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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

KATHLEEN McHUGH and DEANNA SCHNEIDER,  
Individually and on behalf of all  
persons similarly situated,  
Plaintiffs,  
-vs- Case No. 11-CV-724

MADISON-KIPP CORPORATION,  
CONTINENTAL CASUALTY COMPANY,  
UNITED STATES FIRE INSURANCE  
COMPANY and ABC INSURANCE  
COMPANIES 1-50,  
Defendants,  
and  
MADISON-KIPP CORPORATION,  
Cross-Claimant,  
vs.  
CONTINENTAL CASUALTY COMPANY,  
COLUMBIA CASUALTY COMPANY, and  
UNITED STATES FIRE INSURANCE  
COMPANY,  
Cross-Claim Defendants,

(Caption continued)

DEPOSITION OF  
DEANNA SCHNEIDER

Madison, Wisconsin  
February 22, 2013  
11:00 a.m. to 11:57 a.m.

PHYLLIS KAPARIS, RPR

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

A P P E A R A N C E S

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

15 MICHAEL BEST & FRIEDRICH LLP, One South  
16 Pinckney Street, Suite 700, Madison, Wisconsin 53703,  
17 by MR. ALBERT BIANCHI (abianchi@michaelbest.com), and  
18 LEAH H. ZIEMBA (lhziemba@michaelbest.com) appeared on  
19 behalf of the Madison-Kipp Corporation.

20 MEISSNER, TIERNEY, FISHER & NICHOLS,  
21 S.C., 111 East Kilbourn Avenue, 19th Floor, Milwaukee,  
22 Wisconsin 53202-6622, by MS. JENNIFER KREIL  
23 (jfk@mtfn.com), appeared on behalf of United States Fire  
24 Company.

25 TROUTMAN SANDERS LLP, 55 West Monroe  
Street, Suite 3000, Chicago, Illinois 60603-5758, by  
MR. CHRISTOPHER H. WHITE  
(christopher.white@troutmansanders.com) appeared on  
behalf of Continental Casualty Company and Columbia  
Casualty Company.

WEISS LAW OFFICE, S.C., 1017 W. Glen Oaks  
Lane, Suite 217, Mequon, Wisconsin 53092, by MR. CHARLES  
W. KRAMER (charles.kramer@mweisslaw.net), appeared  
telephonically on behalf of American Motorists Insurance  
Company.

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EXHIBITS

1	EXHIBIT DESCRIPTION	ID'D
2	1 Discovery Documents PLF_150_S_MARQ_001 to 004.....	5
3	2 Answers to Defendant Madison-Kipp's First	
4	set of Interrogatories.....	5
5	3 Answers to Defendant US Fire Insurance Company's	
6	First set of Interrogatories.....	5
7	4 Responses to Defendant Madison-Kipp's First	
8	set of Requests for Documents.....	5
9	5 Responses to Defendant US Fire Insurance's	
10	First set of Requests for Production.....	5
11	6 Schneider's Responses to Defendant Madison-Kipp's	
12	First set of Requests for Documents.....	5
13	7 Fine Cooking Cooks Talk Forum.....	5
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15		
16		
17		
18		
19		
20	(Original transcript sent to Attorney Bianchi)	
21	(Original exhibits attached to original transcript.	
22	Copies were attached to all ordered copies)	
23		
24		
25		

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<p>1 PROCEEDINGS</p> <p>2 DEANNA SCHNEIDER, called as a witness</p> <p>3 herein by the Defendants, after having been first</p> <p>4 duly sworn, was examined and testified as</p> <p>5 follows:</p> <p>6 EXAMINATION</p> <p>7 BY MR. BIANCHI:</p> <p>8 Q Good morning.</p> <p>9 A Good morning.</p> <p>10 Q Can you please state and spell your name for the</p> <p>11 record?</p> <p>12 A Sure. Deanna Schneider, D-E-A-N-N-A,</p> <p>13 S-C-H-N-E-I-D-E-R.</p> <p>14 Q And what is your home address?</p> <p>15 A 150 South Marquette Street.</p> <p>16 Q And have you ever been deposed before?</p> <p>17 A No.</p> <p>18 Q I'm just going to give you a couple ground rules</p> <p>19 to make this go quick and easy for everyone.</p> <p>20 Phyllis, the court reporter here, is taking down</p> <p>21 everything that we say, so we need all verbal</p> <p>22 answers, "yes" and "no" and responses as opposed</p> <p>23 to head nodding and such. And it's easiest for</p> <p>24 her to take down what we say if we don't talk</p> <p>25 over each other. So I will work very hard at not</p>	<p>1 was your job?</p> <p>2 A I did youth development education.</p> <p>3 Q And how long have you been living in Madison?</p> <p>4 A I moved here in 1991.</p> <p>5 Q And have you always lived on the east side of</p> <p>6 Madison?</p> <p>7 A No.</p> <p>8 Q Where else have you lived in Madison?</p> <p>9 A I lived downtown on -- right off of campus when I</p> <p>10 first moved here.</p> <p>11 Q When did you first move to the east side?</p> <p>12 A Depends on what you define the east side as. I</p> <p>13 lived on Pinckney Street in 2000 -- let's see,</p> <p>14 what was that? I can't give you an exact date.</p> <p>15 Q That's fine.</p> <p>16 A Late 90's, early 2000's I moved to Pinckney</p> <p>17 Street, and also lived on Willy Street.</p> <p>18 Q Who lives in the home at 150 Marquette with you?</p> <p>19 A My son does part-time.</p> <p>20 Q And what do you mean by part-time?</p> <p>21 A He's with me four days a week.</p> <p>22 Q You purchased the home in 1997?</p> <p>23 A Correct.</p> <p>24 Q And have you lived in the home continuously since</p> <p>25 1997?</p>
<p>Page 6</p> <p>1 cutting off any of your answers. And vice-versa,</p> <p>2 even if you know the answer to my question before</p> <p>3 I get there, just let me finish. Okay?</p> <p>4 A Okay.</p> <p>5 Q What is your educational background?</p> <p>6 A I have a bachelor's degree in art history and</p> <p>7 African cultural studies, and a few credits</p> <p>8 towards a master's in guidance and counseling.</p> <p>9 Q And when did you complete your undergrad degree?</p> <p>10 A I believe it was '93, December of '93.</p> <p>11 Q And where, what college or university?</p> <p>12 A UW-Madison.</p> <p>13 Q And are the master's credits as well from</p> <p>14 UW-Madison?</p> <p>15 A No. They're from UW-Whitewater.</p> <p>16 Q And are you currently employed?</p> <p>17 A I am.</p> <p>18 Q And what is your employment?</p> <p>19 A I work for the University of Wisconsin Extension,</p> <p>20 Cooperative Extension, and I do website</p> <p>21 application development.</p> <p>22 Q How long have you been there?</p> <p>23 A In that position since 1999, but I've worked for</p> <p>24 Extension my entire career, so from 1995.</p> <p>25 Q And what did you do there previous to 1999? What</p>	<p>Page 8</p> <p>1 A I have.</p> <p>2 Q And besides your son, has anyone else lived with</p> <p>3 you in the home at any point in time?</p> <p>4 A Yes, when I first bought the house, I had a</p> <p>5 roommate. And I had a summer renter for one</p> <p>6 summer. And then I was married, so I had a</p> <p>7 husband that lived with me.</p> <p>8 Q Who was the roommate?</p> <p>9 A Her name was Lauren Kelly.</p> <p>10 Q How long did she live with you; do you recall?</p> <p>11 A She lived with me from the time I bought it until</p> <p>12 2000, so 1997 to 2000.</p> <p>13 Q And then the summer renter, were they there</p> <p>14 just --</p> <p>15 A Just one summer, yeah. And his first name was</p> <p>16 Max. I can't even remember his last name.</p> <p>17 Q So he just rented a room from you?</p> <p>18 A Yeah.</p> <p>19 Q And how long did your ex-husband live there with</p> <p>20 you?</p> <p>21 A From 2000 until 2010.</p> <p>22 Q Have any of the people that have lived there</p> <p>23 smoked in the house?</p> <p>24 A No.</p> <p>25 Q I'm going to have your attorney look at Exhibits</p>

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1 2, 3, 4, 5 and 6, and just confirm that those are  
 2 your discovery responses to us.  
 3 MR. MANZKE: Yes, they are.  
 4 BY MR. BIANCHI:  
 5 Q Ms. Schneider, I'm going to have you look at  
 6 Exhibit 1. Look at the document that is the  
 7 property search result, Pages 2 and 3. Can you  
 8 tell me if you see anything incorrect on that  
 9 document?  
 10 A My roof has been replaced since I bought the  
 11 house.  
 12 Q When was that?  
 13 A I don't have an exact date. You would have to  
 14 look it up.  
 15 Q Do you know approximate?  
 16 A Early 2000's.  
 17 Q And it was the entire roof?  
 18 A Yes.  
 19 Q Have you done any other kind of construction on  
 20 the home since your purchase?  
 21 A Define construction.  
 22 Q Sure. Any kind of, you know, start with like  
 23 major remodeling, any additions to the home?  
 24 A No additions.  
 25 Q Any major remodeling where you had to remove

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1 walls?  
 2 A I did remodel the kitchen.  
 3 Q Did that involve removing walls?  
 4 A It involved removing a dropped ceiling and  
 5 opening up part of a wall to create a  
 6 pass-through.  
 7 Q How about the basement, any remodeling in the  
 8 basement?  
 9 A No.  
 10 Q Is the basement finished?  
 11 A No.  
 12 Q What do you currently use the basement for?  
 13 A It's just storage for the most part and laundry.  
 14 And there's also a workbench down there.  
 15 Q And is that since you purchased the home, that's  
 16 how you used basement or has that changed?  
 17 A No. The basement used to be my husband's  
 18 recording studio, and I used to rent it out to  
 19 bands to practice.  
 20 Q And when did you stop using it as that?  
 21 A I stopped using it for bands to practice when my  
 22 son was born. And my ex-husband stopped using it  
 23 as a recording studio, and shortly after that we  
 24 were told that we might have soil vapor  
 25 contamination underneath the house. So he was

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1 still using it as a recording studio after he  
 2 moved out.  
 3 Q And when was that, that you remember?  
 4 A That he moved out?  
 5 Q Sorry. Yeah, when you first learned about the  
 6 potential contamination, so he stopped using it?  
 7 A Well, we had a meeting with DNR in the fall  
 8 of 2010 and -- with Kipp and with DNR, and that's  
 9 the point where they told me they thought that  
 10 there could be.  
 11 Q And when was your son born?  
 12 A 2003.  
 13 Q You said that's when you stopped having bands  
 14 come in.  
 15 A Yeah, primarily for the noise.  
 16 Q Sure. And is your husband -- or your ex-husband,  
 17 I apologize -- your ex-husband a professional  
 18 musician?  
 19 A Again, define professional. He does make some  
 20 money doing it, but he has another job as well.  
 21 Q What's his other job?  
 22 A He drives cab.  
 23 Q What do you store in the basement?  
 24 A Bunch of fabric and my sewing machine, and our  
 25 camping equipment, our bikes live down there, you

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1 know, my tools.  
 2 Q Any kind of paint?  
 3 A Yeah, there's some paint stored down there.  
 4 Q Do you know, indoor or outdoor paint?  
 5 A Indoor paint.  
 6 Q Any kind of like paint thinner?  
 7 A I don't think so. I always used water-based  
 8 paint, so I wouldn't have any need for paint  
 9 thinner.  
 10 Q Any kind of cleaning solutions?  
 11 A Laundry detergent.  
 12 Q Anything else for like cleaning the house,  
 13 outside, inside, anything like that?  
 14 A I don't think so.  
 15 Q I know you said there was a workbench. Any kind  
 16 of like wood glue or any kind of glues or  
 17 anything like that?  
 18 A There may be some glue, but I don't know for  
 19 sure.  
 20 Q And besides your husband no longer -- or your  
 21 ex-husband no longer using the recording studio,  
 22 did you guys like remove all the equipment for  
 23 the recording studio as well, or is that still  
 24 there?  
 25 A Yeah, that's all gone.

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1 Q And aside from stopping to use it as a recording  
 2 studio, has your use of the basement changed at  
 3 all since the fall of 2010?  
 4 A Yeah, I try to spend as little time there as  
 5 possible. I used to do a lot more projects in  
 6 the basement, using the workbench. I used to  
 7 just do more of that sort of stuff, and I don't  
 8 do it as much anymore.  
 9 Q And there is a -- what I refer to as a mitigation  
 10 system installed in the basement now. Is that  
 11 correct?  
 12 A I have two, yes.  
 13 Q Do you remember when those were installed?  
 14 A The first one was installed in the spring  
 15 of 2011. And the second one was installed later  
 16 than that, I think probably sometime in the  
 17 summer of 2011.  
 18 Q And since getting the mitigation systems, did  
 19 your use go back to the way that you normally  
 20 used your basement?  
 21 A No.  
 22 Q Why not?  
 23 A I still don't feel like I'm completely safe down  
 24 there. I have had both my mitigation systems  
 25 fail since they were installed and have to be

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1 reinstalled. And, you know, in one of those  
 2 instances I came home to the smell of burning  
 3 electrical. And, you know, it just happened to  
 4 be the night that I was taking out the garbage,  
 5 so I went to the backyard to get the garbage cans  
 6 to bring them forward and discovered that my  
 7 mitigation fan was burning up. So, you know,  
 8 they don't necessarily give me a whole lot of  
 9 comfort because I don't know if they're going to  
 10 be consistently working.  
 11 And I've also been told by the state  
 12 Department of Health that the basement is less --  
 13 is the least safe part of my house.  
 14 Q Do you know who told you that?  
 15 A Henry Nehlslowe.  
 16 Q And did he tell you that in a personal  
 17 conversation, like a face-to-face conversation?  
 18 A Yes.  
 19 Q Do you recall when that was?  
 20 A It was probably sometime in the spring of 2011.  
 21 Q Do you recall --  
 22 A Early summer.  
 23 Q Sorry. Do you recall -- so he specifically said  
 24 that it was unsafe to use your basement?  
 25 A He said that the basement would be the least safe

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1 part of my house, and he recommended that we  
 2 limit our time in the basement and that we try to  
 3 make sure the rest of the house was ventilated as  
 4 well as possible.  
 5 Q So did he tell you that the home was unsafe to  
 6 live in?  
 7 A I don't think he went so far as to say the home  
 8 is unsafe to live in. But we were talking about  
 9 my concerns, and he did say that he understood  
 10 them, and that this is -- you know, this is the  
 11 reality of the situation, that if the chemicals  
 12 leach into your home through any -- that what the  
 13 chemicals want to do is find a way in, and if  
 14 they find a way in, then I'm being exposed.  
 15 Q Have you since you purchased the home in 1997  
 16 attempted to sell it at all?  
 17 A No.  
 18 Q Have you ever contacted a realtor about selling  
 19 it?  
 20 A Yes.  
 21 Q When was that?  
 22 A Maybe 2000.  
 23 Q And how come you decided not to?  
 24 A It was more of -- it was before we knew anything  
 25 about any of this stuff going on. It had nothing

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1 to do with that. It was just sort of dreaming  
 2 bigger, and realized that we couldn't really  
 3 afford to dream bigger.  
 4 Q Have you ever had the home tested for radon?  
 5 A No.  
 6 Q Do you know the last time the value of the home  
 7 was appraised?  
 8 A I had refinancing done, and they did what they  
 9 called a drive-by appraisal where they just drove  
 10 past to make sure the house actually existed.  
 11 And basically just went off the tax assessment at  
 12 that point and said, yes, it exists, and we'll  
 13 just go with the tax assessed value.  
 14 Q When was that?  
 15 A Again early 2000's. I couldn't give you the  
 16 exact year.  
 17 Q Sure. Within the last, let's say, five years  
 18 have you refinanced your mortgage?  
 19 A No. I don't have a mortgage anymore.  
 20 Q When did you pay off the mortgage?  
 21 A Maybe five years ago.  
 22 Q Have you taken any equity out of the home since  
 23 then?  
 24 A No.  
 25 Q When you purchased the home in 1997, what kind of



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1 process or like due diligence did you do before  
 2 you purchased the home regarding the property?  
 3 A I was working with a realtor. And I had a home  
 4 inspection done. And I had a WHEDA loan, so  
 5 whatever they do in addition to, you know, what  
 6 the realtor was doing and what I was doing.  
 7 Q And do you know the -- recall the realtor's name?  
 8 A Sue Peterson.  
 9 Q Did you look at any other homes?  
 10 A Yes.  
 11 Q Same area, different area?  
 12 A Same general area, near east side.  
 13 Q So you were looking to stay in the near east  
 14 side?  
 15 A Yes.  
 16 Q When you purchased the home, did you receive any  
 17 data sheet or environmental disclosures?  
 18 A No environmental disclosures. There was a crack  
 19 in the foundation that was going to be fixed with  
 20 money in escrow, so I had an information sheet  
 21 about that.  
 22 Q And was that crack fixed?  
 23 A Yes.  
 24 Q Have you had any other foundation issues since?  
 25 A No.

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1 Q When you first purchased the home, do you  
 2 remember the price? I think you can look at  
 3 Page 4 of Exhibit 1.  
 4 A 75,000.  
 5 Q Yeah, that's what it says; is that correct?  
 6 A Yeah, that was accurate, 75,300, yes.  
 7 Q Okay. And at the time you took out a mortgage?  
 8 A Yes.  
 9 Q Do you recall how much the mortgage was for?  
 10 A I think 60,000.  
 11 Q And before you purchased the home, did you talk  
 12 to any of the neighbors?  
 13 A No.  
 14 Q And when did you first become aware that the  
 15 property was abutted to Kipp's factory?  
 16 A Well, I could see that it was when I bought the  
 17 house.  
 18 Q But before -- I mean, when you -- before you got  
 19 to the house, did the realtor say anything about  
 20 it or --  
 21 A No.  
 22 Q So it wasn't until you physically were at the  
 23 house that you saw that Kipp was there?  
 24 A Right.  
 25 Q Did you ask any questions about it?

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1 A I don't recall.  
 2 Q Do you remember doing any research about  
 3 Madison-Kipp at the time?  
 4 A No, I did not do any.  
 5 Q Did you consider the impact of living right next  
 6 to a factory would have on the value of the home?  
 7 A I considered it from the perspective of the  
 8 noise. I mean, I could hear that it's a factory  
 9 that does something. You know, I could hear that  
 10 there was noise coming from there. And I  
 11 considered it from the fact that looking out my  
 12 back windows wasn't a beautiful view. I didn't  
 13 consider any environmental issues because I  
 14 didn't think that I would need to consider that  
 15 because I thought environmental law and zoning  
 16 regulations would take care of all of that.  
 17 Q And did you believe that the price of that home  
 18 was going to be less because it was abutted next  
 19 to a factory than a similar home that wasn't  
 20 right next to a factory?  
 21 A That made sense to me, sure.  
 22 Q So you thought about that at the time.  
 23 A Sure. I mean, that I'm -- you know, I'm not  
 24 living next to a park. It's not a beautiful  
 25 thing to look at.

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1 Q So did you have any idea about any kind of  
 2 pollution issues, whether the ones that are  
 3 involved in this case or any other kind of air  
 4 pollution issues, before you purchased the home?  
 5 A No.  
 6 Q And I think you said you first became aware of  
 7 the potential contamination issues involving Kipp  
 8 in your home in the fall of 2010?  
 9 A I first became aware of the vapor intrusion  
 10 issues in the fall of 2010.  
 11 Q When did you first become aware of any kind of  
 12 pollution issues involving Kipp?  
 13 A In 2002 Kipp sent me a letter saying that they  
 14 wanted to do some testing on my property because  
 15 there might have been some soil issues.  
 16 Q And what did you do after receiving that letter?  
 17 A I called them and talked to them about it and  
 18 agreed to the testing.  
 19 Q Did you call and talk to anybody else besides  
 20 someone at Kipp?  
 21 A I believe the DNR might have been involved at  
 22 that point, but I don't recall ever having talked  
 23 to them in the initial testing.  
 24 Q Did you seek out some -- your own kind of  
 25 environmental scientist or anybody at that time?

5 (Pages 17 to 20)

Page 21	Page 23
<p>1 A Not at that time.</p> <p>2 Q Have you since?</p> <p>3 A Yes.</p> <p>4 Q Who?</p> <p>5 A I've talked to specialists at UW Extension,</p> <p>6 because I work for UW Extension, and we have</p> <p>7 solid and hazardous waste specialists that I've</p> <p>8 spoken to.</p> <p>9 Q Do you know their names?</p> <p>10 A I can't remember it. It might come to me.</p> <p>11 Q Have you ever e-mailed with those people?</p> <p>12 A Not that I recall.</p> <p>13 Q Have you e-mailed with anybody other than your</p> <p>14 attorneys about the Madison-Kipp issues?</p> <p>15 A Yes.</p> <p>16 Q Not including the other class members, anybody</p> <p>17 outside of them?</p> <p>18 A My family.</p> <p>19 Q And do you still have those e-mails?</p> <p>20 A No. I gave all the e-mails that I still have to</p> <p>21 the attorneys to give to you guys.</p> <p>22 Q And any e-mails since?</p> <p>23 A No.</p> <p>24 Q How about with the class members?</p> <p>25 A There's been some e-mails with class members,</p>	<p>1 A I only have one e-mail account that I use on a</p> <p>2 regular basis.</p> <p>3 Q Did you check any other forms of media besides</p> <p>4 e-mail for any kind of communications about the</p> <p>5 issues at Kipp?</p> <p>6 A No.</p> <p>7 Q Is there any kind of social media page that</p> <p>8 you've run involving Kipp?</p> <p>9 A We had a facebook page that posted general news</p> <p>10 information about what was going on with the Kipp</p> <p>11 testing so that people would know, but that has</p> <p>12 not been active since the lawsuit started.</p> <p>13 Q And you haven't had any other social media pages</p> <p>14 regarding Kipp?</p> <p>15 A Dedicated to Kipp, no.</p> <p>16 Q Or on which that you've posted things about Kipp?</p> <p>17 A Probably. I mean, I met our lawyers through a</p> <p>18 social media page, I guess you would call it,</p> <p>19 comments on a news article.</p> <p>20 Q And do you comment on other news articles?</p> <p>21 A Not much anymore.</p> <p>22 Q But you did before?</p> <p>23 A I have.</p> <p>24 Q Did you do anything to keep track of which</p> <p>25 articles you commented on?</p>
<p>Page 22</p> <p>1 yes.</p> <p>2 Q And not including with your attorneys cc'd on</p> <p>3 them?</p> <p>4 A Yeah, I don't think -- I think there's been some</p> <p>5 requesting information, you know, like requesting</p> <p>6 the attorney's contact information from other</p> <p>7 class members. There's been some like that.</p> <p>8 Q Anything else?</p> <p>9 A I can't recall.</p> <p>10 Q But before -- like before the lawsuit started,</p> <p>11 did you e-mail with other class members about --</p> <p>12 you know, other people in the neighborhood about</p> <p>13 the contamination issues?</p> <p>14 A I may have.</p> <p>15 Q And but those e-mails would have been deleted?</p> <p>16 A They would have either been deleted or given to</p> <p>17 you in discovery.</p> <p>18 Q What did you do to search for those e-mails?</p> <p>19 A I searched for the word Kipp, and either</p> <p>20 forwarded them, or if they were e-mails that also</p> <p>21 had information that, you know, wasn't pertinent</p> <p>22 or just mentioning something that didn't involve</p> <p>23 this, then I just got rid of them.</p> <p>24 Q And did you have multiple e-mail accounts that</p> <p>25 you checked?</p>	<p>Page 24</p> <p>1 A No.</p> <p>2 Q Would you keep track of your user names for</p> <p>3 different forums that you commented on?</p> <p>4 A I generally always just used my own name, so I</p> <p>5 don't have -- variations of my name, but I don't</p> <p>6 have secret identities.</p> <p>7 Q Sure. And prior to the lawsuit, were there any</p> <p>8 specific forums that you commented in often about</p> <p>9 Kipp issues?</p> <p>10 A I don't think so.</p> <p>11 Q And so after Kipp contacted you in 2002 and did</p> <p>12 the soil samples, did you do anything after, you</p> <p>13 know, that process happened?</p> <p>14 A No. They got the results back, and they told me</p> <p>15 that my yard was safe and that they didn't intend</p> <p>16 to do any cleanup.</p> <p>17 Q And what did you do from there?</p> <p>18 A Nothing. I wasn't thrilled to hear that they</p> <p>19 weren't going to clean up the amount that was</p> <p>20 there, but they said it was safe, so I did</p> <p>21 nothing.</p> <p>22 Q Did you believe them?</p> <p>23 A I'm not an expert in the area, so, you know, I</p> <p>24 was doubtful, but I had no concrete evidence to</p> <p>25 contradict what they were saying.</p>

6 (Pages 21 to 24)

Page 25	Page 27
<p>1 Q At that time did you consider hiring someone to 2 do your own research on it?</p> <p>3 A I don't have the financial means to do that.</p> <p>4 Q And at that time did you talk to people at the UW 5 system about the issues, too?</p> <p>6 A I don't think I did then. I think it wasn't 7 until later that I did that.</p> <p>8 Q And what -- do you remember when you first would 9 have talked to people in the UW system about it?</p> <p>10 A I can't give you a date.</p> <p>11 Q Do you remember those conversations, like what 12 they shared with you?</p> <p>13 A He basically sent me to the EPA website to the 14 data sheets there about the chemical that we were 15 dealing with.</p> <p>16 Q Did he say anything about the EPA standards?</p> <p>17 A I know that we talked about the EPA standards, 18 yeah, but I can't remember exactly what he said. 19 But that I should be comparing my results to the 20 EPA standards and making decisions based off of 21 that.</p> <p>22 Q And did you do that?</p> <p>23 A In terms of the soil vapor contamination, yeah.</p> <p>24 Q So you relied on the EPA standards to judge the 25 danger?</p>	<p>1 and that the levels are very much above the 2 standard on Kipp's property and that there's a 3 way for them to get from Kipp's property to my 4 property, I think it's dangerous.</p> <p>5 Q Do you know, are you aware of any remediation 6 that Kipp is doing on its property to prevent 7 anything going to your property?</p> <p>8 A Kipp has done remediation, I know that, but it's 9 still continuing to get onto my property.</p> <p>10 Q And why is that? Why do you say it's still 11 continuing to get onto your property?</p> <p>12 A Because the testing has shown over the years that 13 there was a point where there wasn't vapor on my 14 property, and now there is. So clearly it's 15 coming onto my property.</p> <p>16 Q Right. And since then, Kipp has been doing 17 remediation. So do you know -- I'm just curious 18 if you know since they've been doing that 19 remediation whether it's still continuing to come 20 onto your property?</p> <p>21 A Well, I know that it's not gone from Kipp's 22 property, so I would assume that it's still 23 continuing to move. I can't -- you know, my 24 property hasn't been tested again since they've 25 done remediation, so I can't tell you for</p>
Page 26	Page 28
<p>1 A Well, I relied on the levels that the DNR are 2 using, in conjunction with what the information 3 is on the EPA data sheets and their standards. 4 So it was a combination of things.</p> <p>5 Q So do you think that the EPA and DNR standards 6 are sufficient?</p> <p>7 A My personal standard is zero. So sufficient? I 8 don't know. Not for what I want in my house and 9 under my house and in my yard.</p> <p>10 Q I'll have you look at Exhibit No. 2.</p> <p>11 A Okay.</p> <p>12 Q And Page 3, the answer at sub little i, you note 13 that the presence of PCE has destroyed the value 14 of your home.</p> <p>15 A Yeah.</p> <p>16 Q How so?</p> <p>17 A Because it's a cancer-causing chemical, and it's 18 known to be under my house and in my yard, and 19 coming from Kipp. And I can't imagine that 20 anyone would purchase my house knowing that 21 that's the case.</p> <p>22 Q And this would be even if the levels were below 23 DNR or EPA standards?</p> <p>24 A Even if they were. They're not in my case, but 25 even if they were, just knowing that it's there,</p>	<p>1 100 percent sure, but I know it's not gone on 2 Kipp's property.</p> <p>3 Q And so you don't know the levels that are at your 4 property currently because it hasn't been tested 5 recently; is that true?</p> <p>6 A Correct, yeah.</p> <p>7 Q I'm going to have you look at Exhibit No. 7. It 8 should be the last one there.</p> <p>9 A Uh-huh.</p> <p>10 Q Would you just identify what this is?</p> <p>11 A It looks like the Fine Cooking Cook's Talk Forum 12 post, yeah.</p> <p>13 Q Do you recall making this post?</p> <p>14 A Not until I saw it.</p> <p>15 Q And in the first part, the first page you note 16 that -- something about the experts saying that 17 the PERC won't uptake into the plants, and that 18 you'd rather err on the side of caution.</p> <p>19 Did you -- have you done or found any 20 other information that would lead you to believe 21 that it would uptake into plants?</p> <p>22 A Have I found other information that says it 23 would?</p> <p>24 Q Yes.</p> <p>25 A No, I have not.</p>

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1 Q You still believe that?

2 A That it won't uptake into plants?

3 Q That it will?

4 A I don't say here that I believe that. I say I'd

5 rather err on the side caution.

6 Q And what do you mean by that? Do you recall?

7 A It means that I would rather not take any chance

8 that the experts are wrong.

9 Q But you're not aware of any other documents or

10 anything that say that the experts are wrong?

11 A No, I'm not.

12 Q So at the time that you were writing this, were

13 you in communication with the DNR about the

14 testing?

15 A The DNR was involved in the back and forth, you

16 know, the written communication that we had.

17 Q And did you ever suggest that, you know, you

18 disagreed with their -- what you're noting here

19 is their result, you know, that the levels were

20 below their action level?

21 A I'm guessing that I -- because my personal action

22 level is zero, I probably did say I want -- I

23 want it cleaned up in my yard.

24 Q And do you recall the -- if you look on the

25 second page, you in a discussion with someone

Page 30

1 were pointing them to some links.

2 A Uh-huh.

3 Q Do you remember what those documents were linking

4 to?

5 A I don't.

6 Q Would you have printed off those documents; do

7 you know?

8 A No. I'm a save-a-tree kind of girl. I don't

9 print much.

10 Q And in these statements were you referring to

11 soil vapor issues --

12 A No.

13 Q -- if you recall?

14 A No, I had not heard of soil vapor issues at this

15 point. This was just the soil contamination

16 itself.

17 Q Do you know, did you -- similar to kind of the

18 comments made here, are these representative of

19 other comments you may have made on like articles

20 and such that you mentioned?

21 A Probably. There wasn't any media about it at

22 this point, so there wouldn't have been -- that I

23 remember -- there wouldn't have been any articles

24 on news comments, you know, on news articles at

25 that point because there wasn't any media about

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1 it that early on.

2 Q So when you first learned of the vapor issues in

3 2010, did you contact any of your neighbors and

4 start talking to them about it?

5 A Well, we learned about it as a group, so there

6 was -- there were -- at the first meeting I think

7 there were four houses, four households that

8 learned about it together. So we certainly

9 talked to each other at that point.

10 Q Did you talk to anybody who wasn't at the

11 meeting?

12 A I don't think we talked to anybody else until

13 after there were newspaper articles and TV

14 reports about it.

15 Q And did you contact any of the media outlets

16 before they put those articles up?

17 A I did not.

18 Q Do you know who did?

19 A I do not.

20 Q I know earlier you had mentioned that you were on

21 a forum, and that's how you were contacted by

22 your attorneys?

23 A Uh-huh. That was from one -- I don't remember if

24 it was the TV interview stuff or the newspaper

25 article. I think it was the newspaper article

Page 32

1 that was done about having the mitigation systems

2 put in.

3 Q And it's your understanding that any e-mails that

4 you would have had with other class members prior

5 to the lawsuit you just deleted?

6 A I either deleted or I turned over to my lawyers.

7 Q And have you deleted any since the lawsuit

8 started?

9 A I pretty much delete anything that comes in to my

10 inbox from like the neighborhood association or

11 anything like that that has to do with Kipp,

12 unless it's something that I'm communicating with

13 my lawyers.

14 Q So when you communicate with other class members

15 since the lawsuit started, you deleted those?

16 A I do.

17 Q Do you know have you e-mailed with any other

18 class members recently, like within the last

19 month, about the contamination issues?

20 A About the contamination issues, no. One of the

21 other class members e-mailed me asking if I had

22 my deposition yet and when it was scheduled for.

23 Q And did you respond?

24 A I responded that it wasn't scheduled yet, that I

25 was waiting to hear from the lawyers.



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1 Q And have you had other similar communications  
 2 with other class members like that one about  
 3 depositions?  
 4 A I don't think so. Nothing in e-mail. I've had  
 5 people ask me just face-to-face if I've done my  
 6 deposition yet.  
 7 Q Any other kind of conversations with other class  
 8 members about the deposition?  
 9 A No.  
 10 Q Face-to-face either?  
 11 A No.  
 12 MR. BIANCHI: I'm going to take a  
 13 quick break, just talk with my colleague here.  
 14 THE WITNESS: Okay.  
 15 (A recess was taken.)  
 16 BY MR. BIANCHI:  
 17 Q I have a couple more questions. In looking at  
 18 Exhibit 7, Page 2, I know you noted that you  
 19 believed that this was -- related just to the  
 20 soil. So would you be surprised to know that one  
 21 of those links -- if I told you that one of those  
 22 links led to a document about soil vapor  
 23 intrusion?  
 24 A Yes.  
 25 Q So you don't recall ever reading a soil vapor

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1 intrusion document back around 2004?  
 2 A No.  
 3 Q And I know you talked about communicating with  
 4 Mr. Nehlslowe. Do you know Mr. Schmoller at the  
 5 DNR?  
 6 A Yes.  
 7 Q And just in general, how many times would you say  
 8 that you talked to him just one-on-one, whether  
 9 by telephone or in person?  
 10 A It's not been a lot of times, but I can't give  
 11 you an accurate number.  
 12 Q Sure. Do you remember the substance of the  
 13 conversations you've had with him?  
 14 A Mostly it's been clarification around testing  
 15 schedules and what results mean.  
 16 Q Has he ever told you that your home is unsafe to  
 17 live in?  
 18 A No.  
 19 Q Has he ever told you that it's unsafe to use the  
 20 soil on your property?  
 21 A Somebody -- and I can't recall which person that  
 22 I talked to -- told me that it would be best if I  
 23 didn't disturb the soil.  
 24 Q And it could have been Mr. Schmoller, but you  
 25 don't recall.

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1 A It could have been, or it could have been the  
 2 extension guy. I'm not sure.  
 3 Q And similar questions with Mr. Nehlslowe, in  
 4 general how many times would you say you've  
 5 spoken to him personally?  
 6 A Most of my conversations with him were at  
 7 meetings that we had. There was the conversation  
 8 that we had in my driveway where he talked about  
 9 staying out of the basement, and a couple of  
 10 phone calls.  
 11 Q And is there anything further that he told you?  
 12 I know he said about staying out of the basement.  
 13 Anything further you remember that he told you  
 14 specifically about the safety of your home or  
 15 soil?  
 16 A He told me -- I remember him telling me that if  
 17 Kipp would not pay for mitigation systems that he  
 18 would argue for the state to pay for them because  
 19 he felt that they were extremely necessary in  
 20 this case.  
 21 Q Did he tell you it was unsafe to live in your  
 22 home?  
 23 A I don't know that he ever used that terminology.  
 24 Q What terminology did he use?  
 25 A That I had cause for concern, that clearly levels

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1 under my house were above what they would  
 2 consider to be safe levels.  
 3 Q So he said that the levels were above safe levels  
 4 or above just standards in general?  
 5 A I think he used the term safe, but I can't say  
 6 100 percent.  
 7 Q Sure. And do you know a -- I think it's  
 8 Mr. Hausbeck, with the city Department of Health?  
 9 A I know who he is.  
 10 Q Have you ever spoken with him?  
 11 A I'm not sure. I know he's been at meetings. I'm  
 12 not sure if he and I ever had a conversation  
 13 directly.  
 14 Q Have you ever spoken with anybody at the city  
 15 Department of Health?  
 16 A I don't think so, no, besides at meetings.  
 17 Q And have you -- I may have already asked you  
 18 this; I apologize -- have you had anyone appraise  
 19 your home currently to see what its value is?  
 20 A No.  
 21 Q And have you ever challenged the tax assessed  
 22 value of your home?  
 23 A Yes.  
 24 Q When?  
 25 A When I first bought the house, I bought it for

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1 less than tax assessed value, so I challenged it  
 2 then to get it to what I bought it for.  
 3 The first time we had testing done, I  
 4 challenged it then. And they told me the test  
 5 results didn't affect the value of my home.  
 6 Q And when was that; do you remember?  
 7 A Probably 2003.  
 8 Q And did you -- what was your response when they  
 9 told you that?  
 10 A Nothing. I didn't challenge the response.  
 11 Q So recently within the last three years you  
 12 haven't challenged it again?  
 13 A Huh-uh, no.  
 14 MR. BIANCHI: I don't have any  
 15 further questions, but some of the other  
 16 attorneys may.  
 17 EXAMINATION  
 18 BY MR. WHITE:  
 19 Q My name is Chris White. I represent Continental  
 20 Casualty Company and Columbia Casualty Company,  
 21 which are some of Madison-Kipp's insurance  
 22 companies. I have a couple additional questions.  
 23 First, to change gears for a moment.  
 24 A Okay.  
 25 Q Where were you living on January 1, 1980?

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1 A Elk Mound, Wisconsin.  
 2 Q How long did you continue to live in Oak Mound,  
 3 Wisconsin?  
 4 A Elk, E-L-K.  
 5 Q How long did you continue to live in Elk Mound,  
 6 Wisconsin?  
 7 A Until 1988.  
 8 Q And your son was born in 2003, you said?  
 9 A Correct.  
 10 Q And the two of you are the only two current  
 11 residents of the home?  
 12 A Correct.  
 13 Q Your ex-husband, do you know if prior to moving  
 14 into your current home if he had ever previously  
 15 lived anywhere on Waubesa Street or Marquette  
 16 Street?  
 17 A He had not.  
 18 Q In this lawsuit are you claiming that you  
 19 sustained any damages that occurred between  
 20 January 1, 1980, and January 1, 1987?  
 21 A No.  
 22 Q You mentioned a kitchen remodeling earlier. If I  
 23 understood you correctly, you cut a hole in the  
 24 wall for a pass-through and you ripped out a drop  
 25 ceiling?

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1 A Uh-huh.  
 2 Q Did you do anything else in the kitchen?  
 3 A We replaced all the cupboards and the appliances  
 4 and the sink and refinished the floors.  
 5 Q Did you do any of that work yourself, or did you  
 6 hire a professional to do it?  
 7 A I did some of it myself.  
 8 Q What parts did you do yourself?  
 9 A I did most of the demolition myself. Well, I  
 10 guess I did all of the demolition myself. And I  
 11 did -- I put the drywall up, but I didn't finish  
 12 it myself. And I installed the sink.  
 13 Q Prior to demolishing the drop ceiling, did you  
 14 make any effort to determine if there was any  
 15 asbestos contained in the ceiling?  
 16 A The drop ceiling was drywall, so it was -- so it  
 17 wasn't panels like you think of, of a drop  
 18 ceiling. So, no, I did not test it.  
 19 Q Did you cut the hole for the pass-through?  
 20 A Yes.  
 21 Q Before you did that, did you make any effort to  
 22 determine if the wall material had any asbestos  
 23 in it?  
 24 A The wall material was lath and plaster, and I  
 25 didn't test it.

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1 Q Did you wear any respiratory protection while you  
 2 were doing this work?  
 3 A Yes, I did.  
 4 Q What did you wear?  
 5 A I wore the kind of respirator that has the  
 6 multiple -- you know, the two filters on each  
 7 side.  
 8 Q Do you have any kind of back deck or back porch  
 9 or anything on your home?  
 10 A Yes.  
 11 Q What do you have?  
 12 A There is a back porch that's enclosed, and there  
 13 is a deck that's back there as well.  
 14 Q And did you put either the porch or the deck on  
 15 the house, or did they come with the house when  
 16 you bought it?  
 17 A The porch was there. I put the deck on.  
 18 Q When did you put the deck on?  
 19 A 1999 maybe. I'm thinking that's the right year.  
 20 Q How large of a deck is it?  
 21 A Like 10 by 12, not a huge deck.  
 22 Q What do you use the deck for?  
 23 A Nothing anymore. We hardly spend any time in the  
 24 backyard at all anymore.  
 25 Q What did you used to use the deck for?

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1 A We would sometimes eat dinner out there in the  
 2 summer and sit out there.  
 3 Q What is the approximate distance from the end of  
 4 your back deck to Madison-Kipp?  
 5 A Guessing, 30 feet. I don't know.  
 6 Q And at that time you purchased the house, the  
 7 Madison-Kipp facility was in the same place  
 8 that's it in today, right?  
 9 A Yes.  
 10 MR. WHITE: That's all I have.  
 11 THE WITNESS: All right.  
 12 EXAMINATION  
 13 BY MS. KREIL:  
 14 Q I have just a couple questions. Do you have a  
 15 twitter account?  
 16 A I do.  
 17 Q Do you ever tweet about Madison-Kipp?  
 18 A My twitter account is mostly for work, so I don't  
 19 think so.  
 20 Q Okay. In looking at Exhibit 7, Page 2, it looks  
 21 like you have some links to a couple of articles  
 22 that we've already discussed. Do you recall  
 23 where you got this information?  
 24 A I probably just searched for it.  
 25 Q Do you maintain a file or any type of electronic

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1 resource where you put all the materials that you  
 2 found?  
 3 A No.  
 4 Q Okay.  
 5 MS. KREIL: That's all I have.  
 6 MR. BIANCHI: Charles?  
 7 MR. KRAMER: No questions.  
 8 EXAMINATION  
 9 BY MR. BIANCHI:  
 10 Q I just have one more question. When the  
 11 litigation started, did anyone tell you that you  
 12 should stop deleting any e-mails related to  
 13 Madison-Kipp or the contamination?  
 14 A No.  
 15 And I need to clarify something that  
 16 I forgot to include when you asked a question  
 17 earlier about other people that have lived in the  
 18 house.  
 19 Q Sure.  
 20 A I've had three foster children who have lived  
 21 with me.  
 22 Q And can you elaborate periods of time and --  
 23 A Sure. The first one was 2005. And we had one  
 24 fairly continuously until about 2009.  
 25 Q And since 2009 you've had no foster children in

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1 the home?  
 2 A Right.  
 3 MR. BIANCHI: Okay.  
 4 EXAMINATION  
 5 BY MR. WHITE:  
 6 Q Can I just ask one follow-up question. What year  
 7 was the oldest of the foster children born in?  
 8 A The last one was four years old when he left. So  
 9 he would have been the oldest of the ones that we  
 10 had. So he left in 2009, so that would be born  
 11 in 2005.  
 12 Q So none of these children were alive in 1987.  
 13 A No.  
 14 MR. WHITE: That's all I have.  
 15 MR. MANZKE: Okay. We'll reserve.  
 16 You're done.  
 17 (The proceeding concluded at  
 18 11:57 a.m.)  
 19  
 20  
 21  
 22  
 23  
 24  
 25

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1 STATE OF WISCONSIN )  
 2 ) SS:  
 3 COUNTY OF MILWAUKEE )  
 4  
 5 I, PHYLLIS KAPARIS, Court Reporter and  
 6 Notary Public in and for the State of Wisconsin, do  
 7 hereby certify that the above deposition of DEANNA  
 8 SCHNEIDER was taken before me at the law offices of  
 9 Michael Best & Friedrich LLP, One South Pinckney Street,  
 10 Suite 700, Madison, Wisconsin, on February 22, 2013,  
 11 commencing at 11:00 in the forenoon.  
 12 That it was taken at the instance of the  
 13 Defendants upon verbal interrogatories.  
 14 That said deposition was taken to be used  
 15 in an action now pending in the United States District  
 16 Court, Western District of Wisconsin, in which KATHLEEN  
 17 McHUGH, and DEANNA SCHNEIDER, et al., are the  
 18 Plaintiffs, and MADISON-KIPP CORPORATION, et al., are  
 19 the Defendants.  
 20 A P P E A R A N C E S  
 21 THE COLLINS LAW FIRM, P.C., 1770 North  
 22 Park Street, Suite 200, Naperville, Illinois 60563, by  
 23 MR. EDWARD J. MANZKE (ejmanzke@collinslaw.com), appeared  
 24 on behalf of the Plaintiffs.  
 25  
 MICHAEL BEST & FRIEDRICH LLP, One South  
 Pinckney Street, Suite 700, Madison, Wisconsin 53703,  
 by MR. ALBERT BIANCHI (abianchi@michaelbest.com), and  
 LEAH H. ZIEMBA (lhziemba@michaelbest.com) appeared on  
 behalf of the Madison-Kipp Corporation.

1 MEISSNER, TIERNEY, FISHER & NICHOLS,  
2 S.C., 111 East Kilbourn Avenue, 19th Floor, Milwaukee,  
3 Wisconsin 53202-6622, by MS. JENNIFER KREIL  
(jbk@mtfn.com), appeared on behalf of United States Fire  
4 Company.

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

10 WEISS LAW OFFICE, S.C., 1017 W. Glen Oaks  
11 Lane, Suite 217, Mequon, Wisconsin 53092, by MR. CHARLES  
12 W. KRAMER (charles.kramer@mweisslaw.net), appeared  
13 telephonically on behalf of American Motorists Insurance  
14 Company.

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

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

23 Notary Public  
24 In and for the State of Wisconsin

25 Dated this 26th day of February, 2013  
Milwaukee, Wisconsin  
My commission expires: 5/29/16  
HALMA-JILEK REPORTING, INC.  
(414) 271-4466