

Page 1

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
JULIE FRIESLER BERNHARDT
Madison, Wisconsin
January 21, 2013
12:40 p.m. to 1:13 p.m.
Kathy A. Halma, RPR

Page 2

1 and
2 CONTINENTAL CASUALTY COMPANY and
3 COLUMBIA CASUALTY COMPANY,
4
5 Cross-Claim Defendants
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7 and
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9 LUMBERMENS MUTUAL CASUALTY
10 COMPANY, AMERICAN MOTORISTS
11 INSURANCE COMPANY, and JOHN DOE
12 INSURANCE COMPANIES 1-20,
13 Third-Party Defendants.
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A P P E A R A N C E S

THE COLLINS LAW FIRM, P.C., 1770 North Park Street, Suite 200, Naperville, Illinois, 60563, by MR. EDWARD J. MANZKE, ejmanzke@collinslaw.com, appeared on behalf of the Plaintiffs.

MICHAEL, BEST & FRIEDRICH, LLP, One South Pinckney Street, Suite 700, Madison, Wisconsin, 53703, by MR. ALBERT BIANCHI, abianchi@michaelbest.com, appeared on behalf of Madison-Kipp Corporation.

BRENNAN STEIL, S.C., One East Milwaukee, Street, Janesville, Wisconsin, 53545-3029, by MR. DUFFY DILLON, ddillon@brennansteil.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.

NISTLER LAW OFFICE, S.C., 3235 North 124th Street, Brookfield, Wisconsin, 53005, by MR. MICHAEL F. TUCHALSKI, mtuchalski@nistlerlaw.com, appeared on behalf of American Motorists Insurance Company.

Page 3

I N D E X

1
2 JULIE FRIESLER BERNHARDT
3 By Mr. Bianchi.....4
4 By Mr. Dillon.....40
5
6 E X H I B I T S
7
8 No. 1 Discovery Documents; PLF_249_WAUB_000001
9 to 000118.....4
10
11 No. 2 Answers to Defendant Madison-Kipp Corporation's
12 First Set of Interrogatories.....4
13
14 No. 3 Answers to Defendant United States Fire
15 Insurance Company's First Set of
16 Interrogatories.....4
17
18 No. 4 Responses to Defendant Madison-Kipp
19 Corporation's First Set of Requests for
20 Documents and Things.....4
21
22 No. 5 Responses to Defendant United States Fire
23 Insurance Company's First Set of Requests
24 for Production.....4
25 (The original transcript was sent to Attorney Bianchi.)

(The original exhibits were retained by the court reporter and attached to the original transcript. Copies were attached to all ordered copies.)

Page 4

TRANSCRIPT OF PROCEEDINGS
(Exhibits 1 through 5 were marked.)
JULIE FRIESLER BERNHARDT, called as a witness herein by the Defendants, after having been first duly affirmed, was examined and testified as follows:
EXAMINATION
BY MR. BIANCHI:
Q Good afternoon. Could you please state your full name and spell your last name for the record.
A Julie Pauline Bernhardt, B-E-R-N-H-A-R-D-T.
MR. MANZKE: AJ, just to clear up the confusion, her name has legally changed apparently very recently. It was formerly Friesler.
THE WITNESS: Correct. It was Friesler up until about two months ago.
BY MR. BIANCHI:
Q And could you just -- sorry -- spell the last name one more time.
A B-E-R-N-H-A-R-D-T.
Q And how do you pronounce that?
A Bernhardt.
Q Bernhardt.
A There you go.

Page 5	Page 7
<p>1 Q Okay.</p> <p>2 A Sorry.</p> <p>3 Q No, no. And what is your current home address?</p> <p>4 A 249 Waubesa Street.</p> <p>5 Q And do you live there by yourself?</p> <p>6 A No, I don't.</p> <p>7 Q Who lives with you?</p> <p>8 A Rebecca Schill.</p> <p>9 Q And how long has Rebecca lived there?</p> <p>10 A 2007, maybe.</p> <p>11 Q And when did you purchase the home?</p> <p>12 A September 2002.</p> <p>13 Q And does anyone else currently live there besides</p> <p>14 you and Rebecca?</p> <p>15 A Our dog.</p> <p>16 Q And before Rebecca, did anybody else live with</p> <p>17 you in the home?</p> <p>18 A No humans, no.</p> <p>19 Q And, Ms. Bernhardt, what is your educational</p> <p>20 background? College?</p> <p>21 A College, yes. I have a bachelor's degree in</p> <p>22 psychology and anthropology, and I have also gone</p> <p>23 to school for veterinary technician.</p> <p>24 Q And where did you go to college?</p> <p>25 A UW-Milwaukee, and then Madison Area Technical</p>	<p>1 long.</p> <p>2 Q And do you smoke?</p> <p>3 A No.</p> <p>4 Q Does Rebecca smoke?</p> <p>5 A No.</p> <p>6 Q I'm going to have you look at what's been marked</p> <p>7 as Exhibit 1. Could you take the clip off and</p> <p>8 look through those documents. I will represent</p> <p>9 to you that those are the documents that you</p> <p>10 provided to your attorneys who then provided them</p> <p>11 to us in response to discovery requests. So I</p> <p>12 will just have you look through them and just</p> <p>13 confirm that those are documents that you</p> <p>14 provided.</p> <p>15 A They all look familiar.</p> <p>16 Q Okay. And if you look in the -- If you look in</p> <p>17 the lower, right-hand corner, there's some</p> <p>18 numbers. Those are just called Bates numbers.</p> <p>19 I'm just going to use those if we go through any</p> <p>20 documents just so you are aware that will be the</p> <p>21 page number that I'm referring to. Does that</p> <p>22 make sense?</p> <p>23 A Um-hum.</p> <p>24 Q And, sorry, we need verbal answers so the court</p> <p>25 reporter can take it down.</p>
Page 6	Page 8
<p>1 College after that.</p> <p>2 Q And did you obtain the veterinary technician</p> <p>3 degree?</p> <p>4 A No, I did not.</p> <p>5 Q No?</p> <p>6 A That's what I do for a living, but I didn't</p> <p>7 finish.</p> <p>8 Q And what year did you graduate from UWM?</p> <p>9 A '93.</p> <p>10 Q And what did you do for a job out of college?</p> <p>11 A Well, that's a long time ago. I worked at a</p> <p>12 summer camp. I traveled for a year and did not</p> <p>13 work, and then I went back to school and since</p> <p>14 then I have been working as a vet tech and soccer</p> <p>15 coach.</p> <p>16 Q And when did you start working as a vet tech?</p> <p>17 What year?</p> <p>18 A At the clinic I started in 1997. I worked</p> <p>19 previously in '96 at a different clinic.</p> <p>20 Q And where is the current clinic that you work at?</p> <p>21 Where is it located?</p> <p>22 A On the west side of town, Gammon Road.</p> <p>23 Q And what exactly do you do as a vet tech?</p> <p>24 A Everything. Anesthesia, place catheters, patient</p> <p>25 care, hold animals, talk to clients. The list is</p>	<p>1 A Oh, sorry.</p> <p>2 Q No worries at all. Can you go to what's Bates</p> <p>3 numbered No. 2, so it's like basically the very</p> <p>4 first document that's there. It's property</p> <p>5 search results. Can you just look over those</p> <p>6 pages, so Page 2 and 3, and tell me if there's</p> <p>7 anything that you see there that's incorrect.</p> <p>8 A I believe we have a concrete driveway.</p> <p>9 Q Okay.</p> <p>10 A And the deck is bigger than that, I think, but I</p> <p>11 don't know for sure.</p> <p>12 Q So you had the roof replaced in 2004, is that</p> <p>13 right?</p> <p>14 A Yep, um-hum.</p> <p>15 Q And if you look at the top, the assessed value,</p> <p>16 have you ever challenged the tax assessed value</p> <p>17 of the property?</p> <p>18 A No.</p> <p>19 Q And do you know how the home is currently heated?</p> <p>20 A You mean the type of furnace?</p> <p>21 Q Through forced air or --</p> <p>22 A Forced air.</p> <p>23 Q Okay. And do you know in the time you have owned</p> <p>24 the home was there ever a coal bin?</p> <p>25 A No.</p>

Page 9	Page 11
<p>1 Q And how do you use the basement? 2 A Laundry and storage. 3 Q Anything else? 4 A No. 5 Q And previous to the last couple of years, so when 6 you first purchased the home maybe until 2008, 7 let's say, did you use the basement in any other 8 way? 9 A No. 10 Q And what kind of things do you store in the 11 basement? 12 A Anything from camping equipment to tools, canned 13 goods. We will dry our garlic down there. 14 Q And do you store any paint down there? 15 A There's some old -- not old, but cans of paint 16 from when we refinished and things like that. 17 Q When was that? When did you use that paint, if 18 you remember? 19 A I'm sorry. I believe it was two summers ago. 20 Q And was that inside paint or outside paint? 21 A Inside paint. 22 Q And kind of like paint thinner down there? 23 A I don't believe so. 24 Q Any kind of cleaning products? 25 A Sorry. No.</p>	<p>1 contaminated with some pretty nasty chemicals, 2 she advised us to wait. 3 Q So you never actually put the home on the market? 4 A No, I have not. 5 Q Have you sought a second opinion from any other 6 realtors? 7 A No. 8 Q And how did you come about deciding to use Ms. 9 Lauer as your realtor? 10 A She's a personal friend. 11 Q Did you use her to purchase the home? 12 A I did. 13 Q In 2002? 14 A I used her partner, Nina. They work together. 15 Q And why were you going to sell the home in 2010 16 or 2011? 17 A The smells and the horrific noises coming from 18 the factory had gotten so bad that we were unable 19 to enjoy a big part of our house, which is the 20 back yard. It got to the point where we were 21 having to keep windows closed, turn music on, 22 fans. We actually had to leave one weekend 23 because the noise was so bad it wasn't worth it 24 anymore, so we decided to, after contacting Kipp 25 many times about the noise and getting nowhere,</p>
Page 10	Page 12
<p>1 Q Glues? 2 A Probably some wood glue, yes. 3 Q And there's currently a mitigation system in the 4 basement, is that correct? 5 A Correct. 6 Q Do you remember when that was installed? 7 A I believe it was this last fall. 8 Q Fall of -- 9 A Spring. Sorry. Spring of 2012. 10 Q And since you purchased the home in 2002, have 11 you attempted to sell it between then and now? 12 A I have been advised not to. 13 Q Who advised you not to sell? 14 A Our realtor, Liz Lauer. 15 Q What exactly did Ms. Lauer tell you? 16 A We were talking about selling it in I believe it 17 was the fall of 2010. We were going to 18 potentially put it on the market in the spring of 19 2011, and that's when this whole thing broke and 20 she advised us to kind of wait and see what the 21 contamination was, how bad it was, where it is, 22 because at that time there was only testing being 23 done on Marquette Street. She said to wait and 24 go from there. As it's evolved and the testing 25 numbers have come back and our house is</p>	<p>1 we decided to, unfortunately, leave the house 2 that I bought. 3 Q Did you ever send any letters to Kipp or emails? 4 A Phone calls to Kipp, emails to the city. 5 Q Do you still have those emails? 6 A I do. 7 Q In purchasing the home in 2002, what kind of 8 process did you use to decide on purchasing that 9 home? 10 A I had been looking in the neighborhood for a home 11 with a yard for my dogs, and this one fit the 12 bill. 13 Q Did you look anywhere else? 14 A I looked all over. 15 Q And did you look at any other homes, you know, 16 within a block or two of this -- of your current 17 home? 18 A I don't think there were any for sale at the 19 time. 20 Q What specifically about this home helped you 21 decide to pick it? 22 A It has a yard. It had a good amount of space. 23 It was in the neighborhood that I wanted to be 24 in, within walking distance of everything except 25 for my work, grocery store, restaurants, friends.</p>

Page 13	Page 15
<p>1 This is my community. This is where I live. I 2 wanted to stay here. 3 Q Where did you live before you purchased the home? 4 Where were you living? 5 A On Jackson Street. 6 Q Did you own that property or were you renting? 7 A I owned it with somebody else. 8 Q What was the address? 9 A 105 Jackson Street. 10 Q I apologize, but I'm not completely familiar. 11 How far is that from your current home, would you 12 say? Like how many miles or blocks? 13 A It's like five blocks, six blocks, maybe. 14 Q And how long did you live there? 15 A Two or three years. 16 Q Now when you purchased the home at 249 Waubesa 17 did you receive any data disclosure sheets or 18 environmental disclosure sheets? 19 A No. 20 Q Do you recall did your realtor or the owner say 21 anything about Madison-Kipp? 22 A No. 23 Q Anything about air pollution? 24 A No. 25 Q Do you recall did you realtor say -- have any</p>	<p>1 A Oh, yeah. 2 Q Did you speak with any of the neighbors before 3 you purchased the home? 4 A Other than a causal hello, no. 5 Q When did you first become aware that Kipp was the 6 factory that abutted the property? 7 A Can you repeat that? 8 Q Sure. Did you know that this home abutted the 9 Madison-Kipp factory before you went and looked 10 at it? 11 A Before I went and looked at the house? 12 Q Correct. 13 A No. 14 Q But upon going there, was that the first time 15 that you realized that it abutted next to the 16 factory? 17 A Correct. You can see it right from the back 18 door. 19 Q Did you understand that being located next to a 20 factory would affect the value of the property? 21 A Sure. 22 Q In what way? 23 A Wherever you buy a home, whether it's in the 24 inner city of Milwaukee or the suburbs or 25 wherever, it's going to affect your property</p>
Page 14	Page 16
<p>1 positive or negative comments about Madison-Kipp? 2 A No. 3 Q And do you recall the purchase price of the home? 4 A I don't. I thought it was on here. 5 Q Maybe it's on Exhibit 1, Page 4. I think maybe 6 that's it. 7 A Sale price, \$135,000. 8 Q Is that correct, as far as you remember? 9 A As far as I remember. 10 Q And did you take out a mortgage to purchase the 11 home? 12 A I did. 13 Q Did you take out a mortgage to cover the full 14 135, do you recall? 15 A No. 16 Q Do you remember how much you took out? 17 A I don't. I know I had at least 20 percent down 18 so I didn't have to have PMI, private mortgage 19 insurance, but I don't know the exact amount. 20 Q And did you receive an appraisal of the home at 21 the time you purchased it? 22 A I don't recall. 23 Q Do you have the documents from the purchase? 24 A I do. 25 Q You still have them all?</p>	<p>1 value. 2 Q How? How did you believe that being next to a 3 factory would affect that property value? 4 A I didn't think it would affect it greatly. It's 5 part of the community. It's been part of the 6 community since the early 1900's. I didn't think 7 it would be a big deal. 8 Q Did you believe that the property's value would 9 be less than a similar size and style house that 10 wasn't located next to a factory? 11 A I thought it would have some effect, sure. 12 Q Did that help you in deciding to purchase the 13 home, because you could potentially buy a larger 14 home that was located next to a factory than the 15 same size home in another location? 16 A No, in this neighborhood that doesn't really hold 17 true. 18 Q And did you at the time ask any questions to the 19 owners or your realtor about Madison-Kipp? 20 A I remember asking about the noise. 21 Q And what did they tell you? 22 A They said that it was pretty quiet, and I sat 23 there for hours in the back yard and agreed with 24 them. At the time it was quiet. 25 Q When did you first notice that it was noisier?</p>

Page 17	<p>1 A It started getting noisy about 2010.</p> <p>2 Q Do you know why it became noisier?</p> <p>3 A You would have to ask them.</p> <p>4 Q Did you do any internet research about</p> <p>5 Madison-Kipp before you purchased the home?</p> <p>6 A No.</p> <p>7 Q When did you first become aware of the</p> <p>8 contamination, the alleged contamination issues</p> <p>9 with Kipp?</p> <p>10 A There was a letter about a meeting I believe it</p> <p>11 was the spring of 2011. There was a meeting in I</p> <p>12 think it was the St. Bernard Church.</p> <p>13 Q And what do you recall about that meeting?</p> <p>14 A It was a meeting about the contamination on</p> <p>15 Marquette Street, and we had to fight, in our</p> <p>16 view, to get our side of the street or our street</p> <p>17 tested. At that time they believed there was no</p> <p>18 reason to test our street.</p> <p>19 Q And who said that they believed that there was no</p> <p>20 reason to test your side?</p> <p>21 A I don't recall the person's name.</p> <p>22 Q Do you remember was it someone from Kipp or</p> <p>23 someone from DNR or someone from the Health</p> <p>24 Department?</p> <p>25 A I don't recall who it was. Sorry.</p>	Page 19	<p>1 group meetings, did you personally ever talk with</p> <p>2 anybody else about the contamination issues?</p> <p>3 A Sure.</p> <p>4 Q Who?</p> <p>5 A Somebody on the street, just talking to somebody,</p> <p>6 your neighbors, what have you. Is it an official</p> <p>7 meeting, no.</p> <p>8 Q Which neighbors have you talked to about the</p> <p>9 contamination issues?</p> <p>10 A Both neighbors on either side of our house, Anita</p> <p>11 down the street. Anybody who lives on Waubesa</p> <p>12 Street. We can't use our yard anymore, so we</p> <p>13 walk the dog a lot. We are out a lot running</p> <p>14 into people and you start talking.</p> <p>15 Q Who told you that you can't use your yard</p> <p>16 anymore?</p> <p>17 A With any amount of contamination, it causes</p> <p>18 cancer. I prefer not to have myself on that soil</p> <p>19 or my dogs on that soil.</p> <p>20 Q Have you ever had the home tested for radon?</p> <p>21 A No.</p> <p>22 Q Besides talking with the neighbors in general,</p> <p>23 have you sought out information from anybody</p> <p>24 else, anyone maybe, you know, outside of the</p> <p>25 neighborhood to find out more details about the</p>
Page 18	<p>1 Q And after that meeting, what next happened? Like</p> <p>2 what next did you do in response to that meeting?</p> <p>3 A We started getting involved in learning more</p> <p>4 about what the contaminations were on Marquette</p> <p>5 Street.</p> <p>6 Q And how did you go about doing that?</p> <p>7 A The internet machine. Just doing research. Just</p> <p>8 looking it up. Then more meetings started</p> <p>9 happening.</p> <p>10 Q Do you recall some of the websites you went to to</p> <p>11 find out more information?</p> <p>12 A The DNR for sure. I believe I looked at the CDC.</p> <p>13 Q What's that?</p> <p>14 A Center for Disease Control. I don't recall. If</p> <p>15 you just Google any of the VOCs that we're</p> <p>16 talking about, you get all sorts of health</p> <p>17 information.</p> <p>18 Q Did you ever print any of that information?</p> <p>19 A I try to save paper where I can. No.</p> <p>20 Q So you said there were other meetings. Besides</p> <p>21 those meetings, did you ever personally meet with</p> <p>22 anyone besides your lawyers to talk about the</p> <p>23 contamination?</p> <p>24 A Can you repeat the question?</p> <p>25 Q Sure. So besides your lawyers and the big large</p>	Page 20	<p>1 contamination?</p> <p>2 A I have a friend who's a hydrogeologist. We talk</p> <p>3 about it.</p> <p>4 Q And who is that friend?</p> <p>5 A Meredith Westover.</p> <p>6 Q Could you spell the last name, please.</p> <p>7 A W-E-S-T-O-V-E-R.</p> <p>8 Q And when did you first speak with Meredith about</p> <p>9 the contamination, do you recall?</p> <p>10 A I don't recall.</p> <p>11 Q And what did you talk, you know, what did she</p> <p>12 express to you about the contamination issues?</p> <p>13 A She expressed that these chemicals are toxic and</p> <p>14 cancer causing, and you need to clean them up.</p> <p>15 Q Did she provide you with any documents about</p> <p>16 levels?</p> <p>17 A No. It was just causal dinner conversation.</p> <p>18 Q So besides the information from like the DNR's</p> <p>19 website about the effects of some of the, you</p> <p>20 know, PCE and different levels, do you have any</p> <p>21 other documents that you go back to to help you</p> <p>22 understand the effects of PCE on people?</p> <p>23 A Go back to?</p> <p>24 Q Right. Like I know you said you did research on</p> <p>25 the internet. Do you have any like websites that</p>

Page 21	Page 23
<p>1 are like bookmarked that you constantly check or, 2 again, although you may not have printed 3 anything, did you download anything that you 4 refer to? 5 A I don't need to revisit it. It's in my brain. 6 No, no. 7 Q And your understanding is that any level of these 8 chemicals is cancer causing? 9 A I understand what the government says is cancer 10 causing. My opinion, and this is how I live my 11 life and why I eat organic food and don't drink 12 soda that has cancer causing things in it, et 13 cetera, et cetera, I believe you should not have 14 any of it in your system. 15 Q And is your opinion based on any specific 16 research or -- 17 A Absolutely. 18 Q And what research is that? 19 A Research on chemicals. 20 Q Do you have specific websites that you trust more 21 than others that you, again, go to to give you 22 this kind of basic knowledge? 23 A I can't think of them off the top of my head. 24 Sorry. I have a cold. 25 Q That's okay. Would you have any such websites</p>	<p>1 Q And did you have the home appraised at that time? 2 A I believe there was an appraisal, a drive-by. 3 Nobody ever came into the house. 4 Q Do you have a copy of that appraisal? 5 A I do. Actually, I will amend that. There was a 6 dollar amount on the refinance paper. I never 7 got a form or anything for the appraisal. 8 Q Do you recall were there any kind of 9 environmental disclosure documents that you 10 filled out with the 2010 refinance? 11 A Never. 12 Q And you said that there were other times that you 13 refinanced. Do you remember the time you 14 refinanced before 2010? 15 A I don't recall, but I'm sure there was. 16 Q And do you know did you have an appraisal at that 17 time? 18 A As far as someone coming in the home? 19 Q Yes. 20 A No one has ever come into the home to appraise 21 the house since I bought it. 22 Q But there was another potential drive-by 23 appraisal, as you noted? 24 A I assume that's how you refinance, right? 25 Q Do you have all the documents from that</p>
Page 22	Page 24
<p>1 bookmarked on your computer? 2 A Sure. 3 Q And you noted that you didn't trust the 4 government. You trust these other websites more 5 than the governments levels? 6 A It's not about trusting, it's a matter of I don't 7 believe that I should have, for example, 8 aspartame that causes cancer and holes in your 9 brain in something that I drink. I don't believe 10 that any VOCs should be around me, in me, by my 11 home or any of that. I don't believe it should 12 be around me. I choose to live my life that way. 13 I didn't choose to have this company spill those 14 chemicals into my house. 15 Q In your time owning the home on the property, did 16 you ever see Madison-Kipp pour any chemicals into 17 the ground? 18 A No. 19 Q Since purchasing the home in 2002, have you 20 refinanced your mortgage at all? 21 A Yes. 22 Q Do you recall when? 23 A I believe the last one was 2010, and that was 24 right before you were going to sell the home. It 25 was early 2010.</p>	<p>1 additional refinance? 2 A I do. 3 Q And besides those two refinances, was there -- 4 has there been any other time you have 5 refinanced? 6 A I don't recall. 7 Q And you know you purchased the home in 2002. I 8 believe in 2003 did you take a line of credit out 9 on the home? 10 A I did. 11 Q And what was that for? 12 A The roof. 13 Q And you have noted there was no appraisal on the 14 home. Was there an appraisal done with that at 15 all, like done with taking out the line of 16 credit? Was there any appraisal done? 17 A I don't think so. 18 Q Besides the roof, did you have any other 19 improvements or changes in 2003? 20 A 2003. I believe it was just the roof in '03. 21 Q And what other improvements or changes have you 22 made since then? 23 A I have done a lot to that house. A new furnace 24 with central air. 25 Q Do you remember the time of that?</p>

Page 25

1 A That I did right away, I believe, 2002. Water
 2 heater, water softener, all new windows, the
 3 roof, added insulation in the attic. I did a
 4 full kitchen and lower bath remodel.
 5 Q When was the kitchen and bath remodeled?
 6 A That was two summers ago, I believe.
 7 Q 2010?
 8 A 2010 after we decided not to sell.
 9 Q And you said you decided not to sell because of
 10 the potential contamination issues that were
 11 coming on?
 12 A Correct.
 13 Q And then the remodel was after that?
 14 A I believe so.
 15 Q And since then have you done any other --
 16 A No.
 17 Q And do you remember for the inside remodel did
 18 you do that yourself or did you have somebody
 19 else do it?
 20 A We did most of it ourselves. We hired out the
 21 electric, the floors and the gas line replumb.
 22 Q Do you recall did you pull permits with the city
 23 for that remodel?
 24 A No, I did not.
 25 Q How about for when the home was roofed? Did you

Page 26

1 reroof the house or hire it done?
 2 A I didn't do it, no.
 3 Q And with the windows?
 4 A I did not do that, either.
 5 Q So the last home improvement that was done was
 6 redoing the kitchen and the bathroom?
 7 A Correct. Well, I forgot. We put a new deck out
 8 back, as well.
 9 Q And when was that?
 10 A I want to say it was maybe 2007, maybe. I don't
 11 recall specifically, but about that.
 12 Q And how far is Kipp's building from your property
 13 line? An estimate is fine.
 14 A Two feet.
 15 Q And how far is the deck, the edge of the deck
 16 from the -- your property line?
 17 A Twenty yards. I have no idea.
 18 MR. BIANCHI: Ed, if you want to do the
 19 documents. We're going to look and confirm that
 20 those are what they say they are.
 21 MR. MANZKE: Exhibits 2 through 5 are
 22 this particular Class Member's Answers to
 23 Madison-Kipp and U. S. Fire's Interrogatories and
 24 Document Requests.
 25

Page 27

1 BY MR. BIANCHI:
 2 Q Do you recall anyone coming to your house from
 3 DNR and speaking with you about the
 4 contamination?
 5 A I don't. I don't recall. That doesn't mean it
 6 didn't happen.
 7 Q And in attending the meetings, do you ever after
 8 the meetings go and speak one on one with anyone
 9 from DNR or the Department of Health?
 10 A Yes.
 11 Q And what kind of conversations have you had and
 12 with whom, if you remember, if you know their
 13 names?
 14 A Sure. Usually I was asking for clarity, clarity
 15 on what the numbers mean, clarity on when we
 16 could expect resolution. Just asking for more
 17 information, more detail. As far as with whom,
 18 there's so many players I can't recall their
 19 names. Sorry.
 20 Q Sure. And do you receive answers to your
 21 questions?
 22 A Not usually.
 23 Q Which ones have you received answers to?
 24 A I would say usually we get a lot of words with
 25 not a lot of answers.

Page 28

1 Q I apologize, because I think I already asked
 2 this, but you have a mitigation system in your
 3 basement, correct?
 4 A Correct.
 5 Q And there's also I believe some sort of drain?
 6 There was some issues with a drain down there?
 7 A That is another improvement. Thanks for
 8 reminding me. We put drain tile and a sump pump
 9 in the basement.
 10 Q And what was the purpose of the sump pump?
 11 A I'm sorry. The purpose of the sump pump?
 12 Q Yes.
 13 A When it poured, we would get rain in the
 14 basement, so now we don't.
 15 Q And did you know that before you purchased the
 16 home?
 17 A No.
 18 Q When did that first happen where when it
 19 rained --
 20 A It progressively got worse as time went on.
 21 Q Did you ever contact the previous owners about
 22 that?
 23 A No.
 24 Q Do you recall was there anything listed on any of
 25 the disclosures when you purchased the home that

Page 29

1 there was rainwater leaking in the basement?
 2 A No.
 3 Q And so what exactly did you have done besides the
 4 sump pump?
 5 A I put drain tile in. They dug a little trench
 6 around the walls of the inside of the basement
 7 and put this tile in it so that the water
 8 apparently seeps into there and then goes into
 9 the sump. I have had a dry basement ever since.
 10 Q And I apologize. What year was that?
 11 A '09.
 12 Q I'm going to direct you to Exhibit No. 2. I'm
 13 going to have you look at Question No. 3 and your
 14 answer. You believe that your property has lost
 15 its value. Can you explain why that is?
 16 A Sure. Where are you looking?
 17 Q Sorry. Page 3, Question 3, and then there's your
 18 answer below it.
 19 A Got it. Can you repeat your question?
 20 Q Sure. The last sentence says, "I believe my
 21 property has lost its value." I'm asking why you
 22 say that.
 23 A The contamination from Madison-Kipp into my home,
 24 around my home, the air in my home, no one is
 25 going to buy it, and if somebody does want to buy

Page 30

1 it -- I wouldn't buy it. I wouldn't touch it.
 2 When you have things that cause cancer and you
 3 are knowingly living among those things, why
 4 would you choose to go there. You have a choice.
 5 You can by Property A or Property B, and Property
 6 B is a great house, but it's full of cancer. Are
 7 you going to buy it? Exact same house, one has
 8 been noted and documented over and over again
 9 with things that will give you cancer. Are you
 10 going to raise your kids there? Would you so
 11 choose to put yourself there? I don't think so.
 12 Q You said it's been documented time and time that
 13 it's contaminated. Do you know how many results
 14 there have been to show that there's any
 15 contamination?
 16 A I believe there's been two soil testings and
 17 three sub-slabs testings, I think.
 18 Q And --
 19 A And that's just my house. Now the stuff moves,
 20 right? We all know that it travels in soil and
 21 it travels in air, so if my next-door neighbor
 22 has it, it's just not going to stop at the
 23 property line.
 24 Q And how do you understand that? Who explained to
 25 you how it moves and travels?

Page 31

1 A Have you been on the DNR website? It's there.
 2 The guys talk about it at the meeting. It's
 3 common knowledge, if you look at the website.
 4 Q From the DNR's website and the meetings, that's
 5 where you have learned how the vapors travel?
 6 A I'm just educating myself. You have to be
 7 educated in this world.
 8 Q And you don't believe that the mitigation system
 9 changes that, changes whether there's vapors in
 10 your home?
 11 A I hope that the mitigation system changes that.
 12 When the gentleman put it in, he showed us when
 13 it's working correctly, here's your level. If
 14 it's not working correctly, here's your level.
 15 So is that comforting? A little bit. Something
 16 is being done. But has the damage already been
 17 done, time will tell, and that's just for the
 18 air. It has nothing to do with the soil.
 19 Q So do you believe that it's safe to live in your
 20 home?
 21 A No, I do not.
 22 Q Have you ever thought about trying to rent your
 23 home out?
 24 A I try to do the right thing in everything that I
 25 do, and if I tried to rent my house to somebody,

Page 32

1 it wouldn't seem right.
 2 Q Do you know of any neighbors who rent their home
 3 out?
 4 A On our street, I think they are all owned on our
 5 side.
 6 Q Of Waubesa?
 7 A Yes, but I honestly don't know. I don't know
 8 anybody else.
 9 Q And has anyone specifically told you that it's
 10 unsafe to live in your home?
 11 A Any of you guys, no.
 12 Q Or anyone besides your attorneys. Has anyone --
 13 Has anyone told you that it's unsafe or is that
 14 belief based on your own understanding of the
 15 data?
 16 A It's my belief based on the research that I have
 17 done and the way that I choose to live my life
 18 and the hydrogeologists that I have spoken to.
 19 Q But you do believe that the mitigation system
 20 could prevent the contamination coming into the
 21 air?
 22 A I don't know that it can prevent -- I lived there
 23 for ten years before this got into my home, so is
 24 it taking away any damage that has already been
 25 done to me and other people that have been in my

Page 33

1 home? No.
 2 Q But going forward --
 3 A Is it going forward, time will tell.
 4 Q Same page, Page 3 of your Response, in your
 5 answer to Question 4 you talk about no longer
 6 sitting on your deck. Why is that?
 7 A I like to be outside. I like to get home from a
 8 very long, noisy, smelly day at the office and
 9 clinic, and when it's nice out, sit outside in
 10 the sun and relax. Originally I stopped doing
 11 that because of the increased noise, rattles,
 12 squeaks from the factory. The smells made it
 13 unbearable. We couldn't have this conversation
 14 in this tone on my deck. We would have to shout
 15 at each other. To sit out on Sunday morning with
 16 a cup of coffee and read the paper, nothing but
 17 aggravation. Go inside, close the doors, turn
 18 the fans on. We had to leave one weekend because
 19 it was so noisy. So it's not worth it to have a
 20 headache and high blood pressure because of your
 21 house.
 22 Q So in light of the noise issues, did you believe
 23 that it was going to be difficult to sell your
 24 home simply just because of the noise factor?
 25 A The noise would ebb and flow, and my hope was

Page 34

1 whoever came to look at it, it would be on a
 2 quiet day.
 3 Q So you weren't going to tell them that it was
 4 noisy?
 5 A Of course I would.
 6 Q If you turn to Page 4, still the same answer to
 7 Question 4, at the bottom, the last sentence, you
 8 note that your electric bill has gone up with the
 9 installation of the mitigation system. Do you
 10 know how much your electric bill as increased
 11 since the installation of the mitigation system?
 12 A I would need to track, you know, a good chunk of
 13 time from before the mitigation to now or with
 14 the mitigation, and I don't know that number. I
 15 remember when the gentleman put it in, I asked
 16 him if he thought we would have an increase, and
 17 he said, "Well, you are running electricity,
 18 right?"
 19 Q You said that you found out about the
 20 contamination kind of in 2010, 2011, and then
 21 decided not to sell the home around that time.
 22 Did you ever contact the city assessor to inform
 23 them to try and reduce the value of your home for
 24 tax purposes?
 25 A No, I did not.

Page 35

1 Q Why not?
 2 A It's kind of two-fold. It was 2011 when we
 3 learned about the contamination. I didn't
 4 contact the city because -- This is going to
 5 sound silly, but I firmly believe that everybody
 6 needs to pay their fair share of taxes, and I
 7 want Lowell Elementary and I want my streets to
 8 be good and I want my schools to have what they
 9 need.
 10 Q You don't believe the city assessment reflects
 11 the value of your home?
 12 A No, not at all.
 13 Q But you haven't actually had your home assessed
 14 by an assessor to tell you what it could possibly
 15 sell for?
 16 A Every two years we get an assessed value of our
 17 home. I got one this past year. I don't need to
 18 get an assessment if the city tells me what it's
 19 assessed at, correct?
 20 Q You tell me. So you believe the city assessment
 21 is incorrect, though?
 22 A I'm sorry. I misunderstood the question.
 23 Q Sure.
 24 A Ask the question again.
 25 Q Sure. So the city has assessed your home --

Page 36

1 A Correct.
 2 Q -- at I think you said \$186,000?
 3 A Okay.
 4 Q But do you agree with that assessment?
 5 A No. My house couldn't sell for probably a dollar
 6 right now.
 7 Q And have you had someone else assess it to
 8 establish that it couldn't sell for \$1?
 9 A On paper, no. Have I talked to a realtor, yes.
 10 Q And she told you that it can't sell for a dollar?
 11 A She said that you will not get the value of your
 12 home right now.
 13 Q And what do you think the value of the home is?
 14 Do you have any idea?
 15 A \$186,000. Do you want to buy my house?
 16 Q I haven't looked at it.
 17 A It's cute. I have done a lot of work to it.
 18 It's a shame when you love your house and then
 19 pull in the driveway every day and start to hate
 20 it.
 21 Q Do you think that the value to the home can be
 22 restored?
 23 A Time will tell. If this mess ever gets cleaned
 24 up, which will take years and years, historically
 25 speaking, with messes like this. Can it ever get

Page 37	Page 39
<p>1 turned around, I don't know. Science will tell</p> <p>2 us.</p> <p>3 Q And you say "historically." Do you believe that</p> <p>4 this mess, as you put it, is similar to another</p> <p>5 one?</p> <p>6 A Sure. There have been cases like this all over</p> <p>7 the country.</p> <p>8 Q Any in particular that you are thinking of?</p> <p>9 A I have read about ones in Indiana, California.</p> <p>10 Q Do you remember the specific name of the town or</p> <p>11 the --</p> <p>12 A I don't.</p> <p>13 Q Do you have any documents on that?</p> <p>14 A Printed, no.</p> <p>15 Q Possibly saved on your computer?</p> <p>16 A I don't know that I saved it.</p> <p>17 Q And in responding, providing these documents to</p> <p>18 your attorney, what process did you take? Like</p> <p>19 what did you do? Like do you have a file folder</p> <p>20 related to Madison-Kipp contamination issues or</p> <p>21 something similar to that?</p> <p>22 A I don't understand the question.</p> <p>23 Q Sure. These documents that you provided to us,</p> <p>24 like do you have a folder? Like some people have</p> <p>25 a binder that they keep all the materials in.</p>	<p>1 A Reference regularly? What do you mean by that?</p> <p>2 Q Or you had noted that you did some research to</p> <p>3 understand the effects of PCE on people --</p> <p>4 A Um-hum.</p> <p>5 Q -- and so forth?</p> <p>6 A Yes.</p> <p>7 Q And that there's specific websites that you</p> <p>8 possibly trusted more so than just going to the</p> <p>9 EPA?</p> <p>10 A Well, sure. I'm not going to trust Wiki over the</p> <p>11 CDC. I mine, c'mon.</p> <p>12 Q But you are saying there are some other websites</p> <p>13 where you have obtained information?</p> <p>14 A Sure.</p> <p>15 Q And you would be able to -- If I wanted to know</p> <p>16 what those websites were, would you be able to</p> <p>17 find that out?</p> <p>18 A Sure.</p> <p>19 MR. BIANCHI: And I'd just note that we</p> <p>20 would want to, Ed, know what those websites are?</p> <p>21 MR. MANZKE: Okay.</p> <p>22 BY MR. BIANCHI:</p> <p>23 Q And as far as the refinancing of your home in</p> <p>24 2009 and 2010, you also have those documents, is</p> <p>25 that correct?</p>
Page 38	Page 40
<p>1 A Sure, a binder.</p> <p>2 Q You have a binder?</p> <p>3 A Yes.</p> <p>4 Q And do you also keep any kind of electronic</p> <p>5 communications that you have about it?</p> <p>6 A Yes.</p> <p>7 Q Do you ever email with any of your neighbors</p> <p>8 about the issues?</p> <p>9 A Unh-unh.</p> <p>10 Q Do you ever email with Rebecca about the issues?</p> <p>11 A Sometimes she will forward something, because she</p> <p>12 sits at a desk all day. If she gets something</p> <p>13 sent to her computer, then she will send it to</p> <p>14 the home computer.</p> <p>15 Q Have you ever heard of the neighborhood</p> <p>16 association SASY?</p> <p>17 A Um-hum.</p> <p>18 Q Are you a part of that group?</p> <p>19 A No.</p> <p>20 Q And just to make sure that I understand</p> <p>21 correctly, so there's certain websites that you</p> <p>22 possibly have bookmarked on your home computer</p> <p>23 that you go to regularly to get your base of</p> <p>24 knowledge besides the DNR's website, is that</p> <p>25 correct?</p>	<p>1 A I do. I believe I sent the later one, the 2010</p> <p>2 one.</p> <p>3 MR. MANZKE: And whatever she has we</p> <p>4 will get to you.</p> <p>5 MR. BIANCHI: That sounds good.</p> <p>6 BY MR. BIANCHI:</p> <p>7 Q And do you know if you recently received any new</p> <p>8 test results at your home?</p> <p>9 A Friday we got the air result.</p> <p>10 Q Do you recall what that was?</p> <p>11 A Non-detect, which means it's working. That's</p> <p>12 good.</p> <p>13 MR. BIANCHI: I have no further</p> <p>14 questions, but these gentlemen and lady may have</p> <p>15 some for you.</p> <p>16 MR. TUCHALSKI: I don't have any.</p> <p>17 MR. DILLON: I have just a couple.</p> <p>18 EXAMINATION</p> <p>19 BY MR. DILLON:</p> <p>20 Q My name Duffy Dillon. I represent some of</p> <p>21 Madison-Kipp's insurance companies.</p> <p>22 A Can you speak up?</p> <p>23 Q Sure. My name is Duffy Dillon. I represent some</p> <p>24 of Madison-Kipp's insurance companies.</p> <p>25 A Okay.</p>

Page 41

1 Q They wrote insurance policies for Madison-Kipp
 2 from 1980 through 1987. So I know what the
 3 answer is going to be, since you weren't living
 4 in the home then, but I assume you are not making
 5 any claims for any damages from 1980 to 1987, is
 6 that correct?
 7 A No, I didn't even live here.
 8 Q My statement is correct?
 9 A Yes.
 10 MR. DILLON: That's all I have got.
 11 Thank you.
 12 THE WITNESS: That was easy.
 13 MS. KREIL: I have no questions.
 14 MR. MANZKE: We will reserve.
 15 (At 1:13 p.m. the deposition concluded.)
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Page 42

1 CERTIFICATE OF WITNESS
 2
 3
 4 I, JULIE FRIESLER BERNHARDT, have read
 5 the foregoing page and the corrections, if any, having
 6 been noted. The same is now a true and correct
 7 transcript of my testimony.
 8
 9
 10 _____
 11 JULIE FRIESLER BERNHARDT
 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 43

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 JULIE FRIESLER BERNHARDT, was taken
 7 before me at the Goodman Community Center, 149 Waubesa
 8 Street, Madison, Wisconsin, on the 21st day of January,
 9 2013, commencing at 12:40 o'clock in the afternoon.
 10 That it was taken at the instance of the
 11 Defendants upon verbal interrogatories.
 12 That said statement was taken to be used
 13 in an action now pending in the UNITED STATES DISTRICT
 14 COURT FOR THE WESTERN DISTRICT OF WISCONSIN, in which
 15 KATHLEEN MC HUGH, et al., are the Plaintiffs and
 16 MADISON-KIPP, et al., are the Defendants and
 17 MADISON-KIPP CORPORATION is the Cross-Claimant and
 18 CONTINENTAL CASUALTY COMPANY, et al., are the
 19 Cross-Complainants and LUMBERMENS MUTUAL CASUALTY
 20 COMPANY are the Third-Party Defendants.
 21 A P P E A R A N C E S
 22 THE COLLINS LAW FIRM, P.C, 1770 North
 23 Park Street, Suite 200, Naperville, Illinois, 60563, by
 24 MR. EDWARD J. MANZKE, ejmanzke@collinslaw.com, appeared
 25 on behalf of the Plaintiffs.
 MICHAEL, BEST & FRIEDRICH, LLP, One
 South Pinckney Street, Suite 700, Madison, Wisconsin,

Page 44

1 53703, by MR. ALBERT BIANCHI, abianchi@michaelbest.com,
 2 appeared on behalf of Madison-Kipp Corporation.
 3 BRENNAN STEIL, S.C., One East Milwaukee,
 4 Street, Janesville, Wisconsin, 53545-3029, by MR. DUFFY
 5 DILLON, ddillon@brennansteil.com, appeared on behalf of
 6 the Defendant Continental Casualty Company.
 7 MEISSNER, TIERNEY, FISHER & NICHOLS,
 8 S.C., 111 East Kilbourn Avenue, 19th Floor, Milwaukee,
 9 Wisconsin, 53202-6622, by MS. JENNIFER KREIL,
 10 jbk@mtfn.com, appeared on behalf of United States Fire
 11 Insurance Company.
 12 NISTLER LAW OFFICE, S.C., 3235 North
 13 124th Street, Brookfield, Wisconsin, 53005, by MR.
 14 MICHAEL F. TUCHALSKI, mtuchalski@nistlerlaw.com,
 15 appeared on behalf of American Motorists Insurance
 16 Company.
 17 That said deponent, before examination,
 18 was sworn to testify the truth, the whole truth, and
 19 nothing but the truth relative to said cause.
 20 That the foregoing is a full, true and
 21 correct record of all the proceedings had in the matter
 22 of the taking of said deposition, as reflected by my
 23 original machine shorthand notes taken at said time and
 24 place.
 25 _____
 Notary Public in and
 for the State of Wisconsin
 Dated this 25th day of January, 2013,
 Milwaukee, Wisconsin.