

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

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KATHLEEN McHUGH and  
DEANNA SCHNEIDER,  
Individually and on behalf of  
all persons similarly situated,

Plaintiffs,

-v-

Case No. 11-cv-724-bbc

MADISON-KIPP CORPORATION,  
CONTINENTAL CASUALTY  
COMPANY, COLUMBIA CASUALTY  
COMPANY, UNITED STATES FIRE  
INSURANCE COMPANY and ABC  
INSURANCE COMPANIES 1 – 50,

Defendants.

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DECLARATION OF DR. LORNE EVERETT

Lorne G. Everett, Ph.D., D.Sc., declares under penalty of perjury under the laws of the United States as follows:

1. My name is Lorne G. Everett. I am one of the experts retained on behalf of the Plaintiffs in this case. I have authored an expert report (“Report”) in this case (which has been separately filed with the court) which sets forth my qualifications and opinions.

2. My Report was finalized on December 3, 2012, and was based on information available to me as of that date. I was deposed in this matter on February 14, 2013. At that time I testified concerning the opinions in my Report and concerning data that was produced by Madison Kipp Corporation after the date of my Report, in late January, 2013 and on the morning of February 14, 2013. The transcript of my deposition, which has been separately filed with the court, includes as exhibits my Report and certain of the documents produced by Madison Kipp Corporation after the date of my Report (marked as Exhibits 2(a) – 2(l)). Some of that data was available to Madison

Kipp Corporation prior to my Report, but was not produced to Plaintiffs' counsel until after my Report had been finalized (e.g. deposition exhibit 2(g), dated October 31, 2012). I was examined at length in my deposition about this new data.

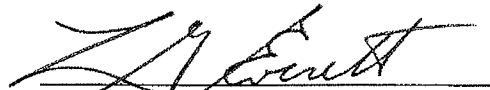
3. Attached to this Declaration as Exhibits A and B are two plume maps I have drawn depicting the VOC groundwater plumes coming from the Madison Kipp Facility and extending throughout the Class Area and beyond. Exhibit A depicts the deeper groundwater plume emanating from Madison Kipp. Exhibit B depicts the shallow groundwater plume emanating from Madison Kipp. These plumes were drawn utilizing data first produced by Madison Kipp to Plaintiffs' counsel in this case in late January, 2013 and on the morning of February 14, 2013. To prepare these maps, groundwater data was divided into two aquifer depths: shallow groundwater (from approximately 20 ft. – 75 ft. below ground surface) and deeper groundwater (greater than 75 feet below ground surface). The concentration of total volatile organic compounds (VOCs) was calculated for each sample. For this site, total VOC is the sum of PCE + TCE + cis-1,2-DCE + vinyl chloride. Maps were created, posting the highest concentration at each sampling location for each depth interval. This data was then interpreted by me and my staff at LEA and concentration contours were drawn based on the groundwater data.

4. As stated in my Report and during my deposition testimony, I strongly disagree with the opinions of MKC's experts, Johnson, Magee & Nyer, and Weinberg, and their conclusions as to the risks presented by the MKC site and MKC's conduct, including the adequacy of its investigation and remedial actions. As I testified during my deposition, Dr. Beck's opinion inappropriately ignores the threats presented by the MKC facility. I disagree with her reliance on and interpretation of the vapor measurements beneath the homes when addressing risk. I also disagree with her assessment of the risks presented by the releases to the soils in the Class Area. Further, for the

reasons stated during my deposition, I disagree with the Magee & Nyer positions that MKC is not a source of PAH contamination in Class Area soils.

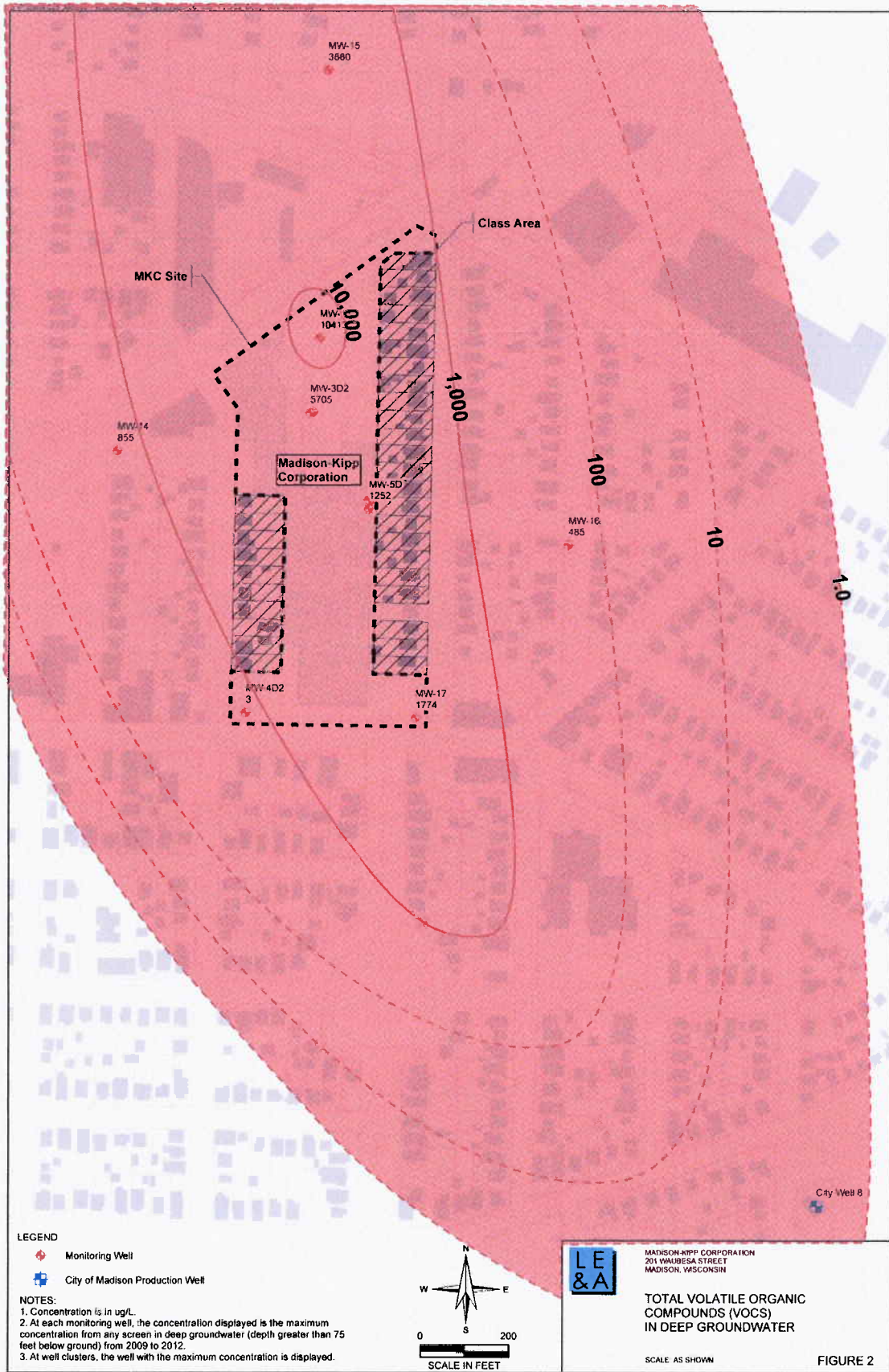
5. If called as a witness in this case, I could and would competently testify to all of the matters set forth in my Report, both as to my opinions and the facts supporting them, to the matters discussed during my deposition concerning the new data provided to me after my report, and as to the accuracy of the plume maps attached as exhibits to his declaration.

Dated: March 20, 2013

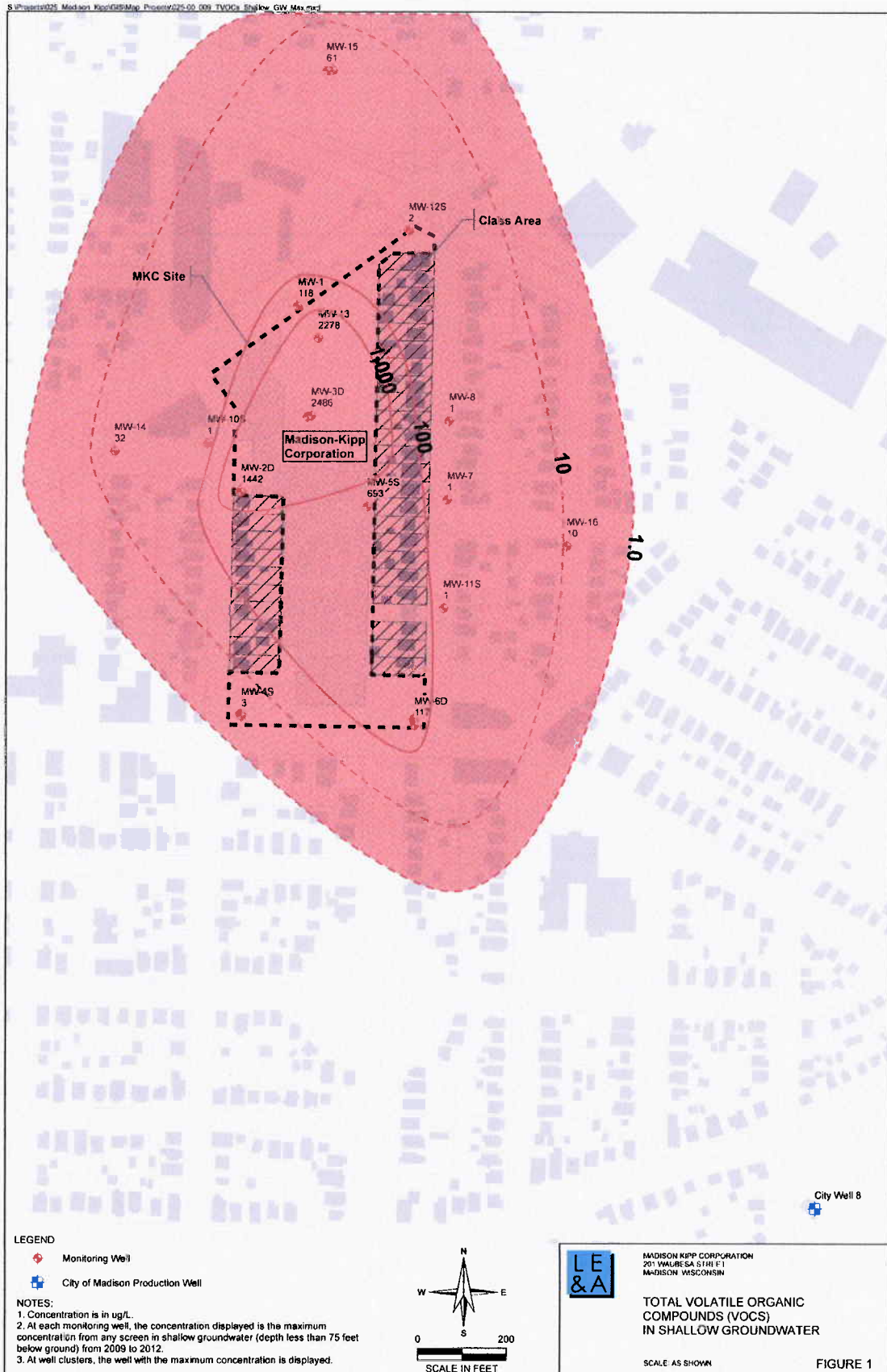
A handwritten signature in black ink, appearing to read "L. G. Everett", written over a horizontal line.

Lorne G. Everett, Ph.D.

# EXHIBIT A



# EXHIBIT B



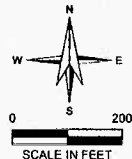
S:\Projects\025 Madison Kipp\GIS\Map Proje...025-00\_009 TVOCs\_Shallow\_GW\_Max.mxd

MKC Site

Class Area

Madison-Kipp Corporation

City Well 8



MADISON KIPP CORPORATION  
201 WAURESA STREET  
MADISON WISCONSIN

TOTAL VOLATILE ORGANIC COMPOUNDS (VOCs)  
IN SHALLOW GROUNDWATER

SCALE: AS SHOWN

FIGURE 1

MW-14  
32

MW-10  
1

MW-3D  
2486

MW-13  
2278

MW-2D  
1442

MW-5S  
653

MW-4S  
3

MW-6D  
11

MW-12S  
2

MW-8  
1

MW-7  
1

MW-11S  
1

10

10

MW-16  
0

MW-15  
61