depends on what the offers were</p> <p>25 that he turned down. If it was a nuisance offer,</p>	<p>1 remodel?</p> <p>2 A No.</p> <p>3 Q Did you obtain a permit for any of the larger</p> <p>4 remodeling that you did in the home?</p> <p>5 A None of the remodeling that was done required a</p> <p>6 City of Madison permit, to the best of my</p> <p>7 knowledge.</p> <p>8 Q And you did it all yourself, though, as well?</p> <p>9 A Correct, yes. No, or, yes, sorry, no.</p> <p>10 Q Who else did you do it with?</p> <p>11 A The windows were done by a private group who</p> <p>12 did -- I believe they got a permit from the city,</p> <p>13 and the fence was done by an outside person.</p> <p>14 Q Did they obtain a permit to put the fence in?</p> <p>15 A I don't know off the top of my head. I believe,</p> <p>16 yes, they did.</p> <p>17 Q And did you receive results of the testing of</p> <p>18 your home?</p> <p>19 A Yes.</p> <p>20 Q And do you remember whether the results said if</p> <p>21 you had any VOCs in the air in your home?</p> <p>22 A I believe that, yes, there were VOCs in the air</p> <p>23 and the ground testing, but I do not know all of</p> <p>24 the details for that off the top of my head.</p> <p>25 When I had first gone to the first meeting, I</p>
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<p>1 it was an offer that was unreasonable, then, no,</p> <p>2 that wouldn't persuade me, my opinion, at all.</p> <p>3 Q What do you think would be a reasonable offer for</p> <p>4 your current house right now?</p> <p>5 A Let me think. \$140,000. That's off the top of</p> <p>6 my head. I'm not a real estate professional. I</p> <p>7 don't know.</p> <p>8 Q And what updates or improvements have you made to</p> <p>9 the home, you know, since purchasing it?</p> <p>10 A I installed a fence along the property line with</p> <p>11 Madison-Kipp. I have -- I have done a lot of</p> <p>12 renovations and repairs to the home. When I</p> <p>13 first bought it I had a new -- I had a bathroom</p> <p>14 remodeled with like a wall tear down and a</p> <p>15 totally new bathroom redone on Apartment No. 1,</p> <p>16 the unit that I live in. I had new windows</p> <p>17 installed on Apartment No. 1 this past summer.</p> <p>18 On the upstairs -- There's been a lot of painting</p> <p>19 of the interior on the lower and the upper</p> <p>20 apartment. Yes, there's been many improvements</p> <p>21 and renovations.</p> <p>22 Q When you did the bathroom remodel, did you do</p> <p>23 that yourself?</p> <p>24 A Yes.</p> <p>25 Q Did you obtain a permit from the city for the</p>	<p>1 reviewed a lot of the environmental testing</p> <p>2 records, because I was more interested or because</p> <p>3 I was more interested and had more time to be</p> <p>4 interested in the whole case at that time, and</p> <p>5 had seen at that time that there was wide levels</p> <p>6 of variation in the exact quantitative</p> <p>7 measurement of the contamination at different</p> <p>8 times, depending on the collection method,</p> <p>9 depending on who was the group collecting the</p> <p>10 samples.</p> <p>11 To the best of my knowledge, I believe</p> <p>12 that the groups that were being paid to do the</p> <p>13 testing at different time points were paid --</p> <p>14 some of those groups were paid directly by</p> <p>15 Madison-Kipp, which is potentially a conflict of</p> <p>16 interest, and all of those, the exact levels that</p> <p>17 I had seen at that meeting and around that time</p> <p>18 point were just widely variable by orders of</p> <p>19 magnitude. They were orders of magnitude above</p> <p>20 the EPA standard, the EPA recommended upper level</p> <p>21 limit of acceptable risk, which is also -- that</p> <p>22 alone is also an arguable thing, how that was</p> <p>23 created, what is a considered an acceptable</p> <p>24 amount of risk.</p> <p>25 I might say that zero contamination or I</p>

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1 would say that zero contamination is -- anything
 2 above zero is unacceptable risk, in my opinion,
 3 especially if it's not something that I had any
 4 choice over. But the results that I had seen at
 5 that time at that meeting where there was this
 6 just huge variation in testing methodology,
 7 orders of magnitude difference in exact
 8 quantitative value of contamination made me
 9 believe that there -- that any further results,
 10 if they weren't really carefully done and
 11 controlled, might not be valid.
 12 Q Do you know if there are any household products
 13 that you have in your home that contain
 14 similar -- that give off VOCs?
 15 A To the best of my knowledge, there are no
 16 products in my home that contain
 17 tetrachlorethylene.
 18 Q Do you know if the paint does in your home?
 19 A I don't know. I believe no, but I don't know the
 20 answer to that.
 21 Q Did you wear a mask when you painted in the home?
 22 A Yes.
 23 Q You had mentioned the EPA levels. So you
 24 disagree with the levels that the EPA has set as
 25 to what is permissible levels?

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1 A Yes, I do. I had reviewed the EPA -- At that
 2 time I had reviewed a lot of the literature
 3 online about the EPA's creation of those limits,
 4 and there didn't, to the best of my knowledge, I
 5 wasn't able to understand or wasn't able to see
 6 how those specific action levels were calculated
 7 or were determined. So, yeah, I don't
 8 necessarily agree with those levels.
 9 But even if I did agree with those
 10 levels, like I said, there were previous testing
 11 results that I had seen reported that were orders
 12 of magnitude, at least two to three orders of
 13 magnitude higher than that EPA recommendation
 14 level at some time points, and that really
 15 concerned me and bothered me a lot.
 16 Q And that was at your property, those levels?
 17 A Those specific levels were not on my property,
 18 no, but they were on the property right next to
 19 mine or the property right next to that, and that
 20 combined with the just wide variation in the
 21 exact testing level and the variation in who was
 22 paying for the testing and how the testing was
 23 done just made me extremely aggravated and
 24 concerned about my health, my neighbors' and even
 25 like the government and the companies like

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1 dealing with the whole problem.
 2 Q And you had noted that the tetra --
 3 A Tetrachloroethylene.
 4 Q Tetrachloroethylene is used in dry cleaning?
 5 A No, carbon tetrachloride, which is a chemical
 6 similar to tetrachlorethylene, is used in the dry
 7 cleaning industry. Tetrachloroethylene and PCE,
 8 I do not know if they are used or not in the dry
 9 cleaning industry.
 10 Q Do you know whether there would be the same
 11 effect?
 12 A Yes, to the best of my knowledge they do have a
 13 similar mechanism of action as far as
 14 carcinogenesis and endocrine disruption are
 15 concerned.
 16 Q And have you ever had your clothes dry cleaned?
 17 A Yes.
 18 Q And did you wear them afterwards?
 19 A Yes.
 20 MR. MANZKE: I don't have any other
 21 questions.
 22 EXAMINATION
 23 BY MR. WHITE:
 24 Q Good afternoon. Mr. Hennrick or Dr. Hennrick?
 25 A It doesn't matter.

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1 Q Okay. My name is Chris White. I'm the lawyer
 2 for Continental Casualty Company and Columbia
 3 Casualty Company, which are some of
 4 Madison-Kipp's insurance companies. I have a
 5 couple follow-up questions for you. Your
 6 tenant's name is Megan Otto?
 7 A Correct.
 8 Q Do you have any relationship with Ms. Otto other
 9 than just a landlord/tenant relationship?
 10 A No.
 11 Q She's not a family member, not a girlfriend,
 12 nothing like that?
 13 A No.
 14 Q How did you come to find her as a tenant?
 15 A An ad putting the apartment for rent on Craig's
 16 List.
 17 Q How long was your ad up on Craig's List?
 18 A Approximately a week.
 19 Q Did you get multiple responses to your ad?
 20 A No, because she responded -- I might have. She
 21 was one of the -- She was one of the or was the
 22 first person that responded to the ad, and we met
 23 and got along really well, and so I offered it to
 24 her and she took it.
 25 Q So it was a matter of days after you put the ad

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<p>1 up that you found a tenant that you were happy 2 with? 3 A I believe so. I'm not sure off the top of my 4 head and, again, that time point was well before 5 any knowledge that I had of the contamination. 6 Q Did your Craig's List ad include a rent amount 7 for the apartment? 8 A I don't know. 9 Q How did you come up with the figure \$700? 10 A It was based on the prior -- The property before 11 it was sold to me had renters in Unit No. 1 and 12 Unit No. 2, and it was based on the prior rent. 13 Q What I'm getting at is did you tell Ms. Otto the 14 rent is \$700, and she said "Yes," or was there 15 some back and forth discussion about it? 16 A No, I said it was \$700, and she said, "Okay, I 17 agree." 18 Q Do you know what her profession is? 19 A She is a copywriter or she works for the 20 Wisconsin -- the local newspaper here, the 21 Wisconsin State Journal. 22 Q Do you know if she has a college degree? 23 A To the best of my knowledge, I believe she does, 24 yes. 25 Q Do you know what that degree is in?</p>	<p>1 said, "No, I didn't learn anything that is going 2 to benefit you that I feel that I'm obligated to 3 or I'm choosing to share with you." 4 Q Did you have any further conversations after that 5 one with your tenant? 6 A About this issue, no. 7 Q About any issues relating to Madison-Kipp or 8 contamination? 9 A She might have asked me again after that, again 10 if anything had happened, if I knew anything, put 11 other than that, no, we never had anymore 12 conversations about the issue. 13 Q When you raised the rent this year to \$720, was 14 that a unilateral rent increase where you told 15 her the rent is going up by \$20, or was there 16 some back and forth discussion as to what the new 17 rent would be? 18 A There was no discussion. I just said, "The rent 19 is going up \$20." 20 Q Okay. So after being aware of the PCE 21 contamination, Ms. Otto agreed to renew her 22 lease, true? 23 A Yes. 24 Q And after being aware of the PCE issue, Ms. Otto 25 agreed to pay more rent than she had paid the</p>
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<p>1 A No idea. 2 Q Do you know if she has any specialized training 3 in medicine or sciences or technical fields? 4 A No. To the best of my knowledge, no, she 5 doesn't. 6 Q Earlier you told us about a conversation you had 7 with Ms. Otto prior to the 2012 renewal of her 8 lease. Do you remember that? 9 A Yes. 10 Q And during that conversation you and Ms. Otto 11 discussed the PCE issues on the property, 12 correct? 13 A Yes. 14 Q Other than that one conversation, did you have 15 any other conversations with Ms. Otto about 16 contamination issues? 17 A Not any significant conversations, to the best of 18 my knowledge. I believe after that conversation 19 she asked me a couple weeks or maybe a month or 20 two after that what had changed, what I knew, and 21 nothing had changed. I didn't know anything 22 more, so I didn't have anything to say to her. I 23 mean, there wasn't anything that I -- that I had 24 learned within the subsequent weeks that I 25 thought would be relevant for her to know, so I</p>	<p>1 previous year, true? 2 A Yes, but those were after -- both of those things 3 were after she had lived in the house for over 4 the majority of the time she has been there not 5 knowing about the contamination, not having a 6 choice about it, not -- I mean, for the entire 7 second year that she was there, because the lease 8 was signed so early, I mean, she was forced to be 9 there. Whether she -- I mean, or she was forced 10 to be paying rent for the property for that 11 entire year even though she knew and was -- you 12 know, it's quite an inconvenience for her to 13 move, I would guess, now after having lived there 14 for two years after she does know. 15 Q You didn't force her in any way to sign the lease 16 renewal in 2012, did you? 17 A No. 18 Q Did you tell her there would be any financial 19 penalties if she didn't renew the lease for 20 2012-2013? 21 A No. 22 Q And after being aware of the PCE, Ms. Otto both 23 agreed to renew the lease and to increase the 24 rent, correct? 25 A Yes.</p>

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<p>1 Q To switch gears for a moment, what's your date of 2 birth? 3 A October 10, 1980. 4 Q Where were you living on October 10, 1980? 5 A Traverse City. 6 Q After you were born, obviously. 7 A Traverse City, Michigan. 8 Q How long did you continue to live in Traverse 9 City, Michigan for? 10 A I lived there for the next 18 years, 11 approximately. 12 Q So sometime in 1998 or thereabouts? 13 A Sometime in 1999 I moved. 14 Q During that entire period from 1980 to 1999 you 15 didn't live in Madison Wisconsin, did you? 16 A Correct. 17 Q Do you have any knowledge about where Ms. Otto 18 lived prior to renting your unit? 19 A To the best of my knowledge, she lived in the 20 Quad Cities prior to moving to Madison, and 21 originally she's from Idaho. 22 Q As far as you're aware, is her current home in 23 Madison the first time that Megan Otto has lived 24 in Madison? 25 A To the best of my knowledge. Yes, that's true.</p>	<p>1 know. No, I didn't. And because of concern 2 about lead paint, we did not strip the paint or 3 peel the paint off. We just painted over things. 4 We cleaned the walls and painted over them. 5 Q The work you did in your bathroom, can you tell 6 me a little bit more about what you did? 7 A I installed new tile. I moved the location of a 8 wall. I installed a new toilet, new sink, new 9 bathtub. 10 Q When you moved a wall, you knocked down an 11 existing wall and built a new wall in a different 12 place? 13 A Yes. 14 Q Prior to knocking down the wall, did you make any 15 investigation as to whether any of the materials 16 that the wall was constructed of contained 17 asbestos? 18 A I did, yes. 19 Q And what investigation did you do? 20 A I submitted fragments of the property to the 21 Wisconsin State Lab of Hygiene for asbestos mass 22 spectrometry or electron microscopy or whatever 23 their methodology is of detection of asbestos, 24 and the internal house pieces were all negative 25 for asbestos.</p>
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<p>1 I know that for a fact. This is the first house 2 she's rented here in Madison. 3 Q I wanted to talk a little bit about some of the 4 renovations that you did. You mentioned that you 5 did some interior painting? 6 A Um-hum. 7 Q When you did that, did you strip any of the old 8 paint off or did you paint on top of the existing 9 paint? 10 A I painted on top of the existing paint. 11 Q When you were doing this painting work, did you 12 have any issues with chipping or peeling paint 13 throughout the house or in any places in the 14 house? 15 A I don't know. 16 Q You don't recall any chipping or peeling paint? 17 A I mean, paint chips and peels all the time, but 18 we were -- and, yeah, there most likely was some 19 chipping and peeling of paint while we were 20 repainting the house, but I don't know. I just 21 don't remember off the top of my head. 22 Q Prior to doing the repainting of your house, did 23 you make any investigation as to whether there 24 was any lead paint in your house? 25 A I thought about it at one time, but I didn't</p>	<p>1 Q Is there any sort of back deck or back porch on 2 your house? 3 A There is a back porch which is listed in 4 Exhibit 1. However, I wouldn't necessarily call 5 it a "back porch." It's a finished room. 6 Q Sort of a three-season porch, if you will? 7 A I guess. I don't know. I would sort of call it 8 a second bedroom. I would maybe call it more a 9 part of the house than a porch. 10 Q Okay. What's the -- I'm asking for an estimation 11 here. What's the approximate distance from that 12 finished porch on the back of your house to the 13 Madison-Kipp facility? 14 A I have no idea. 15 Q Is it -- 16 A Off the top of my head, I have no idea. Between 17 25 and 40 feet would be my guess. 18 Q And when you purchased your home, the 19 Madison-Kipp facility was already there, correct? 20 A Yes. 21 Q And you were well aware that you were buying a 22 house located 25 to 40 feet or somewhere 23 thereabouts from a factory, correct? 24 A Yes. 25 Q Where are you currently employed?</p>

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<p>1 A University of Wisconsin Hospital and Clinics.</p> <p>2 Q Are you currently engaged in a residency program?</p> <p>3 A I am, yes.</p> <p>4 Q What is your residency in?</p> <p>5 A I'm a resident in anatomic and clinical</p> <p>6 pathology.</p> <p>7 Q And can you give me a brief description of what</p> <p>8 anatomic and clinical pathology is?</p> <p>9 A Anatomic and clinical pathology, especially as it</p> <p>10 relates to this, is the study and diagnosis of</p> <p>11 cancer and laboratory testing leading to a</p> <p>12 diagnosis of cancer or laboratory testing of the</p> <p>13 environment and of people in general for</p> <p>14 environmental pollutants and contaminants, for</p> <p>15 chemicals, for everything or for anything, yeah.</p> <p>16 So pathology would be divided into</p> <p>17 anatomic pathology, which is just basically</p> <p>18 cancer diagnosis in tissue, and clinical</p> <p>19 pathology which is -- or laboratory medicine,</p> <p>20 which is testing which could be defined as all of</p> <p>21 the different kinds of medical and environmental</p> <p>22 testing of humans that doctors do.</p> <p>23 Q And did your medical school training include any</p> <p>24 coursework in this field?</p> <p>25 A In pathology?</p>	<p>1 A Yes.</p> <p>2 Q Are those the articles that you were discussing</p> <p>3 earlier when Mr. Bianchi was questioning you?</p> <p>4 A Yes.</p> <p>5 Q How long is your residency intended to -- What's</p> <p>6 the anticipated duration of your residency?</p> <p>7 A Three to four years, and I'm in year three.</p> <p>8 Q At the conclusion of either this year or next</p> <p>9 year, will you then look for a new job?</p> <p>10 A Yes.</p> <p>11 Q Do you have any intention as to whether you are</p> <p>12 going to look for a job in Madison or elsewhere?</p> <p>13 Just sort of what the job market holds?</p> <p>14 A I don't know right now. I'm trying to sort that</p> <p>15 out right now.</p> <p>16 Q Have you seen any medical literature that</p> <p>17 discusses action levels set by the EPA for PCE?</p> <p>18 A No. When I was reviewing the EPA action levels,</p> <p>19 I didn't extensively review them, but I didn't</p> <p>20 see specific mention to primary scientific</p> <p>21 literature basing those EPA action levels off of</p> <p>22 good, high-quality, peer-reviewed primary</p> <p>23 literature evidence. I would, though, I would</p> <p>24 say then that, I mean, I'm not a toxicologist, I</p> <p>25 don't have a specialty certificate in clinical</p>
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<p>1 Q Yes.</p> <p>2 A Yes.</p> <p>3 Q Either in medical school or in the course of your</p> <p>4 residency have you participated in any research</p> <p>5 projects?</p> <p>6 A Yes.</p> <p>7 Q Have you done any studies or work in the field,</p> <p>8 if you will, where you are studying the effect of</p> <p>9 environmental contaminants on human beings or on</p> <p>10 other creatures?</p> <p>11 A Yes, in undergraduate I studied endocrine</p> <p>12 disruptors of thyroid hormone as they relate to</p> <p>13 environmental pollution in the Great Lakes and</p> <p>14 their effects on amphibians, on xenopus laevis,</p> <p>15 a type of frog, and that was on a chemical that I</p> <p>16 don't actually know what the relationship is to</p> <p>17 these chemicals, but that was on</p> <p>18 polychlorobiphenyls, which may or may not be</p> <p>19 related to PCE and tetrachlorethylene.</p> <p>20 Q Have you participated in any research studies for</p> <p>21 the effects of PCE or any of its breakdown</p> <p>22 components?</p> <p>23 A No.</p> <p>24 Q Have you read any medical literature concerning</p> <p>25 the effects of PCE?</p>	<p>1 chemistry, but compared to a lay person, I do</p> <p>2 have a substantially, in my opinion, have a</p> <p>3 better understanding of these contaminants.</p> <p>4 Q Based on what you have read, do you have any</p> <p>5 views as to what the action levels for PCE and</p> <p>6 TCE vapors should be?</p> <p>7 A Yes, they should be zero or nearly zero in water</p> <p>8 and soil and air.</p> <p>9 Q And what's the basis for that belief?</p> <p>10 A The knowledge that -- Having reviewed</p> <p>11 high-quality, peer-reviewed primary source of</p> <p>12 scientific literature that demonstrates that</p> <p>13 long-term exposure to various levels greater than</p> <p>14 zero of PCE and tetrachloroethylene lead to</p> <p>15 endocrine disruption and carcinogenesis.</p> <p>16 Q In looking through the documents you provided, I</p> <p>17 did not see any laboratory test results in here.</p> <p>18 Do you know if you have received any laboratory</p> <p>19 test results --</p> <p>20 A Yes.</p> <p>21 Q -- from anyone?</p> <p>22 A Yes, I have received many laboratory test</p> <p>23 results. My understanding was all my neighbors</p> <p>24 had them, and also that many of them were</p> <p>25 provided online or are being stored online. I'm</p>

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<p>1 not very good at organizing papers, so whenever I</p> <p>2 receive them, I have just sort of recycled him</p> <p>3 and gotten rid of them, which is why I wasn't</p> <p>4 able to produce any.</p> <p>5 Q Do you recall if you have received any soil</p> <p>6 sample results, soil vapor results, indoor air</p> <p>7 results, sub-slab results, all of the above? Do</p> <p>8 you recall what specific types of results you</p> <p>9 have gotten?</p> <p>10 A I believe that I have received many of those</p> <p>11 types of sample results that you just mentioned</p> <p>12 from my property.</p> <p>13 Q Do you recall if any of the results that you have</p> <p>14 received have shown a level above the EPA action</p> <p>15 level for your property?</p> <p>16 A I don't know the answer to that off the top of my</p> <p>17 head. I don't have the answer to that off the</p> <p>18 top of my head.</p> <p>19 Q Okay. And if you had received a document, even</p> <p>20 if it showed a level above the action level, you</p> <p>21 still wouldn't have maintained that document?</p> <p>22 You still would have discarded it and recycled</p> <p>23 it, correct?</p> <p>24 A Yes.</p> <p>25 Q Earlier you mentioned that you questioned the</p>	<p>1 the street?</p> <p>2 A In particular the two to three order -- level</p> <p>3 order of magnitude difference in the testing</p> <p>4 level that was -- which is two to three -- two to</p> <p>5 three orders of magnitude greater than the EPA</p> <p>6 action level limit, which I believe is somewhere</p> <p>7 between 8 to 10 some sort of units. There's</p> <p>8 levels in somewhere in the thousands of a house</p> <p>9 two or three houses down from me. That in</p> <p>10 particular is the -- or those in particular are</p> <p>11 the measurements that I'm talking about.</p> <p>12 Q Okay. So you haven't seen widely varying results</p> <p>13 with respect to your specific property that you</p> <p>14 can recall?</p> <p>15 A Correct, but my property has only been tested a</p> <p>16 couple times. I mean, the wide level of</p> <p>17 variation in testing of the neighbor's house --</p> <p>18 of the other houses just makes me doubt --</p> <p>19 question or doubt and/or question the testing</p> <p>20 that's been done at my own house.</p> <p>21 Q Did I understand correctly you do not have an</p> <p>22 in-home mitigation system on your house?</p> <p>23 A Yes, I do not.</p> <p>24 Q Why do you not have an in-home mitigation system?</p> <p>25 A I do not know why I do not have a mitigation</p>
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<p>1 accuracy of some of the testing if the testing</p> <p>2 was paid for by Madison-Kipp. Do you recall that</p> <p>3 testimony?</p> <p>4 A Yes.</p> <p>5 Q If the testing was, in fact, not paid for by</p> <p>6 Madison-Kipp, but paid for by an insurance</p> <p>7 company, would that change your view of the</p> <p>8 accuracy of the test?</p> <p>9 A Not necessarily. It would depend on what -- who</p> <p>10 the insurance company was. I don't know the</p> <p>11 answer to that. The basis of my concern for the</p> <p>12 testing, again, though, is just in the wide level</p> <p>13 of variation in the testing, orders of magnitude</p> <p>14 of difference, orders of magnitude differences at</p> <p>15 the same testing site changing month to month</p> <p>16 even with the same testing center. Just wide</p> <p>17 variations in the measurements that are -- have</p> <p>18 not been explained to my satisfaction by anybody</p> <p>19 so far. That's the main basis of my concern.</p> <p>20 But also who was paying for the testing, that is</p> <p>21 also a concern of mine, I guess.</p> <p>22 Q I apologize if we have gone over this before, but</p> <p>23 the wide variations in results that you have</p> <p>24 seen, are those specific to your property or with</p> <p>25 respect to other properties looking up and down</p>	<p>1 system at my house. I was told by some of the</p> <p>2 local public health officials that I would be</p> <p>3 receiving a mitigation system, and I have</p> <p>4 contacted them as to when that would be</p> <p>5 installed, and I have not received a satisfactory</p> <p>6 answer as to when it will be installed, who will</p> <p>7 pay for the installation, who will pay for the</p> <p>8 maintenance, who will pay for the electricity</p> <p>9 that's used for the usage of the mitigation</p> <p>10 system. I have asked all those questions.</p> <p>11 Q So you have contacted the DNR to request a</p> <p>12 mitigation system, it just hasn't yet progressed</p> <p>13 to the point where they have actually installed</p> <p>14 the unit on your house? Is that correct?</p> <p>15 A Yes.</p> <p>16 Q Earlier when we were talking about the mortgages</p> <p>17 on your property, I thought I heard you say that</p> <p>18 you wish you had told the bank about the PCE</p> <p>19 contamination issues. I didn't quite understand</p> <p>20 that testimony.</p> <p>21 A No, no, I wish maybe that -- or I do wish that I</p> <p>22 had asked the bank that I purchased the property</p> <p>23 from why they hadn't -- if they knew about the</p> <p>24 contamination, and if they did know about the</p> <p>25 contamination, why didn't they tell me about the</p>

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1 contamination.
 2 Q Are you talking about when you first purchased
 3 the home in 2010?
 4 A Yes, that's what I was talking about.
 5 Q Do you know if you received a Real Estate
 6 Condition Report in connection with the purchase
 7 of the home?
 8 A I did receive a Real Estate Condition Report.
 9 Q And do you recall whether that Real Estate
 10 Condition Report made any reference to any
 11 environmental issues?
 12 A I recall that it did not mention any
 13 environmental problems.
 14 Q Okay. You mentioned speaking to a neighbor who
 15 had difficulty selling his home. Do you know the
 16 name of that person?
 17 A No.
 18 Q Is it, by any chance, Peter Uttech?
 19 A I believe it is.
 20 Q And your understanding, based on your
 21 conversation with Mr. Uttech, was that the reason
 22 he could not sell his property is that
 23 prospective buyers could not obtain mortgage
 24 loans, correct?
 25 A Yes.

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1 Q In late 2011 you refinanced your property,
 2 correct?
 3 A Yes.
 4 Q When you refinanced your property, did you inform
 5 the bank of the PCE issues with Madison-Kipp on
 6 your property?
 7 A No.
 8 Q Why not?
 9 A Considering what had happened to my neighbor, I
 10 didn't feel that that would help my chances of
 11 refinance if I was to tell the bank about the
 12 contamination, and also based on my discussion
 13 with my friend, the attorney, and the attorneys
 14 also for this case.
 15 Q I don't want to know what you talked about with
 16 your attorneys for this case.
 17 MR. MANZKE: Don't talk about anything
 18 that you have talked about with your lawyers.
 19 THE WITNESS: Okay. So based on my
 20 understanding or based on my -- I didn't believe
 21 there was any reason why I -- and I didn't
 22 believe I was under any obligation to tell the
 23 bank about contamination.
 24 BY MR. WHITE:
 25 Q Do you believe that whether or not the property

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1 is contaminated would be something important to
 2 the bank's lending decision?
 3 A Yes, I believe it would be very important to the
 4 bank's lending decision.
 5 Q Did you affirmatively decide not to tell the bank
 6 about the contamination issues with your
 7 property?
 8 A Yes, because I was under the understanding that I
 9 was not obligated to tell the bank about any
 10 environmental contamination --
 11 Q And is the basis --
 12 A -- for a refinance of a property that I already
 13 owned.
 14 Q And is the basis of that understanding other than
 15 a conversation with the lawyers sitting next to
 16 you?
 17 MR. MANZKE: I'm going to object. I
 18 never had a conversation about that, so don't
 19 even insinuate that, Chris. Why don't you ask
 20 him the question did the bank ask you if you had
 21 a contamination issue.
 22 THE WITNESS: No.
 23 MR. MANZKE: Okay. If the bank asked
 24 you if you had a contamination issue, would you
 25 tell them the truth?

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1 THE WITNESS: If I was legally required
 2 to. I'm sorry. I don't believe I talked with
 3 you guys about that, but I did talk with my
 4 friend about that.
 5 MR. MANZKE: You don't have to talk
 6 about that.
 7 THE WITNESS: Okay. Sorry.
 8 BY MR. WHITE:
 9 Q I was not insinuating you had any improper
 10 conversation, I'm simply trying to establish if
 11 there's a non-privileged reason for that
 12 understanding.
 13 Let me ask it this way. What is the
 14 basis of your understanding that you were not
 15 legally required to tell the bank about the
 16 contamination issues?
 17 A I don't -- I'm not entirely certain, but I think
 18 that it would in part be conversations with a
 19 friend who's an attorney who I had sought the
 20 counsel of.
 21 Q Okay. Do you believe it's safe for you to
 22 continue to live in your home?
 23 A No and/or I don't know the answer to that.
 24 Q Why do you continue to live in your home?
 25 A I have -- I feel like I don't have much of a

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1 choice in the matter right now. I owe a lot of
 2 money on the home. It would be very difficult
 3 for me to move. I don't have a lot of free time.
 4 I have been living there for the last three
 5 years. It would be quite a disruption to move.
 6 On the other hand, it is quite a
 7 disruption to have to continue to live with this
 8 contamination, with the problem, and then worry
 9 about my health and worry about what the
 10 consequences are of staying in the home. I
 11 definitely feel trapped by the current situation,
 12 by the problem.
 13 Q One of the two units in your home is rented to a
 14 tenant, correct?
 15 A Yes.
 16 Q Is there any reason of which you are aware why
 17 the second unit, the one you currently live in,
 18 could not be rented out?
 19 A It could be, and I have considered doing that.
 20 Q But that's an option you have decided not to
 21 pursue, correct?
 22 A Yes. Again, for the reasons I just said.
 23 MR. WHITE: That's all I have. Thank
 24 you.
 25 EXAMINATION

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1 BY MR. CONDON:
 2 Q Mr. Henrick, my name is Jacques Condon. I have
 3 a few follow-up questions for you. There was
 4 some testimony in response to Mr. White's
 5 questions where you talked about the paint and
 6 painting and you talked about a "we" in terms of
 7 doing the paint job on your house. Who is the
 8 "we" you were referring to?
 9 A My dad helped me with some of the remodeling and
 10 renovation work.
 11 Q All right. In response to some of Mr. Bianchi's
 12 questions you were asked about emails from the
 13 local group --
 14 A Um-hum.
 15 Q -- that might have gone back and forth on this
 16 issue?
 17 A Um-hum.
 18 Q Correct?
 19 A Correct.
 20 Q What's the email account that you use for that?
 21 A It's a yahoo account, khennric@yahoo.com.
 22 Q Do you keep those emails in a separate folder or
 23 are they organized at all?
 24 A No.
 25 Q Have you deleted any of the emails that you have

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1 received?
 2 A No.
 3 Q So to the best of your knowledge as you sit here
 4 today, you still have all of the emails?
 5 A Yes.
 6 Q And this would be going back to, well, sometime
 7 in 2010 going forward?
 8 A No, it's from after I learned about all of this,
 9 so it's from sometime in the summer of 2011 that
 10 I joined that. I believe that's when I joined
 11 the SASY group. I might have joined some local
 12 neighborhood association groups before that, but
 13 it wasn't because of the contamination. The main
 14 email groups that I was thinking of are ones that
 15 I joined after knowing about all of this.
 16 Q Other than this yahoo account email, do you know
 17 if you have used any other emails to relay
 18 information regarding this case?
 19 A I don't believe -- I don't believe so. It's
 20 possible, but I believe I haven't used my work
 21 email for anything relating to this.
 22 Q I would make a request that you look at both your
 23 Yahoo and work e-mails for anything related to it
 24 and provide it to your counsel.
 25 A Okay.

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1 Q And if the request hasn't been made, I would also
 2 like the refinance document that you supposedly
 3 think you can find now relating to 2011, 2012.
 4 A Yes, I do have -- I was cleaning some stuff out
 5 and I have those, so I can give them to Ed now.
 6 MR. CONDON: That's all I have at this
 7 time.
 8 MS. KREIL: I just have a couple
 9 questions.
 10 EXAMINATION
 11 BY MS. KREIL:
 12 Q My name is Jennifer Kreil representing United
 13 States Fire Insurance Company. Earlier you said
 14 you used a realtor to buy the home on Marquette
 15 Street?
 16 A Yes.
 17 Q Who was that?
 18 A Melinda Ferraro.
 19 Q And how do you know Melinda?
 20 A I was looking for a realtor and I contacted her.
 21 Q Did anyone recommend her to you?
 22 A I don't remember how I got in touch with her.
 23 Q Okay. Do you know who Henry Nehls-Lowe is?
 24 A Yes. That's another -- Henry I believe is
 25 another official who was at that meeting that I

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1 was talking about where I first learned -- And I
 2 believe that he's some sort of public health
 3 official from that first meeting that I was
 4 talking about near Bunky's where I learned about
 5 everything.
 6 Q Did you ever have any conversations with him
 7 about the effects of PCE on human health?
 8 A I believe that I have potentially.
 9 Q Do you recall when those conversations occurred?
 10 A I talked to some public health officials at that
 11 one meeting personally, and then also many people
 12 in the audience talked to them. I have also
 13 emailed some of the public health officials some
 14 additional follow-up questions after that. Other
 15 than that, no, I don't know.
 16 Q You said you talked to some of the health
 17 officials personally at the meeting?
 18 A Um-hum.
 19 Q Does that mean you had a one-on-one conversation
 20 with them?
 21 A Yes.
 22 Q And you said you also emailed health officials
 23 follow-up questions?
 24 A Yes.
 25 Q Was one of those health officials Henry

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1 Nehls-Lowe?
 2 A It easily could have been.
 3 Q Do you recall what your questions were? Just
 4 generally. I don't need word for word.
 5 A Yes, they were -- I don't clearly 100 percent
 6 remember, but they were questions I had about
 7 why -- I believe why none of the people had been
 8 tested for levels of contamination, and also just
 9 follow-up questions about the testing
 10 methodologies that I from my understanding and my
 11 reading of the lab reports just was concerned
 12 about.
 13 In particular, I believe I emailed
 14 somebody about this just wide level differences
 15 in quantitatively measured levels of
 16 contamination at different sites over different
 17 time points, and also in relation to who was
 18 doing the testing.
 19 Q Let's take that in two parts. You said one of
 20 the questions you may have emailed was why none
 21 of the people have been tested for levels of
 22 contamination?
 23 A Yes, I believe that was something I was curious
 24 about.
 25 Q Do you recall getting a response to that?

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1 A No, I don't remember.
 2 Q You don't remember if you got a response at all?
 3 A No, I don't remember what the outcome of our
 4 conversations was with all that. It was a long
 5 time ago.
 6 Q Sure.
 7 A It was awhile ago.
 8 Q The second issue you said is you talked -- you
 9 followed up with the health officials on testing
 10 methodologies. Do you recall a response to that
 11 issue?
 12 A Yes, they emailed and also we talked on the phone
 13 at least once and talked -- I just asked
 14 questions about the -- as far as the science goes
 15 about like how these tests were being done.
 16 Q And do you remember what the response was to
 17 that?
 18 A Their responses were not satisfactory to my
 19 liking. Again, like the reasons -- the questions
 20 I'm asking had to do with these wide levels in
 21 measured contamination, and they weren't able to
 22 provide me with an answer as to why there were
 23 these huge disparities in levels of
 24 contamination. They didn't know, I believe.
 25 Again, it was a long time ago, so I don't

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1 remember.
 2 Q Okay. Sure. Do you think it was sometime in
 3 2011?
 4 A Yes. I bet it was -- or I believe it was the
 5 summer of 2011.
 6 Q Why do you believe that?
 7 A Because I'm suddenly remembering having a phone
 8 call with them in a room at my workplace when it
 9 was summer.
 10 Q Do you think you still have any of the emails
 11 that you exchanged with those health officials?
 12 A Yes, and I forgot to provide some of those. I
 13 forgot about those. I forgot about those emails
 14 and those conversations. I could provide those
 15 emails.
 16 Q Okay. And then I believe Mr. White asked you
 17 earlier about who should -- Well, you testified
 18 that you had a problem -- you believe there was a
 19 conflict of interest if Madison-Kipp was paying
 20 for the testing. Who do you think should be
 21 paying for testing?
 22 A I don't know.
 23 MS. KREIL: I don't have anything
 24 further.
 25 MR. MANZKE: We'll reserve.

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1 (At 5:15 p.m. the deposition concluded.)
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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 KENNETH T. HENNRICK, was taken before me
 7 at the law offices of MICHAEL, BEST & FRIEDRICH, LLP,
 8 One South Pinckney Street, Suite 700, Madison,
 9 Wisconsin, on the 9th day of January, 2013, commencing
 10 at 3:55 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 CERTIFICATE OF WITNESS
 2
 3
 4 I, KENNETH T. HENNRICK, 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 KENNETH T. HENNRICK
 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

Page 68

1 VARGA, BERGER, LEDSKY, HAYES & CASEY,
 2 125 South Wacker Drive, Suite 1250, Chicago, Illinois,
 3 60606-4473, by MR. MICHAEL D. HAYES, mhayes@vblhc.com,
 4 appeared on behalf of the Plaintiffs.
 5
 6 MICHAEL, BEST & FRIEDRICH, LLP, One
 7 South Pinckney Street, Suite 700, Madison, Wisconsin,
 8 53703, by MS. LEAH H. ZIEMBA and MR. ALBERT BIANCHI,
 9 JR., lhziemba@michaelbest.com and
 10 abianchi@michaelbest.com, appeared on behalf of
 11 Madison-Kipp Corporation.
 12 TROUTMAN SANDERS, LLP, 55 West Monroe
 13 Street, Suite 3000, Chicago, Illinois, 60603-5758, by
 14 MR. CHRISTOPHER H. WHITE,
 15 christopher.white@troutmansanders.com, appeared on
 16 behalf of the Defendant Continental Casualty Company.
 17 MEISSNER, TIERNEY, FISHER & NICHOLS,
 18 S.C., 111 East Kilbourn Avenue, 19th Floor, Milwaukee,
 19 Wisconsin, 53202-6622, by MS. JENNIFER KREIL,
 20 jbk@mtfn.com, appeared on behalf of United States Fire
 21 Insurance Company.
 22 NISTLER LAW OFFICE, S.C., 3235 North
 23 124th Street, Brookfield, Wisconsin, 53005, by MR.
 24 JACQUES C. CONDON, jcondon@nistlerlaw.com, appeared on
 25 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 19th day of January, 2013,
Milwaukee, Wisconsin.