Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Depositi					
		Page 1			
1	UNITED STATES DISTRICT COURT				
2	WESTERN DISTRICT OF WISCONSIN				
3					
4	KATHLEEN McHUGH, and DEANNA				
_	SCHNEIDER, Individually and on behalf				
5	of all persons similarly situated,				
6	Plaintiffs,				
7	vs. CASE NO. 11-CV-724				
8	MADISON-KIPP CORPORATION,				
	CONTINENTAL CASUALTY COMPANY,				
9	UNITED STATES FIRE INSURANCE				
	COMPANY and ABC INSURANCE				
10	COMPANIES 1-50,				
11	Defendants,				
12	and				
13	MADISON-KIPP CORPORATION,				
14	Cross-Claimant,				
15	VS.				
16	CONTINENTAL CASUALTY COMPANY,				
	COLUMBIA CASUALTY COMPANY and				
17	UNITED STATES FIRE INSURANCE				
10	COMPANY,				
18	Commercial Defendants				
10	Cross-Claim Defendants,				
19	(C-+i				
20	(Caption continued) DEPOSITION OF				
22 23	JENNINE TRASK				
23	Milwaukee, Wisconsin				
24	October 30, 2012				
25	10:11 a.m. to 4:06 p.m. Kathy A. Halma, RPR				
23	кашу А. паша, кРК				

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12
        and
CONTINENTAL CASUALTY COMPANY and
  1 2
         COLUMBIA CASUALTY COMPANY,
  3
                         Cross-Claim Defendants
   5
         LUMBERMENS MUTUAL CASUALTY
        COMPANY, AMERICAN MOTORISTS
INSURANCE COMPANY, and JOHN DOE
INSURANCE COMPANIES 1-20,
  6
                        Third-Party Defendants
                     APPEARANCES
        THE COLLINS LAW FIRM, P.C., 1770 North
Park Street, Suite 200, Naperville, Illinois, 60563, by
MR. SHAWN M. COLLINS, appeared on behalf of the
 11
 12
         Plaintiffs.
 13
        VARGA, BERGER, LEDSKY, HAYES & CASEY, 125 South Wacker Drive, Suite 1250, Chicago, Illinois, 60606-4473, by MR. NORMAN B. BERGER, appeared on behalf
 14
        of the Plaintiffs.
                      MICHAEL, BEST & FRIEDRICH, LLP, Two
 16
        Riverwood Place, Suite 200, N19 W24133 Riverwood Drive, Waukesha, Wisconsin, 53188-1174, by MR. LEE M. SEESE,
 17
         appeared on behalf of Madison-Kipp Corporation
 18
       MICHAEL, BEST & FRIEDRICH, LLP, One
South Pinckney Street, Suite 700, Madison, Wisconsin,
53703, by MS. LEAH H. ZIEMBA, appeared on behalf of
Madison-Kipp Corporation.
TROUTMAN SANDERS, LLP, 55 West Monroe
 19
 21
        Street, Suite 3000, Chicago, Illinois, 60603-5758, by MR. CHRISTOPHER H. WHITE, appeared on behalf of the
 22
         Defendant Continental Casualty Company.
 23
                      MEISSNER, TIERNEY, FISHER & NICHOLS,
       S.C., 111 East Kilbourn Avenue, 19th Floor, Milwauke, Wisconsin, 53202-6622, by MR. MICHAEL J. COHEN, appeared on behalf of United States Fire Insurance
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 17
     Berger.)
 18
 19
     (The original exhibits were retained by the court
 20
     reporter and attached to the original transcript.
 21
     Copies were attached to all ordered copies.)
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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 5 1 TRANSCRIPT OF PROCEEDINGS 2 JENNINE TRASK, called as a witness 3 herein by the Plaintiffs, after having been first duly sworn, was examined and testified as 5 follows: 6 **EXAMINATION** 7 BY MR. BERGER: 8 Q Let the record reflect that this is the 9 deposition of Jennine Trask taken in the case of 10 McHugh, et al, versus Madison-Kipp Corporation, 11 et al, now pending in the U.S. District Court for 12 the Western District of Wisconsin. It's case 13 No. 11-CV-724 14 Will you state your name, please. 15 A Jennine Trask. 16 Q Okay. Ms. Trask, my name is Norman Berger. I 17 represent the plaintiffs in the lawsuit filed 18 against Madison-Kipp Corporation. Do you 19 understand that? 20 21 Q Okay. Have you ever had your deposition taken 22 before? 23 A No. 24 Q Never? 25 A No

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1 Q I am going to be asking you a series of questions 2 about what you know about the claims in the case 3 and what you know about the work you have been doing for Madison-Kipp Corporation. I'm not 5 trying to trick you with any of my questions. If 6 you don't understand a question, please let me know and I will do my best to rephrase it. At times lawyers may interpose objections after I 9 ask a question. Unless they instruct you not to 10 answer, and I don't even know if you are 11 represented here right now, but you can go ahead 12 and answer the question anyway after they have 13 made their objection for the record. Do you 14 understand that? 15 A Yes. 16 Q Okay. Also, your answers have to be in the 17 spoken word. Court reporters try, but really 18 shouldn't be taking down gestures or nods of the 19 head, so please try to do that. I would also ask 20 you, as a courtesy to me, to try to wait until I 21 finish asking my question before you start your 22 answer, and I will give the same courtesy to you 23 by waiting until you finish your answer before I 24 ask my next question. Okay? 25 A Yes.

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Page 7 Q Okay. Can you give me your date of birth, 2 please A 12/17/73. 3 4 Q Okay. And by whom are you currently employed? A ARCADIS. Q In what position? A Principal engineer, project manager. 8 Q How long have you worked for ARCADIS? 9 10 Q Can you give me a description of your educational 11 background, please, starting with when you 12 graduated high school and all the formal 13 education you have had since then.

environmental engineering in 1996. I went back for my master's degree at MSOE, and I got my master's in environmental engineering in 2001. Q What's MSOE? A Milwaukee School of Engineering. Q Okay. That's here in Milwaukee? A Yes. All right. And is there any specific field that your master's degree is in? A I don't understand the question.

A I graduated high school in 1992. I then went to

the University of Iowa where I got a BS in civil

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Deposition of Jennine Trasl Page 8 Q Okay. Is there any concentration that you have 2 for your master's degree or is it just a master's 3 in engineering? 4 A Environmental engineering, yes. 5 Q Okay. Did you work between graduating with your 6 engineering degree from the University of Iowa 7 and getting your master's degree? 8 A Yes. 9 Q Can you describe your employment history from 10 graduation of college in '96, I think you stated 11 it was --12 A Yes. 13 Q -- until today? 14 A When I graduated from high school or from 15 college, I stayed in Iowa City and I worked for 16 Veenstra and Kim Civil Engineering. Then I moved 17 back to Milwaukee in 1997 where I started with 18 ARCADIS. While I was at ARCADIS I completed my 19 master's degree at MSOE. 20 Q Okay. Were you working full time at ARCADIS 21 while you were doing your master's work? 22 A Yes 23 Q Okay. Tell me a little bit about what you did at 24 Veenstra and Kim right out of college. 25 A I did sewer design, subdivision design and water

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 9 2 Q Okay. Did you do any work there with respect to 3 industrial contamination? 4 A No 5 Q Okay. So your first experience dealing with 6 industrial contamination is when you started work 7 at ARCADIS? A Yes. 9 O Are you married? 10 Α Q Do you have children? 11 12 A Yes. 13 Q Ages of the children? 14 A Ten, 8 and 6. 15 (Exhibit 1 was marked.) 16 BY MR. BERGER: 17 Q I'm going to show you what has been marked as 18 Trask Exhibit 1, which is a Notice of Subpoena 19 for Deposition noticing your deposition for 20 September 14th followed by a subpoena to testify 21 at deposition which subpoenaed you to testify on 22 October 15th and asked for documents. Then the 23 final document attached to this is an Amended 24 Notice of Deposition noticing your deposition for 25 today's date. Have you seen any of those

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documents before? 2 A Yes. 3 Q Okay. Have you seen all of those documents before? 5 A No. 6 Q Okay. What have you seen? 7 A The top two. 8 Q Okay. So you saw the first Notice of Deposition 9 and you saw the subpoena? 10 A Yes. 11 Q Okay. Were you the person who gathered documents 12 that have been produced by ARCADIS in response to 13 the subpoena? 14 A Yes. 15 Q Can you tell me what you did to gather documents 16 in response to the subpoena? 17 A Yes. We went through our file. We have a 18 Madison-Kipp file electronically and hard copy, 19 and we produced all the documents that were in 20 the hard copy and electronic files. We went 21 through email correspondence and the email 22 correspondence was produced. 23 Q In the documents that I have seen, and we 24 received about 10,000 or 15,000 documents 25 yesterday on disk, but in the documents we have

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Page 11 seen so far I haven't seen any billing records. 2 Did you look through those billing files at all? A What do you mean by "billing records?" 3 4 Q Well, ARCADIS sends bills to Madison-Kipp or 5 Michael Best, doesn't it, for the work that it does in this matter? Q Are those documents maintained here? 8 9 A Yes. Q Did you gather those documents? 10 11 Α 12 Q Have you produced those documents? 13 A I'm not sure how to answer that. Yes. 14 Q Okay. So you gave them to lawyers? 15 A Yes. 16 Q Okay. Which lawyers did you give them to? 17 A They were shipped to Michael Best. 18 Q Okay. Anybody in particular at Michael Best? 19 A I had Word Processing send them. I believe they 20 went to Leah 21 MR. BERGER: We haven't seen any billing 22 documents, Leah. Do you know --23 MS. ZIEMBA: That's right. I think we 24 were going to talk about a protective order. 25 MR. SEESE: Right. I mean, I don't

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 12 think a deposition is a time to talk about 2 discovery, because we have several discovery 3 issues we want to talk about, too. I don't think 4 there's any opposition to producing billing 5 records. The concern with ARCADIS is 6 confidentiality. I think there was a 7 confidential sent to you folks back in December, 8 but we haven't heard anything back. We don't 9 have any objection beyond confidentiality 10 protections to producing the billing records. 11 MR. BERGER: Are those the only 12 documents of ARCADIS that have not been produced 13 or do you plan to produce a privilege log? 14 MR. SEESE: I don't even know if that's 15 a privilege log. Again, I mean, I'm not under 16 oath, I'm not a witness. 17 MR. BERGER: No, I understand that. I'm 18 trying to find that where we are in terms of 19 20 MR. SEESE: So your question is whether 21 the billing records are going to be on a 22 privilege log, and my answer to that is no 23 because we don't did envision withholding them. 24 We envision producing them subject to a 25 confidentiality provision.

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 13 1 BY MR. BERGER: Q Ms. Trask, did you withhold any documents that 3 ARCADIS has from the documents that you provided to Michael Best? 5 A Not to my knowledge. 6 Q Okay. Is Michael Best representing you or 7 ARCADIS in this litigation? 8 A No. 9 Q Okay. So you don't have a lawyer representing 10 you here today? A I do not have a lawyer representing me. 11 12 Q Okay. Does ARCADIS have a lawyer? A Yes. 13 Q And who is that? 14 15 A Brandon Williams. 16 Q Okay. Where is he located? 17 A Denver 18 (Exhibit 2 was marked.) 19 BY MR. BERGER: Q I'm going to show you what has been marked as 21 Trask Exhibit 2 and ask you if you can identify 22 that document. 23 MR. COLLINS: It's the CV. 24 THE WITNESS: It's my 2010 ARCADIS

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resume

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1 BY MR. BERGER: 2 Q Is that your most current resume? 3 Q And what's the purpose for which this resume was 5 prepared? 6 A It's an annual routine to update our resumes. 7 Q But this is the most recent one you have? A Um-hum. 9 Q You have to say "yes." 10 A Yes. 11 Q So you did not update it in 2011 or 2012? 12 13 Q Why don't you describe for me just generally what 14 your work experience has been since you started 15 work with ARCADIS in 1997. 16 A I started off with groundwater sampling, design 17 work, design of remediation systems, in situ 18 treatment mostly, construction oversight, 19 contractor coordination, remedial systems, 20 groundwater and SVE. Most recently more of a 21 project manager overseeing the designs, and I'm a 22 Principal Engineer, so I'm a PE. I have done a 23 lot of vapor intrusion work, vapor mitigation. 24 Q Okay. What's your current title or position with 25 the company?

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Page 15 A Principal Engineer. 2 Q Are you an owner of the company? 3 A No. 4 Q How long have you been a Principal Engineer? A At least two years. 6 Q Okay. What was your title when you started with the company? 8 A Engineer II. 9 Q Can you walk me through your progression from Engineer Π to your current position or title as 10 11 Principal Engineer. 12 A Engineer II, then Staff Engineer, Project 13 Engineer, Senior Engineer and Principal Engineer. 14 Q Can you tell me approximately how long you have 15 served in each capacity? 16 A Well, I don't know that. 17 Q So you have been here about 14 or 15 years? 18 A Just over 15. 19 Q And you became a Principal Engineer approximately 20 two years ago? 21 A Yes. 22 Q Would that have been at our around the time you 23 prepared Exhibit 2? 24 A I don't know. 25 Q You don't know?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 2 Q You mentioned that you were the project manager? 3 A Yes. 4 Q And you are the project manager on the Madison-Kipp site? 6 7 Q How long have you been a project manager for 8 ARCADIS? 9 A At least 10 years. $\,Q\,\,\,$ Tell me something about your experience -- or 10 11 strike that 12 Describe for me your experience on vapor 13 intrusion matters. 14 A That's vague. Are you looking for my role or --15 Q Madison-Kipp is a vapor intrusion matter, is that 16 right? 17 A That's part of it. Q That's part of it. That's one of the issues 18 19 involved. If you look at your CV, you have a 20 heading entitled "Vapor Mitigation" on Page 3, is 21 that right? 22 23 Q There are, as I see it, three matters identified

under vapor mitigation, is that right?

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Deposition of Jennine Trask Page 17 Q One in Glendale, Wisconsin, one in New Jersey and 2 one in Phoenix, Arizona? 3 Q Okay. And those are all matters that you worked 5 on prior to being retained on the Madison-Kipp 6 7 A Yes. 8 Q Have you worked on vapor mitigation cases other than those three? 10 A Yes Q How many? 11 12 A A dozen. 13 Q Any of them involve PCE contamination? 14 A Yes. 15 Q Okay. Any of them industrial sites like 16 Madison-Kipp Corporation? 17 A Yes. 18 Q Okay. How many? 19 A I don't know. 20 Q Were any of them dry cleaners? 21 A Yes. 22 Q Are you able to describe for me at all the number of other industrial PCE matters? I'm trying to 23

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exclude dry cleaners.

24

25

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MR. SEESE: I object to the form of

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1 that. Go ahead and answer it, if you can. 2 THE WITNESS: I have four that are 3 coming to mind. Otherwise, I would have to go back and look at my project list. 5 BY MR. BERGER: 6 Q Can you identify those for me, please. 7 A I had a project in Kingsford, Michigan, Great Neck, New York. I'm trying to think. I 9 apologize. I'm trying to think of the names that 10 I can say and not be confidential clients. 11 Q Well, you have just given me the name of two 12 cities right now. I don't think that would be a 13 problem 14 A Right. No. Understood. Houghton is on here, 15 but it's not listed under vapor. 16 Q Okay. That's a municipal client in Houghton? 17 A Yes. 18 Q That was a PCE case? 19 A No. 20 Q I thought I was asking you about PCE. 21 A Just PCE? 22 Q PCE cases involving industrial sites. 23 A Then I would just have those two that would come 24 into my mind. 25 Q Okay. What's Houghton? Is Houghton a TCE case

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Deposition of Jennine Trasl Page 19 or a petroleum hydrocarbon case? 2 A Houghton is methane. Q Okay. So you have been involved in two PCE cases 3 4 other than MKC involving vapor mitigation or 5 vapor migration, is that fair? 6 MR. SEESE: Object to the form of that. 7 I think it misstates what she said. 8 BY MR. BERGER: Q Or you can recall two industrial PCE cases as you 10 sit here now? 11 A Specific PCE cases that I can recall right now, 12 yes. 13 Q Correct. A Yes. 14 15 MR. SEESE: Just because I want to make 16 sure, we are talking about non-dry cleaning PCE 17 cases is what I thought your question was. 18 MR. BERGER: That's correct. 19 BY MR. BERGER: 20 Q Is that right? 21 22 Q Have you ever served as an expert witness, 23 testified in court as an expert witness? 2.4 A No 25 Q Have you ever been qualified to testify as an

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 20 expert witness in court, to your knowledge? 2 MR. SEESE: Object to form and 3 foundation. You can answer. 4 THE WITNESS: I'm not sure -- I don't know what you mean. 6 BY MR. BERGER: Q Okay. You have never given a deposition before, 8 is that right? 9 10 Q Okay. So to your knowledge you have never 11 testified in any capacity as an expert witness? 12 A Yes. 13 Q That's true? 14 A That's true. 15 Q Do you plan to testify as an expert witness in 16 this case? 17 18 Q Okay. Can you tell me who else at ARCADIS is 19 working on the Madison-Kipp matter, other 20 scientists? 21 A From an expert standpoint? 22 Q From any standpoint. 23 A You just want names? Q Sure, or names and roles. Whatever is easiest 24 25 for you.

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Deposition of Jennine Trask Page 21 A Toni Schoen, hydrogeologist. Matt Schnobrich. 2 Q Can you spell Matt's last name? 3 A S-C-H-N-O-B-R-I-C-H. Engineer. Chris Kubacki, engineer. There's probably over a dozen people. 5 Is that what you are looking for? 6 Q Well, what are their respective -- You are the 7 project manager, as I understand it? 8 A Correct, yes. 9 Q Who reports to you on this matter, directly to 10 you, in ARCADIS? 11 A I can list them out. 12 Q Okay 13 A Toni, Chris, Matt, Brian Ernst. 14 Q How do you spell Brian's last name? 15 A E-R-N-S-T. 16 Q What's his position? 17 A He's a geologist. Tim Alessi. 18 Q How do you spell his last name? 19 A A-L-E-S-S-I. He's a hydrogeologist. Ed Buck. 20 He's an engineer. Kevin Connor. He's a 21 toxicologist. Nadine Weinberg, W-E-I-N-B-E-R-G. 22 She's a risk assessor. Rebecca Robbennolt. 23 Q I'm sorry? 24 A R-O-B-B-E-N-N-O-L-T. She's an engineer. Maija 25 Seppanen.

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Page 22 1 Q M-A-Y-A? 2 A M-A-I-J-A S-E-P-P-A-N-E-N. She's an engineer. 3 Stacy Kinowski. She does database. Q What do you mean "she does database?" She enters 5 data into a database that's maintained here on 6 the project? 7 A She tracks the data, yes. 8 Q Okay. 9 A I would have to see my employee list for the rest 10 11 Q Those are the principal ones that you can recall? 12 13 Q Are you a toxicologist? 14 A No. 15 Q Are you a risk assessor? 16 17 Q Do you hold yourself out as an expert in either 18 of those fields? 19 A No. 20 Q Can you tell me what Kevin Connor's role is? 21 A He reviewed PCB data. 22 Q Did he review other data? 23 A No. 24 Q What's Nadine Weinberg's role? 25 A She helped coordinate the vapor sampling.

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Page 23 Q Okay. You mentioned that she was a risk 2 assessor, true? 3 A Yes. 4 Q Has she performed a risk assessment on the 5 Madison-Kipp site? 6 A No 7 Q Has anybody from ARCADIS, to your knowledge, 8 performed a risk assessment on the Madison-Kipp 9 A Not that I recall. 10 11 Q Well, you are the project manager. You would 12 know, would you not, if ARCADIS had done that? 13 MR. SEESE: Object to form, 14 argumentative. 15 MR. BERGER: I'm not trying to argue. 16 I'm trying to ask you if you know as the project 17 manager whether ARCADIS has performed a risk 18 assessment 19 THE WITNESS: We have not. 20 BY MR. BERGER: 21 Q Okay. Do you plan to? 22 A Not at this time. 23 Q Okay. Has anybody from -- Have any of these 24 people been identified or designated to be expert 25 witnesses in the case that we're talking about

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 24 1 today? 2 MR. SEESE: Object to form and 3 foundation. There's a scheduling order for the 4 disclosure, so I'm not sure what the appropriateness is of trying to ask a fact 6 witness about what Madison-Kipp's expert 7 disclosure is going to be. 8 MR. BERGER: You can answer the 9 question. 10 THE WITNESS: Yes. 11 BY MR. BERGER: 12 Q Okay. Who? 13 A Nadine. 14 Q Anybody else? 15 16 Q Can you tell me something about Nadine's --17 18 Tell me what Nadine's educational 19 background is. 2.0 A I don't know. 21 Q Okay. Does she have a PhD? 22 A I don't know. 23 Q You have no idea? Does she work in this office? 24 A No 25 Q What office does she work in?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 25 A Portland, Maine. 2 Q Okay. Does anybody else on the list that you 3 have just identified or is anybody else going to be an expert witness, to your knowledge? 5 MR. SEESE: Object to form and 6 foundation. 7 THE WITNESS: No. 8 BY MR. BERGER: 9 Q So it's just Nadine Weinberg? 10 A Yes. Q Are any of these other people that you identified 11 12 working out of other ARCADIS offices besides the 13 Milwaukee office? 14 A Yes. 15 Q Okay. Where is Tony Schone? 16 A Milwaukee. 17 O Matt Schnobrich? 18 A Newtown. 19 Q Newtown what? 20 A Pennsylvania 21 Q Chris Kubacki? 22 A Milwaukee 23 O Brian Ernst? 24 A Milwaukee 25 O Tim Alessi?

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Page 27

1 A Milwaukee. 2 Q Ed Buck? 3 A Milwaukee Q Kevin Connor? 5 A I don't know. 6 Q Nadine you said is in Maine? 7 A Yes 8 Q Rebecca Robbennolt? 9 A Milwaukee 10 Q Maija? 11 A Milwaukee 12 Q And was it Stacy? 13 A Milwaukee 14 Q Have you ever worked on behalf of residents who 15 were impacted by environmental contamination 16 17 A No 18 Q And I'm including homeowners. Do you understand 19 that? 20 21 Q Okay. So in all of your projects you have been 22 engaged essentially by industry or I suppose by 23 municipalities? 24 25 Q Okay. All right. How many cases have you worked

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12

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1 on behalf of municipalities?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp

2 A What do you mean by "case?"

3 Q Well, that's a good question. On how many

4 matters. How often. Any way that you feel

5 comfortable telling me. Would you say that

6 95 percent of your work is on behalf of industry?

7 A The majority of the work is industry.

8 Q Okay. And you have never worked for homeowners

9 or residents with respect to an industrial

10 contamination matter, is that true?

11 A Yes.

14

12 Q Okay. Have you done work prior to the

13 Madison-Kipp case -- Strike that.

When was the first time you became

involved with the Madison-Kipp matter?

16 A February 2012.

17 Q And describe for me, please, how it was you

18 became involved.

19 A A colleague has a contact at Madison-Kipp.

20 Q Who is that colleague?

21 A Evan Nyer.

22 Q Evan Nyer. How do you spell Evan's last name?

23 A N-Y-E-R.

24 Q Okay. And he works at ARCADIS?

25 A Yes.

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp

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1 Q Here in the Milwaukee office?

2 A No.

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3 Q Where does he work?

4 A Tampa.

5 Q Okay. And tell me how it is that Evan contacted

6 you about the Madison-Kipp case.

7 A What do you mean?

8 Q Well, I wanted to know how it is you became

9 involved, and as I understand your answer, you

10 have told me that a colleague was contacted by

11 Madison-Kipp and that colleague was Evan Nyer?

12 A Yes.

13 Q All right. Did Evan Nyer call you?

14 A Yes

15 Q And what did he tell you?

16 A I don't recall.

17 Q Can you tell me generally?

18 A That he wanted to set up a meeting to talk with

19 Madison-Kipp.

 $20~{\rm Q}~{\rm Okay}.~{\rm Did}$ he tell you how he had been contacted?

21 A On the golf course.

22 Q He was on the golf course with an employee of

23 Madison-Kipp?

24 A Yes.

25 Q Okay. Did he tell you who?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 29 A Yes. 2 Q Who? 3 A Jim Harney. Q Jim Harney? 5 A Yes. 6 Q Jim Harney is an employee of Madison-Kipp 7 Corporation. 8 MR. SEESE: Object to form and 9 foundation. 10 THE WITNESS: Yes, to my understanding 11 he's hired -- he was hired by Madison-Kipp. 12 BY MR. BERGER: 13 Q Jim Harney was? 14 A Yes. 15 Q Was I right? 16 A Yes. 17 Q So was he actually an employee of the company, 18 Madison-Kipp Corporation? 19 MR. SEESE: Object to form and 20 21 THE WITNESS: I don't know the 22 relationship. 23 BY MR. BERGER: 24 Q Okay. But your understanding is your colleague, 25 Mr. Nyer, was playing golf with Mr. Harney, and

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1 what about that experience, as you understand it, 2 made Nyer call you? 3 A I wasn't out on the golf course. I don't know what the conversation was. 5 Q Okay. What did Nyer tell you generally, as best 6 you can recall? I'm not looking for specific 7 words. 8 A He requested support for potential vapor 9 intrusion, vapor mitigation. 10 Q Okay. So your colleague Nyer from the Tampa 11 office calls you and says, "I met a guy who has a 12 vapor intrusion problem in Madison, Wisconsin, 13 can you help me with it?" 14 MR. SEESE: Object to form. You can 15 answer. 16 THE WITNESS: Yes. 17 BY MR. BERGER: 18 Q That's fair? 19 A In general. 20 Q Okay. That's what I'm trying to find out. In 21 general. So why don't you tell me what happens 22 23 A We met with Madison-Kipp and their attorneys. 24 Q Who is "we?" 25 A Evan and myself.

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Page 31 Q Where did that meeting take place? 2 A Here. 3 Q At your office? 4 A In Milwaukee. Q Okay. And your best recollection is that was in February? 6 A Yes 8 Q Of 2012? 10 Q Okay. Who attended that meeting? 11 A Evan Nyer and me. I can't -- Michael Best. I 12 can't recall who was there from Michael Best. 13 Q Was there more than one person there? 14 A I don't know. 15 Q Was Mr. Seese there? He's the gentleman sitting 16 next to you. 17 A No Q Was David Crass there? 18 19 A I don't know 20 O Was John Busch there? 21 A I don't know. 22 Q Was Leah Ziemba there? 23 24 Q So as you sit here right now, you have no idea 25 who from Michael Best attended that meeting or

Page 32 how many of them were there, is that true? 2 3 Q Okay. Do you know why somebody from Michael Best 4 was at that meeting? A On behalf of Madison-Kipp. 6 Q They were there representing Madison-Kipp? 7 8 Q Okay. Did your colleague tell you when he asked 9 you to meet with Madison-Kipp and told you about this vapor intrusion problem, that their lawyers 10 11 would be contacting you or you needed to contact 12 their lawyers? 13 14 Q Okay. Who did you contact to set up that meeting? 15 16 A I did not contact --17 Q Anybody? 18 A Not to my recollection. 19 Q Okay. That's all I can get here is what you 20 recall. I'm just trying to get your best memory. 21 I'm not trying to have you answer one way or the 22 other. I just want to find out what you recall. 23 So was it your colleague who set up the meeting? 24 A Yes. 25 Q Okay. And he coordinated with you the time and

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 33 the location? 2 A Yes. 3 Q And that, as best you can recall, that was February of this year? 5 A Yes. 6 Q Okay. All right. And one or more people who you 7 can't recall from Michael Best attended. Who attended from Madison-Kipp Corporation? A Jim Harney. 10 Q Okay. A And Mark Meunier. 11 12 Q Tell me what you recall about that meeting. 13 14 Did anybody else attend other than you, 15 your colleague, the two folks from Madison-Kipp, 16 who you have identified, and this unidentifiable 17 group from Michael Best, Madison-Kipp's lawyers? 18 A No. 19 Q Okay. Tell me what happened at that meeting. 20 A We discussed the site. 21 Q Well, you didn't know anything about the site at 22 that time, is that fair? A Yes. 23 24 Q Okay. And your colleague didn't know anything 25 about the site at that time, is that true?

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1 A He knew his previous conversations with Jim. I 2 was not part of those, and I barely had time to 3 make the meeting, so I had not done any research prior to the meeting. 5 Q So you hadn't reviewed any data, any 6 investigation reports, nothing? 7 A Correct. 8 Q Okay. Tell me what you recall about the meeting. 9 A We discussed the site and potential steps 10 forward. It was very general since I --11 Q You didn't know anything about the site? 12 13 Q And your colleague, what was his name again? 14 A Evan Nyer. 15 Q Evan Nyer only knew what Harney told him on the 16 17 18 Q So did somebody make a presentation about what 19 was going on at the site on behalf of 20 Madison-Kipp? 21 A I don't recall. 22 Q They must have, though, right? Either 23 Madison-Kipp or its lawyers told you something? 24 25 MR. SEESE: Object to the form of that. (414) 271-4466 Experience Quality Service! Halma-Jilek Reporting, Inc.

Page 35

1 BY MR. BERGER:

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- $2 \qquad Q \quad \text{Was a guy named Bob Nauta there?}$
- 3 A No.
- 4 Q Do you know who Mr. Nauta is?
- 5 A Yes.
- 6 Q You have met Mr. Nauta?
- 7 A Yes
- 8 Q Okay. But he was not at the meeting?
- 9 A No
- 10 Q Okay. What do you recall being told at that
- 11 meeting about what was going on at the
- 12 Madison-Kipp Corporation site?
- 13 A I can't recall specifics.
- 14 Q Do you recall anything in general about what you
- 15 were told at the meeting?
- 16 A No
- 17 Q Were you told that Madison-Kipp Corporation had
- 18 been sued by residents around the plant?
- 19 A I don't know if that was discussed during that
- 20 meeting.
- 21 Q Okay. I'm trying to find out what you do
- 22 remember about that meeting.
 - MR. SEESE: Hold on. She answered your
- 24 question.

23

25 MR. BERGER: I know. I'm just trying to

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- l explain what I'm trying to -- what you remember
- 2 BY MR. BERGER:
- 3 Q Do you remember anything generally about the
- 4 meeting?
- 5 A Not really, no.
- $6~{\rm Q}~{\rm Okay}.~{\rm And~what~happened~after~that?}$
- 7 A I believe we provided them some of our
- 8 information on other sites we had worked on.
- 9 Q After the meeting?
- 10 A Yes.
- 11 Q Okay. Did you provide information -- Did you or
- 12 your colleague provide information about your
- 13 capabilities at the meeting?
- 14 A Did we provide our skillset at the meeting?
- 15 Q Correct.
- 16 A Yes.
- 17 Q Okay. So that is something you recall. What did
- 18 you or your colleague tell them about what
- 19 ARCADIS could do for them at the meeting?
- 20 A That we had vapor intrusion, vapor mitigation
- 21 experience.
- 22 Q Okay. Did your colleague have that experience?
- 23 A Yes
- 24 Q Okay. Do you know what his experience was?
- 25 A What do you mean?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Deposition of Jennine Trask Page 37 Q Does he have experience in the field of vapor 2 intrusion and vapor mitigation? 3 Q Other than being at this meeting, has your 5 colleague who arranged this meeting worked on 6 this matter? 7 A Yes. 8 Q Okay. What's his role? 9 A He's more of a program manager, not an active, 10 day-to-day role. 11 Q So he hasn't had an active, day-to-day scientific 12 role on this project, is that fair? 13 A Not day-to-day. 14 Q Okay. I think you said a program role. What do 15 you mean when you say he has a program role? 16 A That would be a typical ARCADIS role for him as a 17 program manager. He doesn't have a specific 18 title related to this project. 19 Q So was he the billing person on the project? Is 20 that what his role is? 21 A No. 22 Q Is he the guy who brought the business in? I'm 23 trying to figure out --

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A Yes

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Q He is the guy who brought the business in. He

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1 doesn't send the bills, though? 2 A No. 3 Q Okay. What is it that he actually does on the project? 5 A Senior leadership. A senior resource. 6 Q Is he somebody you talk to on any regular basis concerning the matter, you as the project manager? 9 A Yes. 10 Q What do you talk to him about? 11 A I provide him updates of project scope and 12 13 Q Does he report to anybody at Madison-Kipp on the 14 matter? 15 A No, not to my knowledge. 16 Q Okay. So you just report to him so he knows 17 what's going on with the client and the matter 18 that he brought into the company? 19 A Yes. 20 Q Okay. That pretty much describes what he does? 21 A Yes. 22 Q Has he been involved in any technical meetings 23 that you have had concerning the site since your 24 project started? 25 A Yes. (414) 271-4466 Halma-Jilek Reporting, Inc. Experience Quality Service!

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Page 39 Q Okay. What technical meetings has he been 2 involved with? A Technical groundwater discussions. 3 4 Q Okay. What's his area of expertise? A In situ remediation. Q Okay. So he's somebody that you have consulted on the in situ remediation aspect of the 8 Madison-Kipp project? 10 Q Have you consulted him on any other issues? 11 A No. 12 Q Okay 13 A Not to my knowledge. Aside from keeping him 14 informed on the progress, scope and schedule. 15 Q Okay. So you reached out to him for his thoughts 16 on in situ remediation technology for 17 groundwater? 18 19 Q And I take it that's going on -- that's something 20 that's ongoing right now? 21 A Yes. 22 Q Okay. Prior to your involvement in this 23 Madison-Kipp case, had you been involved in any 24 other projects where VOC vapors were detected 25 under or inside homes?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 40 2 Q Okay. On how many different matters has that 3 been the case? A VOCs? 4 Q Correct 6 7 Q Okay. And was that one of the matters you 8 identified? 9 Q Okay. Can you identify that matter for me? 10 11 A The site is in Ohio. 12 Q Where in Ohio? 13 A I don't know. 14 Q You don't know the name of the town? 15 16 Q How long ago did you work on that site? 17 A 2010 or 2011. 18 Q Are you still working on that? 19 A No. 20 Q Can you identify the client? 21 22 O Is it because it's confidential? 23 24 Q Okay. Is ARCADIS still engaged in that matter or 25

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 41 A Yes. 2 Q Okay. But you are not doing anymore work on it? A I am not doing any work on it, correct. Q Do you know why you are no longer working on 5 that? 6 A Yes. 7 Q Why? 8 A We worked on the initial sampling protocol and mitigation, and that phase is complete. 10 Q When you say "mitigation," what do you mean? 11 A Sub-slab systems. 12 Q Under homes? 13 A Yes. 14 Q Sub-slab mitigation systems under homes? 15 A Yes. 16 Q Do you know what the VOCs involved in that case 17 were? 18 A PCE. 19 Q Was that from a dry cleaners? 20 21 Q You don't know where the source of PCE was there, 22 what the source was in that case? 23 A No.

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Q But there were PCE vapors under homes?

24

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A Yes.

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Page 43 Q Do you know who did? 2 A No. Q Can you tell me how it is -- Well, strike that. 3 4 What was your role then? A Review of the system design. 6 Q And who created the system design? A Who as in ARCADIS? 8 Q If it was ARCADIS. A ARCADIS did. 10 Q So ARCADIS designed sub-slab mitigation systems 11 for between 10 and 50 homes someplace in Ohio? 12 A Yes. 13 Q And somebody asked you to review the sub-slab 14 system design? 15 MR. SEESE: Object to the form of that. 16 17 I think it misstates her testimony. She said 25, 18 but go ahead and answer. 19 BY MR. BERGER 20 Q Is it between 10 and 25 homes or 10 and 50 homes? 21 22 Q Okay. Somewhere between 10 and 50 is what I 23 thought. Is that right? 2.4 A Is it right what you said? 25 Q Is that correct, that the best you can recall is

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Deposition of Jennine Trask Q How many homes had PCE vapors under them? 2 A I don't know. 3 Q Approximately? A I don't know. 5 Q You designed the systems, but you don't know how 6 many homes, is that right? 7 A Yes. 8 Q Okay. Can you tell me whether there were more or 9 less than 10 homes? 10 11 Q Can you tell me whether there were more or less 12 than 100 homes? 13 A Less 14 Q Okay. More or less than 50 homes? 15 A Less. 16 Q More or less than 25 homes? 17 A I don't know 18 Q Somewhere between 10 and 50 homes? 19 A Yes. 20 Q And you can't be any more specific than that? 21 A No. 22 Q Did you play any role in the determination of 23 what homes would have vapor mitigation sub-slab 24 systems installed? 25 A No. (414) 271-4466 Halma-Jilek Reporting, Inc. Experience Quality Service!

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp that there were somewhere between 10 and 50 homes 2 involved in this? 3 A Yes. 4 Q Okay. And you reviewed --5 MR. SEESE: I will withdraw my objection 6 then MR. BERGER: Okay. Thank you. 8 BY MR. BERGER: Q And you reviewed a sub-slab mitigation design 10 prepared by somebody else at ARCADIS? 11 12 Q Okay. Was that one sub-slab system design that 13 was going to be used for all of the homes 14 involved in that matter or was that for a 15 specific home or more? 16 A There were multiple designs. 17 Q And you reviewed multiple designs? 18 19 Q Okay. And there were multiple designs because 20 homes vary and sub-slab mitigation systems need 21 to vary to accommodate the homes, is that fair? 22 23 Q And you don't recall how many -- approximately

how many home designs you reviewed?

A No, there was a team reviewing them.

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24

25

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 45 Q And you were part of the team? 2 A Yes. 3 Q Did you have any other involvement in that project? 5 A No. 6 Q So you don't know anything about how the VOC vapors got under the homes in that case and you played no role in determining whether a home would get mitigation, is that fair? 10 A Yes 11 Q Other than that one matter, have you been 12 involved in any other cases where there has been 13 VOC vapors underneath residences? 14 MR. SEESE: Object to the form. 15 THE WITNESS: Not that I recall. 16 BY MR. BERGER: 17 Q Well, that's all we can get. Incidentally, if 18 you want to take a break at any time, simply let 19 me know that and we can take a break. 20 21 Q If you look at Exhibit 2, which is your CV, I 22 take it this is a document that you and ARCADIS 23 prepare and use for purposes of marketing your 24 services. Is that fair to say? 25 A Yes.

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1 Q Okay. Is there any significant experience that 2 you have had in the environmental area that you 3 didn't identify on this exhibit? MR. SEESE: Object to the form. You can 5 answer 6 THE WITNESS: I don't understand. 7 BY MR. BERGER: 8 Q Do you hold yourself out as an expert in any 9 particular areas of environmental science or 10 remediation? 11 MR. SEESE: Object to the form of that. 12 THE WITNESS: What's the definition of 13 "expert?" 14 BY MR. BERGER: 15 Q Do you consider yourself an expert, according to 16 your definition, in any particular field of 17 environmental science? 18 MR. SEESE: Object to the form of that. 19 MR. BERGER: You can answer. 20 THE WITNESS: No, I don't know what the 21 definition of "expert" is. 22 BY MR. BERGER: 23 Q Have you had any formal education other than the 24 education that's identified on your CV? 25 A No.

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Page 47 Q All right. So you had this meeting with your 2 colleague and these two folks from Madison-Kipp 3 and some people from Michael Best, the law firm 4 representing Madison-Kipp. What happened next after that with respect to this project as you recall? A We provided our qualifications. 8 Q And how did you do that? 9 A During the meeting, and I'm trying to remember if we submitted any documents after that. I don't 10 11 12 Q Do you recall generally what you said at the 13 meeting about your qualifications? 14 A That we had experience with in situ treatments, 15 vapor intrusion and vapor mitigation. 16 Q Relating to VOCs? 17 A Yes 18 Q Okay. Do you recall anything else significant 19 20 MR. SEESE: Object to the form. 21 THE WITNESS: No. 22 BY MR. BERGER: 23 Q Did you talk at all about ARCADIS's ability to 24 provide expert witness work? 25 A I don't know.

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 48 Q You don't remember one way or the other? 2 A I don't know. 3 Q Do you recall anything else about the meeting? 4 Does anything else stand out in your mind about 5 the meeting? 6 A No 7 Q What's the next thing that you do recall in the 8 relationship and your involvement? 9 A An agreement with Michael Best, proposed scope of 10 work, would have come after that at some point. 11 Q So sometime after the meeting you came to an 12 agreement, ARCADIS came to an agreement with 13 Michael Best to do work on this project? 14 A Yes 15 (Exhibit 3 was marked.) 16 BY MR. BERGER: 17 Q I'm going to show you what's been marked as 18 Exhibit 3 19 A Thank you. 20 MR. BERGER: Why don't we take a short 21 22 (A recess was taken.) 23 (Exhibits 4 through 12 were marked.) 24 MR. BERGER: Lee, can you tell us 25 whether you are going to be giving us a privilege

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 49 1 log for the ARCADIS documents or whether you are 2 planning to withhold any documents from the 3 ARCADIS production on grounds of privilege? MR. SEESE: Yes, there will be documents 5 withheld on the grounds of privilege, and for 6 documents that are withheld, there will be a 7 privilege log, yes. 8 MR. BERGER: From ARCADIS? 9 MR. SEESE: From ARCADIS, yes. 10 MR. BERGER: Can you tell us when we are 11 going to get that? 12 MR. SEESE: No, because I don't know 13 right now. I can give you speculation. I don't 14 know. I'm not the primary person working with 15 that. I know it's under wraps -- not under 16 wraps, it's underway. 17 MR. BERGER: Well, obviously, we would 18 like that sooner rather than later. 19 $MR.\ SEESE:\ I$ guess as long as we're 20 going to talk about discovery disputes, I would 21 like to point out that there are numerous 22 deficiencies in the discovery responses of the 23 plaintiffs. You are going to be receiving a 24 letter from my counsel on that, as well. So of 25 the plaintiffs in the case haven't produced any

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1 documents whatsoever, and the production that's 2 been made is deficient in several respects. We 3 will be talking later about that. 4 MR. BERGER: I don't think this is the 5 place to talk about that. We're happy to talk 6 with you about it. The reason I raised the issue 7 I raised is because it relates to ARCADIS's production, and we are taking the ARCADIS project 9 manager right now. So you and I can walk around 10 with a court reporter for months and talk about 11 problems we have with the case, but I'm trying to 12 focus on ARCADIS here. 13 I also want you guys to know that in 14 light of the production that we just received, 15 10,000 or 15,000 documents yesterday, I don't 16 think we are going to finish with Ms. Trask 17 anyway today, but we are going to be reserving 18 our right to examine her concerning those 19 documents. 20 MR. SEESE: Well, I'm going to respond 21 to that on the record. I think we can deal with 22 that at a later time. I don't want to have a 23 fight where one is not necessary, but this was 24 noticed at your request and you knew what 25 documents you had and did not at the time. I

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Page 51 don't know why we go into any discovery 2 records -- discovery disputes while we have a 3 court reporter, but I think if we are going to 4 put them to the side, we put them all to the 5 6 MS. ZIEMBA: I would like to just add 7 that you specifically asked for three reports in 8 the -- that you have there, and those were in the 9 recent production, but I gave you the Bates 10 ranges for those, so you should have had those. 11 MR. COLLINS: Well, some of the 12 documents you gave us yesterday were months old, 13 too. We are about to talk about one from 14 February that we should have had many months ago. 15 Also, if you are going to -- We're certainly not 16 going to close up a deposition when you won't 17 even tell us when we are getting a privilege log 18 relating to the documents that this witness has 19 generated. That's just not the way it's going to 20 work 21 MR. SEESE: I understand that's your 22 position. 23 MR. BERGER: Okay. Let's get back to 24 Ms Trask 25

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 52 BY MR. BERGER: 2 Q You mentioned this golf outing between Mr. Nyer, 3 your colleague and Mr. Harney from Madison-Kipp 4 Corporation. Did you have any understanding how 5 that came to be? 6 A No 7 Q So you don't know whether they planned to meet 8 and talk about an issue over golf or whether it 9 was serendipity that they happened to be on a 10 golf course together in Florida? 11 A I don't know. 12 Q You have no idea whatsoever? 13 A No 14 Q Okay. You said that Mr. Harney was at that first 15 meeting that you had in these offices here. Have 16 you been -- Have you seen him or talked to him 17 since that first meeting? 18 A Yes 19 Q Okay. On how many occasions? 2.0 A Six to ten. 21 Q And is he still involved with you on this matter? 22 A No. 23 Q Okay. Do you know when his involvement ceased or 24 why his involvement ceased? 25 A No.

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 53 Q Did you ever come to understand what his 2 relationship was with Madison-Kipp Corporation? 3 Q Do you know whether he was an officer of the 5 company or an employee of the company? 6 A I don't know. 7 Q Okay. So you have absolutely no idea what his 8 role was, if any, with respect to this project, 9 is that fair? 10 MR. SEESE: I object to the form of that 11 as argumentative. You can go ahead and answer. 12 THE WITNESS: With respect to this 13 project? 14 BY MR. BERGER: 15 Q Well, you told me he was on the golf course with 16 your colleague, Mr. Nyer, and he was at this 17 meeting and then he was at another six to ten 18 meetings. What is your understanding of who he 19 is and what his role was? 20 MR. SEESE: Object to the form of that. 21 THE WITNESS: I don't know aside from 22 the initial contact with Evan and Jim. 23 BY MR. BERGER: 24 Q Do you know why it is you were talking to him, 25 you talked to him another six to ten times, or

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6 A Sometimes I would just see him at the offices, 7 sometimes he was in the meeting. 8 Q Okay. And you have no understanding whatsoever 9 what his role was with respect to the project 10 that you are working on for Madison-Kipp, is that 11 12 13 Q But you do know that he's no longer involved in 14 this project, is that true? 15 A My understanding is I'm not copying him on 16 17 Q Were you told not to copy him on emails? 18 A I don't know if that was a directive or if he 19 just no longer was at the meetings. We didn't 20 copy him on emails anymore. 21 Q Do you have an understanding as to whether or not 22 he's still employed with Madison-Kipp? 23 A No. 24 Q One way or the other, you have no understanding? 25 (414) 271-4466 Halma-Jilek Reporting, Inc. Experience Quality Service!

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A He was present at meetings.

2

3

5

was he just present at some meetings?

Q And where did those meetings take place?

Q At the Madison-Kipp Corporation facility?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 55 Q Okay. Tell me what you did to prepare for this 2 deposition today. 3 A I talked to my in-house counsel, Brandon. 4 Q Okay. Did you meet with counsel for Madison-Kipp before the deposition about the deposition? A Yes Q Who did you meet with? 8 A I had a call to talk about where and when and who would be here with Lee and Leah. Q You had a call with Lee and Leah? 10 11 12 Q Okay. Did you talk to anybody else at Michael 13 Best or any other lawyers on behalf of 14 Madison-Kipp Corporation to prepare for the 15 deposition? 16 A To prepare for the deposition? 17 Q Correct. 18 A No. 19 Q Okay. And you never met with them to prepare for 20 the deposition? 21 A No. 22 Q Do you recall how long the call was? 23 2.4 Q Was it a long call? A short call? 25 A No

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 56 Q It was not a long call? 2 A No. 3 Q When did the call take place? 4 A I would have to check my calendar. Q Approximately. 6 A This week, so -- So today is Tuesday? Q Today is Tuesday. 8 A Yesterday. 9 Q Okay. And you didn't speak with Mr. Seese and Ms. Ziemba or Mr. Crass or anybody else at 10 11 Michael Best about this deposition, is that 12 right? 13 A Other than the call? 14 O Correct. 15 16 Q That is correct? 17 A That is correct. 18 Q Okay. How long a call did you have with your 19 lawyer about this deposition preparation? 2.0 A I don't know. 21 Q Do you recall when that call was? 22 A I have talked to him on several occasions over 23 the last couple of weeks. 24 Q About preparing for the deposition? 25 A I wouldn't say preparing. More about time

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 57 changes and location issues. 2 Q Did you have any discussions with anybody about 3 how to be a deponent? A Yes. 5 Q And who were those discussions with? 6 A Brandon. 7 Q Okay. And other than Brandon, you have had no 8 discussions with any of the Michael Best lawyers 9 or any other lawyers representing Madison-Kipp 10 about how to approach the deposition? 11 A No. 12 Q Okay. Have you had any communications with any 13 of the lawyers for the insurance companies 14 involved in this case? A No. 15 16 O At all? 17 A Regarding? 18 Q Anything. 19 A There have been meetings that they were likely 20 21 Q Okay. How often have counsel for the insurance 22 companies been present at meetings since you have 23 been involved?

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A I don't know

24

25

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Q Are they at all the substantive meetings with

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1 Madison-Kipp concerning the work that you're 2 doing? MR. SEESE: I want to caution the 3 witness. He's asking a general question right 5 there that I think you can answer, but to the 6 extent he asks for privileged information, I'm going to instruct you not to answer. 8 BY MR. BERGER: 9 Q Has your lawyer been present at any of these 10 meetings? 11 A No. 12 Q Okay. Are the lawyers for the insurance 13 companies at the meetings that you have with 14 Madison-Kipp? 15 A Not routinely. 16 Q Okay. How often have they been there? 17 A I don't know. 18 Q Does any meeting stand out in your mind as one 19 where the insurance carriers were there or 20 lawyers for the insurance carriers were there? 21 A We had one technical meeting that I recall. 22 Q And when was that? 23 A Within the last month. 24 Q Where was that technical meeting? 25 A At Michael Best.

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 59 Q And what was the general subject matter of that 2 meeting? 3 A It was technical.

 $\,Q\,\,$ $\,$ I understand that. What was it about? Was it 4 about groundwater? Was it about soil vapor? Was 6 it about remediation? Can you give me some 7 explanation as to what the topic of that meeting 8 was? A It was a technical update on work that had been

10 completed and anticipated steps.

11 Q Okay. And that was in the last month?

12 A Yes.

13 Q Okay. And that was at Michael Best?

14 A Yes.

15 Q Madison-Kipp's lawyer's office?

16 A Yes.

17

Q In Milwaukee?

18 A No.

19 Q In Madison?

20 A Yes.

21 Q Okay. And who attended?

22 A From ARCADIS?

23 Q That's a start. From ARCADIS.

2.4 A Myself and Matt Schnobrich.

25 Q Okay. Who attended from Michael Best? Kathleen McHugh and Deanna Schneider vs. Madison-Kipp

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A Leah Ziemba and Dave Crass.

2 Q And who attended from Madison-Kipp?

3 A I would have to see the list of names.

4 Q Do you recall?

A I don't know.

Q Do you know if Mr. Meunier was there?

A No, they were not there.

8 Q So the Madison-Kipp employees were not at that

9

10 A Correct. They were not there.

11 Q It was you, your colleague from ARCADIS,

12 Mr. Crass, Ms. Ziemba, who are Madison-Kipp's

13 lawyers, and there was some lawyers from the

14 insurance companies at that meeting?

15

16 Q Okay. And that was at the Michael Best offices

17 in Madison?

18

19 Q And the purpose of the meeting was to talk about

20 where things were technically, is that right?

21

22 Q In terms of what had been done to that point and

23 what was expected in the future?

24 A Yes

25 Q Okay. Was that meeting in October?

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Deposition of Jennine Trask

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 61 1 A Yes. 2 Q Okay. Today being the 30th of October, was it --3 can you place that meeting other than to say it was sometime between the 1st and today? 5 A It was not last week. 6 Q Was it the week before last? 7 A I don't know 8 Q Sometime in the last two to three weeks? Α 10 Q Okay. What was discussed at that meeting? 11 MR. SEESE: I'm going to object and 12 instruct her not to answer. It's a privileged communication. The insurers are part of the 13 14 joint defense group, and if you want her to 15 answer that, you're going to have to get the 16 judge to make her do it. 17 BY MR. BERGER: Q Did you make a presentation as to your technical 18 19 findings at that meeting? 20 MR. SEESE: Same objection. 21 MR. BERGER: So you are going to 22 instruct her not to answer any questions 23 concerning the substance of that meeting? 24 MR. SEESE: Yes. 25

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1 BY MR. BERGER: 2 Q Okay. He's not your lawyer. Are you going to do 3 what he tells you? 4 A Yes. 5 Q And not tell me anything based upon his 6 instruction? 7 A Yes. 8 Q Do you recall which lawyers were there for the 9 insurance companies? 10 A I don't know. 11 Q Was Becky Ross there? 12 A Yes. 13 Q Okay. Any of these folks here? 14 A Yes 15 Q Which one? 16 A Both. 17 Q Both who? Both these gentlemen here? 18 19 Q Mr. Cohen? 20 A Yes 21 Q And Mr. White, is that correct? 22 MR. WHITE: That's correct. 23 MR. COLLINS: So I guess those are not 24 very memorable people. Can I have 60 seconds 25 with you?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 63

MR. BERGER: Let's take a short recess

2 (A recess was taken.)

- (Exhibit 3 was marked.) 3
- 4 BY MR. BERGER:
- Q Did you know that Mr. Harney was a venture
- 6 capitalist who was involved in securing capital
- 7 for Madison-Kipp to continue operating and was
- 8 not an employee of Madison-Kipp Corporation?
- 9 MR. SEESE: Object to form and
- 10 foundation. You can answer.
- 11 THE WITNESS: No.
- 12 BY MR. BERGER:
- 13 Q You never heard that?
- 14 A No.
- 15 Q You said you were sending him copies of emails at
- 16 some point and then that stopped, is that right?
- 17 A Yes
- 18 Q Did you notice that his email address was not an
- 19 email address at Madison-Kipp Corporation? Does
- 20 that ring a bell at all?
- 21 A He had two email addresses.
- 22 Q One at Madison-Kipp Corporation and one someplace
- 23
- 2.4 A Yes
- 25 Q Do you know what the other one was?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp

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Deposition of Jennine Trask

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- 2 Q And that would be in your email files, is that
- 3 right?
- 4 A Yes.
- 5 Q And you sent him emails at both locations?
- 6
- 7 Q When he was involved in the meetings with you,
- 8 did he have input on the amount of money that was
- 9 being spent by Madison-Kipp Corporation to
- 10 address the environmental problem or problems?
- 11 MR. SEESE: Hold on. I will object to
- 12 that as privileged. I don't want her getting
- 13 into any communications between any of the
- 14 representatives at Madison-Kipp and the
- 15 representatives at ARCADIS. Exhibit 3 shows him
- 16 as consulting, and that's privileged. I will
- 17 instruct her not to answer.
- 18 BY MR. BERGER:
- 19 Q And you are going to follow Mr. Seese's
- 20 instruction?
- 21 A Yes.
- 22 Q Okay. Let's look at what we marked as Trask
- 23 Exhibit 3, the first page of which appears to be
- 24 an email dated Thursday, February 2 from you to
- 25 David Crass with a carbon copy to Leah Ziemba and

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 65 Evan Nyer, subject confidential consulting 2 relationship. Then the next two pages are a 3 February 1, 2012 letter to you from Mr. Crass. Have you seen the documents which comprise 5 Exhibit 3 before? 6 A Yes. 7 Q What are those? 8 A A signed confidential consulting agreement. 9 Q And then there's the transmittal transmitting 10 that signed agreement? 11 A Yes. 12 Q And if you look at the third page, who's Richard 13 Studebaker, Jr.? 14 A The resource manager in Milwaukee. 15 Q So he's the ARCADIS person who signed the 16 agreement on behalf of ARCADIS, is that right? 17 A Yes 18 Q And this document here is the agreement pursuant 19 to which you and your company are doing their 20 work with Madison-Kipp, is that true? 21 MR. COHEN: Objection, vague. 22 THE WITNESS: I don't understand the 23 auestion. 24 BY MR. BERGER: Q Is this the contract, the agreement that governs

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1 the work that you are doing for Madison-Kipp 2 Corporation? 3 MR. SEESE: Object to the form of that. 4 Can we have an agreement that an objection by one 5 is an objection by all? 6 MR. BERGER: Sure, except they are not 7 objections by us. 8 MR. SEESE: Understood. 9 MR. COHEN: All the right minded people. 10 BY MR. BERGER: 11 Q Is it your understanding that this is the 12 agreement pursuant to which you and your firm are 13 working on the Madison-Kipp matter? 14 A This is the confidential consulting agreement 15 related to Madison-Kipp. 16 Q Okay. And related to the work that you and your 17 firm are doing for Madison-Kipp, is that right? 18 19 Q Okay. And you reviewed this document, is that 20 21 A Yes. 22 Q Okay. And that document was signed by 23 Mr. Studebaker on behalf of your company, is that 24 right? 25 A Yes.

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1 Q Do you report to Mr. Studebaker?

2 A Yes.

3 Q Okay. And do you report to him concerning this

4 matter?

5 A I don't understand.

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp

correct?

8 A Yes.

9 Q All right. Do you have people that you report to

10 within ARCADIS?

11 A Yes.

12 Q And who are those people?

13 A Rick is who I report to in Milwaukee.

14 Q Okay. So the guy who signed this contract on

15 behalf of ARCADIS is your boss with respect to

16 the Madison-Kipp case?

17 A Yes.

18 Q Okay. At ARCADIS, is that right?

19 A Rick is my boss, yes.

20 Q Okay. Now you said that you started working for

21 ARCADIS in 1997. Was ARCADIS called ARCADIS

22 then?

23 A No.

24 Q What was it called?

25 A I'd have to check to be sure. I believe Geraghty

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp

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& Miller still at that time.

Q Okay. At some point Geraghty & Miller changed

3 its name to ARCADIS?

4 A Yes.

2

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5 Q And do you recall generally when that took place?

6 A No

7 Q Okay. But Geraghty & Miller is the company that

8 hired you?

9 A Yes.

10 Q And as far as you are concerned, they are

11 basically the same company, just a name change?

12 A Yes.

13 Q Okay. All right. Other than your work for

14 ARCADIS, have you had any other employment in the

15 environmental field?

16 A Not since I graduated, no.

17 Q Did you do any significant work in the

18 environmental field before you graduated?

MR. SEESE: Object to form. You can

20 answer.

19

21 THE WITNESS: What do you mean by

22 "significant."

23 BY MR. BERGER:

24 Q You said "not since I have graduated," and that

25 made me think maybe you did environmental work

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 69 before you graduated. Did you do environmental 2 work before you graduated? 3 A Yes. Q What did you do? 5 A Environmental lab work, soils. 6 Q Can you describe that for me? A I worked in a soils lab. Q At the University of Iowa? A No, at Giles. 10 Q Okay. And what kind of soils laboratory work did 11 you do? Was it geophysical? Was it hazardous 12 13 A I don't recall hazardous substance. More 14 characteristics of clay, sand. 15 Q Okay. All right. Any other significant 16 environmental work that you did anywhere else 17 other than ARCADIS? 18 MR. SEESE: Object to form. 19 THE WITNESS: No. 20 BY MR. BERGER: 21 Q Okay. If you'd look at the first paragraph of 22 the February 1st letter. Incidentally, does this 23 help you date -- Does Exhibit 3 at all help you 24 date that first meeting you had with your

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25

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colleague, Mr. Nyer, Mr. Harney and the other

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1 folks you had concerning possibly working on 2 3 A Yes Q Okay. Tell me how it helps you date that. 5 A Based on the first sentence; "It was a pleasure 6 meeting you yesterday." 7 Q So you think that that meeting that you had with 8 Mr. Harney, Mr. Nyer and the unidentified folks 9 from Michael Best was on the last day of January, 10 2012, whatever that was? 11 A Based on this, yes. Q And the next day you came to an agreement to work 12 13 on this matter, is that right? 14 A We agreed to this confidential consulting 15 relationship. 16 Q Is that right? 17 18 Q And you have been working for Madison-Kipp since 19 that time? 20 21 Q If you look at the first paragraph, among the 22 services that you are performing are services to 23 assist Michael Best in the defense of lawsuits 24 relating to the Madison-Kipp problem, is that 25 Halma-Jilek Reporting, Inc. (414) 271-4466 **Experience Quality Service!**

Deposition of Jennine Trask

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12

Page 71 A According to this, yes. 2 Q Okay. And that's your understanding, that one of 3 the things that you are doing for Madison-Kipp is 4 helping it defend this lawsuit, fair? A I don't know what you mean by defend a lawsuit. 6 Q It says "in defense of lawsuits." That's one of the things that you understand you are helping 8 Madison-Kipp do and its lawyers? 9 10 Q Yes, that's what I mean, ARCADIS. And you are 11 the project manager at ARCADIS? 12 A From a technical standpoint, yes. 13 Q Correct. And one of the things that you are 14 helping assisting in is the defense of this 15 lawsuit? 16 A I don't know. 17 Q Well, it says that here, doesn't it? 18 A It says, "To assist MB&F in rendering legal 19 advice to Madison-Kipp Corporation." 20 Q Okay. For what purpose? 21 A In the context of environmental investigations 22 concerning the Madison, Wisconsin site and 23 defense of lawsuits resulting therefrom. Q Okay. So one of the things that you are doing is 24 25 helping Madison-Kipp and its lawyers defend this

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 72 lawsuit? 2 MR. SEESE: Object to the form of that. 3 THE WITNESS: ARCADIS, yes. 4 BY MR. BERGER: Q Yes. I don't mean Jennine Trask individually, I 6 mean you in your role with ARCADIS. That's one 7 of the things that you are doing here? 8 A I work from a technical standpoint. ARCADIS on a 9 whole has involvement. 10 Q I understand that. So your understanding is that 11 one of the things ARCADIS is doing is helping 12 Madison-Kipp and its lawyers defend this lawsuit? 13 A ARCADIS, yes. 14 Q How about you? 15 A I do the technical work. 16 Q You are taking positions, aren't you? 17 A I don't know what you mean. 18 MR. SEESE: Object to the form of that. 19 BY MR. BERGER: 20 Q You are writing letters to the State of Wisconsin 21 arguing in favor of Madison-Kipp, aren't you? 22 MR. SEESE: Object to the form of that. 23 MR. BERGER: You can answer my question. 24 THE WITNESS: I am providing technical 25 information and recommendations.

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 73 1 BY MR. BERGER: Q Right. You are providing recommendations to the 3 state and you are urging that they take action or not take action, aren't you, on behalf of 5 Madison-Kipp? 6 MR. SEESE: Object to the form of that. 7 THE WITNESS: No. 8 BY MR. BERGER: 9 Q You are not? You have written letters to the 10 State of Wisconsin telling them that, in fact, fairly recently, that you don't believe that PAHs 11 12 should be a driver in cleanup, haven't you? 13 A Can you show me where that was so I can see how 14 15 Q Yes, but I'm asking you without the letter. Do 16 you know as you sit there right now whether you 17 have ever written a letter to the State of 18 Wisconsin telling them that you don't believe 19 that PAHs should be a driver in cleanup? Do you 20 remember that or not. If you have no idea, tell 21 22 MR. SEESE: Object to form. Go ahead. 23 BY MR. BERGER: 24 Q I'm trying to be real patient, here, okay, and I 25 want you to tell me the truth. Do you recall

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Deposition of Jennine Trask 1 whether or not you ever sent such a letter to DNR 2 on behalf of Madison-Kipp? 3 MR. SEESE: Now you are raising your 4 voice at the witness, and you don't need to do 5 that. Let's take a five-minute break and have 6 everybody calm down and come back. 7 MR. COLLINS: It needs to be said for 8 the record there was nothing other than calm 9 about what he said 10 MR. SEESE: What he said, maybe, but you 11 are raising your voice. She's doing her best. 12 MR. BERGER: Look it. You don't 13 remember her, okay? 14 MR. SEESE: No, I don't. 15 MR. BERGER: And I've been trying to be 16 really, really polite. I have taken many 17 depositions before, okay, and I'm being horsed 18 around here. 19 MR. SEESE: You are not being horsed 20 around here 2.1 MR. COLLINS: Oh, yes; oh, yes. 22 MR. SEESE: She's doing her best to give 23 you straight-forward answers. 24 MR. BERGER: Look it. We can about here 25 for five days, if that's what we have to do.

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Page 75 MR. SEESE: Let's be here for five days 2 then. We're taking a five-minute break now. 3 (A recess was taken.) 4 MR. BERGER: Can your read my last 5 question back, please? 6 COURT REPORTER: "I'm trying to be real 7 patient, here, okay, and I want you to tell me 8 the truth. Do you recall whether or not you ever 9 sent such a letter to DNR on behalf of 10 Madison-Kipp?" 11 THE WITNESS: Regarding PAHs? 12 BY MR. BERGER: Q Do you recall whether you ever sent a letter to 13 14 the State of Wisconsin on behalf of Madison-Kipp 15 telling the State of Wisconsin that you don't 16 believe that PAHs should be a driver in 17 remediation activities? 18 MR. SEESE: Object to the form of that. 19 If you have got a question about a document, you should 20 be giving it to the witness. Subject to that, you can 21 answer the question. 22 MR. BERGER: You can answer the 23 24 THE WITNESS: Based on the data, PAHs 25 should not be the driver.

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 76 BY MR. BERGER: 2 Q That was your opinion, right? 3 MR. SEESE: Object to the form. 4 BY MR. BERGER: Q That was your opinion, right? 6 MR. SEESE: Same objection. 7 THE WITNESS: Based on the data. 8 BY MR. BERGER: Q Based on everything you know as a human being, 10 that was your opinion that you rendered to the 11 State of Wisconsin on behalf of Madison-Kipp to 12 try to urge the State of Wisconsin not to use PAH 13 contamination levels on residential properties as 14 a driver of their cleanup decisions? 15 MR. SEESE: Object to the form of that. 16 You can answer. 17 THE WITNESS: As a driver of the cleanup 18 on site, ves. 19 BY MR. BERGER: 20 Q So that was a position that you took arguing on 21 behalf of Madison-Kipp, is that fair? MR. SEESE: Object to the form of that. 22 23 BY MR. BERGER: 24 Q You were advocating on behalf of Madison-Kipp 25 with the State of Wisconsin, correct?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 77 1 MR. SEESE: Object to the form of that. 2 THE WITNESS: We made a statement that based on the data that PAHs should not be this 3 driver 5 BY MR. BERGER: Q And on whose behalf did "we," meaning ARCADIS, 6 7 meaning you and your colleagues, make that 8 statement? 9 A On behalf of the Madison-Kipp project. 10 Q And that is in connection with helping Madison-Kipp defend the enforcement actions taken 11 12 or contemplated by the State of Wisconsin, is 13 that true? 14 MR. SEESE: Object to the form of that. 15 THE WITNESS: No, that's based on the 16 investigation and the technical results. 17 BY MR. BERGER: Q I understand what your statement is based on, but 18 what you are trying to do is influence the State 19 20 of Wisconsin in its decision making as to how 21 it's going to enforce against Madison-Kipp, is 22 23 MR. SEESE: Object. You are arguing 24 with the witness now 25 MR. BERGER: No, I want an answer to my

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Deposition of Jennine Trask Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 1 question, and I really don't want to argue with 2 3 THE WITNESS: We provide the technical information in our recommendations based on the 5 technical data, not to argue. 6 BY MR. BERGER: 7 Q Well, you took a position, didn't you? 8 9 Q Okay. And that position that you took was 10 advocating on behalf of Madison-Kipp? 11 MR. SEESE: Object to form. Now you are 12 misstating her testimony. 13 THE WITNESS: It was presenting the data 14 in our professional opinion. 15 BY MR. BERGER: 16 Q Correct. On behalf of Madison-Kipp? 17 A Yes 18 Q Okay. So ARCADIS is presenting its professional 19 opinions in support of Madison-Kipp in its 20 defense of enforcement activities taken by or 21 contemplated by the State of Wisconsin? 22 MR. SEESE: Object to form. 23 MR. BERGER: Okay. 24 THE WITNESS: I guess I'm not 25 understanding the question.

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Page 79 1 BY MR. BERGER: 2 Q Okay. When you write to the State of 3 Wisconsin -- Strike that. 4 You know that the State of Wisconsin has 5 taken enforcement action against Madison-Kipp 6 with respect to the contamination that's it's caused. You know that, don't you? 8 A Yes. 9 Q Okay. And you know that they have taken 10 enforcement action against Madison-Kipp going 11 back to 1994. Do you know that? 12 MR. SEESE: Object to form. 13 THE WITNESS: No. 14 BY MR. BERGER: Q But you know they have recently, is that right? 15 A Have recently? 16 17 Q Taken enforcement action against Madison-Kipp. 18 MR. SEESE: Object to form. 19 THE WITNESS: I know that there was an 20 article in the paper. 21 BY MR. BERGER: 22 Q Well, now the State of Wisconsin has sued 23 Madison-Kipp, filed a lawsuit. You know that, 24 right? 25 A Yes.

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Page 80 Q Have you ever looked at that lawsuit? 2 A No. 3 Q You know that the State of Wisconsin has been 4 asking Madison-Kipp to investigate and clean up 5 contamination on its property going back to 1994 6 You know that, don't you? 7 MR. SEESE: Object to the form of that. 8 THE WITNESS: I know that we're 9 investigating on site. I don't know the legal 10 back to 1994 statement. 11 BY MR. BERGER: 12 Q You prepare reports on behalf of Madison-Kipp, 13 don't you? 14 A Yes. 15 Q And you are the project manager who signs those 16 reports on behalf of ARCADIS for Madison-Kipp, 17 right? 18 A Yes. 19 Q And when you are preparing those reports, you 20 review documents and put information in those 21 reports based upon your review of documents and 22 information concerning the site, isn't that 23 right? 24 Yes Α 25 Q And haven't you put in your reports that the

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 81 State of Wisconsin asked Madison-Kipp to 2 investigate and clean up the contamination on its 3 site since 1994? Hasn't that been one of the facts that you put in your reports? 5 MR. SEESE: Object to form. 6 THE WITNESS: I recall that there was a 7 letter regarding investigating based on an 8 off-site project. 9 BY MR. BERGER: 10 Q Okay. And you recall that that letter told 11 Madison-Kipp to investigate and clean up the 12 contamination on its property. You know that, 13 right? 14 MR. SEESE: Object to form. 15 THE WITNESS: I don't know the specifics 16 in the letter 17 BY MR. BERGER: Q Do you have any general understanding of what it 19 was that the State of Wisconsin was asking 20 Madison-Kipp to do? 21 A Investigation. 22 Q Of what? 23 A Related to PCE that was detected off site. 24 Q Okay. Was it asking it to investigate their 25

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Deposition of Jennine Trask Page 82 1 MR. SEESE: Object to form and 2 foundation. 3 THE WITNESS: I don't know. I'd have to read the letter. 5 BY MR. BERGER: 6 Q Why did you send a letter regarding PAHs to the 7 State of Wisconsin? 8 A We did a PAH investigation. 9 Q Why? 10 A It was part of the analyte suite requested by the 11 12 Q So the state was asking Madison-Kipp to analyze 13 for PAHs on the site, is that right? 14 A Yes. 15 Q Among other contaminants, like PCBs and VOCs, is 16 17 A Yes. 18 Q Why? 19 A Why were they asking them to investigate? 20 21 MR. SEESE: Object to form and 22 23 THE WITNESS: Based on investigations 24 that had been completed at the site over the past 25

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 83 1 BY MR. BERGER: 2 Q Okay. And what about those investigations led to 3 the state asking Madison-Kipp to sample for PAHs, 4 PCBs and VOCs in soil? 5 MR. SEESE: Object to form and 6 foundation 7 THE WITNESS: The VOCs would be related 8 to the initial investigation request. That would be my understanding. PAHs were added to the list 10 when we were doing PCBs. 11 BY MR. BERGER: 12 Q To whose list? 13 A They were added when we were -- When we did a 14 work plan for PCB investigation, the state 15 requested the PAHs. Q Why? 16 17 A I don't know Q You have no idea? 18 19 A No. 20 Q Okay. Why did you tell the state that you didn't 21 think PAHs should be a driver for cleanup? 22 MR. SEESE: Object to the form. 23 THE WITNESS: There were several reasons 24 in the PAH summary letter. 25

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 84 BY MR. BERGER: 2 Q There were more exceedences for PAHs, weren't 3 there, of standards than any of the other 4 chemicals? 5 MR. SEESE: Object to the form of that. THE WITNESS: Yes. 6 7 BY MR. BERGER: Q And you were concerned that if that was a driver, 8 9 Madison-Kipp would have to spend a lot of money 10 cleaning up soil, is that right? 11 A If that was the driver, they would have to clean 12 up soil. 13 Q More soil than if it wasn't the driver? 14 A Our concern is not the cost. Our concern is what 15 the technical data is. 16 Q Okay. My question is why didn't you want, even 17 though there were more exceedences for PAHs, why 18 didn't you want the PAHs to be the driver? 19 MR. SEESE: Object to the form of that. 20 THE WITNESS: Why didn't I want? 21 BY MR. BERGER: 22 Q Why were you telling the state that you didn't 23 want the PAHs to be the driver for cleanup? 24 A Based on the data results in nearby adjacent 25 properties and the risk associated with PAHs.

Experience Quality Service! (414) 271-4466 Halma-Jilek Reporting, Inc. Experience Quality Service! (414) 271-4466 Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 85 Q Okay. You know that there were more exceedences 2 of standards for PAHs than there were for PCBs or VOCs. You know that, don't you, in the top two 3 feet of soil? 5 A Yes. 6 Q Okay. Why then didn't you want -- So if PAHs 7 were the driver, more soil would have to be 8 cleaned up, is that true, than if they were not the driver? 10 MR. SEESE: Object to form. 11 THE WITNESS: If they are the driver as 12 in --13 MR. BERGER: As in your letter. Can you 14 mark that? What's the next number? 15 COURT REPORTER: Thirteen 16 (Exhibit 13 was marked.) 17 BY MR. BERGER: Q I'm showing you what's been marked as Trask 19 Exhibit 13, which is a September 11, 2012 letter 20 to Michael Schmoller on ARCADIS letterhead signed 21 by Jennine Trask, Project Manager, and Nadine 22 Weinberg on Page 5 of 5. The subject is Off-Site 23 Residential Polycyclic Aromatic Hydrocarbon 24 Results Summary. Have you looked at that 25 document?

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1 A Yes. 2 Q Is that your signature on the fifth page? 3 A Yes Q Okay. Who's Mike Schmoller? 5 A Mike Schmoller is with the WDNR. 6 Q What's his role on the Madison-Kipp site, if you 7 know? 8 A Project manager. 9 Q So he's the principal contact that the WDNR has 10 on the Madison-Kipp investigation and cleanup, is 11 that right? 12 A Yes. 13 Q As you understand things? 14 A Yes. 15 Q Is that right? 16 A Yes. 17 Q And you are the project manager for Madison-Kipp? 18 A Yes. 19 Q Okay. And on the last page you say, "As a 20 result, PAHs should not be a driver for off-site 21 remediation in relation to the Madison-Kipp 22 site." Those are your words? 23 A Yes. 24 Q What did you mean by "driver?" 25 A The lead compound for evaluation of the off-site

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Page 87 residences. 2 Q You didn't want PAHs to be the compound that determines how much off-site remediation has to 3 be implemented, is that true? 4 5 A Yes 6 Q Okay. And you are talking there, aren't you, about residential results, right? 8 A Yes. 9 Q And you are talking there about results on my 10 clients' property, right? 11 A Yes 12 Q And you knew if you were successful in getting 13 the state to agree to this argument that PAHs not 14 be the driver, that less residential soil would 15 be remediated, true? MR. SEESE: Object to form. 16 17 THE WITNESS: Yes. 18 BY MR. BERGER: 19 Q And you were doing that on behalf of 20 Madison-Kipp, true? 21 A Yes. 22 Q And if you go back to your agreement, Exhibit 3, 23 that is one of the things that you were doing to 24 assist Madison-Kipp and its lawyers defend 25 lawsuits, isn't it?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 88 MR. SEESE: Object to the form of that. 2 THE WITNESS: That's not necessarily the 3 intent of our production. Again, this is based 4 on data based on our recommendation. 5 BY MR. BERGER: 6 Q And that's one of the things that you were doing to assist Madison-Kipp Corporation in defense of 8 actions relating to the contamination on its 9 10 A This was produced on behalf of Madison-Kipp, yes. 11 Q In connection with its efforts to defend against 12 the state? 13 A To investigate. 14 Q To defend against the enforcement activities of 15 the State of Wisconsin? 16 MR. SEESE: Object to form. Now you are 17 just arguing with the witness again. 18 MR. BERGER: I'm not getting an answer. 19 MR. SEESE: You are getting an answer, 20 you just don't like it. 21 MR. BERGER: You know what, I didn't 22 come here to argue with you, Lee. We can call 23 the judge. Everytime I ask a question, you 24 object. It's really improper. 25 MR. SEESE: That's not true.

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 89 1 BY MR. BERGER: O This letter is an example -- Exhibit 13 is an 3 example of one of the things that you and ARCADIS were doing to help Madison-Kipp defend against 5 the State of Wisconsin's enforcement activities? 6 MR. SEESE: Object to the form of that. 7 You are mischaracterizing Exhibit 3. 8 THE WITNESS: This was not prepared with 9 the intent of defending anything, just 10 documenting the results and providing a 11 recommendation. 12 BY MR. BERGER: Q But the recommendation is for less cleanup, isn't 13 14 15 A No the recommendation is for PAHs to not be the 16 17 Q So less soil remediation takes place. We just 18 went through that, right? 19 A Less evaluation of what the next steps would be. 20 Q Why did you send this letter? Who asked you to 21 send this letter, Exhibit 13? 22 A I don't know specifically. 23 Q Did David Crass ask you to send it? 24 A I don't know 25 Q Did you send a draft to Mr. Crass to look at

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before you sent it? 2 A Yes. 3 Q Is that typically your practice? Strike that. It is your practice to send all of 5 these -- Drafts of all of the letters that you 6 send on behalf of Madison-Kipp to the WDNR, it's your practice to send drafts of those letters to Madison-Kipp's lawyers first, isn't it? 9 A Yes. 10 Q Okay. In fact, that's one of the things that 11 Exhibit 3, which is your agreement, tells you you 12 have to do. The first sentence of Paragraph 2 of 13 your agreement says that you are working under 14 our direction, meaning Michael Best's direction. 15 Is that your understanding? 16 A Yes. 17 Q And Michael Best, those are the people that give 18 you your orders with respect to the work that you 19 are doing, aren't they? 20 MR. SEESE: Object to form. THE WITNESS: I don't know what you mean 21 22 by "orders." 23 BY MR. BERGER: 24 Q They are giving you direction. 25 A Not with how we technically do our work, no.

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 91 Q I understand they are not telling you how to take 2

a sample, but they are telling you that you have

3 to run by your submittals to the state, you have

4 to run them by them first, don't you?

5 A Yes.

6 Q And you have to get their permission to send a

7 letter to the state taking a position, don't you?

8 MR. SEESE: Object to form.

9 THE WITNESS: Our documents go through

10 Michael Best, yes.

11 BY MR. BERGER:

12 Q To get their approval?

13 A Right, yes.

14 Q And telling the state in Exhibit 13 that PAHs

15 should not be a driver for the cleanup of my

16 clients' residential soils was an issue that you

17 talked about with Madison-Kipp's lawyers before

18 you sent the letter, isn't it?

19 A They would have seen a draft of that before it

20 would have been submitted.

21 Q They wanted you to take that position on behalf

22 of Madison-Kipp, didn't they?

23 A No.

2.4 Q They did not?

25 A They didn't tell me what we should put in a Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 92 recommendation. 2 Q Okay. Did you discuss that recommendation with 3 them? 4 A Yes. Q And did they approve that? 6 A Yes. 7 MR. SEESE: Norm, when you get a chance 8 in your next couple questions, the witness has 9 requested a lunch break at about 12:00 or 12:15. 10 MR. BERGER: We can break now, if you 11 12 MR. SEESE: If you have got a question 13 or an area you want to --14 MR. BERGER: Just let me follow up on 15 one thing 16 BY MR. BERGER: 17 Q Was it anybody at MKC's idea to put that in the 18 letter, what should be the driver? 19 A No. 20 Q Okay. That was something that was discussed 21 between you and MKC's lawyers? 22 A The recommendations came from ARCADIS. 23 Q Okay. And you talked about that with MKC's 24 lawvers? 25 A Yes.

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 93 Q Was that your recommendation or was that Nadine 2 Weinberg's recommendation or both of yours? 3 Q Okay. Do you know that it's possible -- One of 5 the things you say in this letter is that there 6 are other sources, potential sources, of PAHs in 7 soil, right? If you look at the second page, you talk about asphalt, cigarette smoking, backyard grilling, vehicle exhaust. Do you see that? 10 A Yes. 11 Q Okay. Were you urging that because there are 12 other sources, combustion sources for PAHs, that 13 the state should conclude that the PAHs found on 14 my clients' property were from those sources and 15 not from chemicals dumped or spilled by 16 Madison-Kipp? 17 MR. SEESE: Object to form. 18 THE WITNESS: We documented that PAHs 19 are ubiquitous in nature and gave examples of 20 other sources 21 BY MR BERGER: 22 Q Okay. But at the time you documented that, you 23 knew that there were chemicals spilled at

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Madison-Kipp that were found on my clients'

properties that are not ubiquitous in nature; for

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1 example, PCBs, VOCs. You knew that, right? 2 A Did I know that PCBs and VOCs had been detected on soils off site? 3 Q Correct. 5 A Yes. 6 Q And you also knew that those are not ubiquitous 7 in nature. Those are manmade. You knew that, 8 right? 9 A Yes. 10 Q Okay. So were you trying to get the state to 11 believe that even though there were manmade 12 chemicals on my clients' property, that the PAHs 13 that were found on my clients' property were not 14 from the same manmade sources as these other 15 chemicals? In other words, they were from 16 grilling in their backyard? Was that the 17 argument you were making? 18 MR. SEESE: Object to form. 19 THE WITNESS: PAHs are ubiquitous in 20 nature. That's the argument we were making. 21 BY MR. BERGER: 22 Q When you made that argument, you knew there were 23 chemicals on my clients' property that are not 24 ubiquitous in nature that appeared to be coming 25 from or were coming from Madison-Kipp, true?

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Page 9 MR. COHEN: Objection, asked and 2 answered THE WITNESS: There were other 3 4 contaminants that were found off site. This was specifically a documentation of the PAHs. 6 BY MR. BERGER: Q I understand that. 8 A Then I don't understand the question. 9 Q Those PAHs were found among other chemicals that 10 appeared to be coming from Madison-Kipp, is that 11 12 MR. SEESE: Object to the form of that. 13 THE WITNESS: There were PAHs that were 14 nowhere near the VOCs and PAHs or the PCBs. I 15 apologize. 16 BY MR. SEESE: 17 Q There were also PAHs found together with the PCBs 18 and the VOCs? 19 A I would have to check specific locations. 20 Q You don't know. Let me ask you do you know this. 21 Do you know that there are chemical signatures 22 for the kinds of PAHs that are the result of 23 combustion like grilling? Did you know that? 2.4 Α 25 Q Did you know that it's possible to determine

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 96 whether PAHs -- Do you know that by doing a more 2 complete analysis of the specific PAHs, it's 3 possible to determine whether the source is more 4 likely from a ubiquitous source, like combustion, or from an industrial source? Did you know that? 6 MR. SEESE: Object to form. 7 THE WITNESS: I'm not a PAH expert. 8 BY MR. BERGER: Q Okay. But you were writing a letter making an 10 argument about the significance of the PAHs to 11 12 MR. SEESE: Object to form there, too. 13 BY MR. BERGER: 14 O Correct? 15 A With colleagues that are PAH experts. 16 Q So that colleague is a PAH expert? 17 A She's a risk person, yes. 18 Q Is she a PAH expert? 19 A I don't know. 20 Q Did you talk with her about whether or not there 21 was a way to determine whether the PAHs detected 22 on my clients' property were associated with 23 natural or background or ubiquitous processes 24 like combustion or whether they were from an 25 industrial source?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 97 1 A No. 2 Q Wouldn't you have wanted to know that before you 3 write a letter arguing that they should be left there and should not be a driver of cleanup? 5 A That there's a method to analyze? 6 Q Correct. 7 A Would I have wanted to know that? 8 Q Correct. 9 A Yes. 10 MR. BERGER: Okay. Why don't we take a 11 break 12 (A luncheon recess was taken.) 13 BY MR. BERGER: 14 Q Do you have in front of you Exhibit 13? 15 A Yes. 16 Q We were talking about that, the PAH letter. I 17 think you said that it wasn't your idea to send 18 that letter, is that right? 19 A No, I don't know whose idea it was. We have 20 conference calls to discuss technical 21 information 22 Q You don't remember whose idea it was? 23 A I do not remember.

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Q And are Madison-Kipp's lawyers, the Michael Best

folks, on those conference calls?

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1 A Yes. 2 Q Are they on all the conference calls? 3 A They are on all the conference calls that Madison-Kipp is on, yes. 5 Q Okay. Are they ever on conference calls with you 6 where Madison-Kipp is? 7 A We do not have conference calls with Michael Best 8 without Madison-Kipp. 9 Q So all the conference calls you have with 10 Madison-Kipp where you are discussing your work 11 and proposed work and plan of action are with 12 Madison-Kipp and its lawyers at Michael Best? 13 A That's my recollection, yes. 14 Q And you don't know whose idea it was to send 15 Trask 13? 16 A No 17 Q And you don't know whether it was your idea? 18 19 Q Do you have whether it was Madison-Kipp's 20 lawver's idea? 21 A I don't know. 22 Q You have no recollection whatsoever as you sit 23 here right now as to whose idea that was? 24 25 Q Okay. I'm going to show you what's been marked

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Page 9 as Trask Exhibit 4, which is a multipage document with ARCADIS Bates numbers on it, the first page 2 3 of which is entitled "Professional Services Agreement." Do you see that? 4 A Yes. 6 Q Have you ever seen it before? 8 O What is it? 9 A It's our Professional Services Agreement with 10 Madison-Kipp. 11 Q Okay. If you look at Exhibit 3, and that was 12 signed in February by your same boss, February of 13 2012? A Yes. 14 15 Q Okay. If you look at Exhibit 3, do you see the 16 second paragraph where it says -- The second 17 sentence says, "The work contemplates services of 18 a character and quality that are a necessary 19 adjunct to our services as lawyers." Do you see 20 that? 21 A Yes. 22 Q And then it says, "Although you are under 23 contract with Kipp for the performances of 24 services in conducting this work, all 25 communications between you and your office and

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 100 MB&F, as well as communications with the 2 management and employees of Kipp, shall be 3 confidential and made solely for the purpose of 4 assisting counsel in rendering legal advice to Kipp." Do you see that? 6 7 Q Okay. And where it says in there, "You are under 8 contract with Kipp for the performance of 9 services," Exhibit 4 is that contract, isn't it? 10 A Yes. 11 Q Okay. Shortly after you -- I'm done with that 12 document. 13 Shortly after you became engaged to work 14 on this, and when I say "you" I mean you and your 15 firm, ARCADIS, you were the project manager from 16 the beginning, isn't that right? 17 18 Q Did you or anybody at ARCADIS ever interview 19 employees of Madison-Kipp Corporation who were 20 employees at the time PCE, PCBs and any other 21 hazardous chemicals were dumped or disposed of on 22 the site? 23 MR. SEESE: Object to form. 24 THE WITNESS: We did not complete 25

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 101 1 BY MR. BERGER: Okay. Did you make any attempt to interview any operational Madison-Kipp employees, current or past, about how these substances were released 5 and disposed of on the site? 6 A No. 7 Q Okay. So did you ever look at Madison-Kipp 8 operational documents which showed how much PCE, 9 PCBs, PAHs, how much of those materials were 10 purchased or used by Madison-Kipp during its 11 years of operation? 12 A No 13 Q Did you or anybody from ARCADIS ever ask to see 14 those documents? 15 A No 16 Q Did you or anybody from ARCADIS ever interview 17 employees of Madison-Kipp concerning the amounts 18 of PCE, solvents, hydraulic oils and the like 19 were used at the facility? 20 A No 21 Q So I take it neither you or anybody at ARCADIS 22 has ever attempted to calculate how much PCE was 23 used and disposed of by Madison-Kipp? 24 A We have not calculated how much PCE was disposed

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of by Madison-Kipp, no.

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Page 103 A Your question. 2 Q Which one? 3 A The original one 4 Q Yes. I can come close.

investigation as to how chemicals were released

Q Did you or ARCADIS ever undertake an independent

8 or disposed of at the Madison-Kipp facility?

9

A Okay

6

25

10 Q I noticed that in documents that you prepared and

11 signed concerning the soil vapor extraction work

12 that you did at Madison-Kipp you present a

13 calculation as to the amount of PCE recovered by

14 that system. Does that ring a bell?

15 A We do mass removed calculations for the SVE

16

17 Q So you try to figure out how much of that PCE you

18 are removing from the property?

19 A We document it, yes.

20 Q As I recall, you state that in pounds, is that

21 right?

22 A Yes.

23 Q Okay. And as I recall, at least after the

24 first -- in one of your operational reports you

25 concluded that you had removed approximately Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12

1 Q Have you ever calculated how much they used?

2 A No.

3 Q You know it's possible to do such calculations,

don't you?

5 A Yes.

6 Q Okay. Have you done them in other engagements?

7

8 Q Okay. You are aware that other environmental

9 consultants do such calculations, aren't you?

10 A I don't know.

11 Q You have no idea?

12 A No

13 Q Did you or anybody at ARCADIS ever make any kind

14 of investigation, independent investigation, as

15 to how chemicals were released or disposed of at

16 the facility?

17 A I don't know what you mean by "independent

18 investigation."

19 Q On your own.

20 A Not under contract with Madison-Kipp, no.

21 O Under contract with Michael Best?

22

23 Q Under contract with anybody?

24 A Can you repeat it?

25 Q Can I repeat what?

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10 pounds of PCE. Does that ring a bell?

2 A I don't recall.

3 Q Okay. We will show it to you later. Wouldn't

4 you want to know how much PCE was released at the

5 facility so you could make a meaningful

evaluation of what the significance of the amount 6

of PCE removed is?

8 A The SVE is for vapor migration. That's the

9 primary goal of the SVE system.

10 Q I understand that. But wouldn't you want to

11 know, if you are calculating how much you

12 recovered, wouldn't you want to put that on top

13 of the amount released to figure out what

14 percentage or -- of source material you had

15 removed and how effective the SVE system was or

16 is as an interim mitigation measure?

17 A If that can be calculated after investigations

18 are complete, we would do that.

19 Q Okay. But you haven't made any attempt to do

20 that?

21

22 Q Do you plan to make any attempt to do that?

23 A Not at this time with the scope of work we have

24 approved.

25 Q Has Madison-Kipp ever asked you to do that?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 105 1 A No. 2 Q Has Madison-Kipp's lawyers at Michael Best ever 3 asked you to do that? 4 A No. 5 Q Is it important to you as an environmental 6 scientist to know how and when PCE was disposed 7 of at the site when trying to come to conclusions 8 as to the nature and extent of the problem and how to remediate it? 10 A We rely on the data for the nature and extent 11 that we collect during an investigation. 12 Q So you don't think it's important to know how the 13 stuff got there, over what time period and in 14 what amounts? You just rely on your sample 15 results? 16 A At this time, yes. 17 Q Okay. What I would like you to do right now is 18 give me an overview of the work that ARCADIS has 19 performed at the Madison-Kipp site from February 20 21 A An SVE system was installed in the northeast 22 portion of the site. We did PCB investigation 23 work on and off site. We have installed two 24 bedrock walls on site. We did off-site vapor 25 sampling. We have initiated additional off-site

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Page 106 1 deeper monitoring wells. We installed and 2 sampled vapor probes in the bike path area to the 3 north of the site. That's what I can recall. If I looked at a report, it might help with more. 5 Q I don't recall you identifying soil borings on 6 7 A We did soil borings as part of the PCB 8 investigation on site. 9 Q And what about soil sampling underneath or in the 10 building? 11 A Yes, we have collected soil samples from 12 underneath the building. 13 Q When did you do the soil samples from underneath 14 the building work? 15 A That was completed last Thursday. 16 Q Okay. Do you have any results from the soil 17 sampling activity underneath the building? 18 A We don't have any analytical results, no. 19 Q Do you have any non-analytical -- Let me redo 20 21 Do you have any non-analytical results? 22 For example, did you have somebody out there with a PID or some other gross --23 24 A We did screening. 25 Q Okay. And do you have results from screening? (414) 271-4466 Halma-Jilek Reporting, Inc. Experience Quality Service!

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١,		Page 107
1	Α	I have not seen the results from the screening.
2	Q	Have you heard about them?
3	Α	In general terms I have heard about that.
4	Q	Tell me what you know about them.
5	Α	That the readings for the soil borings inside the
6		building were low.
7	Q	Can you quantify that at all?
8	Α	No.
9	Q	So other than they are low, you haven't heard
10		anything?
11	Α	Yes, that's correct.
12	Q	Were there detections I take it when you are
13		talking about readings, you are talking about
14		VOCs?
15	Α	The PID readings?
16	Q	Correct.
17	Α	Yes.
18	Q	And those pick up VOCs?
19	Α	Mostly, yes.
20	Q	Okay. Were there detections?
21	Α	I haven't seen the logs.
22	Q	Were you told?
23	Α	I was told they were low, so I'm assuming there
24		were some low detections.
25	Q	Okay. Were you told anything about the
l	-	

Kathleen l	McHugh	and Deanna Schneider vs. Madison-Kipp 10/30/12	Deposition of Jennine Trask
			Page 108
1		percentage of borings that had detections in	
2		them?	
3	Α	No.	
4	Q	Were you told about whether or not any	
5		pre-product or product was encountered in any of	
6		the borings?	
7	Α	No.	
8	Q	Okay. Did you ask for any of this information?	
9	Α	No.	
10	Q	Okay. Who reported to you on the borings under	
11		the building?	
12	A	Toni Schoen.	
13	Q	Is that a she?	
14	Α	Um-hum.	
15	Q	You have to say yes.	
16	Α	Yes.	
17	Q	Was she the one out there on site doing the work?	
18	Α	No.	
19	Q	Who was outside doing the work?	
20	Α	Jay Reed.	
21	Q	Is that one of your employees or is that a	
22		subcontractor?	
23	Α	That's an ARCADIS employee.	
24	Q	Okay. When do you expect to have the analytical	
25		results back from the sub-slab soil sampling?	

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 109 1 A Mid November. 2 Okay. All right. Have I now identified, as best 3 you can recall with my little help, all of the work that you have done at the site, at least in 5 general terms? 6 A Yes. 7 Q Okay. I'm going to show you a stack of documents 8 which have been marked Trask Exhibits 5 through 9 12. Five is a document dated February 2012 10 entitled, "Soil Vapor Extraction Pilot Test 11 Summary and Phase I System Design." Trask 6 is a 12 document entitled, "Phase 1 Soil Vapor Extraction System Construction Summary." That's dated 13 14 May 12. Trask 7 is a document entitled, "Site 15 Investigation Work Plan" dated May 12th. Eight 16 is a document entitled, "Madison-Kipp Corporation 17 Bedrock Characterization Work Plan" dated 18 May 12th. Nine is a document entitled, "Work 19 Plan for Supplemental Polychlorinated Biphenyl 20 Investigation" dated July 2012. Ten, which 21 probably should have been before 9, is entitled, 22 "Work Plan for Polychlorinated Biphenyl 23 Investigation." And that one was also dated 24 May 2012. Eleven is a document entitled, "On 25 Site Soil Investigation?

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Page 110 1 MR. COLLINS: Off site. 2 MR. BERGER: I'm sorry. "Off Site Soil 3 Investigation Report" dated October 2012. Twelve is a document entitled, "Work Plan for 5 Polychlorinated Biphenyl Recommended Activities" 6 dated October 2012. And then why don't we mark 7 this as Trask 14. We will mark as Trask 14 a letter dated October 17, 2012 concerning in situ 9 chemical oxidation groundwater pilot test work 10 11 (Exhibit 14 was marked.) 12 MR. COLLINS: Do we need to state for 13 the record the exhibit numbers again or does 14 everybody have it? I passed those around kind of 15 quickly. 16 MR. BERGER: Off the record. 17 (A discussion was had off the record.) 18 BY MR. BERGER: 19 Q I'm showing you Exhibits 5 through 12 and 14, and 20 I would ask you as the project manager to 21 identify each of those documents. 22 A By title? 23 Q Yes, or you can tell me what they are. 24 A Exhibit 5 is the Soil Vapor Extraction Pilot Test 25 Summary and Phase 1 System Design Report.

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Page 111 Exhibit 6 is the Phase 1 SVE System Construction 2 Summary. Exhibit 7 is the Site Investigation 3 Work Plan. Exhibit 8 is the Bedrock 4 Characterization Work Plan. Exhibit 9 is the 5 Work Plan for Supplemental PCB Investigation. 6 Exhibit 10 is the Work Plan for PCB 7 Investigation. Exhibit 11 is the Off-Site Soil 8 Investigation Report. Exhibit 12 is the Work 9 Plan for PCB Recommended Activities. Exhibit 14 10 is the In Situ Chem-Ox Groundwater Pilot Test. 11 Work Plan 12 Q Now we just received 11, 12 and 14 among many 13 thousands of pages of documents yesterday. I 14 want to know from you whether Exhibits 5 through 15 12 and 14 comprise the entire universe of formal, 16 final work plans or reports or I should say work 17 plans and reports that you and ARCADIS have 18 prepared with respect to your work in this 19 20 A I'd really have to check files for sure, but you 21 do not have the -- Oh, no, you do. This was the 22 latest PCB work plan. Sorry. So, yes, I would 23 have to double-check my files, but to my 24 knowledge, yes. 25 Q Okay. Well, what I'd like you to do is take a

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 112 look at the documents and think about whether or 2 not there's anything missing there, because I 3 want to know that I have seen the entire universe 4 of formal work plans and reports that you and 5 ARCADIS have prepared from the time you were 6 retained in February to this date. 7 A I don't see the work plan for the interior 8 building investigation. 9 Q I have not seen that, either. Was there a work 10 plan for the interior investigation? 11 12 Q Okay. Is that something you could grab now and 13 make a copy of it so we can mark it? 14 A Yes 15 MR. BERGER: Why don't we take a short 16 break. 17 (A recess was taken.) 18 (Exhibit 15 was marked.) 19 BY MR. BERGER: 20 Q I'm handing you, Ms. Trask, what's been marked 21 Trask Deposition Exhibit 15, which is a 22 September 2, 2012 Site Investigation Work Plan 23 Addendum, Building Subsurface Investigation and 24 other stuff. I'd ask you to identify that, 25 please.

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 113 A Exhibit 15 is the Site Investigation Work Plan 2 Addendum for the Building Subsurface 3 Investigation. Q Okay. And that is an addendum to what has been 5 marked Trask Exhibit 7, is that right? A Yes. 6 7 Q Is that the only addendum to Trask Exhibit 7, to 8 your knowledge? 9 A There is an addendum for the final location of 10 the off-site wells. I'm trying to recall if it 11 was submitted as a formal work plan or a letter. 12 Q Well, do you want to go see, because I haven't 13 seen that one, either. Do you mind taking a 14 short break? That relates to where the off-site 15 groundwater monitoring wells are located? 16 A Yes. 17 Q Okay. Do you recall the date of that? 18 A No. 19 Q Okay. Do you mind? 20 A Um-hum, yes. 21 MR. BERGER: I think she meant no. 22 (A recess was taken.) 23 (Exhibit 16 was marked.) 24 BY MR. BERGER:

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Q I'm showing what's been marked as Trask

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1 Exhibit 16, which is a September 13, 2012 letter 2 to Mr. Schmoller from ARCADIS signed by you and 3 Toni Schoen. The subject is Site Investigation Work Plan Addendum, Madison-Kipp Corporation." 5 Can you identify Exhibit 16 for me, please. 6 A Exhibit 16 is the Site Investigation Work Plan 7 Addendum 8 Q Now you have before you Exhibits 5 through 12 and 9 14 through 16, and do those now include all of 10 the formal work plans and reports that ARCADIS 11 has submitted in this case to date? 12 A We submit Bimonthly Summary Reports. They are 13 not work plans. I don't know if you expect them 14 15 Q I have seen Bimonthly Summary Reports. Let's 16 except those out right now. Excepting the 17 Bimonthly Summary Reports, do these appear to be 18 all of the work plans and formal reports that 19 have been prepared and submitted to date on this 20 21 A Yes. 22 Q Okay. And 15 and 16 are the only two addenda to 23 the Site Investigation Work Plan which was 24 Exhibit 7, is that right? 25 A Yes. (414) 271-4466 Halma-Jilek Reporting, Inc. **Experience Quality Service!**

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 115 Q Okay. With respect to the bimonthly reports, can 2 you tell me when you started submitting bimonthly 3 reports to DNR? 4 A We started with the bimonthly reports around the time the PCB investigation started. 6 Q Okay. So not beginning in February, this would have been in April or May? 8 A I would have to check our files, but that sounds about the time frame. Q And have they been submitted -- But those are not 10 11 final reports, is that right? 12 A What do you mean by "final?" 13 Q Well, if you look at -- which I did, the Site 14 Investigation Work Plan, I believe you said in 15 the Site Investigation Work Plan which was 16 Exhibit 7 that you were going to prepare a --17 what I will call a final report concerning all of 18 your investigation activities. Do you recall 19 that? 20 A A Site Investigation Report? 21 22 A Yes. 23 And in that Site Investigation Report, it said on 24 Page 40 of Exhibit 7, "Following receipt of the 25 soil and groundwater analytical results, ARCADIS

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 116 will prepare a report." I assumed that to mean 2 once you were done with all of the investigation. 3 I'm looking at Exhibit 7, Page 40, Bates 4 No. 7218. 5 A Yes 6 Q I understood that to mean that when you were all done with all of your investigation work, you 8 would prepare a comprehensive site investigation 9 report 10 A Yes. 11 Q Is that true? 12 A Yes. 13 Q That's still the plan? 14 A Yes. 15 Q And that has not been done yet? 16 A It has not been done yet. 17 Q I'm sorry. I interrupted you, and I promised I 18 would try not to. It has not been done yet and 19 you are still gathering data? 20 A Yes. 21 Q Do you know when you will be preparing that 22 comprehensive site investigation report? 23 A First quarter 2013. 24 Q Okay. And can you be any more specific than 25 that, or that's just the goal?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 117 A It will depend on the schedule this winter with 2 installing the wells and getting the groundwater 3 sampling done. Q And I would presume it would depend on the 5 results and whether any more investigation work 6 is contemplated or undertaken? 7 A Yes. 8 Q Okay. Just so I know what this report is 9 conceived to be, that will be a report of all 10 data relating to soil, groundwater and vapor 11 investigations, is that right? 12 A Yes for soil and groundwater. I don't know about 13 14 Q It may be or it may not be? 15 A Yes 16 Q Do you know one way or another now? 17 A Pardon me? 18 Q Whether it will be or won't be now, do you know 19 one way or another whether the vapor 20 investigation results will be part of that 21 report? 22 A Yes, they will be. 23 Q They will be part of that report?

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Q So that report will -- It will be comprehensive.

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Page 118 1 It will include soil, groundwater and gas? 2 A Yes. 3 Q Okay. I take it there are no drafts of that report prepared yet? 5 A No. 6 Q And I presume that would be both on site and off 7 site, since the investigations that you have been and are performing are both on site and off site? 9 A I don't know. The off-site results have been 10 presented. I don't know how they will be part of 11 the Site Investigation Report. 12 Q One way or the other, whether they will be or 13 won't be part of it? You don't know? 14 A I don't know 15 Q Okay. Do you know who will make that decision? 16 A ARCADIS would make a recommendation. 17 O To who? 18 A To Madison-Kipp. 19 Q So the lawyers? 20 A And to Michael Best. 21 Q Okay. And then they would tell you what you were 22 going to do, how it was going to be reported? 23 A Yes. 24 Q Okay. You know what a groundwater plume map is, 25 don't vou? (414) 271-4466 Halma-Jilek Reporting, Inc. Experience Quality Service!

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3 respect to the Madison-Kipp site prepared by

4 ARCADIS. My question is has ARCADIS prepared any

Q I have not seen any groundwater plume maps with

5 groundwater plume maps with respect to the

6 Madison-Kipp facility?

7

8 Q And that's true with respect to both shallow and

9 deeper groundwater, isn't it?

A Yes. 10

11 Q You have seen gas plume maps, haven't you?

12 A Are you referring to Madison-Kipp gas plume maps?

13 Q I'm referring to gas plume maps in general.

14 A I don't know.

15 Q You don't know whether you have ever seen one?

16 A I don't know.

17 Q Do you know whether the extent of the gas plume

18 can be mapped?

19 A I think it can be mapped, yes.

20 Q Okay. And you have never seen any gas plume maps

21 related to the Madison-Kipp facility?

22 A No

23 Q And ARCADIS has not prepared any gas plume maps

24 related to the Madison-Kipp facility?

25 A No Kathleen McHugh and Deanna Schneider vs. Madison-Kipp

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Q Okay. You understand that plume maps are drawn

2 to, among other things, depict the extent of

3 contamination. Is that fair?

4 A Yes.

Q It is true that as we sit here today the full

6 extent of the groundwater contamination has not

been determined at the Madison-Kipp facility?

8 A Yes.

9 Q And that's true with respect to both shallow and

10 deep groundwater, is it not?

11

12 Q In what way is it not true as to both shallow and

13 deep groundwater?

14 A Shallow groundwater wells have been installed and

15 sampled around the perimeter that do not have

16 VOCs related to Madison-Kipp.

17 Q Okay. So you think the extent of shallow

18 groundwater contamination has been determined?

19 Shallow groundwater contamination emanating from

20 the Madison-Kipp facility, you believe that the

21 extent of that shallow groundwater contamination

22 has been determined?

23

24 0 But it has not been drawn?

25 A Yes.

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 121 Q That's true? 2 A That's true. 3 Q Okay. It is true that the extent of vapor contamination has not been determined, isn't it? 5 A Contamination as in detections? 6 7 A Not from ARCADIS data. I don't know if we have 8 all the WDNR data 9 Q But to your knowledge you have never seen a final 10 delineation of how far the PCE gas plume or plumes is going off the Madison-Kipp property, is 11 12 that true? 13 A I have not seen. 14 Q Okay. And you certainly have not seen any 15 drawing depicting the size of the gas plume? 16 A I have not seen that. 17 MR. BERGER: Okay. I'd like you to take 18 a look at Exhibit 8, please. Actually, before 19 you look at that, I'm going to mark another 20 21 MR SEESE: Off the record 22 (A discussion was had off the record.) 23 (Exhibits 17 through 20 were marked.) 24 BY MR. BERGER: 25 Q I have just marked as Trask Deposition Exhibit 17

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Page 122 1 the May 9, 2012 Bimonthly Progress Report 2 addressed to Linda Hanefeld and signed by Jennine Trask and Chris Kubacki. I have marked as a 3 Trask Exhibit 18 the Bimonthly Progress Report to 5 Hanefeld signed by you and Kubacki dated 6 May 15th. I have marked as Exhibit 19 a June 29, 2012 Bimonthly Progress Report to Linda Hanefeld signed by you and Chris Kubacki. I have marked as Exhibit 20 an August 15, 2012 Bimonthly 10 Progress Report to Linda Hanefeld and signed, I 11 believe, by you and is it Mr. Kubacki? 12 13 Q Okay. Do you recognize those documents? 14 A Yes. 15 Q Are those all progress reports that you submitted 16 to DNR on behalf of Madison-Kipp in connection 17 with your work in this case? 18 A Yes. 19 Q Okay. Those are the only ones that I have seen 20 in the production, not including the disks that 21 came yesterday, but can you tell me there's --22 The first one I have there is dated May 9th, and 23 it relates to PCBs. I think what you told me 24 earlier or testified to earlier was that you 25 started submitting these Bimonthly Progress

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Reports when the PCB work was done. Is that 2 fair?

3 A Around that time zone, yes.

4 Q Do you know whether -- Well, this is May 9th.

5 Can you tell me whether Exhibit 17 is the first

6 Bimonthly Progress Report you submitted to the

DNR with respect to your work in this case?

8 A I don't know if this was the first one.

Q Okay. Do you recall one earlier?

10 A No.

11 Q Okay. The second document, Exhibit Trask

12 Exhibit 18, is dated May 15th. Then the third

13 one is about a month and one-half later dated

14 June 29th. Can you tell me whether there was a

15 Bimonthly Progress Report between Exhibit 18 and

16 Exhibit 19, one or more?

17 A There were two in between.

18 Q Okay. Do you know approximately when those would

19

20 A Approximately June 1st and June 15th.

21 Q Okay. Do you recall right now what those

22 concerned?

23 A No. They followed the same basic pattern, you

24 know, but I don't know what specifically would

25 have been reported. Kathleen McHugh and Deanna Schneider vs. Madison-Kipp

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Q Okay. And then after the June 29th one I

2 don't -- the next one I have marked, Exhibit 20,

3 is dated August 15. Would there have been one or

4 more bimonthly progress reports between

Exhibit 19 and Exhibit 20?

6

7 Q Do you recall how many there were?

8 A Two.

9 Q Okay. One approximately August 15th -- excuse

10 me, July 15th and one approximately July 30th?

11 A It would have been before July 30th, since this

12 one -- the August 15th one starts July 28th, but

13 it would have been the end of July.

14

Q Okay. But you are certain that there were two

15 between Exhibits 19 and 20?

16 A I would have to check the files, but the

17 procedure was approximately every two weeks.

18 Q I understand that, but I know that work wasn't

19 necessarily going on that quickly in terms of

20 having something to report, so I'm just wondering

21 whether you can recall what was done or whether

22 there was sometimes when you went a month or so

23 without submitting one.

24 A I do not recall not submitting one.

25 Q Okay. And how many have been submitted since

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 125 August 15th, Exhibit 20, Bimonthly Progress

2 Reports?

3 A The end of August, the middle of September, the

- end of September and the middle of October. I'd
- 5 have to check, but that was the time frame we
- 6 were doing them.
- Q Okay. Why were you submitting bimonthly reports?
- 8 A That was a request from WDNR.
- 9 Q And I notice these, Exhibits 17 through 20, were
- 10 sent to Linda Hanefeld and not sent to
 - Mr. Schmoller. Is there a particular reason why
- 12 you were sending these directly to Hanefeld as
- 13 opposed to Schmoller?
- 14 A The request --

11

- 15 MR. SEESE: Object to the form of that,
- 16 but you can answer.
- 17 THE WITNESS: The request for bimonthly
- 18 reports came from Linda is my recollection.
- 19 BY MR. BERGER:
- 20 Q Okay. When did she make that request?
- 21 A Sometime around the PCB investigation.
- 22 Q Did she make that request to you personally or
- 23 did she make that request to you in a meeting
- 24 where you were present?
- 25 A No, my recollection is a letter from Linda.

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3 Q And she sent that to Mr. Meunier at Madison-Kipp? A I don't know who it was addressed to. 5 Q Have you had -- Strike that. 6 Have you been meeting with officials 7 from WDNR on any regular basis since you began 8 work on this project? 9 A Yes 10 Q Okay. Tell me on what basis you have been 11 meeting with DNR. 12 A The regular schedule was every other week 13 modified based on if there was data to talk 14 about. 15 Q When did that regular schedule begin? 16 A About the same time as the bimonthly reports. 17 Q And about the time that PCBs became an issue at 18 19 A Yes. 20 Q Okay. And how often have you been meeting with 21 22 A I'd have to check the calendar. Twice a month, 23 but not necessarily every other week. 24 Approximately. 25 Q Okay. So have you met with DNR about this matter

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2

Q Asking for bimonthly reports?

A The letter from Linda asks for bimonthly reports.

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eight to ten times or not quite that many?

- 2 A They are not all in-person meetings. Sometimes
- we just have a conference call every other week. 3
- 4 Q Okay. Can you tell me how many in-person
- 5 meetings you have had with representatives of
- DNR? 6
- A I don't know.
- 8 Q Four or five, maybe?
- A I would say four to six.
- 10 Q Okay. And where have those meetings taken place?
- 11 A At the WDNR
- 12 Q Okay. In Madison?
- 13 A There have been some at the Madison office and
- 14 some in Fitchburg.
- 15 Q Okay. When was the last time you met with DNR
- 16 about this case?
- 17 A We met with them earlier in October.
- 18 Q And what was the purpose of that meeting?
- 19 A To present the technical data collected to date.
- 20 O And would that all be data that is contained in
- 21 the exhibits that we have marked here?
- 22 A Yes.
- 23 Q Okay. And did you make any recommendations --
- 24 Who attended that meeting?
- 25 A Mike Schmoller, Linda Hanefeld, Steve Tinker,

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp

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John Hausbeck, Henry Nehls-Lowe, and I believe

- 2 there was a PR person there who I don't recall.
- 3 Q A DNR PR person?
- 4 A Yes, somebody who was -- who was there in place
- of Darcy Foss.
- 6 Q Okay. And any of the Madison-Kipp
- representatives there besides you?
- A Yes. From ARCADIS Matt Schnobrich was there. 8
- 9 Q Matt who?
- 10 A Matt Schnobrich.
- 11 Q Okay. And what's Matt's role again on this
- 12 matter?
- 13 A In situ groundwater remediation.
- 14 Q Who else? And you were there, right?
- 15
- 16 Q Anybody else from ARCADIS?
- 17
- 18 Q Any of the lawyers for Madison-Kipp?
- 19 A Yes.
- 20 O Who?
- 21 A Dave Crass.
- 22 O Who else?
- 23 A He was the only lawyer there for Madison-Kipp.
- 24 Q Has Madison-Kipp had a lawyer at all of the
- 25 meetings where you have attended -- Strike that.

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 129 Has Madison-Kipp had a lawyer at all of 2 the meetings that you have had with DNR? 3 A Yes. Q And has that lawyer been David Crass? 5 A I can't recall that he was at all of them, but, 6 yes, he generally participates in those meetings. 7 Q He's been the primary point person for Madison-Kipp with respect to negotiations with 9 DNR, as you understand it? Is that true? 10 A Yes. Q Okay. Yes? 11 12 A Yes. 13 Q Okay. Can you tell me when in October that 14 meeting took place? 15 A I don't know. Middle of October. Around the 16 middle of October 17 Q So just in the last couple weeks? A Yes. I'd have to check my calendar. 18 19 Q What was discussed at that meeting? 20 A The work that had been completed. 21 Q Okay. Did anybody make a presentation on behalf 22 of Madison-Kipp? 23 A Yes, we had slides. 24 Q Who prepared the slides?

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A ARCADIS.

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25

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1 Q Okay. And what information was contained in 2 those slides? 3 A A summary of the investigation work and steps moving forward. 5 Q Okay. Did ARCADIS recommend remediation in those 6 slides or contain recommendations as to 7 remediation in those slides or were the slides recommendations for further investigation work? A The slides presented the pilot test work plan. 10 Q Okay. Which we have marked today? 11 A Yes. 12 Q And just briefly describe for me what that pilot 13 test work plan is. 14 A The pilot test work plan is to complete a pilot 15 test using tracers and visco, installation of 16 several wells to get a better handle on the 17 hydraulics for the potential remedial design. 18 Q Okay. So in layperson's terms that work plan is 19 a plan to investigate how the various layers of 20 groundwater behave and what their characteristics 21 are so ARCADIS can consider an appropriate 22 approach to remediation. Is that fair? 23 A The pilot test is to determine how we can 24 distribute any sort of reagent into the 25 subsurface, yes. (414) 271-4466 Halma-Jilek Reporting, Inc. Experience Quality Service!

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Page 131 Q And the reagent would destroy PCE? 2 A Visco destroys PCE, yes. 3 Q And the reagent is part of that? 4 A And that's what we've proposed for the pilot test. 6 Q What reagent is it? A Sodium permanganate. 8 Q Have you ever used that before as a reagent in a 9 VOC case? 10 A I have not 11 Q Okay. But your company has, I take it? 12 A Yes. 13 Q And that reagent destroys PCE, is that right? 14 A Yes. 15 Q Doesn't it have the effect of potentially 16 creating or pushing vapors out? 17 A No 18 Q I want to direct your attention to Exhibit 8, 19 which is the Bedrock Characterization Work Plan, 20 and that document was dated May of 2012. Was 21 that submitted at the same time as the Work Plan 22 for Polychlorinated Biphenyl Investigation and at 23 the same time as the Site Investigation Work 24 Plan? The Site Investigation Work Plan is 7 and 25 the Polychlorinated Biphenyl Investigation was

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 132 10. They are all dated May 2012; they refer to 2 each other. My question to you is did you submit 3 all three of these plans together? 4 A No. 5 Q Tell me what you can about the relative dates and 6 times of submission of these three plans. 7 A The Work Plan for PCB Investigation was submitted 8 May 21st. The Site Investigation Work Plan was 9 submitted May 31st. The Bedrock Characterization 10 Work Plan was submitted May 22nd. 11 Q Okay. So Exhibit 8 was the first of these three 12 work plans, but the other two followed on fairly 13 closely from each other? 14 A Yes. 15 Q Was there any particular rhyme or reason for that 16 17 A Yes, there was a schedule for PCBs laid out by 18 19 Q So they wanted PCBs to be addressed quicker or --20 A Not in relation to other compounds. Simply there 21 was a schedule for the PCBs. 22 Q So that's why it was submitted at a separate 23 24 A Yes 25 Q Okay. And how about why the Site Investigation

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 133 Work Plan and the Bedrock Characterization Work 2 Plan were not submitted at the same time? They 3 were submitted about a week apart. A I'm sorry. Which number was the Site 5 Investigation Work Plan? 6 Q The Site Investigation Work Plan is 7 and the 7 Bedrock Characterization Work Plan is 8. Eight 8 was dated May 22nd and 7 was dated May 31. I'm 9 trying to figure out whether there was a reason 10 you submitted the bedrock one before you 11 submitted the Site Investigation Work Plan. 12 A Not that I recall. 13 Q Okay. It's just when you got them done? 14 A Not that I recall. 15 Q Okay. Let's look at Exhibit 8. Exhibit 8 is the 16 Madison-Kipp Corporation Bedrock Characterization 17 Work Plan, and I want to direct your attention to 18 Page 1 of that, the Introduction. Do you see 19 that? 20 A Yep. 21 Q Did you write this work plan? 22 A I wrote parts of this work plan. 23 Q Okay. Were you the senior person on this 24 25 A I am the project manager. Ed has more years

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Page 134 1 experience. 2 Q Okay. But you were the person running the 3 project for the company? 4 5 Q Okay. So you reviewed it and signed off on it, 6 is that right? 7 A Yes. 8 Q Okay. If you would look at the Introduction, who 9 else besides you wrote this? 10 A Toni and Ed. 11 Q Okay. The two other signatories? 12 A Yes 13 Q Which parts did you write? 14 A I don't recall. 15 Q Okay. In the second paragraph you state that the 16 ultimate goal for the site is to develop and 17 implement a long-term remedial strategy that 18 prevents or eliminates the potential for vapor 19 intrusion into structures, prevents or eliminates 20 the potential for direct contact with soil and 21 groundwater contamination and facilitates 22 groundwater restoration or containment. Do you 23 see that? 24 25 And that was true, wasn't it, when you wrote it? (414) 271-4466 Halma-Jilek Reporting, Inc. Experience Quality Service!

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A Yes. 2 Q Okay. And it said that a successful remedial strategy is dependent on the assembly and testing 3 4 of the conceptual site model which is defined as 5 CSM. Do you see that? A Yes 6 7 Q And then it looks like you have a definition 8 there of a CSM, isn't that right? It synthesizes 9 all relevant data at the facility and release 10 history, geologic and hydrogeologic conditions,

12 receptors and transport mechanisms, et cetera, to

nature and extent of contamination, potential

13 provide a technical basis for remedial decision

14 making. Is that a fair definition of what you

15 believe a conceptual site model is?

16 A Yes.

11

17 Q Okay. Did you expect that a conceptual site

18 model would be reduced to writing?

19 A I don't know what you mean.

20 Q Well, your work plan is reduced to writing,

21 right? It's put in a document?

22 A That we would summarize the CSM?

23 Q Put the conceptual site model in writing.

24 A The conceptual site model would typically be part

25 of a complete site investigation report. Kathleen McHugh and Deanna Schneider vs. Madison-Kipp

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Q Okay. So that's a yes?

2 A I didn't understand your question.

3 O I understand.

4 A Yes.

5 Q So you're contemplating developing this

6 conceptual site model which is going to form the

basis for remedial decision making and putting

8 that in writing?

9

10 Q And that has not been done yet?

11

12 Q Okay. That's going to be in the first quarter of

13 2013 when you prepare your site investigation

14 report?

15

16 Q Okay. Do you know whether or not -- Strike that.

17 You know that vapors have been

18 detected -- PCE has been detected in vapors under

19 most of the homes that have been sampled on

20 Marquette Street and Waubesa Street, and actually

21 most of the homes that have been sampled on Dixon

22 Street. You know that, right?

23

24 Q Okay. Do you know whether groundwater

25 contamination is contributing to the sub-slab PCE

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 137 vapors that are under these homes? 2 A No. 3 Q Is that something you would like to know? A Yes. 5 Q Okay. You know that even after the SVE system 6 was installed and operated, PCE has been detected 7 in gases sub-slab under homes in the area where the SVE system has been installed and operated. You know that, right? 10 A Yes. 11 Q Okay. Do you know whether those gases that are 12 still being detected, even though the SVE system 13 is operating, are coming from groundwater? 14 A No. 15 Q Do you know as we sit here now whether the 16 groundwater underneath the homes on Marquette 17 Street and Waubesa Street is contaminated with 18 19 A No 20 Q Is that true with respect to both shallow and 21 deep groundwater? 22 23 Q Okay. When you were engaged to undertake this 24 project, at some point did you review the 25 historical data that had been developed by

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Page 138 1 Madison-Kipp's consultant, Mr. Nauta, in his 2 various iterations? He worked for Dames & Moore, 3 and then he worked for RSC Engineering and then he worked for himself, RJN. Do you know that? 5 A Yes. 6 Q Did you review the work that Mr. Nauta undertook 7 and the results that he undertook on behalf of Madison-Kipp in connection with getting up to 9 speed on the matter in performing the work that 10 you have done? 11 A We reviewed data that had been released. 12 Q I saw some emails indicating that Nauta 13 transmitted -- electronically submitted his prior 14 site data to you in early May of 2012. Does that 15 sound accurate to you that that's the first time 16 he would have transmitted to you all of the site 17 data? 18 A I don't know. 19 Q Do you recall when you first asked to see all the 20 21 A Not specifically, no. 22 Q So it may be that the first time you got all the 23 prior data was in May of 2012? 24 A I would have to see the email. 25 Q So you don't have any recollection one way or the (414) 271-4466 Halma-Jilek Reporting, Inc. Experience Quality Service!

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Page 139 other? 2 A No 3 Q Did you ever undertake a review of Mr. Nauta's 4 work and come to a conclusion concerning the 5 quality of the work that he did? A No 6 7 Q Okay. Did anybody ask you to do that or not to 8 do that? 9 A No 10 Q Just never crossed your mind? 11 A We reviewed the data. We didn't evaluate the 12 13 Q Did you review the prior correspondence between 14 Madison-Kipp and DNR? 15 A Yes, we had a couple of annual groundwater 16 reports. 17 Q Did you ever come to any conclusions concerning 18 the adequacy of Mr. Nauta's work or the diligence 19 with which MKC has pursued its investigation and 20 cleanup responsibilities? 21 A No 22 Q Did you know that Mr. Crass has been involved in 23 coordinating Madison-Kipp's response to this problem since the mid 1990s? 24 25 MR. SEESE: Object to the form of that.

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 140 MR. BERGER: You can answer. 2 THE WITNESS: I did not know the extent 3 or the relationship. 4 BY MR. BERGER: Q I'm going to show you what's been marked as 6 Schmoller Deposition Exhibit No. 4, which is a July 18, 1994 letter to Jack Schroeder at 8 Madison-Kipp from the Marilyn Jahnke at the 9 Wisconsin DNR. Have you ever seen this letter 10 before? 11 A Not that I recall. 12 Q Okay. In this letter to Madison-Kipp the DNR 13 says in the third paragraph, the second sentence, 14 "As the owner of property where a hazardous 15 substance discharge has occurred, you are 16 required to determine the horizontal and vertical 17 extent of contamination and cleanup/properly 18 dispose of the contaminants." Do you see that? 19 A Yes 20 Q Okay. And we're sitting here now 18-plus years 21 later and that has not been completed yet, to 22 your knowledge, is that right? 23 A We are still doing an ongoing investigation. 24 Q So it hasn't been completed?

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25

A Yes

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 141 Q In the last paragraph -- Excuse me. On the first 2 page, the last paragraph, the second -- Strike 3 4 The last paragraph begins, "It is 5 important that an investigation begins at your 6 site as soon as possible. The longer 7 contamination is left in the environment, the farther it can spread and the more difficult and 9 costly it becomes to clean up." Do you see that? 10 A Yes. 11 Q Do you agree with that? 12 MR. SEESE: Object to form and 13 14 THE WITNESS: It depends on the site. 15 BY MR. BERGER: 16 Q Do you agree with that generally? 17 MR. SEESE: Asked and answered. 18 THE WITNESS: It would depend on the 19 site characteristics. 20 BY MR. BERGER: 21 Q Okay. Were you dealing with the release of PCE 22 into a groundwater formation and PCE vapors 23 migrating in soils, okay, do you think it's 24 important that the sooner an investigation and

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25

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cleanup is undertaken, the better? Do you agree

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Deposition of Jennine Trask Page 142 1 with that in that context? 2 MR. SEESE: Object to form. 3 MR. BERGER: If you don't know, you can 4 say you don't know. 5 MR. SEESE: Object to form and 6 foundation. 7 THE WITNESS: Can you repeat that? 8 COURT REPORTER: "Okay. Were you 9 dealing with the release of PCE into a 10 groundwater formation and PCE vapors migrating in 11 soils, okay, do you think it's important that the 12 sooner an investigation and cleanup is 13 undertaken, the better? Do you agree with that 14 in that context?" 15 MR. COHEN: Objection, incomplete 16 hypothetical 17 THE WITNESS: Yes. 18 BY MR. BERGER: 19 Q Okay. In Exhibit 15, which is your proposed 20 investigation for the building subsurface which 21 you submitted on September 28, 2012 and as I 22 understand implemented last Thursday, did you --23 do you know why it -- do you know of any prior 24 sub-slab investigation that had been done at this 25 facility?

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Page 143 A No 2 Q No? 3 A No. 4 Q Do you know why no such investigation was done for more than 18 years after the receipt of Schmoller Exhibit 4? 8 Q Did you ever ask anybody why it's taken more than 9 18 years to look under the building? 10 A No. 11 Q The technology that you are implementing to do 12 this or that you implemented to do that 13 investigation, that technology was around 18 14 years ago, wasn't it? 15 MR. SEESE: Object to form, calls for 16 speculation. You can answer. 17 THE WITNESS: I don't know in 1994. 18 BY MR BERGER 19 Q Okay. But technology existed in the 1990s to do 20 comprehensive groundwater investigation and to do 21 comprehensive soil investigation, didn't it? If 22 you don't know, you can tell me you don't know. 23 24 Q Yes what? Are you agreeing with me that the 25 technology was available in 1994?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 144 A Oh, I don't know anything about 1994. 2 Q You have no idea whether there was technology 3 available in 1994 to do comprehensive soil and 4 groundwater for the presence of PCE? MR. SEESE: Object to form and 6 foundation. You can answer. THE WITNESS: No, I don't know. 8 BY MR. BERGER: Q You don't know one way or the other? 10 A No. 11 (Exhibit 21 was marked.) 12 BY MR. BERGER: 13 Q I'm showing you what's been marked as Trask 14 Exhibit 21, which is a May 4, 2012 letter to 15 Mr. Meunier of Madison-Kipp from Ms. Hanefeld at 16 the DNR. Have you ever seen this document 17 before? 18 19 Q So somebody sent you a copy of this letter that 20 Ms. Hanefeld sent to Mr. Meunier? 21 22 Q And do you know who sent it to you? 23 24 O Would it have been Mr. Crass? 25 A I don't know.

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 145 Q Do you see in the letter the letter is a follow 2 up or a response to letters from Mr. Crass to 3 DNR? Do you see that? 4 A Yes. 5 Q And do you see in the second paragraph 6 Ms. Hanefeld states that, among other things, DNR 7 stands by its April 19th letter, which apparently 8 Mr. Crass took issue with, but Ms. Hanefeld is saying she stands by her letter which concluded 10 that MKC has not been forthcoming in clearly 11 articulating to us, meaning DNR and the public, a 12 clear, comprehensive and timely path forward to 13 resolve the environmental contamination issues on 14 and off your property? Do you see that? 15 MR. SEESE: Object to the form of that. 16 I don't know what the question is. 17 THE WITNESS: I see it, yes. 18 BY MR. BERGER: 19 Q Okay. Do you have an opinion or conclusion as to 20 whether, based on your review of the records and 21 the documents in this case, whether MKC has been 22 forthcoming in articulating a clear, 23 comprehensive and timely path forward to 24 resolving the environmental contamination issues

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on and off its property?

25

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1 MR. SEESE: Objection to form. 2 Objection, calls for speculation. Objection, 3 calls for improper opinion testimony under rule 701. You can answer. 5 THE WITNESS: No. 6 BY MR. BERGER: 7 Q You don't have an opinion one way or the other? 8 MR. SEESE: Same objections. 9 THE WITNESS: No. 10 BY MR. BERGER: 11 Q Okay. You read this letter when you got it, 12 didn't you? 13 A Yes. 14 Q If you look at the bottom of Page 3 and the top 15 of Page 4, Ms. Hanefeld is asking for a lot of 16 information concerning the operations of MKC, 17 including the source of the spent oil, what years 18 the oils were used and spread, where was it 19 stored, where was the spent oil stored, how much 20 of the oil was spread, how often, what time, 21 where it was spread. Do you see those questions? 22 23 Q Did you ever ask Madison-Kipp for answers to 24 those questions? 25 A Not directly, no.

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 147 Q Do you know whether Madison-Kipp ever responded 2 to those questions that were asked by 3 Ms. Hanefeld in Exhibit 21? 4 A I would need to check the PCB summaries or plans.

Q So there might be some answers concerning the 6 history of the PCB uses in the work plans?

7

8 Q Okay. And where would those answers have come

9

10 A Madison-Kipp.

11 Q Okay. But not in response to any investigation

12 that you undertook?

13 A No

14 Q Okay. Just what Madison-Kipp might have told you

15 or what might have been in a report that

16 Mr. Nauta prepared?

17 MR. SEESE: Object to form.

18 THE WITNESS: I don't know.

19 BY MR. BERGER:

20 Q You don't know where the information would have

21 come from?

22 A I don't know if it was Madison-Kipp or a report

23 from Bob.

24 Q So you don't know what the source of any of the

25 information was?

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Deposition of Jennine Trask

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 A What information? 2 Q Well, you said some of the answers to the 3 questions in Ms. Hanefeld's letter may have been 4 in the reports that you submitted. My question 5 is -- And you and ARCADIS did not do any 6 investigation. We know that. My question is do 7 you know what the source of that information 8 would have been? 9 MR. SEESE: Object to the form of that. 10 THE WITNESS: Madison-Kipp. 11 BY MR. BERGER: 12 Q Okay. Madison-Kipp told you something and you 13 put it in a report? 14 A As I said, I would have to go back through the

15 reports to even see what's -- what we would have 16 documented.

17 Q Okay. Did you ever sit down with anybody at

18 Madison-Kipp as the project manager and tell them

19 that your needed to know what chemicals like PCE,

20 PCBs, PAHs and the like were used in what

21 quantities and where they may have been disposed

22

23 A We did not discuss quantities of anything that --

24 of any of those contaminants at the site.

25 Q Okay. Did you ask them where they may have been

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 149 used? 2 A Yes. 3 Q Who did you ask? A Mark Meunier and one of the operations gentlemen. 5 I don't know his name. 6 Q Okay. Did you talk to a guy named Mr. Lenz, Jim 7 Lenz? 8 A No. 9 Q Have you read Mr. Lenz's deposition in this case? 10 A No. 11 Q Did you know that Mr. Lenz interviewed three or 12 four old-time, former employees who told him 13 where and how PCE had been spilled and disposed 14 of at the property? 15 MR. SEESE: Object to form, misstates 16 the testimony. You can answer. 17 THE WITNESS: No. 18 BY MR. BERGER: 19 Q Would you want to know that when you are scoping 20 an investigation? 21 A We used the data that was previously provided to 22 supplement any data gaps. That's what our 23 investigation did. 24 Q When you say "the data previously provided," you 25 looked at what was in the reports that Mr. Nauta

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Page 150 1 prepared? 2 A Yes. 3 Q Okay. Can you tell me approximately how much ARCADIS has billed Madison-Kipp to date for its 5 work since February of 2012? 6 MR. SEESE: I will object to that. I 7 think there's no objection in principle to 8 disclosing the substance, but I know that 9 ARCADIS' lawyer is uncomfortable disclosing that 10 information without a Protective Order. 11 MR. COLLINS: An amount? 12 MR. BERGER: I don't understand. 13 MR. SEESE: That's fair. If you are 14 talking about a general amount, I think that's 15 fine. I will withdraw my objection. A general 16 amount, that's fair. So if you are comfortable, 17 I will withdraw my objection. 18 BY MR. BERGER: 19 Q I'm not here to make you comfortable. I would 20 like an answer to my question, and I think it's a 21 relevant inquiry. Can you tell me approximately 22 how much ARCADIS has billed and been paid for its 23 work on this case to date? 24 A I don't know bill and been paid. The billed 25 amount would be in the area of \$1.2 million.

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Page 151 Q Do you know approximately how much has been 2 budgeted or is contemplated to be billed in the 3 coming months through the development of the site 4 investigation report, including the conceptual site model in the first quarter of 2013? A Around \$4 million. Q Does that include the \$1.2 million? 8 A Yes. 9 Q So the total through that time will be about 10 \$4 million? 11 12 Q Okay. Do you know who's going to pay that, 13 whether it's Madison-Kipp or Madison-Kipp's 14 insurers or some combination of the two? 15 A I don't know. Our invoices go to Madison-Kipp. 16 Q And what are your payment terms, do you know? 17 A Payment terms as far as? 18 Q When are your invoices due, when is payment due. 19 A Forty-five days. 20 Q Okay. Has Madison-Kipp been current to this 21 22 A I would have to double-check. I haven't checked 23 this week, but for the most part, yes. 24 MR. BERGER: Let's take a short break. 25 (A recess was taken.)

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 152 BY MR. BERGER: 2 Q Has ARCADIS been submitting written cost 3 estimates to Michael Best or to Madison-Kipp or 4 its insurance carriers for the work that has been performed and is going to be performed in the 6 coming months? 7 8 Q Okay. I don't think we have -- Can you tell me 9 what form those have been in? 10 A What do you mean by "form?" 11 Q What do they look like? Did you prepare them? 12 A Yes. 13 Q Okay. And what do you do with them? 14 A Submit them via email. 15 16 A To Madison-Kipp and Michael Best. 17 Q Is there a particular title of the document? 18 A No 19 Q Okay. Is it called a budget or something like 2.0 that? 21 A Proposal. 22 O And it has cost estimates in it? 23 24 Q Okay. Were those among the documents that you 25 pulled and sent to the lawyers?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 153 1 A Yes. 2 MR. BERGER: We would like to see those. 3 I don't think we have seen those. MR. SEESE: This is what we opened the 5 deposition about. I think there's no objection 6 to producing them subject to, you know, a protective order. 8 BY MR. BERGER: 9 Q Okay. Do the estimates that you have submitted 10 include estimates for cleanup, remediation? 11 A There have been ballpark estimates for 12 remediation 13 Q And what are those ballpark estimates? 14 A What do you mean? 15 MR. SEESE: Hold on. I'm going to 16 object to that as privileged. That's privileged 17 work product. I think you have to lay a 18 foundation that these are communications with the 19 Michael Best firm 20 BY MR. BERGER: 21 Q Let me ask you this. Do you know what the final 22 remedy is going to be for the site? 23 A No. 24 Q Do you have any idea by when all of this 25 contamination is going to be cleaned up?

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Page 154 1 MR. COHEN: Objection to form. 2 THE WITNESS: No. 3 BY MR. BERGER: Q Do you have any time frame at all in mind as to the date by which the contamination will have 6 been cleaned up? 7 A No. 8 Q Okay. Do you have a range, a total range, 9 cleanup work range, estimate work range? 10 A Are you referring to costs again? 11 Q Yes. 12 A I don't recall what those numbers are. 13 Q Can you give me an approximate range? 14 MR. SEESE: If these are communications 15 you have had with Dave Crass or anyone else on 16 the defense team, I will object as privileged. 17 If you are talking about something that's gone 18 outside of that in documents, you know, proposals 19 submitted, then I think my instruction now is 20 we -- you can answer that and get the information 21 when there is a protective order in place. 22 THE WITNESS: They have not been 23 submitted as proposals, to my knowledge. 24 BY MR. BERGER: 25 Q Okay. But you have prepared ranges of cost

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estimates for the entire cleanup and you have

- $2 \hspace{1cm} \hbox{submitted them to Madison-Kipp's lawyers?} \\$
- 3 A Yes.
- 4 Q Okay. Can you tell me when you last did that?
- 5 A This month.
- $6~{\rm Q}~{\rm Okay}.$ Were you asked to do that by the lawyers?
- 7 A Yes.
- 8 Q Did they tell you for what purpose? Strike that.
- 9 MR. SEESE: Objection, privileged.
- 10 Don't answer that one.
- 11 BY MR. BERGER:
- 12 Q Have you done work for Michael Best prior to this
- 13 case?
- 14 A Yes.
- 15 Q Okay. Tell me about the work that you have done
- 16 for Michael Best prior to this case.
- 17 A I did work for Michael Best in the late '90s on
- 18 investigation and remediation.
- 19 Q For the Milwaukee office?
- 20 A For the Milwaukee office.
- 21 Q Was that David Crass?
- 22 A No
- 23 Q Did you know Mr. Crass before you started work on
- 24 this case?
- 25 A No.

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1 Q Okay. Who did you do work for at Michael Best?

2 A Don Gallo.

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- 3 Q Don Gallo?
- 4 A Yes.
- 5 Q Is he still there?
- 6 A No
- 7 Q Did you do any other work for Michael Best?
- 8 A No.
- 9 Q Any other work for Mr. Crass?
- 10 A No.
- 11 Q Are you doing work for any other of Michael
- 12 Best's clients right now other than Madison-Kipp?
- 13 A I can speak I am not.
- 14 Q Do you know if ARCADIS is?
- 15 A I don't know.
- $\,$ 16 $\,$ $\,$ Q $\,$ Okay. Do you know what the sources of the PCE
- vapors under the residences in the area are in
- 18 the area of Madison-Kipp? Well, I will withdraw
- 19 that question.
- 20 Do you know of any source other than the
- 21 Madison-Kipp facility that is the source of the
- 22 PCE vapors under the homes in the area?
- 23 A No
- 24 Q And you believe the source is the Madison-Kipp
- 25 facility?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 157 MR. SEESE: Object to form. 2 THE WITNESS: I don't know. 3 BY MR. BERGER: Q You have no idea where the PCE vapors are coming 5 from? 6 MR. SEESE: Object to form. 7 THE WITNESS: We haven't done a study on 8 that BY MR. BERGER: 9 10 Q When you say "we haven't done a study on that," 11 what do you mean? 12 A We haven't matched PCE in the sub-slab compared 13 to PCE found on site 14 Q Do you have any doubt in your mind that the 15 Madison-Kipp site property is the source of the 16 PCE vapors in the residential area surrounding 17 the facility? 18 A Do I have any doubt? 19 O Correct. 20 A In some areas I do have doubt, yes. 21 O And what areas would those be? 22 A Off site to the northeast 23 Q Which is on Dixon Street? A No, no. There was results at 106 Marquette. 24 25 So in one house you think there may be a source

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Page 158 1 in addition to Madison-Kipp that could be a 2 source of PCE vapors on that property? 3 A We have proposed additional borings. There may be some indication of fill material there. 5 Q But you don't know of any industrial operation in 6 the area of those homes that is -- that you 7 believe is a source of the PCE vapors on the 9 A I do not know of another industry close, no. 10 Q You agree, don't you, that at all the homes where 11 sub-slab detections of PCB have been identified 12 that that demonstrates a completed migration 13 pathway from the Madison-Kipp facility to the 14 home? 15 A Did you say PCB? 16 Q If I did, I didn't mean to. I will strike that. 17 You agree that where PCE has been 18 detected in sub-slab vapors in the neighborhood 19 around Madison-Kipp that there is a -- that that 20 is evidence that there is a completed vapor 21 migration pathway from the Madison-Kipp facility 22 site to that home? 23 A I don't know. 24 Q You don't know. Do you have an opinion or an 25 understanding one way or the other whether there

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 159 is a migration vapor migration pathway from the 2 Madison-Kipp facility to the homes surrounding 3 the plant? 4 A The vapor is going to migrate, yes. Whether that 5 vapor migration off the site is completely 6 responsible for the PCE in the sub-slab, I don't have that answer 8 Q Okay. But do you believe there is a vapor migration pathway from the plant to the sub-slab

of the homes surrounding the site based upon what

you know about the geology and about the site

13 A I don't know 14 Q One way or the other, is that right? 15

10

11

12

16 O So that's an unknown to you?

17 A Yes

Q Okay. Do you know how much PCE is on the 18

19 Madison-Kipp property?

conditions?

20 A No.

21 Q So that's an unknown to you?

22 A Yes.

23 Okay. Do you know how much PCE is tied up in the

24 soil on the Madison-Kipp property?

25 A Estimates could be made based on the soil data. Kathleen McHugh and Deanna Schneider vs. Madison-Kipp

I don't have a number. I have not done that

2

3 Q Do you know how much PCE is in the groundwater on

4 the Madison-Kipp site or in the plume emanating

5 from the Madison-Kipp site?

6 A No

7 Q So those are all unknowns to you?

8 A Yes.

9 Q Okay. Whether there's a completed vapor

10 migration pathway to the homes, that's an unknown

11 to vou?

12 A Yes.

13 Q How much PCE is on the site in the various media

14 is a complete unknown to you?

15 A No. As I said, estimates could be made from soil

16 data we have.

17 Q But you haven't done that?

18 A I have not done that calculation, no.

19 Q Do you know all of the areas on the Madison-Kipp

20 site that serve as sources of PCE contamination

21 to the soil and the groundwater on the site?

22 A That's a part of the ongoing site investigation.

23 Q And so as you sit here now, you don't know?

24 A Right.

25 Q Okay. You know that the DNR has determined that

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 161 1 because of all of the unknowns and because the 2 DNR has concluded that there is a vapor migration 3 pathway from the Madison-Kipp site to the homes on Marquette and Waubesa Street because of those 5 things, all of the homes or homeowners should be 6 offered sub-slab vapor mitigation systems. You 7 know that, don't you? 8 MR. SEESE: Object to form. 9 THE WITNESS: I know that they have 10 offered some mitigation systems. I don't know 11 exactly which homes they have offered. 12 BY MR. BERGER: 13 Q Do you know that they have offered sub-slab 14 mitigation systems to all homes where there have 15 been more than two or more detects of PCE in the 16 sub-slab gas? Did you know that? 17 A Again, I knew they had offered homes. The 18 criteria based on two detects, I did not know 19 that. 20 Q You did not know that. Have you had any 21 discussions with Madison-Kipp or its lawyers 22 about whether MKC should be paying for those 23 systems, Madison-Kipp? 24 Q Do you believe it's foolish for the DNR to be 25

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Deposition of Jennine Trask Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 162 1 offering sub-slab mitigation systems to the 2 homeowners who have had PCE detected in their 3 sub-slab on more than one occasion? MR. SEESE: Object to form. 5 THE WITNESS: Do I believe its foolish? 6 BY MR. BERGER: 7 Q Correct. 8 A I don't know if I would use the word "foolish," 9 10 Q Do you believe it's overkill? 11 A I believe it's an extra safety precaution that 12 they are choosing to proceed with. 13 Q Okay. You said you have kids, right? 14 A Yes. 15 Q How much PCE do you think your kids ought to be 16 exposed to? 17 MR. SEESE: Object to form and 18 foundation, calls for speculation. 19 MR. COLLINS: I hope not. 20 THE WITNESS: I don't know. 21 BY MR BERGER: 22 Q Do you know -- Did you ever hear of the term 23 MCLG? 24 A No. MCL, yes. MCLG, no. 25 Q MCLG is MCL goal. You have never heard that

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Page 163 term? 2 A Yes, I have. Q Do you know what the MCLG is for PCE? 3 4 A In soil or vapor? Q In groundwater. A In groundwater, no. Q It's zero. Do you know why the MCLG is zero? 8 A I didn't know it was zero. Q Okay. So you have no idea why it's zero? 10 A No 11 Q Do you know that PCE is a suspected human 12 carcinogen? 13 A Yes. 14 Q Did you know that? 15 A Yes. 16 Q Did you know that contemporary toxicological 17 thought includes the conclusion that one exposure 18 to one carcinogen can cause disease? Did you 19 know that? 20 MR. SEESE: Object to form and 21 foundation. 22 THE WITNESS: No. 23 BY MR. BERGER: 24 Q Have you had any training at all in toxicology or 25 risk assessment?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 164 2 Q If you had PCE vapors collecting under your home, 3 would you want a vapor mitigation system? MR. SEESE: Object to form, calls for 4 5 speculation, incomplete hypothetical. You can 6 7 THE WITNESS: Not if it wasn't in my 8 indoor air above levels 9 BY MR. BERGER: 10 Q Above what levels? 11 A Above the guidance levels, the vapor action 12 levels established by the states and the EPA. 13 Q So if PCE was coming into your home and it was 14 coming from an industry but it was above state 15 levels for action, that would not concern you and 16 you wouldn't care if you had mitigation to 17 prevent those vapors from coming in? 18 MR. SEESE: Same objections. Also 19 misstates her testimony. You can answer. 20 THE WITNESS: You said above. I said 21 below 22 BY MR. BERGER: 23 Q I'm sorry. If you had -- If you knew you had PCE 24 vapors from an adjacent industrial facility 25 entering your home, but at levels that were below

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Deposition of Jennine Trask Page 165 applicable state standards, you would be okay 2 with that and you would not want a mitigation 3 system installed to protect you and your family? MR. SEESE: Same objections. 5 BY MR. BERGER: 6 Q Is that your testimony? 7 A Yes. Q Okay. Do you know anything about the variability of VOC gas measurements? 10 A Yes. 11 Q Okay. Tell me what you understand on that topic. 12 A There's seasonal variability. There's also 13 variability depending on the -- what's ongoing in 14 the home at the time via HVAC, doors open, 15 windows open. 16 Q Do you know anything else about it? 17 A Not specifically. 18 Q Okay. Did you know that barometric pressure, 19 atmospheric pressure, affects vapor migration? 20 A I know that's a theory. 21 Q Well, you think it's unproven? 22 A We haven't seen a correlation in the sites that 23 we have evaluated that at. 24 Q But you know that many people believe that to be

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25

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true, that atmospheric pressure impacts vapor

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Page 166 1 migration? 2 MR. SEESE: Object to form. 3 THE WITNESS: I do believe that that's a theory. 5 BY MR. BERGER: 6 Q And you just disagree with that theory? 7 8 Q And what's the basis of your disagreement with 9 that theory? 10 A We have not had data correlate to changes in 11 barometric pressure for increases versus 12 decreases relationship to the pressure changes. 13 Q When you say "we," what do you mean? 14 A ARCADIS. 15 Q Okay. You personally or ARCADIS? 16 A Both. 17 Q Have you recorded barometric pressures or to your 18 knowledge were barometric pressures recorded when 19 gas measurements were taken in the MKC case? 20 A Yes, they were. 21 Q By you or by Mr. Nauta? 22 A ARCADIS. 23 Q Okay. Do you know whether Mr. Nauta did? 24 25 Q Have you done any study on the data developed off

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1		site at the Madison-Kipp case to compare the	
2		sub-slab readings in different pressure	
3		situations?	
4	Α	No.	
5	Q	So with respect to Madison-Kipp you have no idea	
6		whether there's been an impact on sub-slab gas	
7		readings in the residential area based on	
8		barometric measure, is that right?	
9	Α	We have not evaluated that, no.	
10	Q	Okay. Did you look at the historical vapor probe	
11		data generated by Mr. Nauta?	
12	Α	Yes.	
13	Q	Do you know that very high levels of PCE were	
14		found in vapors on site and adjacent to these	
15		residences going back to February of 2005? Did	
16		you know that?	
17	Α	I don't recall dates.	
18	Q	Does that sound right to you?	
19	Α	I don't know.	
20	Q	Okay. Did you know that vapor samples were taken	
21		in three homes or in three of the residential	
22		properties going back to the fall of 2006?	
23	Α	I don't know dates. I know prior sampling had	
24		been completed.	
25	Q	Did you know that at one location, for example,	

athl een	McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12	Deposition of Jennine Tras
		Page 168
1	there was a sample taken in 2007 indicating 21	
2	parts per billion of PCE and then two years later	
3	the same location had 1,100 parts per billion?	
4	Did you know that?	
5	A No.	
6	Q Would you be surprised that there was such a huge	
7	variability in concentration levels?	
8	MR. SEESE: Object to form.	
9	THE WITNESS: I don't know. I don't	
10	know how the samples were collected. I can't	
11	speculate on that.	
12	BY MR. BERGER:	
13	Q Well, based on your experience and your	
14	understanding of the variability of VOCs and gas,	
15	would it surprise you that you would have a	
16	several order of magnitude increase in sample	
17	results?	
18	MR. SEESE: Object to form. You can	
19	answer.	
20	THE WITNESS: Variables all being	
21	identical? Is that what you are asking?	
22	BY MR. BERGER:	
23	Q No. I'm asking whether such large variation in	
24	contaminant concentrations would surprise you.	
25	MR. SEESE: Object to the form of that.	

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 169 I mean, if you have a document, just show her. 2 THE WITNESS: If the sampling is 3 completed in the same manner? 4 BY MR. BERGER: 5 Q Yes. 6 A That's a larger variability than I would expect. 7 Q Did you know that it's not uncommon to have that 8 variability? 9 MR. WHITE: Object to form. 10 MR. SEESE: Object. 11 BY MR. BERGER: 12 Q Do you know that? 13 A Not based on the data that we have seen 14 Q Given all of the unknowns, okay, wouldn't you say 15 it's a fair statement that you can't know what 16 the concentrations at these homes are going to be 17 in the future and how long they are going to be 18 19 MR. SEESE: I'm sorry. Could you read 20 that back? I didn't hear it. 21 COURT REPORTER: "Given all of the 22 unknowns, okay, wouldn't you say it's a fair 23 statement that you can't know what the 24 concentrations at these homes are going to be in 25 the future and how long they are going to be

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Deposition of Jennine Trask Page 170 1 there?' 2 MR. COHEN: Objection to the form. 3 THE WITNESS: I mean, that prediction 4 would be based on addressing the source, and 5 those predictions would be based on source 6 remediation, so for me to speculate now what would happen before we implement any sort of remediation, I don't know. 9 BY MR. BERGER: 10 Q So it's an unknown what these homes are going to 11 be exposed to unless and until all of the sources 12 are identified and remediated. Is that fair? 13 MR. WHITE: Object to form. 14 THE WITNESS: The definition of 15 remediation is what I'm unclear of from you. 16 BY MR. BERGER: 17 Q I thought you just said remediation. 18 A Whether or not it's evaluated for remediation, 19 whether or not the sources are addressed. Active remediation is yet to be determined at this site. 20 21 Q I understand that. And until all the sources are 22 identified of the sub-slab vapors that are 23 migrating or could be migrating to the homes, 24 until all the sources are identified and all the 25 remedial action is undertaken, we don't know what

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Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 171 concentrations these homes are going to be 2 exposed to and for how long they are going to be 3 4 A It can be predicted based on the SVE information 5 6 Q Your SVE system is on about an eighth of the 7 perimeter of the property, isn't it? 8 A Well, I'm not -- it's more like a quarter of the property, but I don't think we will argue that. 10 Q It's not doing anything on the Waubesa side, is 11 it? 12 A No. 13 Q It's not doing anything with respect to source 14 material that has already left the site, that is, 15 on the other side of the SVE system. Is that 16 right? 17 MR. SEESE: Object to the form of that. 18 THE WITNESS: The SVE system would have 19 an effect on vapor that's already migrated off 20 the site 21 BY MR. BERGER: Q Just the stuff that's close enough for it to get, 22 23 but the SVE system is not doing anything with 24 respect to the homes that are a distance from the 25 SVE system?

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Page 172 MR. SEESE: Object to form. 2 THE WITNESS: Yes. BY MR. BERGER: 3 4 Q Do you know how much PCE vapor the homes in the -- on Waubesa and Marquette Streets on either 6 side of the plant are going to be exposed to and 7 for how long? 8 MR. COHEN: Objection to form. 9 THE WITNESS: We have the on-site vapor 10 data that can be used 11 MR. BERGER: I'm not asking what can be 12 done. Can you read my question back, please. 13 COURT REPORTER: "Do you know how much 14 PCE vapor the homes in the -- on Waubesa and 15 Marquette Streets on either side of the plant are 16 going to be exposed to and for how long?" 17 THE WITNESS: No. 18 MR. BERGER: Let's take five minutes. 19 (A recess was taken.) 20 BY MR. BERGER: 21 Q To your knowledge, are you going to be the 22 principal person at ARCADIS, the project manager, 23 with respect to the remedy aspect of this 24 project? 25 A Yes.

Page 173 Q Okay. Did you ever meet Reid Coleman? 2 A No

3 Q Did you ever meet a lawyer by the name of Ray

5 A No.

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6 Q You knew that when you first got involved we had already filed this lawsuit, is that right?

7

9 Q And you knew that we filed a RCRA claim, didn't

10 you?

11 A No.

12 Q Do you know what a RCRA claim is?

13 A No

14 Q Would you say that a lot of this work that you

15 have been doing has been in response to the fact

16 that my clients filed a lawsuit?

17 MR. SEESE: Object to form and

18 foundation.

THE WITNESS: I don't know 19

20 BY MR. BERGER:

21 Q It may be?

22 A I don't know.

23 Q I think you testified earlier that you did not

24 know whether groundwater was contributing to the

25 PCE vapors detected under the homes adjacent to

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Page 174 1 the Madison-Kipp facility, is that right? 2 A Yes. 3 Q Do you know whether soil contamination is contributing to the vapors underneath the homes? 5 A Based on the off-site soil data? 6 Q Based on everything you know about the site. Do 7 you know whether PCE soil contamination is 8 contributing to the PCE vapors detected under the 9 homes in the area? 10 A Based on the off-site soil data we have, I don't 11 think so 12 Q You don't think soil has contributed to it? 13 A No 14 Q Okay. So do you know whether sewers, facilitated 15 flow through sewers or utility trenches are 16 contributing to the vapors detected under the 17 homes in the area? 18 A To my knowledge, no. 19 Q Okay. So if it's not the soils and it's not the

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sewers and utility trenches, what do you think is

contributing to the presence of PCE vapors

A There may be a part of it from the groundwater,

Q So other than the possibility that it's coming

underneath the homes?

but we don't have that identified.

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from groundwater, you have no idea how PCE vapors 2 are getting under the homes in the residences

3 adjacent to the site?

4 MR. SEESE: Object to the form of that.

5 You can answer

6 THE WITNESS: Based on the soil data we

7 have, it would indicate groundwater.

8 BY MR. BERGER:

Q Okay. So your belief is that groundwater

10 contamination is what's contributing -- or strike

11 that -- is what's creating the soil gas -- excuse

12 me -- the sub-slab vapor problem in the area?

13 A I believe that that is an option, that is a

14 possibility

15 Q Okay. And you don't believe any PCE in soil is

16 creating that problem?

17 A Not based off of the off-site soil work that was

18

21

19 Q No, I want to know soil on site. Do you believe

20 that on-site soil contamination is contributing

at all to the sub-slab vapor contamination in the

22 residences?

23 A I would have to review the data again with the

24 geology.

25 Q So you are just not sure?

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2 Q Just so we are clear, as we sit here now, you

3 don't know with certainty what the source is for

4 the transport mechanisms for the PCE vapors under

the homes in the area of the Madison-Kipp

6 facility. Is that fair?

7 MR. SEESE: Object to form.

8 THE WITNESS: We have not confirmed the

9

10 BY MR. BERGER:

11 Q Or sources?

12 A Yes.

13 MR. BERGER: Okay. Why don't we break

14 here and we will reconvene at a later date once

15 we have an opportunity to review the rest of the

16 documents

17 MR. COLLINS: This doesn't need to be on

18 the record

19

(A discussion was had off the record.)

20 MR. BERGER: I would ask you to attach

21 the original exhibits.

22 COURT REPORTER: Will you all be placing

23 the same transcript orders as before?

24 MR. BERGER: Yes.

25 MR. SEESE: Yes.

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		Page 177
1	MR. WHITE: Yes.	
2	MR. COHEN: Please, yes.	
3	(At 4:05 p.m. the deposition was	
4	adjourned.)	
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Deposition of Jennine Trask Kathleen McHugh and Deanna Schneider vs. Madison-Kipp 10/30/12 Page 178 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 JENNINE TRASK, was taken before me at the 7 Offices of ARCADIS, 126 North Jefferson Street, 8 Milwaukee, Wisconsin, on the 30th day of October, 2012, 9 commencing at 9:51 in the forenoon. 10 That it was taken at the instance of the 11 Plaintiffs 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 APPEARANCES 22 THE COLLINS LAW FIRM, P.C, 1770 North Park Street, Suite 200, Naperville, Illinois, 60563, by 23 MR. SHAWN M. COLLINS, appeared on behalf of the Plaintiffs. 24 VARGA, BERGER, LEDSKY, HAYES & CASEY, 25 125 South Wacker Drive, Suite 1250, Chicago, Illinois,

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Page 179 60606-4473, by MR. NORMAN B. BERGER, appeared on behalf 2 MICHAEL, BEST & FRIEDRICH, LLP, Two 3 Riverwood Place, Suite 200, N19 W24133 Riverwood Drive, Waukesha, Wisconsin, 53188-1174, by MR. LEE M. SEESE, appeared on behalf of Madison-Kipp Corporation. MICHAEL, BEST & FRIEDRICH, LLP, One 5 South Pinckney Street, Suite 700, P.O. Box 1806, Madison, Wisconsin, 53701-1806, by MS. LEAH H. ZIEMBA, 6 appeared on behalf of Madison-Kipp Corporation. 7 TROUTMAN SANDERS, LLP, 55 West Monroe 8 Street, Suite 3000, Chicago, Illinois, 60603-5758, by MR. CHRISTOPHER H. WHITE, appeared on behalf of Continental Casualty Company. 10 MEISSNER, TIERNEY, FISHER & NICHOLS, S.C., 111 East Kilbourn Avenue, 19th Floor, Milwaukee, 11 Wisconsin, 53202-6622, by MR. MICHAEL J. COHEN, appeared on behalf of United States Fire Insurance 12 Company. 13 That said deponent, before examination, was sworn to testify the truth, the whole truth, and 14 15 nothing but the truth relative to said cause. 16 That the foregoing is a full, true and 17 correct record of all the proceedings had in the matter 18 of the taking of said deposition, as reflected by my 19 original machine shorthand notes taken at said time and 20 place. 21 22 23 24

Kathleen McHugh and Deanna Schneider vs. Madison-Kipp Deposition of Jennine Trasl Page 180 2 3 4 5 Notary Public in and 6 for the State of Wisconsin 7 8 9 Dated this 6th day of November, 2012, Milwaukee, Wisconsin. 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

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