

Exhibit 18

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
NO. 7:23-CV-897

IN RE:)
)
CAMP LEJEUNE WATER LITIGATION)
)
)
This Document Relates to:)
ALL CASES)
_____)

VIDEOTAPED DEPOSITION OF
REMY J-C. HENNET, PH.D.,
a witness herein, called by the Plaintiffs for
examination, taken by and before Ann Medis, RPR, CLR,
CSR-WA, and Notary Public in and for the Commonwealth
of Pennsylvania, via Zoom Videoconference, at the
offices of Motley Rice, 401 9th Street, NW, Washington,
DC 20004, on Thursday, March 20, 2025, commencing at
9:05 a.m.

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P R O C E E D I N G S

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THE VIDEOGRAPHER: We are now other record. My name is Bradley Loy. I'm a videographer for Golkow. Today's date is March 20, 2025. The time 9:05. This deposition is being held at 401 9th Street, Northwest, Washington, D.C., taken in the matter of Camp LeJeune Water Litigation, for the United States District Court for the Eastern District of North Carolina, Southern Division. The deponent is Remy J.-C. Hennet.

Will counsel please identify themselves.

MR. DEAN: Good morning. This is Kevin Dean here on behalf of THE PLG.

MS. O'LEARY: Allison O'Leary on behalf of the United States.

MS. BAUGHMAN: Laura Baughman on behalf of plaintiffs.

MS. BOLTON: Devin Bolton on behalf of the plaintiffs.

MS. HORAN: Alanna Horan on behalf of the United States.

MS. JOHNSON: Margaret Johnson on behalf of the plaintiffs.

1 THE VIDEOGRAPHER: Will the court
2 reporter please swear in the witness.

3 REMY J.-C. HENNET, PH.D.,
4 having been first duly sworn, was examined
5 and testified as follows:

6 EXAMINATION

7 BY MR. DEAN:

8 Q. Good morning, Dr. Hennet.

9 A. Good morning.

10 Q. Did I pronounce your name correctly?

11 A. Yes, you did.

12 Q. I'm going to try to always refer to you
13 as Dr. Hennet. But I've read so much about you in
14 the last several months, it may very be I
15 mistakenly refer to you as Remy, but I don't do so
16 out of disrespect. Okay.

17 A. You choose.

18 Q. Thank you. You just swore under oath to
19 tell the truth. Do you understand what that means
20 today?

21 A. Yes, I do.

22 Q. And are you having any illnesses today
23 or anything wrong with you that would prevent you
24 from completely responding to all my questions and
25 telling the truth?

1 A. I do not.

2 Q. You're not under any medications or
3 anything like that that would cause you not to be
4 able to testify truthfully?

5 A. I am not.

6 Q. From your CV, I believe at least since
7 2020 you've been deposed about three times; right?

8 A. I would have to look at my CV.

9 Q. We'll look at that in a minute. My
10 point is there's a few typical ground rules for
11 depositions. First of all, if you feel like you
12 need to take a break at all during the deposition
13 today, you tell me, and I'll be happy to stop and
14 we'll take a break. I recognize the camera is
15 rolling and a lot of people in the room, but we'll
16 be as informal as we can. And if need to take a
17 break, you just and I'll stop. Okay?

18 A. I will.

19 Q. If, however, we do take a break, if you
20 would he refrain from talking with the lawyers
21 with regard to your testimony today, I would
22 appreciate that. Okay?

23 A. Yes.

24 Q. Now, sometimes I ask two questions in
25 one. I'll be honest with you. It's called a

1 compound question. Lawyers may even object. But
2 what I want to make sure you do today is I ask a
3 question that you understand and you feel like you
4 can respond. And if I don't, you tell me you
5 don't understand my question, and I'll rephrase it
6 or re-ask it. Okay?

7 A. I do understand.

8 Q. Because I want to be able to rely today
9 on your responses in the sense that you understood
10 my question. Okay?

11 A. I understand that.

12 Q. So if you answer a question and you
13 don't ask me to re-ask it or that you don't
14 understand it, then I'm going to assume you
15 understood my question. Fair?

16 A. Fair.

17 (Hennet Exhibit 1 was marked.)

18 BY MR. DEAN:

19 Q. Now I'm going to show you what I've
20 marked as Deposition Exhibit No. 1 Dr. Hennet.
21 It's called a deposition notice. And attached to
22 it is a subpoena. At the back of the subpoena is
23 a list documents that we asked that you and S.S.
24 Papadopoulos & Associates produce to us.

25 Do you see that list?

1 A. Yes, I do.

2 Q. Now, my first question about that is:
3 Did you bring anything today additional that that
4 was responsive to that subpoena?

5 A. No. I don't have anything.

6 Q. Have you seen that list of items to
7 bring to the deposition attached to the subpoena
8 before today?

9 A. I have.

10 Q. Did you personally or anyone at your
11 direction after seeing that subpoena undertake an
12 effort to gather documents?

13 A. To the extent that we could answer those
14 questions, it was done. I asked, you know -- I
15 reviewed my files to respond to the subpoena.
16 Everything I did have, I just provided it to
17 counsel.

18 Q. And when would you have provided that to
19 counsel after receipt of the subpoena?

20 A. I don't recall when.

21 Q. Actually, I've got a copy right here
22 myself. Look at the date of the subpoena.

23 The original subpoena, it was the middle
24 of February. I'll get a specific date in just a
25 moment. But it was sometime in the middle of

1 February that the subpoena was first served with a
2 deposition notice after we agreed on your date for
3 your deposition.

4 What my question you to is, that's a
5 little over 30 days ago, 30, 35, 40 days ago. Do
6 you know when you responded and provided documents
7 to the Department of Justice to produce in this
8 case after receipt of the first subpoena?

9 MS. O'LEARY: Object to the form and
10 foundation.

11 THE WITNESS: I do not recall when.
12 BY MR. DEAN:

13 Q. Now, you said you supplied some
14 materials that you could find or that were
15 responsive.

16 Did you hand deliver them, or did you
17 send them electronically, a share file? Do you
18 remember the delivery method of that information?

19 A. I do not recall the details of it, but
20 most of it was done, I suppose, electronically.

21 Q. Did you send an email forwarding the
22 responsive information or a staff member do that?

23 A. I don't recall who did it.

24 Q. But either you or someone working at
25 your direction would have sent an email to the

1 Department of Justice or one of its attorneys
2 saying, hey, here's attached FYI that you asked
3 for or a response to the subpoena. It would be
4 some sort of general email along those lines;
5 correct?

6 A. I don't recall. A lot of the
7 interactions with counsel was, you know, meetings,
8 speaking over the phone or those kind of
9 interactions.

10 Q. Understood. But what I'm trying to do
11 is after receipt of the subpoena, which was
12 sometime in February, February 12, 2025 -- you
13 earlier testified you sent information, documents,
14 things that were in response to the subpoena
15 electronically; right?

16 MS. O'LEARY: Object to foundation and
17 form.

18 THE WITNESS: I didn't say that. I say
19 some of it was electronic, not all of it.

20 BY MR. DEAN:

21 Q. And who would have sent it?

22 A. I don't recall. It could be me or it
23 could be -- it would have been me, I suppose.

24 (Hennet Exhibit 2 was marked.)
25

1 BY MR. DEAN:

2 Q. Let me go ahead and mark as Exhibit 2
3 something called an objection. Now, I'm not sure
4 if you've seen this document or not. Just for the
5 record and for your benefit, this is what is
6 referred to as a response and objection to
7 Exhibit 1, the subpoena.

8 Do you see that?

9 A. I'll look at it.

10 Q. You can actually go to last page and see
11 it was served on March 14, 2025. It's not
12 important necessarily that you go through it. I
13 don't have any specific questions for you. You
14 can glance that you it. I guess I'm trying to see
15 if you had seen it before today.

16 (Witness reviewed the exhibit.)

17 THE WITNESS: It sounds familiar, but I
18 don't recall by memory if I saw this exact
19 document.

20 BY MR. DEAN:

21 Q. Now, get Exhibit 1 back out, if you
22 don't mind, and turn to Exhibit A that's at the
23 back that has the list of documents, if you don't
24 mind.

25 MS. O'LEARY: What page is that?

1 MR. DEAN: Just Exhibit A behind the
2 subpoena.

3 BY MR. DEAN:

4 Q. Do you see that there's basically 16
5 numbered items over three pages?

6 A. Yes. I do see 16 paragraphs.

7 Q. Now, I'll mark it in a moment, but I
8 received I guess it was last Friday and then last
9 night a supplemental bill, invoice. I don't
10 remember the totality of the pages, but they were
11 there was invoices from S.S. Papadopoulos &
12 Associates to the Department of Justice for
13 billings in this case.

14 Do you know what I'm generally referring
15 to?

16 MS. O'LEARY: Object to the form
17 foundation.

18 THE WITNESS: I can guess, but I don't
19 know exactly what you are referring to.

20 BY MR. DEAN:

21 Q. I'll show it to you in a moment. Let's
22 read together No. 5. It asks for all bills,
23 invoices or other documents related to payments
24 from the United States or any of its agencies to
25 you, S.S. Papadopoulos, or principals or agents of

1 S.S. Papadopoulos relating to any work completed by
2 Remy J.C. Hennet and Alexandros Spilotopoulos.

3 Do you see that?

4 A. I see that.

5 Q. And then No. 6 asks a little -- let me
6 stay on five just for a moment.

7 When you -- I'll get to a point where we
8 talk about everything you've done to prepare for
9 your deposition, but let's just use yesterday for
10 an example. I assume you did a little prep work
11 of some sort yesterday.

12 A. I did.

13 Q. Now, at the end of the day, did you
14 write down on a note pad your time, or did you go
15 into a computer or a program or something and
16 input your time or someone do it for you?

17 A. I did not do that yesterday.

18 Q. But is that normally how you track your
19 time?

20 A. Normally I track my time daily or
21 sometimes it takes two days. It depends if I'm on
22 travel or those type of issues.

23 Q. I'm way behind on my time, so don't feel
24 bad. Lawyers do the same thing.

25 How do you keep track of your daily

1 activities though? Do you handwrite on a note pad
2 or do you put it into a computer?

3 A. We have a system. It's a software
4 system into which we enter basically our time for
5 billing purposes.

6 Q. And what is that program called?

7 A. I don't know. I don't recall the name
8 of it.

9 Q. It's generic, but there's one called
10 Timekeeper. You don't remember the name of the
11 computer program?

12 A. I don't remember the name of the
13 computer program.

14 Q. Have you in the past -- say you wanted
15 to do a review of your time. Maybe someone asked
16 you to take a look at your time. Is that
17 something that you could print out a summary of
18 your time so you can see what you entered into the
19 computer, say, for a month, like last February?

20 Could you print out your time entries to
21 see what you did in case there was a need?

22 A. I don't know how to do it, but admin,
23 administration staff is doing that. And if I
24 wanted to see something, I would have to request
25 it.

1 Q. And who would you go to to request that
2 information?

3 A. To our administrative person.

4 Q. And who is that?

5 A. Her name is Seema, S-E-E-M-A, and she's
6 one of the administrative person that I would
7 request that from.

8 Q. No. 6 is a similar question, but a
9 little different. It says all bills, invoices or
10 other documents relating to payments from the U.S.
11 or any of its agencies to you, S.S. Papadopoulos
12 principals or agents, related in any way to Camp
13 LeJeune water litigation.

14 Do you see that?

15 A. I see that.

16 Q. It also refers to the CLJ litigation.
17 It refers to the word "remediation" related to
18 Camp LeJeune.

19 Do you see those?

20 A. It says from 2004 through the present.

21 Q. Correct. My question to you on 5 and
22 6 -- let's go to 5. Did you respond to No. 5 and
23 send anything or documents to the Department of
24 Justice in response to No. 5?

25 A. I believe it was done, but via

1 administration, not me.

2 Q. And that related to your work on this
3 case?

4 A. I do not know exactly what was
5 transferred.

6 Q. No. 6, did you gather any historic
7 documents, bills, invoices or anything related to
8 your time working on Camp LeJeune issues,
9 remediation issues from 2004 to the present? Did
10 you send anything to the Department of Justice to
11 respond to No. 6?

12 MS. O'LEARY: Object to form.

13 THE WITNESS: I did not personally, but
14 admin may have.

15 BY MR. DEAN:

16 Q. You don't know if they sent documents
17 responsive to 6 or not?

18 A. I do not know what I could find because
19 we are talking about a long time ago.

20 Q. No. 7 says all timekeeping and billing
21 records related to time you did any work on Camp
22 LeJeune litigation from the time you or S.S.
23 Papadopoulos were first retained, hired or
24 contracted.

25 Do you see that?

1 MS. O'LEARY: Object to foundation.

2 THE WITNESS: I see that.

3 BY MR. DEAN:

4 Q. Did you or someone S.S. Papadopoulos &
5 Associates send any other supporting timekeeping
6 and billing records related to work done by you or
7 S.S. Papadopoulos & Associates from the first time
8 you were retained for anything related to Camp
9 LeJeune? Do you know if you responded to No. 7?

10 A. Again, that would have gone through
11 admin, administration at SSPA. That's what I can
12 recall.

13 Q. With regard to five, six and seven,
14 we've now established that something was sent.
15 You just don't know specifically what it was. If
16 it was done, it was through Ms. Seema.

17 MS. O'LEARY: Object to form.

18 THE WITNESS: I don't know if it was
19 done through Ms. Seema, but I don't know what was
20 sent.

21 BY MR. DEAN:

22 Q. No. 8 talks about emails. It says
23 communications, but it's primarily looking for
24 letters or emails between S.S. Papadopoulos and the
25 U.S. from 2004 to the present related to any

1 issues concerning Camp LeJeune, remediation
2 related to Camp LeJeune.

3 Do you see No. 8?

4 MS. O'LEARY: And object to form and
5 foundation.

6 THE WITNESS: I see No. 8.

7 BY MR. DEAN:

8 Q. And you see it asks for stuff back from
9 2004? Do you see that?

10 A. I see that.

11 Q. Did you personally search for documents
12 that were responsive to No. 8 and provide them
13 either to administration to provide to the
14 Department of Justice or you personally remember
15 sending some stuff to the Department of Justice to
16 respond to No. 8?

17 A. Well, all communications by email was
18 basically for this litigation always with a lawyer
19 present in the conversation, and those
20 communications particularly the lawyers have it.

21 Q. The lawyers what?

22 A. Lawyers would have that to the extent
23 that they do exist.

24 Q. Let's go back to my question. I
25 understood your answer, but my question was a

1 little different.

2 My question was: After getting this
3 subpoena sometime after February 12, 2025, did you
4 personally go search historic emails, records,
5 communications, letters from 2004 to the present
6 and provide them to the Department of Justice?

7 MS. O'LEARY: Object to foundation.

8 BY MR. DEAN:

9 Q. That was my question.

10 MS. O'LEARY: I'm sorry. Object to
11 foundation.

12 THE WITNESS: I don't recall exactly.
13 The issue is can I retrieve things all way 20
14 years back. Personally, I can't because we have
15 an archive system. I am not understanding how it
16 is done.

17 Since then we have changed computer
18 systems. We've changed location. So that's not
19 the type of thing that I do. But it was looked at
20 to see what we could find. And my understanding
21 is Dr. Spiliotopoulos might have done something.
22 I don't know. Personally I gave everything I have
23 to the Department of Justice. That's what I
24 recall.

25

1 BY MR. DEAN:

2 Q. Let me go back to my question one more
3 time. I think I understood it, but I just want to
4 be clear.

5 You didn't personally undertake an
6 effort to search your computer or any file servers
7 or file folders for emails or other communications
8 as far back as 2004 related to Camp LeJeune
9 issues? You didn't personally undertake that
10 effort?

11 A. I looked at what I have on my computer
12 and I gave -- I responded to this the way -- I
13 looked. What do I have? I found no email that
14 are old. Whatever emails that are related to this
15 case were basically always in the presence of
16 counsel, and those were -- counsel has copies of
17 it because they were involved.

18 Q. I'll use a particular person's name,
19 Scott Williams. He's a NAVFAC employee.

20 Does that name sound familiar to you?

21 A. The same sounds familiar to me.

22 Q. But I'm just using that as an example.
23 You know that Camp LeJeune Justice Act and this
24 case was formally initiated sometime in the summer
25 of 2022.

1 MS. O'LEARY: Object to foundation.

2 THE WITNESS: Can you repeat the
3 question, please?

4 BY MR. DEAN:

5 Q. Yes. This case, the Camp LeJeune
6 Justice Act litigation for which we're here today
7 was initiated in the summer of 2022.

8 MS. O'LEARY: Object to form.

9 THE WITNESS: I don't recall exactly
10 when that would have been initiated.

11 BY MR. DEAN:

12 Q. Your billing records, which we'll get to
13 in a minute, I think your first invoice was in
14 September of '22.

15 A. That's possible.

16 Q. So let's separate. I want to talk to
17 you about 2004 until June, July, August of '22,
18 that time period. Okay?

19 Did you search for any emails,
20 communications, letters between yourself and any
21 government agency, EPA, Navy, Scott Williams? Did
22 you search for any old emails between 2004 and
23 July of '22?

24 A. There are none that I could find on my
25 computer.

1 Q. And you said something about them being
2 archived in another location. You don't have
3 access to it personally. Can you tell me what
4 you're referring to?

5 MS. O'LEARY: Object to foundation.

6 THE WITNESS: I would be referring to,
7 for example, reports that I wrote if I did and
8 other documents that were part of the files at the
9 time.

10 BY MR. DEAN:

11 Q. Do you know anyone that has filed -- let
12 me change it a little. Withdraw that.

13 Have you or anyone at S.S. Papadopoulos &
14 Associates filed a Camp LeJeune Justice Act claim?

15 MS. O'LEARY: Object to foundation.

16 THE WITNESS: I have not, and I don't
17 know about -- I don't know what all other people
18 do.

19 BY MR. DEAN:

20 Q. Do you know of a relative that you have
21 or a friend that has filed Camp LeJeune Justice
22 Act claim?

23 A. I do not know of any such person. I
24 want to say I don't know if they did it or not. I
25 do not know anybody who did.

1 Q. Now, do you remember when you became
2 aware of a Marines military base known as Camp
3 LeJeune? And you don't have to be on a specific
4 date. Do you know generally when you first
5 learned? Is that something you learned in high
6 school or college or after you became a
7 professional? Do you know when you first became
8 aware there was a Marines base called Camp
9 LeJeune?

10 A. I do not recall when. Camp LeJeune is a
11 big important Defense Department facility. I read
12 the newspaper. So I don't know when I would have
13 first heard about Camp LeJeune, per se.

14 Q. Do you remember when you first might
15 have been hired by any United States government
16 agency or military organization to do any sort of
17 work at Camp LeJeune?

18 A. Yes. That would have been around the
19 mid 2005 period. I know that in 2005 I did work
20 on Camp LeJeune issues.

21 Q. Do you remember who contracted or hired,
22 reached out to you or S.S. Papadopoulos to do some
23 work related to Camp LeJeune?

24 A. The Department of Justice.

25 Q. So the first time you were asked do any

1 work related to Camp LeJeune, as best you can
2 remember as you sit here today, it had to do with
3 the Department of Justice reaching out and saying
4 inquiring about retaining you and your company to
5 do some work?

6 A. My recollection is that the person who
7 has been -- was contacted for doing work was
8 Gordon -- Mr. Gordon Bennett. And then I got
9 involved as well.

10 Q. We'll come back to that in a moment.

11 (Hennet Exhibit 3 was marked.)

12 BY MR. DEAN:

13 Q. Let's go ahead and mark your report as
14 Exhibit 3. I've handed you Exhibit 3. Can you
15 identify Exhibit 3?

16 A. The first page of Exhibit 3 is expert
17 report of Remy J.C. Hennet.

18 Q. And it's dated December 9, 2024. Do you
19 see that?

20 A. That's correct.

21 Q. At the time you issued this report -- I
22 think your signature on it at the end. Your
23 signature is on page 2 of this document.

24 Do you see that?

25 A. That's correct.

1 Q. And it says it's an expert report of
2 Remy J.C. Hennet, and it's got the style of this
3 case.

4 Do you see that?

5 A. Yes, I do.

6 Q. At the time of your signing this report,
7 do you believe you had all of the information and
8 data in order to provide the opinions that are
9 listed in this report?

10 A. At the time of my expert report, all the
11 opinions that I expressed in the report were based
12 on the information that I had at that time and
13 before.

14 Q. And at that time, to the extent you have
15 information and opinions in this report, you had
16 at that time all the information you felt like and
17 documents and data to issue these opinions?

18 A. Yes, I did.

19 Q. Now, you issued it December 9. We're
20 here today on March 20, 2025, about three months,
21 give or take.

22 Is there any of your opinions in this
23 report that you want to change, take back, modify
24 or add to so that it is correct and complete?

25 A. All the opinions in my report I stand by

1 today. I want to add that in February after my
2 report, I did go back to Camp LeJeune, and I did
3 some measurements that basically -- I performed
4 those measurements.

5 Q. I believe I remember seeing some of
6 that, and we'll get it to later this morning. I
7 think it was the like February 11 that you went
8 back because there's a couple pages of handwritten
9 notes.

10 Does that sound about right about the
11 date?

12 A. That's right.

13 Q. Why did you -- what triggered you to go
14 back to Camp LeJeune to do those measurements you
15 just referred to?

16 A. A couple of things. If I recall, there
17 were two affidavits that were basically produced
18 after my report was submitted that described some
19 witness of some operations at Camp LeJeune. And
20 that was one element. And the other element was
21 in the report of Dr. Sabatini, there was a general
22 agreement on the methodologies I applied to
23 calculate losses from the water, losses of the
24 contaminant of concern from water that the
25 parameters of was a disagreement with

1 Dr. Sabatini, not the methodologies. And I
2 wanted -- in particular there was a parameter that
3 I wanted to establish, and I did that.

4 Q. When you went back on February 11, 2025,
5 that was not the first time you had been on on
6 board Camp LeJeune?

7 A. That was not the first time.

8 Q. If I remember correctly some old emails,
9 which I can pull out if I need to, but I think you
10 were involved in some issues related to advising
11 on some remediation issues and were at Camp
12 LeJeune sometime in 2005 for the first time.

13 MS. O'LEARY: Objection to form.

14 BY MR. DEAN:

15 Q. Does that sound about right?

16 A. I don't recall those. That's possible.
17 In 2005 I was involved in work for the Department
18 of Justice on issues at Camp LeJeune that it had
19 nothing to do with this case. It was a different
20 case or different cases. And that's what I
21 recall.

22 Q. How many times do you think between 2005
23 and February 11, 2025, when you went back this
24 most recent, how many times do you think you've
25 actually been to Camp LeJeune, ballpark?

1 A. I believe -- my recollection is for this
2 particular case here, I went to Camp LeJeune, I
3 believe, three times. Before that, I don't
4 recall, but it was more than once.

5 Q. We'll get to the billing records in a
6 little bit, see if we can figure that out. But
7 what you're telling me right now as best you
8 remember is somewhere between August of '22 and
9 today, you think you've been there approximately
10 three times?

11 A. That's what I recall at this moment.

12 Q. Had you spent the night in the area of
13 Jacksonville, North Carolina while doing some work
14 or meetings at Camp LeJeune those three times?

15 A. Not the three times.

16 Q. At least once?

17 A. Yes.

18 Q. So you've made three trips. One of
19 those trips you stayed multiple days or at least
20 two days?

21 A. I think that's correct. One of the trip
22 may have spanned over two days. I believe so.

23 Q. Before February 11, 2025, had you gone
24 to the Tawara Terrace water treatment plant and
25 taken a look at it?

1 A. Tawara Terrace treatment plant doesn't
2 exist anymore. Anymore I want to add.

3 Q. I understand. So you've never
4 physically inspected personally from 2005 to 2025
5 the Tawara Terrace water treatment facility?

6 A. Not the water treatment facility at
7 Tawara Terrace because it was not there to be
8 visited.

9 Q. Do you know when the water treatment
10 plant at Tawara Terrace was dismantled?

11 A. I do not recall when it was dismantled.

12 Q. But you've personally never been there?

13 A. In the Tawara Terrace water treatment
14 plant, I've never been in there.

15 Q. And S.S. Papadopoulos & Associates was
16 retained in 2022 to work on this Camp LeJeune
17 litigation case. You told me that earlier. Is
18 that fair?

19 A. That's correct.

20 Q. And is that first time that
21 Mr. Spilotopoulos started doing some work on this
22 case along with you?

23 MS. O'LEARY: Object to foundation.

24 BY MR. DEAN:

25 Q. For this litigation case.

1 MS. O'LEARY: Same objection.

2 THE WITNESS: For this litigation case,
3 I was the one who was contacted. And I was
4 contacted to evaluate the work that had been done
5 by ATSDR and to basically evaluate whether or not
6 the data that was or the values that were
7 estimated by ATSDR would be quantitatively
8 reliable to provide reliable values for the
9 chemical of concern in the water supply. That, as
10 I recall, was basically the task.

11 BY MR. DEAN:

12 Q. Dr. Spilotopoulos or
13 Mr. Spilotopoulos -- I can't remember if he's a
14 doctor or not; I apologize -- he would have
15 started doing some work on this case, as far as
16 this litigation case sometime in '22 along with
17 you?

18 MS. O'LEARY: Object to foundation.

19 THE WITNESS: It would have been a
20 little bit after I was involved.

21 BY MR. DEAN:

22 Q. Fair.

23 A. That's what I recall.

24 Q. Between '22 and '25, did he make
25 independent trips to Camp LeJeune separately from

1 you, if you remember, or was he accompanying you
2 on these two or three times that you went to Camp
3 LeJeune?

4 A. As far as he's concerned, you will have
5 to ask him. As far as I am concerned, he was
6 there one time when I was there.

7 Q. Do you know whether he was able to
8 personally go take a look at Camp LeJeune Tawara
9 Terrace water treatment plant between '22 and '25?

10 A. Again, Tawara Terrace plant doesn't
11 exist. So he could not have visited it.

12 Q. Now, Hadnot Point water treatment plant
13 have, you ever in the last -- since August of
14 2022, have you gone to the Hadnot Point water
15 treatment plant and done any inspection or done
16 any work there?

17 A. Can you repeat the question? I didn't
18 catch the time.

19 Q. Since August of '22.

20 A. Yes. I have been there.

21 Q. And when have you been that?

22 A. Every time I went to the base, I went to
23 that plant.

24 Q. So approximately three times?

25 A. Approximately three times. That's what

1 I recall, yes.

2 Q. And that includes two times before
3 February of '25 and you also went a third time
4 approximately -- we'll look at the records -- on
5 February 11 of this year, you went back to the
6 treatment plant?

7 A. I went back to the treatment plant, and
8 the other times I also went to the treatment
9 plant.

10 Q. The other two times -- again dates are
11 not important to me -- was the plant operating?

12 A. Hadnot Point?

13 Q. Yes.

14 A. Yes.

15 Q. Do you remember if those prior two
16 occasions you did any inspections or take a look
17 at the spiractors?

18 A. Every time I went to the plant, I did
19 that.

20 Q. Now, who all from S.S. Papadopoulos &
21 Associates has done some work on this case along
22 with you to support your work? I know about
23 Dr. Spilotopoulos. Whom else?

24 A. There were others. I do not remember
25 each one of them probably because there were quite

1 a few, I suppose, but I can give you the one I
2 remember.

3 Q. That's fine.

4 A. Dr. Soderberg.

5 Q. Can you spell last name for us?

6 A. S-O-D-E-R-B-E-R-G. He's a Ph.D. staff
7 member. That would be one. Mr. Saul, S-A-U-L,
8 Allen, A-L-L-E-N. That would be another one.

9 Q. Can you give a title or a position as we
10 go through these? You said Dr. Soderberg. Is he
11 a principal?

12 A. He's not a principal, but he's, I
13 believe, an associate.

14 Q. How about Mr. Allen?

15 A. He's not a principal. He's basically
16 our document manager.

17 Q. Before we go keep going through the
18 list, what is your title at S.S. Papadopoulos &
19 Associates?

20 A. I am a senior principal.

21 Q. How many senior principals are there at
22 S.S. Papadopoulos & Associates approximately?

23 A. Fully active, there are two.

24 Q. And who are those?

25 A. The other one is Dr. Matt Tonkin,

1 T-O-N-K-I-N.

2 Q. When you refer to yourself and
3 Mr. Tonkin as senior principals, do you have an
4 ownership interest or a share interest in S.S.
5 Papadopoulos & Associates?

6 A. I do.

7 Q. And what is the nature of that ownership
8 interest?

9 A. The ownership structure at my company is
10 basically you have two types. Every employee has
11 some shares via what is called an ESOP, E-S-O-P,
12 employee-owned stock partnership.

13 Q. Yes, sir.

14 A. Then you have the other ownership share
15 types, which are basically -- it's a private
16 company, and other ownership types which is
17 basically -- I don't know how many people have
18 such shares, but 10, 15 maybe.

19 Q. So what is the nature of your ownership
20 of shares in S.S. Papadopoulos & Associates?

21 A. It's a minority position.

22 Q. Can you quantify what that minority
23 position is? So, for example, you said there's
24 two principals, yourself and Mr. Tonkin.

25 When you say minority, I assume you both

1 don't own 50 percent of the company; is that fair?

2 MS. O'LEARY: Object to foundation and
3 fair.

4 THE WITNESS: That's fair. I want to --
5 we are not the only two principals. We're the two
6 full-time senior principals. You have additional
7 senior principals who are basically retired, but
8 still involved. And you will you would have that
9 situation. And the ownership is basically
10 distributed including those people.

11 BY MR. DEAN:

12 Q. How many is the total? Yourself and
13 Mr. Tonkin or Dr. Tonkin. How many others are
14 there that are principal shareholders?

15 A. Principal?

16 Q. Yes, sir.

17 A. Well, you have the one who are
18 semiretired. They would be senior principals at
19 least.

20 Q. How many and who are they?

21 A. Three.

22 Q. Who?

23 A. So the first one, the oldest one, if you
24 wish, is still there, still active, not in a full
25 time. It's Dr. Papadopoulos. Dr. Papadopoulos is

1 the founder of the firm. He used to be at the
2 USGS and basically started his firm in 1979.

3 The second one would be Mr. Steve
4 Larson, L-A-R-S-O-N. He joined Mr. Papadopoulos or
5 Dr. Papadopoulos shortly after the firm started up.
6 And he also used to be at the USGS. Dr. -- Mr.
7 Larson was basically working on the precursor of
8 MODFLOW at the USGS and did some recognized work
9 of that nature. And then he joined
10 Dr. Papadopoulos.

11 After that, maybe three or four years
12 later, I do not know exactly the timing,
13 Dr. Charles Andrews, A-N-D-R-E-W-S, joined the
14 company. And basically they are considered the
15 three founders of the company.

16 Q. And they're semiretired, not full-time
17 principals, I guess, is the best way you
18 described them; right?

19 A. That's right. Different duties.

20 Q. So those five have a majority ownership
21 interest together?

22 A. I do not believe so, but I don't know.

23 Q. Now, did either Dr. Tonkin or any of the
24 other semiretired principals, Dr. Papadopoulos,
25 Mr. Larson, Mr. Andrews, did any of them also work

1 on any issue related to this litigation over the
2 last three years and did some billing that you
3 would know about?

4 MS. O'LEARY: Object to foundation.

5 BY MR. DEAN:

6 Q. Or is it just you?

7 A. I do not believe that those persons have
8 worked on this case.

9 Q. So if I see your name on billing records
10 or time records -- not your name, but it says
11 senior principal and those hours that are
12 attributable to that senior principal, the only
13 person that would be to your knowledge would be
14 referring to work yourself did?

15 A. I believe that's correct.

16 Q. Now, other than Dr. Soderberg,
17 Mr. Allen, who else has done some work on this
18 case to support you?

19 A. Right now I don't recall all of them,
20 but, you know, for example, Mr. Cousin, Jim
21 Cousin, C-O-U-S-I-N, has done some work. There
22 are others, but I would have check the billing
23 again if I wanted to know exactly.

24 Q. What billing records would you have to
25 check?

1 A. Well, I would ask admin to tell me who
2 worked on that project probably, and I think they
3 would be able to tell me.

4 Q. They have to pull up some time records
5 or a summary of time records to figure that out
6 for you; right?

7 A. I don't know exactly how they do it. I
8 would expect an answer from them.

9 Q. There's another name that I've noticed
10 in some of the billing records for some travel
11 whose last name was the same as yours.

12 A. Yes. That's correct.

13 Q. And who would that be?

14 A. Crystal Hennet, she's a Ph.D., and she's
15 actually my wife. And on special times when I
16 need support, she has on and off provided some
17 support.

18 Q. What's her expertise?

19 A. She's a geoscientist.

20 Q. What is her title, do you remember?

21 A. I do not know what her title would be,
22 but she's a scientist, Ph.D. She would be an
23 external associate, if you wish. She's not a
24 full-time employee.

25 Q. So she's not a senior hydrologist or a

1 project hydrologist?

2 A. I do not know for sure. She could be a
3 senior scientist.

4 Q. How about senior staff hydrologist?

5 A. I don't know.

6 Q. So you don't know really as far as the
7 folks that we've now discussed, four people, you
8 don't know exactly what the billing records
9 reflect their position to be specifically?

10 MS. O'LEARY: Object to foundation.

11 THE WITNESS: At present I do not.

12 BY MR. DEAN:

13 Q. Anybody else provide any additional
14 support or work on Camp LeJeune that you haven't
15 told me about that you remember as you sit there?
16 I recognize you might have to look at some
17 records, but we've talked Dr. Spilotopoulos and
18 these other four.

19 Is there anybody else you haven't talked
20 about that you remember?

21 A. There are others, but specifically the
22 name of them I would not remember right now.

23 Q. How many employees today does
24 Papadopoulos & Associates have active?

25 A. Active I believe is 60 to 65.

1 Q. And are they all located in your offices
2 located -- I believe it's Maryland, isn't it, the
3 address, Rockville?

4 A. No. They are not all located in
5 Rockville.

6 Q. Do you have another office somewhere?

7 A. Yes, we do.

8 Q. Where is it?

9 A. We have more than one.

10 Q. How many offices does S.S. Papadopoulos &
11 Associates have, and where are they located?

12 A. Well, we have one office in San
13 Francisco. We have one office in Boulder,
14 Colorado. We have one office in Waterloo, Canada.
15 And I think that's it as offices are concerned.
16 Some of our employees are basically remote, but
17 those, I don't count those as offices.

18 Q. I understand. Do those offices,
19 San Francisco, Boulder, Colorado or Waterloo,
20 Canada, do they focus on any specific area or
21 region of work?

22 A. The San Francisco office is more dealing
23 with engineering and remediation type of issues,
24 to my general knowledge, because I don't know
25 everything. The same would be for the Waterloo,

1 Canada office. And the Boulder, Colorado office
2 is dealing mostly with water issues.

3 Q. Let's go to your CV, and it's not --
4 it's the first document, your CV, behind
5 Attachment A, like about a third of the way
6 through.

7 MS. O'LEARY: Are you on Exhibit 3?

8 MR. DEAN: Exhibit 3.

9 MS. O'LEARY: If we have a stopping
10 point sometime soon, we've been going for about an
11 hour, can we stop soon?

12 MR. DEAN: Yep. Let me ask these next
13 couple questions, and we'll stop.

14 BY MR. DEAN:

15 Q. Do you have your CV in front of you?

16 A. I have the CV attached to my report in
17 front of me.

18 Q. I believe the CV, it was attached when
19 the report was issued in December '24. My
20 question to you is: Do you still believe that
21 this CV is correct and complete, or is there
22 anything you need to add to the CV?

23 MS. O'LEARY: Object to foundation.

24 THE WITNESS: Well, the CV is complete.
25 It contains examples of what I have done, not

1 everything I have ever done.

2 BY MR. DEAN:

3 Q. Understood.

4 A. As well as the CV is limited to
5 deposition experience for the last four years or
6 five years, whatever.

7 Q. That's what I was going to ask you on
8 this question. Then we'll take a break. It is
9 showing three depositions that you've been
10 involved in over the last four years.

11 Has there been any others since
12 December? Have you given a deposition since last
13 December that this three would be incorrect?

14 A. Not since December.

15 Q. So the past four years, you've had three
16 depositions. Have you provided some deposition or
17 trial testimony before 2020?

18 A. Yes, I have.

19 Q. Do you remember approximately how many
20 times?

21 A. Depositions or trial --

22 Q. Both.

23 A. -- testimony. To the best of my
24 recollection, over my career, that would include
25 whatever is in the CV, I testified in court either

1 front of a judge or a magistrate about a dozen
2 times. As far as depositions are concerned, the
3 best of my recollection would be about three dozen
4 times.

5 Q. Any trials since 2020?

6 A. No. It is not in my CV. I have no
7 trials since 2020.

8 Q. I just wanted to to clarify and confirm.

9 MR. DEAN: We'll take a break right now
10 if you'd like.

11 THE VIDEOGRAPHER: We are off the record
12 at 1004.

13 (Recess from 10:04 a.m. to 10:15 a.m.)

14 THE VIDEOGRAPHER: We are on the record
15 at 1015.

16 BY MR. DING:

17 Q. Let's jump to a little bit different new
18 topic. We may jump around a little bit today.
19 That's just how I roll. Okay?

20 What did you do to prepare for your
21 deposition today?

22 A. Today basically nothing today. But to
23 prepare for the deposition, I did prepare, of
24 course, but not today. Yesterday and before that.

25 Q. Let's break it down. Who have you met

1 with in the past 30 days to prepare for your
2 deposition?

3 A. To prepare for my deposition I met
4 yesterday with counsel, counsel who are present
5 here today. And before that, we had conference
6 calls, maybe two or three times, in which we did
7 address some issues of deposition, but the
8 conference calls were not uniquely on depositions.
9 That is what I recall for the last 30 days.

10 Q. Since July or August of '22, since you
11 started doing work in this specific case, other
12 than the Department of Justice lawyers, have you
13 met or had any phone conversations with any
14 Marines, Navy personnel, NAVFAC personnel, other
15 federal government agencies to find out
16 information or to have a conversation about
17 something that might be needed for your work?

18 A. Not that I can recall. Any such
19 interaction would have been through counsel.

20 Q. So, for example, I know you were at the
21 base in May of '24. It's, in your opinion, report
22 and it shows some photos and there's a little date
23 May of 2024. I'm using that simply as an example
24 so you understand where I'm going with this.

25 I'm just trying to find out if you

1 interacted with any nonlawyers in the past two and
2 a half years either, in person or by phone, about
3 issues related to Camp LeJeune. Counsel might
4 have been present. And I'm not asking what
5 necessarily was discussed. I'm trying to find out
6 if there was other individuals, nonlawyers, that
7 might have been at the May '24 inspection or that
8 you've had conversations with over the last couple
9 years.

10 A. Counsel was always present during those
11 visits, and there were people from the base that
12 were there. And those people would be there to
13 give us a tour and explain where we were and so
14 on. They would occasionally answer questions that
15 were asked.

16 Q. So can we agree on this, that at least
17 over the past two years, you don't remember having
18 any phone calls with any nonlawyers for any
19 purpose related to this Camp LeJeune work?

20 A. There was no phone calls that would be
21 with base personnel or so without the presence of
22 a lawyer there.

23 Q. That's what trying to figure out. Have
24 you had any phone conversations in the past two
25 and a half years for which a nonlawyer was on the

1 phone representing the base or any U.S. agencies
2 and DOJ lawyers were also on the call? That was
3 my question, if you remember.

4 A. I don't remember any.

5 Q. Now, those several times you were on the
6 base, you've indicated that there were some base
7 representatives, nonlawyers that were present that
8 you my question interacted with; right?

9 A. That's correct.

10 Q. Do you remember who they were?

11 A. I do not remember who they were. I do
12 not remember their names, perhaps with the
13 exception of the one you mentioned before who I
14 don't remember the name of right now.

15 Q. Scott Williams?

16 A. Scott Williams. Because he was there to
17 basically provide a tour. Basically just the
18 times I was at the base for this case, he was
19 there for at least a part of it.

20 Q. Let's talk about these visits on base as
21 far as locations that you went. I've only been on
22 the base I think once, maybe twice, and I went to
23 something referred to as the cages or a cage. It
24 was a big warehouse and it had some documents in
25 it, some boxes and boxes of documents. I'm using

1 that as an example.

2 Where on the base have you generally
3 been to to do anything related to your work at
4 Camp LeJeune to the best of your recollection on
5 those three visits?

6 A. To the best of my recollection, the
7 visits all together included a thorough visit of a
8 large portion of the base, where we were allowed
9 to go because I believe that you may have sections
10 of the base where you cannot go unless you have
11 some clearance or something like that. That's
12 what I recall. But we went to many places with
13 basically a focus on the water treatment plant,
14 the wells and issues that are basically of
15 relevance to what I did.

16 Q. So those three times, and just use this
17 as an example, you'd pull up to the gate. Someone
18 would meet you there, maybe Scott Williams or
19 others. You'd all get in a car and you've ridden
20 around Hadnot Point in a car; right?

21 A. In a bus.

22 Q. In a bus? Car wasn't big enough for all
23 the people; right?

24 A. At least on two visits.

25 Q. Rode around Hadnot Point observing

1 whatever it may be that you all were looking at;
2 right?

3 A. We were just basically just performing a
4 site visit, that's right.

5 Q. Do you remember getting off the bus to
6 walk into a building to do any sort of an
7 inspection or take measurements or do anything
8 other than the water treatment plant?

9 A. We were doing site visits, and that
10 included going into certain buildings.

11 Q. Do you remember which buildings you went
12 into?

13 A. I do not remember the number of the
14 buildings. Each building has a number. The only
15 one I remember is where we went to eat.

16 Q. Where was that?

17 A. I think it was the officer compound.

18 Q. Do you know what Building 20 is?

19 A. Yes, I do.

20 Q. What is Building 20?

21 A. That's Hadnot Point water treatment
22 plant.

23 Q. Do you know what the Building 900 series
24 are?

25 A. Yes, I do.

1 Q. And have you been to the Building 900,
2 901, 902, 903 area?

3 A. For this litigation, I have been not
4 been inside those buildings.

5 Q. Did you go in any buildings while you
6 were there for those three occasions to look at
7 documents or to see if you could locate
8 information that might be helpful to your work in
9 the case?

10 A. I recall that we went into the building
11 you're describing, I believe, before where you
12 have basically locked documents, boxes of
13 documents. I recall we went into that building.

14 Q. Did you go through any boxes, look at
15 any documents and pull anything out or flag
16 anything for someone to provide to you?

17 A. No.

18 Q. Now, we'll get to it in a moment about
19 your reference list, and there's quite a lot of
20 materials listed that. I guess why I'm asking it
21 now is the only way in which you've received
22 information and documents -- let's confine it to
23 documents in this case is from the Department of
24 Justice and their counsel?

25 A. For documents, I believe that's correct,

1 for documents related to the base.

2 Q. Did you have any historical documents
3 that you had prior to July, August of '22, any old
4 files or old working documents, maps, whatever it
5 may be, reports that you might have used prior to
6 '22 that you used and looked at in this case?

7 A. Well, my understanding is that all the
8 documents that I had seen before for the base were
9 included into what was basically available for
10 this case.

11 Q. So if it's on your reference list, it's
12 complete as far as you know as you sit here today?

13 A. What is on the reference list in my
14 report is what supports my report.

15 Q. Do you have other documents in your
16 files or old computers at S.S. Papadopoulos that
17 related to Camp LeJeune that you have referred to,
18 reviewed or relied upon that are not listed?

19 MS. O'LEARY: Object to foundation.

20 THE WITNESS: I do not believe so as far
21 as the way the question was phrased.

22 BY MR. DING:

23 Q. The reason I ask it was just simply to
24 make sure you and I understand one another and
25 that your reference and reliance materials, which

1 we'll get to in a minute, that list is complete
2 and there's not something that's not on that list
3 that's back at your office or on a computer that
4 you reviewed that was maybe in a historical file
5 that you already had and it's something that
6 you've reviewed or relied upon that also supports
7 and it's just not listed. That's why I asked you
8 the question. Okay?

9 MS. O'LEARY: Object to form.

10 THE WITNESS: I understand the question.
11 And there is information that I collected after my
12 report that we discussed previously that
13 particularly is not in my report because it didn't
14 exist at the time.

15 BY MR. DING:

16 Q. Understood. Agreed. That's your
17 supplemental materials, which we'll get to in a
18 moment.

19 Other than that, you're not aware of
20 anything else historical in your files that you
21 reviewed or relied upon that are not listed?

22 A. I cannot think of any documents that
23 relate to the base.

24 Q. So what do you consider or how would you
25 define your expertise as a professional?

1 A. That is described in my CV.

2 Q. Understand. Are you a fate and
3 transport expert, groundwater expert, hydrologist?
4 How would you classify your general area of
5 expertise?

6 A. I am a geochemist. I have a
7 hydrologist. I am a geologist. And in each of
8 those disciplines, I have university degrees.
9 That's basically what describes my education, if
10 you wish.

11 Q. Your registrations and/or licenses are
12 listed. There's two of them on your CV,
13 geoscientist in Texas and a certified professional
14 geological scientist for the American Institute
15 for Professional Geologists; correct?

16 MS. O'LEARY: Object to foundation.

17 THE WITNESS: Licenses and
18 certifications, I believe that's complete.

19 BY MR. DING:

20 Q. And that's complete. So, for example,
21 you're not a professional engineer and hold a
22 professional engineer's license?

23 A. I am not a professional engineer.

24 Q. Do you have you ever served on a
25 peer-review committee?

1 A. Yes, I have.

2 Q. Are there any that you've served on that
3 are related to any of the issues involved in this
4 case related to water contamination?

5 A. It was related to water contamination.

6 Q. What was that generally just so we have
7 identification?

8 A. For example, the one I am thinking and
9 recalling right now was dealing with fuel issues
10 and PCB issues at many sites.

11 Q. What sites were they? What was the
12 project referred to or the papers?

13 A. It was an expert panel on that topic
14 that dealt with groundwater contamination by fuel
15 compounds as well as PCBs, and that was actually
16 across the country along a pipeline that had
17 basically stations. And most of the one where the
18 issues were the most looked at, if you wish, was
19 Pennsylvania. That's what I recall.

20 Q. Did it have another location more
21 specific than Pennsylvania that it was referred
22 to?

23 A. There would be many stations within
24 Pennsylvania because the pipeline at the level of
25 the entire country is basically, you know...

1 Q. Was that Hudson Valley?

2 A. That one was not Hudson Valley.

3 Q. Who was the committee that asked you to
4 do the peer review for the one you're just
5 referring to in Pennsylvania?

6 A. It was a panel that was doing actually
7 peer review of what existed at the time as well as
8 conducting some research for the panel.

9 Q. Did you do the report, do a report or is
10 there anything that's publicly available about
11 this peer review?

12 A. I do not know about publicly available.
13 But there were several reports, and I was one of
14 the contributors. I was not the only one on the
15 panel.

16 Q. Is it listed in your CV?

17 A. I believe it's with one of the clients
18 listed there in the paper.

19 Q. Who was the client involved in the one
20 you're referring to in Pennsylvania?

21 A. At the time, I recall the client was
22 Texas Eastern.

23 Q. Are you a member of the National Academy
24 of Engineering?

25 A. I am not.

1 Q. Have you ever served on any editorial
2 boards for any publications?

3 A. Not editorial boards.

4 Q. Now, remind me again when you first came
5 to S.S. Papadopoulos & Associates, the year
6 approximately.

7 A. That was 1989.

8 Q. So you've spent pretty much the entirety
9 of your professional career affiliated with S.S.
10 Papadopoulos & Associates; is that fair?

11 A. As a consultant, that's correct. And
12 before that, I was in research more in the
13 academic world, if you wish.

14 Q. Has all of your work for any issue going
15 back as far as you can remember as far as
16 compensation for services rendered by yourself
17 been through S.S. Papadopoulos? Let me tell you
18 why I'm asking that.

19 Do you have any other entity that you
20 own or affiliated with that has in the past done
21 any work related to Camp LeJeune to your
22 knowledge, or has it always been through S.S.
23 Papadopoulos & Associates?

24 MS. O'LEARY: Object to form.

25 THE WITNESS: It has always been through

1 S.S. Papadopoulos & Associates and the Department
2 of Justice.

3 BY MR. DING:

4 Q. So have you done -- let's use, for
5 example, and we'll just talk 50,000 feet on the
6 ATSDR water modeling and health studies at Camp
7 LeJeune.

8 You know that there was a component of
9 it that involved water modeling and then that
10 water modeling component was then utilized on the
11 health side to do some health studies.

12 MS. O'LEARY: Objection to foundation.

13 BY MR. DING:

14 Q. Correct?

15 A. That's my general understanding.

16 Q. Is this the first time you've done any
17 work where you've looked at and reviewed and
18 commented on the water modeling and how it may or
19 may not impact activities on the health side, or
20 is there some other projects you've have worked on
21 in the past that are similar?

22 MS. O'LEARY: Object to form.

23 THE WITNESS: This case, this present
24 case is the first time I was asked to evaluate the
25 results of the ATSDR models both for Tawara

1 Terrace and Hadnot Point as far as the reliability
2 of the estimated values to be quantitatively used
3 for this case.

4 BY MR. DING:

5 Q. Have you over the past two and a half
6 years rerun any water modeling computer programs
7 to do any water modeling of Camp LeJeune other
8 than what might be identified, disclosed in your
9 report?

10 A. I have not.

11 Q. Do you know anybody at S.S. Papadopoulos
12 & Associates that's done any additional water
13 modeling computer work related to Camp LeJeune at
14 your direction or with your knowledge?

15 A. I know that Dr. Spilotopoulos has
16 basically run the ATSDR model as part of his
17 evaluation of the models. We have two models. He
18 did that. I didn't do that.

19 Q. And do you have any comment about his
20 work on that, or do you defer to him about his
21 work and his opinions about it?

22 MS. O'LEARY: Object to form.

23 THE WITNESS: I have reviewed the model
24 inputs and basically all the materials that are
25 supporting the decisions or the assumptions that

1 ATSDR has brought into the model, especially
2 because there is very little data to predict what
3 happened 35 years ago, 35 years before 1985. And
4 I have reviewed the parameters. I have compared
5 the parameters in the models. I have done that
6 because that's something I do as a geochemist.

7 BY MR. DING:

8 Q. Any comment or opinion about those
9 reviews?

10 MS. O'LEARY: Object to form.

11 BY MR. DING:

12 Q. You personally or do you defer to
13 Dr. Spiliotopoulos?

14 MS. O'LEARY: Object to form.

15 THE WITNESS: I have not run the models.
16 He did. So I have no opinion or comment on that,
17 but I have reviewed.

18 BY MR. DING:

19 Q. Understood. Have you ever, yourself,
20 performed any historical reconstruction or hind
21 casting using any sort of groundwater modeling
22 tools to reconstruct historical mean monthly or
23 concentration data?

24 MS. O'LEARY: Object to form.

25 THE WITNESS: Well, there have been

1 cases where a question like that will be asked. I
2 remember one case where I did participate and that
3 was to reconstruct basically some certain
4 chemicals concentration, and that was based on
5 estimates. And I recall having participated to
6 that. And you had data and that was -- that's
7 what I recall.

8 BY MR. DING:

9 Q. Do you remember the name of that project
10 or the client or anything like that?

11 A. I don't remember the details or the
12 client of that, but it was related to uranium
13 mining.

14 Q. Uranium mining?

15 A. That's my recollection.

16 Q. And location?

17 A. I believe it was in New Mexico, that
18 one.

19 Q. And timeframe, if you remember?

20 A. I don't remember the timeframe, but it
21 was maybe 2000.

22 Q. As a result of that work, was a
23 concentration -- reconstructed values calculated
24 using that groundwater modeling work that you
25 participated in?

1 MS. O'LEARY: Object to form and
2 foundation.

3 THE WITNESS: I was doing geochemistry
4 in that, and I do not recall door if there was --
5 there was no complex monitoring done. It was, you
6 know, more like -- if I recall, it was a very
7 large pile of tailings, and the question was, all
8 right, where does it go from the tailings.

9 BY MR. DING:

10 Q. So go back to my first question and
11 understanding what you just testified to about.

12 Other than Camp LeJeune work, have you
13 ever worked on any other project whose goal was to
14 determine and measure human exposure or dose to
15 toxins and contaminants?

16 A. Right now, I can not really remember
17 specific ones, but as a geochemist, what my
18 expertise is in is to understand the origin, fate
19 and transport of contaminants in the environment.
20 That's what I do basically. That's what I've been
21 doing all my research years and professional
22 years.

23 Q. Have you ever in history utilized and
24 relied upon the ATSDR water modeling results to
25 support any work you've done in any other case or

1 any other project?

2 MS. O'LEARY: Object to form.

3 THE WITNESS: Could you repeat the
4 question? I missed the first part.

5 BY MR. DING:

6 Q. Have you in any other historical
7 activities prior to August of '22 ever utilized
8 and relied upon the ATSDR water modeling chapters,
9 conclusions and work to do work in some other
10 matter?

11 A. In other cases and this case, the ATSDR
12 models were used by others. I was not tasked to
13 review the model. And I may have cited to what
14 ATSDR has done at the time without having had done
15 what I have done for the purpose of this
16 particular case, which was to evaluate whether or
17 not the values or the estimated values that ATSDR
18 is presenting with the model could be
19 quantitatively reliable to provide concentrations
20 of the chemical of concern in this case over a
21 long period of time.

22 Q. So go back to my question. My
23 question -- I'll ask it a little different,
24 because you seem to affirmatively say you've
25 referred to it in the past and maybe cited to the

1 report in some other work in the past.

2 Do you remember what occasions those
3 were?

4 A. I would have to look at it. There was a
5 case that I did work. I don't remember exactly
6 the timing of it, but I believe it's called the
7 Washington case or something like this. And I
8 worked on that. Because it was related to
9 contamination at Camp LeJeune, I probably referred
10 to the ATSDR work. But I had not done a review
11 that I conducted for this as far as reliability of
12 the work for quantitative views of concentrations
13 in the context of this project.

14 Q. We'll call it Washington, and we'll come
15 back to it later in more detail. But you believe
16 it's scientifically valid or you did at the time
17 to cite to a -- cite to this ATSDR water modeling
18 project or refer to it without ever having
19 analyzed whether it was scientifically reliable at
20 the time you relied on it?

21 MS. O'LEARY: Object to form and
22 foundation.

23 THE WITNESS: Me citing to it, if I did,
24 doesn't mean that -- doesn't mean that -- doesn't
25 explain what I have done to review it. I just

1 mention that it does exist.

2 BY MR. DING:

3 Q. But you believe in the context of an
4 expert witness it's okay for you to cite to, refer
5 to, rely upon the ATSDR water modeling in this
6 prior activity without knowing whether or not at
7 that time it was scientifically reliable?

8 MS. O'LEARY: Object to form and
9 foundation.

10 THE WITNESS: It all depends what is the
11 task and the purpose of the citation.

12 BY MR. DING:

13 Q. Well, did you at the time -- who
14 retained you in the Washington case?

15 A. As I recall, it was the Department of
16 Justice.

17 Q. Mr. Bain was your contact at that time?

18 A. Probably.

19 Q. Did you recommend in that case the need
20 to analyze the model in order for you to provide a
21 scientifically reliable opinion in the Washington
22 case?

23 A. Without seeing the report to refresh my
24 memory, I don't know.

25 Q. As you sit there -- I'll show you the

1 report later on -- you don't remember advising
2 Mr. Bain at the Department of Justice the need for
3 you to do a deep dive into analyzing the model at
4 the time you were referring to it back then as
5 best you remember right now?

6 A. Again, I will have to see the report.
7 (Hennet Exhibit 4 was marked.)

8 MR. DING: For the record, I've handed
9 the witness Exhibit 4, which are the billing
10 records, I believe it's around 42 pages or
11 thereabouts, received a week and a half ago and
12 I've also supplemented Exhibit 4 and added the
13 additional bill we received last night for
14 February of 2025, so the record is clear. Okay?
15 BY MR. DING:

16 Q. I understand, obviously, March is not
17 over with, so the March bill, invoice, time
18 records, those haven't been finalized; correct?

19 A. Yes.

20 Q. Now, a couple things I want to ask you
21 about on these Exhibit 4 billing records. Take a
22 look at the first page. In the top right-hand
23 corner, it says the project name DOJ_CL_2022.

24 Do you see that?

25 A. I see that.

1 Q. And that's what you referred to as the
2 project name for your and the S.S. Papadopoulos
3 work on the Camp LeJeune litigation since '22?

4 A. That's an internal name.

5 Q. Project number is 1817. And then it
6 refers to a PO number. What does that mean? What
7 does PO number mean?

8 A. I guess it's a project order number.
9 This number is probably from the DOJ. I do not do
10 admin. So that's what I would guess.

11 Q. Is it a purchase order number?

12 A. I believe that would be right, yes.

13 Q. Is there a document that's referred to
14 as a purchase order that's got this number on it
15 somewhere that ends in 502?

16 A. Personally I don't know, but it must be
17 because it is written here.

18 Q. And did you gather that document and
19 provide it to the Department of Justice?

20 A. If it comes from the Department of
21 Justice, I must have it. Personally, I do not to
22 admin.

23 Q. So you didn't and you don't believe
24 admin sent that purchase order over to the
25 Department of Justice in response to the subpoena?

1 MS. O'LEARY: Object to foundation.

2 BY MR. DING:

3 Q. Because you assumed they already had it?

4 MS. O'LEARY: Object to foundation.

5 THE WITNESS: I do not know.

6 BY MR. DING:

7 Q. Under the comments on the left side
8 there a little further down, it says DJ File
9 Number. What does DJ stand for?

10 A. I am not sure. I do not know. Again,
11 it is admin.

12 Q. Then it says DOJ contract
13 #2W-CIV-03-0513. Do you see that?

14 A. I see that.

15 Q. Is there a written contract of some sort
16 that that contract number is referred to that's in
17 possession of you or S.S. Papadopoulos &
18 Associates' records?

19 A. Probably.

20 Q. Did you gather that contract and provide
21 it in response to the subpoena and provide that
22 contract to the Department of Justice to produce
23 to me?

24 A. My understanding is if it's contract
25 with the Department of Justice as you describe it,

1 the Department of Justice has it.

2 Q. Again, I agree with you. You didn't,
3 however, in response to the subpoena supply that
4 document to the Department of Justice because you
5 assumed they had it and would produce it if
6 needed?

7 MS. O'LEARY: Object to foundation.

8 BY MR. DING:

9 Q. Is that fair?

10 A. That would have been through admin, and
11 I don't do admin.

12 Q. Now, if we look down below this on the
13 first page -- and if you want to, you can glance
14 through -- we'll look at a few pages together.
15 How about we just do it that way.

16 Do you see it says Professional
17 Services, and under Employee Type there's some
18 positions, for example, senior principal, but
19 there's no names, specific names?

20 A. I see that.

21 Q. And you told me earlier, as best you
22 know, you're the only senior principal. So when
23 it refers to senior principal, that would be
24 Dr. Hennes?

25 A. That's my understanding, yes.

1 Q. And it says two hours. We don't know
2 what you did for two hours looking at this
3 document, but you did key in on a computer,
4 timekeeping computer program what you did for
5 those two hours?

6 MS. O'LEARY: Object to foundation.

7 THE WITNESS: Well, maybe, maybe not,
8 because it's not done always the same way. And my
9 recollections is our accounting system or the way
10 we enter time has been basically changed or
11 upgraded. It appears to be upgraded relatively
12 frequently. So I don't remember the situation
13 then.

14 BY MR. DING:

15 Q. Does Papadopoulos & Associates send this
16 one-page invoice that you see on Exhibit 4, that
17 first page, because the second page is for a
18 different month. Do you see that? The one on the
19 back of the first page is a different month. So
20 the one ending 9/21/22 is just a single page
21 ending in Bates-stamp CLJA_SSPA_INVOICES_1. Do
22 you see that?

23 A. You have to help me here.

24 Q. Do you see that the invoice is a single
25 page for the Bates-stamp that I provided?

1 MS. O'LEARY: You're on the first page
2 of Exhibit 4?

3 MR. DING: Yes.

4 BY MR. DING:

5 Q. Exhibit 4, page one is a single-page
6 invoice?

7 MS. O'LEARY: Object to foundation.

8 THE WITNESS: This is a single-page
9 document.

10 BY MR. DING:

11 Q. Is that for the month -- it's dated 9/21
12 and it says it's for services rendered through
13 August 31, 2022. Do you see that?

14 A. I see that in the middle there, yes.

15 Q. And this is the first invoice you and I
16 are looking at that I have; correct?

17 MS. O'LEARY: Object to foundation.

18 THE WITNESS: I will take your word for
19 it.

20 BY MR. DING:

21 Q. Do you know whether or not when this
22 invoice -- it says it's being -- the client and
23 the address there at the top left is Branch Chief,
24 Finance and Accounting under U.S. Department of
25 Justice. Do you see that, and an address, PO box?

1 A. I can read that, yes.

2 Q. Is this one-page invoice the only thing
3 that is sent to the Department of Justice for
4 payment of this invoice, or does it have
5 attachments when it goes that itemizes the time
6 that's shown on the summary?

7 A. I don't know.

8 Q. Who would know that?

9 A. Admin.

10 Q. The Department of Justice receiving this
11 invoice would also know that, wouldn't they?

12 A. I don't know.

13 MS. O'LEARY: Object to foundation.

14 BY MR. DING:

15 Q. Do you understand it's your obligation
16 as an expert as part of the federal rules to
17 specifically provide open and complete information
18 about your billing in a case like this? Are you
19 aware of that?

20 MS. O'LEARY: Object to form and
21 foundation.

22 THE WITNESS: This is administrative.

23 BY MR. DING:

24 Q. I'm asking you are you familiar with
25 what's called Rule 26 and an expert's obligation

1 to provide open and detailed billing records in
2 litigation?

3 MS. O'LEARY: Object to form and
4 foundation.

5 BY MR. DING:

6 Q. Are you aware of that?

7 A. I am generally aware of Rule 26, but
8 specifically -- but, you know, my firm gets a
9 contract with the Department of Justice. I don't
10 do the billing. So I don't know if it has one
11 page, two pages or 20 pages. I do not know that.

12 Q. Would you agree with me it's your
13 obligation, all experts' obligations to provide as
14 much detail and all information about their
15 compensation and billing to the opposing side in
16 response to what we refer to and you refer to as
17 Rule 26?

18 MS. O'LEARY: Object to foundation.

19 THE WITNESS: I do not know. We do
20 abide by everything because when you work with the
21 Department of Justice, you have to abide by
22 everything, and we do.

23 BY MR. DING:

24 Q. Now, if you look through these invoices
25 or this one page, it says the initial budget at

1 the bottom left-hand corner was \$100,000.

2 Do you see that?

3 A. I do.

4 Q. And then if you flip through it to the
5 invoice that's Bates-stamped page 6, so there will
6 be a 6 at the end of the page, do you see that the
7 behind casting changed 611,664? Do you see that?

8 A. Where is it on the page?

9 Q. Bottom left, Project Summary.

10 A. Yes. I do see that.

11 Q. Do you remember and can you tell me why
12 it went from a \$100,000 budget to a budget of
13 \$611,664?

14 A. I don't recall the details of it, but
15 this is typical of a project like this. The first
16 phase is to evaluate, to do a first evaluation of
17 an understanding what the cases is about, do a
18 first evaluation of certain aspect of it. And I
19 am typically required or requested, if you wish,
20 to provide an estimate of how much it would cost
21 to provide services.

22 And I do a best estimate by saying I
23 would need a team to do this because I cannot do
24 it all by myself. It's too many documents, too
25 much to do. And then I provide my best estimate

1 of how much it would cost.

2 Q. To do XYZ?

3 A. To do the project up to a certain --
4 typically it's what will it cost for a year, for
5 example.

6 Q. Is there a document that you use to
7 provide that estimate? Is it called a budget, or
8 is it called something else?

9 A. It is my budget estimate, and that's
10 what my budget estimate is and I believe --

11 Q. How do you transmit that budget estimate
12 to the Department of Justice for approval? Is it
13 a letter? Is it email? Is it a report? Is it a
14 budget? What do you remember refer to it as?

15 A. I do not recall about this one in
16 particular. I do not recall how it was that. But
17 obviously, it was transmitted to the DOJ whether
18 by phone or by -- in some manner. Again, I do the
19 budget estimate.

20 Q. I think we've got enough here on this
21 issue. Then I'll move on. You don't remember
22 specifically the mode of the transfer of the
23 information, whether it went from accounting,
24 whether was a formal budget document, an email or
25 a phone call, to provide the budget estimate of

1 \$611,664?

2 A. I do not know the detail for this
3 particular thing, but there is an estimate
4 somewhere. And I am typically the one who would
5 do such an estimate.

6 Q. And does the process work you send the
7 estimate over to the Department of Justice and
8 they approve or sign off on it and then you
9 proceed with whatever work that's been authorized?

10 A. It's a budget request, and it is
11 evaluated. And then if it was approved, we
12 probably get a green light that it is approved.
13 And then we'll probably have a meeting to explain
14 what we thought should be done. And that's the
15 way it works for most cases like this.

16 Q. Now, turn to page 19.

17 A. By that you mean the Bates number?

18 Q. Yes, sir. Do you see at the bottom of
19 the Bates-stamped page 19 the budget under Project
20 Summary on the left at the bottom says \$611,664?

21 A. I see that.

22 Q. Turn to the next page, 20. And does it
23 reflect that the budget is changed between
24 November and December of '23 to a budget an
25 approved budget of the \$1,216,284?

1 A. I see that.

2 Q. If you turn to page 25, Bates-stamped
3 page 25, bottom left has that budget now in March
4 of '24 increased to \$1,466,224?

5 A. I see that.

6 MS. O'LEARY: Object to foundation.

7 BY MR. DING:

8 Q. If you flip to page 33 or Bates-stamped
9 page 33. Let me know when you're there.

10 A. I see that, yes.

11 Q. Under the Project Summary, column left
12 has the budget now increased in September of
13 \$1,716,284?

14 A. I see that.

15 Q. If you turn to the top of page
16 Bates-stamp page 37, on December 23, 2024, do you
17 see under the column Budget on page 37 or
18 Bates-stamped 37, the budget has increased to
19 \$1,966,284?

20 MS. O'LEARY: Object to foundation.

21 THE WITNESS: I see that.

22 BY MR. DING:

23 Q. And that was approved by the Department
24 of Justice at some point in time; right?

25 A. I suppose so.

1 Q. If you turn to be Bates-stamped page 40.

2 A. I am there.

3 Q. On January 17, 2025, invoice No. 27034
4 at the top of the page Bates-stamp 40, did the
5 budget increase to 2,216,275.50?

6 A. I see that.

7 Q. And if you turn to the supplemental
8 Bates-stamp and Allison, I don't know how you want
9 me to refer to it. I made it as one exhibit. I
10 don't know if you're going to Bates-stamp it 43.

11 MS. O'LEARY: Can you refer to it by the
12 invoice number at the top?

13 MR. DING: I can do that.

14 BY MR. DING:

15 Q. The last page of Exhibit 4, the
16 invoices, I received last night invoices 27513,
17 and it's dated March 19, 2025. Do you see that on
18 the first page?

19 A. I see that. That's a loose page.

20 Q. Yes, sir.

21 A. It's not bound with Exhibit 4.

22 Q. Well, it is part of Exhibit 4 for the
23 record. I made it a part of it. It just doesn't
24 have a Bates-stamp because Ms. O'Leary just
25 provided it to me last night.

1 MR. DING: We'll supplement it with the
2 correct Bates-stamp once we get it. We'll
3 supplement with Exhibit 4, if that's fair.

4 MS. O'LEARY: That seems fine.

5 BY MR. DING:

6 Q. On the back of invoice 27513, it still
7 reflects a budget of 2,216,275.50.

8 Do you see that?

9 A. I do see that.

10 Q. And it says that the budget remaining is
11 only \$171,667.59. Do you see that?

12 A. I see that.

13 Q. And this does not account for the work
14 done in March by you, Mr. Spilotopoulos and any
15 others that might have been working in March.
16 That will come out of that remaining budget once
17 we get the next invoice; right?

18 A. That's my understanding.

19 Q. So my question to you to end this area
20 of the deposition is: Have you prepared a budget
21 estimate and provided it to the Department of
22 Justice to provide for additional funding and/or
23 budget for your work after this month?

24 A. I've not done so because we still have
25 money.

1 Q. Have you had any discussions with anyone
2 about the needs for a future budget approval
3 moving forward from today if this budget is used
4 up this month?

5 A. I have not talked to anyone about that.

6 Q. And you've not prepared anything about
7 that?

8 A. I have not prepared anything about that.

9 (Hennet Exhibit 5 was marked.)

10 BY MR. DING:

11 Q. I hand you what I marked as Exhibit 5,
12 and I'll tell you this for the record. Exhibit 5
13 I had to print it on larger paper so you and I --
14 with my advanced age, I couldn't see it on eight
15 and a half by 11. So I had to print it on larger
16 paper. Okay?

17 Are you familiar with a website known as
18 USASpending.gov maintained by the federal
19 government of the United States of America?

20 A. I am not.

21 Q. Do you see on Exhibit 5, the first page
22 at the very top it says Active Filters. It says
23 EPA -- it identifies the recipient as S.S.
24 Papadopoulos & Associates, Inc. Do you see that?

25 A. I see that.

1 Q. And then down in the center, it gives
2 you a prime award ID number, and there's about, I
3 don't know, six or eight listed there. And out
4 beside that is the recipient's name, S.S.
5 Papadopoulos & Associates. And then the
6 obligations are listed there in dollars and cents.
7 Do you see that column?

8 A. I see that column.

9 Q. Then there's some tabs you can click on.
10 It talks about contract IDD's, grants, direct
11 payments, loans and other.

12 Do you see those other tabs?

13 A. No, I did not.

14 Q. Although they're hidden, you see the
15 little tabs beside the contracts?

16 A. Okay. Right on top there, yes.

17 Q. If you turn to the second page on this
18 USASpending.gov federal government website, do you
19 see the awarding agency in the topic left-hand
20 corner, it says Department of Defense and
21 recipients is S.S. Papadopoulos & Associates? Do
22 you see that?

23 A. I see that.

24 Q. Do you see the purchase order referenced
25 there is just above that is listed as

1 W912DW11P0056? Do you see that?

2 A. I see that.

3 Q. And over on the right corner of that
4 first block, do you see the start date of that
5 contract was February 16, 2011?

6 A. I see that.

7 Q. And this was for \$40,000. Do you see
8 that?

9 A. Where is that?

10 Q. In the center there it says Current
11 Award Amount. Do you see that, \$40,000 potential
12 award amount?

13 A. I see that.

14 Q. And if you keep going down under the
15 Award History, you see Action Date of 2/24/11.
16 Amount is 40,000. To the right of that, it says
17 Transaction Description: MODFLOW Model
18 Recalibration.

19 A. I see that.

20 Q. Do you know what this work was for for
21 the Department of Defense that's being referred to
22 there in 2011?

23 A. I do not. I had nothing to do with
24 this.

25 Q. Do you know what location someone at

1 S.S. Papadopoulos was working on in order to do
2 some MODFLOW model recalibration work?

3 A. I do not.

4 Q. Turn to the next page of Exhibit 5,
5 third page I think it is. Do you see the top
6 left-hand corner there's a new purchase order
7 number listed there of W912DW09P0253? Do you see
8 that?

9 A. I see that.

10 Q. And the awarding agency is the
11 Department of Defense. Do you see that?

12 A. I see that.

13 Q. The start date of the project was
14 September 18, 2009.

15 A. I see that.

16 Q. The amount that was obligated or
17 potential award amount was \$66,500. Do you see
18 that?

19 A. I see that.

20 Q. By the way, if you go back to the top
21 out to the right, far right of the purchase order
22 number, does it show the word "Completed"?

23 A. I see that.

24 Q. Now, if you go to the section under the
25 Award History, do you see the Action Date, the

1 first one listed there of 9/18/2009 for 22,000?

2 A. I see that.

3 Q. To put in context just for dates, Tawara
4 Terrace report by ATSDR was released in 2007;
5 correct?

6 A. I believe it's correct.

7 Q. And the National Academy of Science
8 released an alleged review of that report in July,
9 I believe, or August of 2009. Do you remember
10 that? I'm not going to hold you to the specific
11 date. But the National Academy of Science
12 released an alleged review of the ATSDR report in
13 the summer of 2009.

14 MS. O'LEARY: Object to form.

15 THE WITNESS: I will take your word for
16 it.

17 BY MR. DING:

18 Q. Do you see -- who is Howard Hanson?
19 Excuse me. Not who. Where is Howard Hanson Dam?

20 A. Howard Hanson? Where is that?

21 Q. In the center of the webpage or the
22 document, out beside 9/18/2009 and 22,000, it says
23 groundwater model. Independent technical review,
24 ITR, right the abutment integrity, Howard Hanson
25 Dam. Do you see that?

1 A. I see that.

2 Q. Do you know what that's referring to and
3 were you involved?

4 A. I was not involved.

5 Q. And you don't know what it's referring
6 to?

7 A. I do not know what it is referring to.

8 Q. Turn to the next page. I guess we're
9 now on page 4; right?

10 A. You are right.

11 Q. Do you see the purchase order at the top
12 is 15JCIV22P502?

13 A. I see that.

14 Q. And out to the right, it says in
15 progress. 9 months remaining.

16 A. It says "Nine months remain."

17 Q. Excuse me. "Nine months remain." Do
18 you see that?

19 A. I see that.

20 Q. And it shows the start date of this
21 contract with the Department of Justice as the
22 awarding agency was July 21, 2022.

23 Do you see that, top right-hand corner?

24 A. I see that.

25 Q. Now, that purchase order number ending

1 in 502, would you go back and look at Exhibit 4
2 and tell me if that's not the exact same purchase
3 order in your very first invoice number 1?

4 On exhibit, 4 Bates-stamped first page
5 1, up in the topic right-hand corner, it says PO
6 Number. That is the exact same number I just read
7 you to ending in 502 that is on page 4 of
8 Exhibit 5; is it not?

9 A. Both numbers or whatever codes are the
10 same.

11 Q. Thank you. Now, does it show in this
12 Award Amounts that the obligated amount currently
13 is 2.2 million? Do you see that?

14 MS. O'LEARY: Are we back on Exhibit 5?

15 MR. DING: I'm sorry. Exhibit 5.

16 BY MR. DING:

17 Q. Back on Exhibit 5 on page 4, the
18 Department of Justice purchase order page, does it
19 show that the current award amount is the
20 2.2 million?

21 A. Yes. I see that.

22 Q. And that number under Potential Award
23 Amount several lines down, do you see it's
24 2,216,275.50, and that's consistent with the very
25 last page of invoices that we reviewed from

1 Exhibit 4. The March invoice I received last
2 night has the same number. Do you agree with
3 that?

4 MS. O'LEARY: Object to form, just to
5 clarify what you mean by March and February.

6 MR. DING: The March I received last
7 night dated March 19, 2025.

8 THE WITNESS: I see that. Those numbers
9 are the same.

10 BY MR. DING:

11 Q. Now, under the Award History --

12 A. By the way, when we are done with this,
13 I would like to take a break.

14 Q. Yes, sir, no problem. We'll be there
15 very soon.

16 Under the Award History, you see that
17 first entry modification, it says zero at the
18 first line there. And then it's got an Action
19 Date 7/21/2022 and \$100,000. Are you with me?

20 A. I'm with you.

21 Q. Then there's a modification number. The
22 first one says P1. If you look under it, there's
23 additional P1, P2, 3, 4, P5 and 6. Do you see
24 that?

25 A. I do see that.

1 Q. Now, if you scroll over to the right
2 under Action Type, does it say Change Order out
3 beside the one that says P1?

4 A. It says that D column Change Order.

5 Q. Is the change order the estimation
6 document you referred to earlier that's sent over
7 Department of Justice to get approval for
8 additional work, or is that a different document?

9 MS. O'LEARY: Object to foundation.

10 A. I believe it must be similar or the
11 same. I don't know.

12 Q. Who would know that? Someone in your
13 office, admin, or the Department of Justice?

14 A. I personally do not know if this is what
15 you say it is or not.

16 Q. Turn to the next page. If you want to
17 take a break now and then come back to the
18 exhibit, that's fine with me. I may have more
19 than five minutes left on these last two pages.

20 A. Take a break now.

21 Q. That's fine. Go off the record.

22 A. Coffee is working.

23 Q. Yes, sir. Understood.

24 THE VIDEOGRAPHER: We are off the record
25 at 1123.

1 (Recess from 11:23 a.m. to 11:32 a.m.)

2 THE VIDEOGRAPHER: We are on the record
3 at 1132.

4 BY MR. DEAN:

5 Q. Dr. Hennet, we've been going for about a
6 couple hours, a little over two hours. We had a
7 couple breaks during the day.

8 Have you discussed -- had any
9 discussions with the Department of Justice lawyers
10 at all?

11 A. We just chatted on things that have
12 nothing to do with the deposition.

13 Q. Thank you. Now, if you turn to, for the
14 record, page 5, the last two pages -- this is a
15 six-page document -- the last two pages, 5 and 6,
16 do you see recipient is identified at the top as
17 Papadopoulos & Associates, Inc.?

18 A. I'm confused about what is 6 because the
19 last two pages or double sided.

20 Q. Yes, sir.

21 A. And you say the last two. So is this
22 one or this one?

23 Q. I'm sorry. Good point. We'll just stay
24 on that page 5 for right now. Do you see on page
25 5 at the top it says Recipient under the Active

1 Filter is S.S. Papadopoulos & Associates do you see
2 that?

3 A. I see that.

4 Q. And do you see that in the center of the
5 page there, and it's the tap that's opened says
6 Contracts, and then it says Prime Award ID under
7 that?

8 A. I see that.

9 Q. And you see from there all the way to
10 the bottom of page 5, there's a list of different
11 award IDs for different contracts, and out beside
12 that is S.S. Papadopoulos & Associates and an
13 obligated amount? Do you see that?

14 A. It says Obligations.

15 Q. Thank you. It says obligations and then
16 under that is Amounts; right?

17 A. I see that.

18 Q. If you turn to page 6, the next page,
19 the contracts continue with the same information
20 we had on page 5. Do you see that?

21 A. It appears to be a continuation of page
22 5.

23 Q. If you go to page 7, do you see the same
24 where it lists the awarding agency as the
25 Department of Justice, the recipient, S.S.

1 Papadopoulos & Associates up at that top as far as
2 active filters? Do you see that?

3 A. I see that.

4 Q. And on page 7 you see a list of awards,
5 prime awards for contracts with the Department of
6 Justice with the recipient S.S. Papadopoulos &
7 Associates, and then there's an amount over in the
8 Obligations section next to each one of those
9 contracts? Do you see that?

10 A. Yes. To make sure, page 7 is the one
11 before the last?

12 Q. Yes, sir. As a matter of fact, the very
13 first one listed there is that same one that we're
14 here about, which is our case, the award ID is
15 identified as 15JCIV22P502, which is the name
16 number you and I have looked at on the invoices
17 for your work on this litigation; right?

18 A. It appears to be the same number, yes.

19 Q. And the obligated amount are lining up
20 as the \$2,216,275.50; right?

21 A. That to my recollection is the same
22 amount, yes.

23 (Hennet Exhibit 6 was marked.)

24 BY MR. DEAN:

25 Q. Now, I'll show you what I've marked as

1 Exhibit 6. For the record, Exhibit 6 is an Excel
2 spreadsheet created by my office after clicking on
3 all of those contracts on all of pages that you
4 and I just went the over on Exhibit 5, and if you
5 see I've added the award ID number at the top.
6 I've added the column for Total Obligated Amount.
7 I've added the Award Date that's listed in the
8 government's database on USASpending.gov. I've
9 added the Period of Performance start date column
10 and the end date, the Awarding Agency and the
11 Funding Agency, and they're all listed as
12 Papadopoulos & Associates.

13 Do you see that Excel spreadsheet that I
14 created?

15 A. I see the Excel spreadsheet. I didn't
16 really follow everything you said.

17 Q. I understand. I'm just laying what
18 lawyers call a foundation so understand where this
19 document came from. I created it based on the
20 information that's on the website for the
21 USASpending.gov.

22 Do you see that?

23 A. Right here I have no possibility to
24 check that.

25 Q. I understand that. I'm representing to

1 you that the information on Exhibit 6 came from
2 the information on the website shown on Exhibit 5.
3 Okay?

4 A. Okay.

5 Q. Now, do you remember me asking you about
6 when you started doing work on this case? Excuse
7 me.

8 Do you remember me asking you about when
9 you started doing any work associated with Camp
10 LeJeune?

11 A. I believe you asked me a question like
12 that.

13 Q. And you told me something along the
14 lines you couldn't remember the exact date, but it
15 was sometime you thought in 2005.

16 A. Approximately, yes.

17 Q. If you look at the second entry there,
18 do you see the one that ends in 66 in the first
19 yellow mark, Obligated Amount was \$45,634.10 and
20 it said the period of performance start date was
21 11/30/2005 and that the awarding agency is the
22 Department of Justice?

23 A. I see that.

24 Q. And does that sort of refresh your
25 recollection about the approximate timeframe of

1 starting to do work with Papadopoulos & Associates
2 at Camp LeJeune somewhere in November of 2005?

3 MS. O'LEARY: Object to foundation.

4 THE WITNESS: I have no clue if this
5 represents work done at Camp LeJeune or not.

6
7 (Questions on Exhibit 7 bound separately.)
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BY MR. DEAN:

Q. Now, going back to Exhibit 6, the Excel spreadsheet that I prepared and that first one first yellow entry that you and I were just talking about, does that now refresh your recollection that the \$45,634.10 under that award ID DJJ6WENR010066, showing the awarding agency Department of Justice and the recipient as S.S. Papadopoulos & Associates is the project for which you first began working at Camp LeJeune in November 2005 more likely than not?

MS. O'LEARY: Object to foundation.

THE WITNESS: I don't know. It could be. I don't know.

BY MR. DEAN:

Q. Fine. If we go down, and I'm not going to go into every single one of these, but do you see a number of entries between 2005 and all the way on the backside -- if you turn it over, you'll see more entries that go through -- the last one is listed as ending in 49 for \$494,846 for some work for the EPA with a start date of 9/30/2024? Do you see that?

A. I see that.

1 Q. And if you total up -- before we go
2 there, the one for the Department of Justice that
3 we've been talking about, the last invoice page
4 number, Exhibit 4, remember we talked about there
5 was a \$2,200,000 budget and we had used up about
6 1.9, and there was 178,000 or thereabouts left
7 over. Do you remember that?

8 A. I remember that if that's what you are
9 talking about, the last page of Exhibit 4.

10 Q. If you turn over to page 2 of my
11 Exhibit 6, about the sixth entry there is where
12 the 15JCIV22P502 purchase order is listed and it's
13 got that amount we've been talking about,
14 2,216,275.50. Do you see that?

15 A. I see that.

16 Q. The \$2,216,275.50 is money that
17 Department of Justice has paid your firm or is
18 obligated potentially with a budget from July of
19 '22 to present?

20 A. That's my understanding.

21 Q. However, we know that the Department of
22 Justice and yourself started doing some work at
23 Camp LeJeune, like we've already discussed,
24 beginning in 2005; right?

25 A. Yes. Whether it began in 2005, about.

1 Q. Not a specific date. There are amounts
2 there for the Department of Justice listed for
3 contracts, 45,634. We can go to the next one. It
4 says 40,000. It was 2007 work. Skip the next
5 one, it was EPA, and we go to some work that was
6 done for the Department of Justice in February of
7 2009. That had a \$440,096 payment, do you see
8 that, or obligation?

9 MS. O'LEARY: Object to foundation.

10 THE WITNESS: I see that.

11 BY MR. DEAN:

12 Q. So the point I'm making, and you'll
13 probably agree now that we've gone through this,
14 the amount the Department of Justice has paid
15 Papadopoulos & Associates for all of its work at
16 Camp LeJeune since 2005 is an amount in excess of
17 the current obligated \$2,216,275.50. Can we agree
18 on that?

19 A. I do not agree in the sense that not at
20 all of the Department of Justice cases we're
21 talking about here have to do with Camp LeJeune.

22 Q. I don't disagree with that. But some of
23 these invoices and contracts, were they to be
24 produced, would show us, for example that very
25 first one, the 45,634.10 for the November 2005

1 work, it would show some of these that would be
2 work at Camp LeJeune more likely than not;
3 correct?

4 MS. O'LEARY: Object to foundation.

5 THE WITNESS: I don't know. I don't to
6 admin, but probably.

7 BY MR. DEAN:

8 Q. Now, if you turn to the second page,
9 just to finish up this line of questions, do you
10 see that all of the total obligated contracts that
11 are listed on my exhibit that I received the
12 information from USASpending.gov, part of the
13 federal government's website, shows that of all of
14 these agencies, Department of Justice, the EPA,
15 General Services Admission, Department of Energy,
16 are currently or in the past with a potential
17 total value of awards to your company of
18 \$137,244,621.84 if my math is correct in column 3
19 on the second page?

20 MS. O'LEARY: Object to foundation.

21 THE WITNESS: If your interpretation is
22 correct. My understanding is that does include --
23 most of those are not litigation projects. I am
24 not involved, but I know that we work for the
25 Hanford site, for example. And I know that we

1 work for EPA Region V. I am not involved. I know
2 that we do work for the government.

3 And over the yours, it has been maybe in
4 the 10, 15 percent of the business that my company
5 performs service for. I personally am only
6 involved in a subset of those, and that would be
7 through the Department of Justice.

8 BY MR. DEAN:

9 Q. So let me finish this up with this
10 question. The total amount that's paid out for
11 all of those various contracts that you just
12 mentioned that has a potential subtotal award of
13 \$137,244.621.84, as a shareholder, you would
14 financially benefit at some potential percentage,
15 whatever your share interest is, with whatever
16 those government contracts are that are paid by
17 these different agencies, including the Department
18 of Justice?

19 MS. O'LEARY: Object to foundation.

20 BY MR. DEAN:

21 Q. Whether you were involved that the
22 project or not, you would personally financially
23 benefit from all these projects; correct?

24 MS. O'LEARY: Same objection.

25 THE WITNESS: If the company does well,

1 I do well as well. Like every employee, we all
2 participate. But I want to make one correction
3 here. A potential award is not the same as
4 basically what was actually done.

5 BY MR. DEAN:

6 Q. Understood.

7 A. And I'm not finished. And the potential
8 award sometimes in some of those projects, not the
9 one that I have been involved in, includes
10 subcontracts that can be substantial because --
11 that's all I can say about that because I don't
12 know the details of all of those contracts.

13 (Hennet Exhibit 8 was marked.)

14 BY MR. DEAN:

15 Q. Understood. I'm going to show you
16 Exhibit 8. I'm going to represent to you this is
17 the metadata from the billing production in this
18 case from you, and you see it indicates there the
19 Bates number is CLJA_SSPA_INVOICES_1 through 42.
20 Do you see that?

21 A. At the bottom there I see that.

22 Q. You see the file name for this
23 particular file was named by somebody 1817
24 invoices through 11125 without backup.pdf.

25 Do you see that.

1 A. I see that that.

2 Q. What does backup mean?

3 MS. O'LEARY: Object to foundation.

4 THE WITNESS: I don't want to speculate,
5 but it seems that -- I don't know what it means.
6 It may be reflecting some notes. For example, if
7 I enter -- today I will enter in my time sheet
8 eight hours, whatever it is, and say deposition or
9 something like that.

10 BY MR. DEAN:

11 Q. You're not a computer person nor admin
12 person at the office, but someone would have those
13 backup records indicating what work was being done
14 and when that serve to create those invoices that
15 I previously showed you?

16 A. I suppose so, yes.

17 (Hennet Exhibit 9 was marked.)

18 BY MR. DEAN:

19 Q. I'm going to show you Exhibit 9.
20 Exhibit 9, you see that it's a January 2010
21 publication from the United States Department of
22 Justice, Executive Office for Attorneys. Further
23 down, it appears to be some sort of a bulletin,
24 United States Attorneys bulletins of some sort.

25 Do you see that?

1 MS. O'LEARY: Object to foundation.

2 THE WITNESS: I don't know of some sort,
3 what you mean by that.

4 BY MR. DEAN:

5 Q. Can we agree at least on the left-hand
6 side, it says January 10, Volume 58, Number 1,
7 under that United States Department of Justice
8 Executive Office for the United States Attorneys,
9 Washington, D.C., H. Marshall Jarrett, Director.
10 Then under it says, "Contributors' opinions and
11 statements should not be considered an endorsement
12 by EOUSA of any policy, program or service. The
13 United States Attorneys' Bulletin is Published
14 Pursuant to 28 CFR Section 0.22(b)."

15 Do you see that?

16 A. I see that.

17 Q. Then at the top of the document, page 1,
18 it says Expert Witnesses. Do you see that?

19 A. Yes.

20 Q. The first one says, "Considering the
21 proposed changes to Federal Rules of Civil
22 Procedure regarding expert witness discovery by
23 Adam Bain."

24 Do you see that?

25 A. I see that.

1 Q. Then under that it says, "Working With
2 Lawyers: The Expert Witness Perspective, by Remy
3 J.C. Hennet, Ph.D."

4 Do you see that?

5 A. I see that.

6 Q. Did you participate and work at some
7 point in time to prepare a journal article for the
8 Department of Justice back in 2010 by that name?

9 A. Yes. I recall it was an invited paper,
10 and it was invited to be included in there. I
11 don't remember exactly the detail of it. I will
12 have to read it.

13 Q. Do you see that on page 5 -- it's a
14 black and white document, but you can see there's
15 some highlights that's been added to the document.

16 Do you see that in the center about Rule
17 26 trial preparation, protection for
18 communications it party's attorney and expert
19 witnesses?

20 So you see that section?

21 MS. O'LEARY: Just for the record,
22 you're referring to the graying as highlighting?

23 MR. DEAN: Yes, ma'am.

24 BY MR. DEAN:

25 Q. Do you see that grayed area?

1 A. I see some gray area, but I've not read
2 it yet.

3 Q. I'll read it with you and read it for
4 you. It says, "Rules 26(b)(3)(A) and (B) protect
5 communications between a party's attorney and any
6 witnesses required to provide a report under
7 26(a)(2)(B) regardless of the form of the
8 communications, except to the extent that the
9 communications (i) relate to compensation for the
10 expert's study or testimony."

11 Do you see that?

12 A. I can read that, yes.

13 Q. Now, if you turn to your section which
14 begins about page 14 of the document. Down at the
15 bottom left-hand corner are the page numbers. Do
16 you see that?

17 A. I do see that.

18 Q. Is this the section that you wrote,
19 which is about four pages long in January 2010
20 published in this bulletin?

21 A. I take your word for it. I mean, I know
22 I did contribute to this. I don't see -- I have
23 not read it for more than 10 years I am sure. So
24 I don't recall exactly what is in it, but it
25 appears to be what I contributed upon an

1 invitation to contribute.

2 Q. And do you say in the first full
3 paragraph on page 16, "The expert witness is often
4 publicly stigmatized as ethically comprised
5 considered by some as nothing more than hired
6 gun"?

7 Did I read that correctly?

8 A. You read that correctly.

9 Q. It goes on it says, "The stigma is borne
10 from misconceptions and from unavoidable human
11 nature. The concept that anyone who charges which
12 high hourly rates would say anything to satisfy
13 the paying party along with a few well publicized
14 examples of professional misconduct server to
15 anchor the stigma. In reality, the enduring
16 expert witness must demonstrate strong
17 professional and ethical conduct."

18 Did I read that correctly?

19 A. You did.

20 Q. Do you see at the next to last sentence
21 at the bottom, it says, "Opinions of the court and
22 transcripts of depositions and trial testimony
23 constitute a public record. That record serves as
24 an effective quality control tool that lawyers and
25 the finders of fact can consult. To succeed as an

1 expert witness, credibility and thoroughness have
2 to complement education and experience."

3 Did I read that correctly?

4 A. You did.

5 Q. If you turn to page 17, the next page,
6 and this is last page of your section, does it
7 say, "First, for expert testimony, it is important
8 to," and you listed a bullet point of a number of
9 things there, do you remember?

10 Do you see that?

11 A. I don't remember, but I see that.

12 Q. And then you've got, "Second, for a
13 successful lawyer-expert relationship, is
14 important for the expert to." And can you read
15 into record the last bullet point that you wrote?

16 MS. O'LEARY: Object to foundation.

17 THE WITNESS: The blast bullet point
18 reads, "Keep track of the budget since it can be a
19 limiting factor."

20 BY MR. DEAN:

21 Q. What did you mean by that?

22 A. It is important for what I do as a
23 professional to make sure that the client is aware
24 of the degree of effort and cost of a project. So
25 it is important to follow how much money is being

1 billed. And some projects may have -- when you
2 have a budget, you have a budget. And if you go
3 above budget, you may not be paid.

4 Q. But you do believe and you wrote in your
5 article that it's important in order to maintain
6 your integrity as an expert witness that you're
7 thorough and provide truthful accurate information
8 in those situations?

9 MS. O'LEARY: Object to foundation.

10 THE WITNESS: Yes. As an expert
11 witness, I just follow those ethical rules and
12 answer to the best of my recollections and
13 ability. I am doing that here.

14 (Hennet Exhibit 10 was marked.)

15 BY MR. DEAN:

16 Q. I'll show you what I'll mark -- I'll
17 show you Exhibit No. 10. And we're going to use
18 the TV in just a second and try to get through
19 this, if we can, by lunch. I don't know. We'll
20 see if we can. We're going to turn now to your
21 reliance materials list and supplemental materials
22 that you provided to the Department of Justice to
23 produce in this case in the last few weeks. Okay?

24 A. Let's see.

25 Q. I'm going to show you Exhibit No. 10.

1 MS. O'LEARY: Is all of this 10?

2 There's several loose papers.

3 MR. DEAN: Yeah. I was going to make it
4 all one exhibit. I'll go through and identify
5 just so it's clear on the record what we're doing.

6 BY MR. DEAN:

7 Q. Do you see there's a cover letter from
8 Ms. O'Leary, dated February 25, 2025. I'll read
9 into the record what it says. It says, "Counsel,
10 pursuant to Federal Rule of Civil Production
11 Number No. 26(e)(1) & (2), the United States now
12 produces supplemental facts and data considered or
13 relied upon by Dr. Hennet."

14 Do you see that?

15 A. I see that.

16 Q. Now, do you agree with her, this is the
17 way she wrote the letter, that these are new facts
18 and new data that was considered by you after your
19 report?

20 MS. O'LEARY: Object to foundation.

21 THE WITNESS: I believe it relates to
22 what I did on February 11.

23 BY MR. DEAN:

24 Q. Which is after your original report in
25 December of 2024?

1 A. That was after my expert report, yes.

2 Q. And then the second part of Exhibit 10
3 is an errata sheet -- actually, it's a couple
4 pages -- that relates to some updates, changes or
5 corrections that you wanted to make to your report
6 footnotes.

7 Do you see that?

8 MS. O'LEARY: Object to foundation. I
9 have two pages of errata. Am I meant to have two?

10 MR. DEAN: I agree with that, one on the
11 25th and one on the 28th.

12 BY MR. DEAN:

13 Q. Do you have the errata sheets there?

14 A. I have Exhibit 10.

15 Q. Hand it back to me, and I'll see if I
16 can help find where it's at in the group here. At
17 the end there's two pages. So there's three
18 sections to this. Exhibit 10, first page, one and
19 two are two letters, February 25 and 28. The
20 second section of Exhibit 10 is your supplemental
21 reliance materials list that came with these
22 letters. The last thing is the errata sheets, two
23 pages of errata sheets that came with the letter
24 on the 28th.

25 MS. O'LEARY: I object to foundation

1 there. I don't think both errata came with the
2 letter, either letter from February.

3 MR. DEAN: What's that?

4 MS. O'LEARY: I don't think both errata
5 came with the letters from February.

6 BY MR. DEAN:

7 Q. If you look on the backside of the first
8 page there, you'll see a second letter, dated
9 February 28, and then the last sentence says,
10 "Also produced are errata correcting citations to
11 Bates-stamped documents with the prefix."

12 Do you see that?

13 A. Which date of which letter because I
14 don't know which page -- the second page.

15 Q. Yes.

16 A. February 28, 2025.

17 Q. Does it say in the second sentence,
18 "Also produced are errata correcting citations to
19 Bates stamps"?

20 MS. O'LEARY: Object to foundation.

21 THE WITNESS: Bates-stamp documents with
22 the prefix.

23 BY MR. DEAN:

24 Q. Errata sheets.

25 A. So it's not full sentence you gave. But

1 I can see what you say.

2 Q. And do you see at the end of Exhibit 10,
3 the last two pages of Exhibit 10 are those two
4 errata pages?

5 MS. O'LEARY: Object to foundation.

6 THE WITNESS: The last -- you have one
7 page that is two sides and one page that is one
8 side.

9 BY MR. DEAN:

10 Q. Agreed.

11 A. And it is a three pages or four
12 depending on how you look at it.

13 Q. But those are errata sheets that you
14 created subsequent to your report to make some
15 minor changes to some references in footnotes;
16 right?

17 A. Appears to be, yes. It appears to be
18 that.

19 Q. Now, the other section of Exhibit 10
20 that I want to spend most of the time with you is
21 it titled Supplemental and Corrective Reliance
22 List. Do you see that?

23 A. I see that.

24 Q. Did you prepare this document or someone
25 work with you to prepare the supplemental

1 corrective reliance list?

2 A. My recollection is that it was -- I
3 delegated this could be done by a staff to
4 basically get those things with the errata
5 incorporated. That's my recollection.

6 Q. And it also was to list the photographs
7 and handwritten notes of February 11, 2025 when
8 you made that third visit, and those are listed in
9 here too as well; right?

10 A. I do not know that. You have to show me
11 where they are listed.

12 Q. Sure. Do you see on page 24?

13 A. 24 of the second section of the
14 four-section exhibit?

15 Q. Exhibit 10, yes, sir. Turn to page 24
16 at the bottom. Do you see in the center it says
17 CLJA Photos SSPA 1 through 58, Bates stamps CLJA
18 Photos SSPA 1 through 52.

19 A. I see that.

20 Q. Is that photos you believe to be that
21 you took -- scratch that. I'll show them to you
22 in a second. Turn to page 28.

23 A. Yes.

24 Q. Do you see the last entry there is
25 called Hennet USA 1 through 96?

1 A. I see that.

2 (Hennet Exhibit 11 was marked.)

3 BY MR. DEAN:

4 Q. I'll show you Exhibit 11. Do you see
5 that Exhibit 11 are your notes, sheets one and
6 two, you prepared it appears on February 11, 2025.
7 The Bates-stamp of this exhibit is Hennet_USA_34
8 and Hennet_USA_76. Do you see that?

9 A. I see that.

10 Q. So that is part of the reason for the
11 supplemental reliance materials in addition to the
12 errata changes, was also to provide these updated
13 supplemental documents and data.

14 Do you see that?

15 MS. O'LEARY: Object to foundation.

16 THE WITNESS: I see that.

17 BY MR. DEAN:

18 Q. Now, what we're going to do, just so you
19 know -- you can put that aside for the time being.
20 Let me ask a couple more questions.

21 We talked about it earlier, but the
22 supplemental reliance materials that are listed, I
23 noticed that pages 1 through the middle of page 22
24 you listed out a lot of different specific
25 materials. You've provided whether it be an

1 author or whether it be a Bates-stamp, whether it
2 be a JTC Environmental Consultant report, you
3 listed out a lot of things individually on pages 1
4 through 22.

5 Do you see that?

6 A. I see that.

7 Q. Then the last, page 22 through 28,
8 there's a lot of documents listed, which appear to
9 be a lot of the production's Bates-stamps in this
10 case.

11 Do you see that as well?

12 A. I see that.

13 Q. I guess my question is to understand how
14 you may have prepared this list and did your work.

15 The first 22 pages where you
16 specifically list out things, are those all of the
17 documents, individual documents that you
18 specifically rely upon for your opinions in this
19 case?

20 MS. O'LEARY: Object to foundation.

21 THE WITNESS: Those are the documents
22 that I provide in support of my expert report plus
23 what you mentioned that I did after my expert
24 report.

25

1 BY MR. DEAN:

2 Q. February 11?

3 A. February 11, yes.

4 Q. The documents that are listed in pages
5 22 through 28, and I'll just give you an example,
6 if you look at page 23 and let's go down to the
7 third entry CLJA OCPL 1 through 12, do you see
8 that?

9 A. I see that.

10 Q. Can you tell me as you sit here what
11 specifically those documents are?

12 A. I cannot.

13 Q. If there's anything in there that's
14 important to your opinions and that you reviewed
15 and relied upon, it's going to be in the first 22
16 pages?

17 MS. O'LEARY: Object to form and
18 foundation.

19 THE WITNESS: I wouldn't agree with that
20 without seeing those other documents.

21 BY MR. DEAN:

22 Q. Well, have you looked at every single
23 page of every single one of these groups of
24 millions of documents on pages 22 through 28?
25 Under oath, had you reviewed every single page of

1 every single one of these productions?

2 MS. O'LEARY: Object to form.

3 THE WITNESS: No. I didn't review every
4 page, but I basically went through a lot. And I
5 may have missed some, but what was relevant to
6 what I did I basically...

7 BY MR. DEAN:

8 Q. And you feel like you did a very
9 thorough review of all these materials that are
10 grouped together on pages 22 through 28?

11 A. I did as best I could.

12 MS. O'LEARY: Object to form.

13 BY MR. DEAN:

14 Q. And those that you found that were
15 relevant to your opinions, you pulled them out and
16 you've listed them on the first 22 pages that are
17 cited in your report or referred to?

18 A. I do not think that reflects that. But
19 in the report itself, you have footnotes. When
20 something is specifically relevant, I would cite.
21 Now, on the list of documents considered and/or
22 relied upon, I listed basically what I have.

23 Q. Let's do this. I don't know if we can
24 finish. I doubt we can finish, but we're going to
25 try. Your photographs.

1 Well, let me ask you this: Is there
2 some new opinion you now have as a result of the
3 supplemental work that was done on February 12, or
4 does this information just support some of your
5 prior opinions?

6 A. You mean February 11?

7 Q. Yes, sir. I'm sorry.

8 A. No. My opinions are unchanged.

9 Q. So am I accurate that the work you did
10 you believe supports what you've already said.
11 You don't have any sort of new opinions?

12 A. Support or confirm.

13 Q. Did you create some new calculations to
14 confirm for support some prior opinions that you
15 expressed on or after February 11, 2025?

16 A. I didn't do calculations per se, but I
17 just basically thought about what I observed on
18 February 11, especially under filling of the water
19 buffalo that I witnessed. But I didn't write
20 anything or I did not calculate anything.
21 Otherwise, you would have obtained it.

22 Q. So I've looked at the photographs, the
23 still photographs that you took, which we're
24 fixing to look at, and I think there was some
25 movies in there, some video.

1 Do you remember that?

2 A. You will have to show me.

3 Q. Did you take all of those photos
4 yourself and record those videos, or did someone
5 else do it?

6 A. On February 11 I believe I took all the
7 photographs. It might have been that I passed the
8 camera to somebody if I was busy. Can you take a
9 picture of that? I do not recall that. But on
10 the previous visit, because of what we were told,
11 I could not personally take photographs. So I
12 would ask counsel to take photographs because I
13 wanted to have that basically as a document.

14 Q. So all of these prior visits -- I won't
15 hold you to the specific. We think it's about
16 three -- including February 11, there were
17 photographs taken either by yourself or at your
18 direction by counsel?

19 A. I don't know if it was on every visit
20 because sometimes they'd say no photographs. I
21 don't recall exactly what the circumstances were,
22 but they are not always the same.

23 Q. We'll get to it in a minute, but you
24 clearly went in May of '24, and you clearly took
25 photos or someone did because they're in your

1 report. Okay?

2 A. Yeah, on that one, on that specific one,
3 I believe I had to ask counsel to take photographs
4 because I was not -- the name of the game was the
5 expert don't take photographs.

6 Q. Did they then send those images -- they,
7 DOJ lawyer, whoever it was that took the photos,
8 did they then text or email you those digital
9 photos for the May '24 inspection if you didn't
10 take the photo?

11 A. If I didn't take the photo?

12 Q. Yeah.

13 A. At some point I got them, yes.

14 Q. And the photographs that you took on
15 February 11 using your phone, do you still have
16 those digital original native images?

17 A. I don't remember taking them with my
18 phone. I think I took them with a camera.

19 Q. Do you still have that camera digital
20 photographs, original native files of the photos
21 you took that day?

22 A. Well, I used the company camera, not my
23 personal camera, and that camera is used for
24 different projects.

25 Q. I'm not asking about the camera. I'm

1 asking the images, the Bates native images. Do
2 you still have the native images of those photos
3 you took on February 11?

4 MS. O'LEARY: Object to foundation.

5 THE WITNESS: My recollection they were
6 downloaded and provided to counsel.

7 BY MR. DEAN:

8 Q. So you don't have copies of these native
9 images?

10 A. I think I do.

11 Q. But, obviously, the Department of
12 Justice, you believe you provided the native image
13 files to them?

14 A. My recollection, it would have been
15 electronic transfer of those photographs to them.

16 (Hennet Exhibit 12 was marked.)

17 BY MR. DEAN:

18 Q. We'll call it Exhibit 12 is all of those
19 photos provided to us, whatever that date Haroon
20 provided them.

21 MS. O'LEARY: I think just referencing
22 Exhibit 10, which has the supplemental and
23 corrected reliance list, we're talking about the
24 Bates-stamps HENNET_USA_1 through 96?

25 MR. DEAN: Correct. Like I said, I'll

1 just give you this.

2 MS. O'LEARY: Is this a copy?

3 MR. DEAN: Yeah. I'm going to put them
4 on the screen. Actually, I was going to put it
5 into the record, but for all of us, I'm going to
6 throw them on the screen and refresh his
7 recollection about all these photos.

8 So for the record I've given you
9 Exhibit 12, which are the photos and we're fixing
10 to show the witness.

11 BY MR. DEAN:

12 Q. Now, do you see on the screen,
13 Dr. Hennet, a photograph dated -- with a
14 timestamp, date stamp of 2/11/2025 at
15 HENNET_USA_1?

16 A. I recognize that photograph, yes.

17 Q. That document was produced to me as a
18 .pdf. I'm representing to you I don't have the
19 native file, but your representation to me is that
20 you personally took that photo and you took it on
21 February 11, 2025; right?

22 A. That's what I recall, yes.

23 Q. Now, whose hands are there? One person
24 actually has got a booboo.

25 A. It's not me.

1 Q. Are your hands in that picture?

2 A. I don't believe so.

3 Q. Do you wear were cowboy boots?

4 A. I didn't wear cowboy boots that I
5 recall.

6 Q. Do you know who's wearing the brown
7 cowboy boots and the gray pants?

8 A. I do not know.

9 Q. Do you know who person is kneeling down
10 with the blue jacket, tan pants and brown boots
11 holding something?

12 A. That was a person. I don't see his
13 face. But that was a person who helped doing
14 those measurements because you cannot take those
15 measurements alone.

16 Q. There's a rope there and there's a
17 person holding to the left with a bandage on their
18 left thumb.

19 Do you see that?

20 A. I see a bandage on somebody's hand?

21 Q. And that's not your hand?

22 A. That's not my hand.

23 Q. Now, there's a person standing back, and
24 all I can see is two feet or two boots.

25 Are those boots you were wearing that

1 day?

2 A. I don't think so.

3 Q. So you're not in this photo?

4 A. I am not in the photo, but I was there.

5 Q. So we got at least one, two, three,
6 four, five people at least were there on
7 February 11, 2025. Four are shown in the photo in
8 some manner, and you're off to the side somewhere;
9 is that correct?

10 A. The people who were there as I recall
11 were basically myself, counsel. And then there
12 was three, four, five people who work at the water
13 treatment plant that were basically there to
14 assist. And I asked them questions.

15 Q. What does that photo show? What is the
16 purpose of that photo?

17 A. The photograph is at the water Hadnot
18 Point water treatment plant treatment next to a
19 spiractor effluent to the left. That structure
20 that is covered with some metals there, that's the
21 head of the spiractor at that plant.

22 Now, what is represented on the
23 photograph we needed to use certain tools in order
24 to be able to estimate through measurement certain
25 distances, and the distance we wanted to measure

1 was the distance between a reference point, which
2 was that metal bar that was basically held on each
3 side of the spiractor effluent area at the level
4 that was basically making the bar always
5 horizontal.

6 And then we had to measure a distance
7 between that bar and the top of the effluent pipe
8 in the spiractor. And the spiractor, at the time
9 could do that because the spiractor was not
10 online. So it didn't have water in it. So we
11 could see the pipe and we could measure things.

12 So the way to do that was to use that
13 bar and then in order to be able to get that
14 distance, you could not go there physically
15 because it would have been a complicated thing to
16 do. You could not go there physically as a
17 person. So we used a rope, that rope there, to
18 basically position it where we wanted it to be
19 positioned, vertically, to give a distance between
20 the bar, the top of the bar in this case here, and
21 what we wanted to measure, which was the top of
22 the effluent pipe.

23 And then we could bring -- we did bring
24 the rope, if you wish, and the bar back, and we
25 measured that distance that way because we could

1 not do it directly. It would have been involved
2 getting into a system which would -- we were not
3 prepared to do and would be extremely complicated
4 to do.

5 Q. Maybe not the safest thing to do either;
6 right?

7 A. It would not have been a safe thing to
8 do.

9 Q. So the spiractor that you were doing
10 this measurement there from top to bottom, I
11 believe you mentioned or said that it was empty,
12 it was dry, there was no water in.

13 A. There was no water in it, yes.

14 Q. You're at Hadnot Point water treatment
15 plant; right?

16 A. That's correct.

17 Q. Did you take a look -- did you do any
18 research before you did this experiment? I say
19 experiment. I didn't mean to use that word.

20 Before you did these measurements and
21 went to do the work, whatever it was you did that
22 day on February 11, did you do any work to
23 research or look at any design drawings or
24 research anything about the history of the
25 equipment that you were there measuring?

1 A. I looked at documents. Among those
2 documents were drawings, but the drawings were not
3 providing me what I wanted to evaluate directly,
4 at least the drawings I was looking at.

5 Q. Where are these drawings that you were
6 looking at?

7 A. In the records, I believe.

8 Q. Can you give me -- do you know what the
9 dates of those design drawings were that you're
10 referring to? Do you know where they were right
11 now as you sit there today?

12 MS. O'LEARY: Object to form.

13 THE WITNESS: I do not know. They're in
14 the record.

15 BY MR. DEAN:

16 Q. Are they in your office?

17 A. I don't know. They're in the record.
18 So the records, I have access to the records.

19 Q. I need to identify what those records
20 are is what I'm trying to get you to help me do,
21 and we don't have to do it today if you don't
22 remember. But do you have a copy back at your
23 office of these drawings you were looking at
24 before you went to do this work on February 11?

25 A. We have access of them. I believe so.

1 It will be in the record.

2 Q. How many pages were they?

3 A. I do not know.

4 Q. Do you remember anything about the dates
5 of the documents?

6 A. I do not know.

7 Q. So other than looking at an unidentified
8 yet design drawing or two, did you do any other
9 work to ascertain the -- any historical
10 maintenance, installation or anything like that
11 related to the equipment you were measuring?

12 MS. O'LEARY: Object to foundation.

13 THE WITNESS: What I did is basically
14 looked at schematics of the spiractors. And that
15 didn't change over time to whatever I saw. It was
16 the same type of spiractors. And there is nothing
17 that I found in the records that say that would be
18 a different type or that would have been changed.
19 Spiractors are the spiractors, and they have to
20 fit the bill in the sense that they are very
21 large, very large volume for treatment that
22 basically have to fit the plumbing of the a plant.
23 BY MR. DEAN:

24 Q. Understood. And you remember and it's
25 listed in your reliance materials that AH

1 Environmental in 2004 did some of these similar,
2 if not same, measurements you're talking about?

3 A. I don't think that's correct. AH did
4 not do any measurement. They just looked at stuff
5 and they estimated.

6 Q. So you don't think AH Environmental
7 measured the spiractors like you did and similar
8 equipment back then 20 years ago?

9 A. They did not.

10 Q. Let's go to photo 2.

11 What is the basis or why do you think or
12 what do you rely upon to say that AH Environmental
13 did not do some of these same measurements on
14 certain equipment like you did in 2004? What are
15 you relying on?

16 A. The AH report.

17 Q. And you don't remember anything in my
18 report that relates to their doing any
19 measurements?

20 MS. O'LEARY: Object to foundation.

21 THE WITNESS: What I recall is a report
22 that say visual estimate.

23 BY MR. DEAN:

24 Q. Just a different angle, page 3?

25 A. Yes. This is just another angle. And

1 if you see the opening into the spiractor, it's
2 that little basically rectangular opening there to
3 the left. And that's one of the complication with
4 the Hadnot Point spiractors. They are covered
5 with basically a metallic protection cover.

6 MR. DEAN: Give me about seven more
7 minutes -- it will be at a quarter till -- and see
8 if I can get through this or not. Then we can
9 take a break till about -- 45 minutes or so?

10 MS. O'LEARY: Are you okay? Do you need
11 a break?

12 MR. DEAN: It will be about seven or
13 eight minutes.

14 THE WITNESS: I can do seven minutes.
15 BY MR. DEAN:

16 Q. Next page. What is shown on page
17 HENNET_USA Bates-stamp 4, and why are you taking
18 that photo?

19 A. This photograph is basically taken from
20 the other side of the spiractor, which has a
21 bigger, a larger opening. You saw on the previous
22 photograph you have a smaller opening on one side
23 and a larger one on this side.

24 On here you can see the interior of the
25 spiractor, no water. And what you are seeing in

1 the middle of the photograph is a spiractor
2 effluent pipe.

3 Q. And you say no water. How can you look
4 at this photo and tell there's no water?

5 A. I am telling you there is no water. If
6 there was water, you would see because the water
7 when the spiractor is online is all the way to the
8 rim of that pipe.

9 Q. Was there any water inside that pipe?

10 A. Can you repeat that, please?

11 Q. Is any water inside the effluent pipe?

12 A. No.

13 Q. The ruler there, again my eyes are
14 getting bad as I age. I can't read the ruler
15 there, the yellow ruler. Can you read it?

16 A. Maybe on another photograph you can. It
17 was very difficult to measure this. I noticed
18 that in my notes. And what we're trying to do
19 here was without going into this dangerous place
20 is basically to measure the distance between the
21 horizontal bar and the rim of the spiractor
22 effluent pipe.

23 Q. Why is that?

24 A. Because another measurements was to
25 measure the distance between the horizontal bar to

1 the top of the pipe. That would be to the left of
2 this. The pipe basically doesn't come as much
3 further out there.

4 Q. Can we go back one photo, please. Go
5 back one more. We'll come back to that. We'll
6 come back to that.

7 On photo 1, Bates-stamp 1, we can see --
8 it's a little blurry, but you can read those
9 numbers. It looks like the gentleman's thumb on
10 the right side is somewhere around -- is it 28 or
11 not?

12 A. I think it was 28.

13 Q. Is that important that number 28, or is
14 there some other important number?

15 A. Yes, it is.

16 Q. Why is the 28 important?

17 A. Because that's the distance, the total
18 dance between the bar, the horizontal bar and the
19 top of the pipe where it becomes -- after it
20 finishes curving, if you wish.

21 Q. And the bar, is he holding it level or
22 not?

23 A. Not here because now we removed it from
24 the spiractor environment. But when it was in the
25 spiractor environment where we deployed the roll

1 there, there it was horizontal because it was held
2 on both sides at the same level. And you can see
3 the level on the rim of the spiractor itself
4 because it is marked by the water.

5 Q. Did you measure that?

6 MS. O'LEARY: Object to form.

7 BY MR. DEAN:

8 Q. So when this was inside the spiractor
9 like you're referring to, was there a measurement
10 there so you would know the 28 inches here is
11 correct?

12 MS. O'LEARY: Object to foundation.

13 THE WITNESS: Yes. When it was inside,
14 it was the rope that was used because we could
15 bring the rope there and basically have it
16 suspended on the metallic horizontal bar to touch
17 the top of the pipe.

18 BY MR. DEAN:

19 Q. Do you have the rope that's shown on
20 page 1?

21 A. Do I have the rope?

22 Q. You used that rope as a part of this
23 experiment or measurement and that was a vital
24 piece of your tools that day to get this
25 measurement; right?

1 MS. O'LEARY: Object to foundation.

2 BY MR. DEAN:

3 Q. Right?

4 A. The rope was provided by the base
5 personnel.

6 Q. I understand that. My question, it was
7 important for you to use a vital piece of tool to
8 get the measurements. That rope was the one
9 pieces of it?

10 MS. O'LEARY: Object to form.

11 THE WITNESS: Yes. That rope was
12 selected because it's not a rubber band. It is
13 basically something that will give you an
14 estimate, a measured estimate of a distance.

15 BY MR. DEAN:

16 Q. Did you conduct a measurement to
17 determine what the elastic characteristics of that
18 rope was before you used it other than visual and
19 yourself?

20 MS. O'LEARY: Object to foundation.

21 THE WITNESS: It's held the rope in my
22 hand and said that's fine.

23 BY MR. DEAN:

24 Q. Did you take possession of that rope
25 when you left doing this?

1 A. The base has possession of that rope.

2 Q. Who on the base has possession of that
3 rope right now?

4 A. The water treatment plant personnel.

5 Q. Have you seen that rope since
6 February 11, 2025?

7 A. I didn't go to the base since then. So
8 the rope is there. I didn't see it since then.

9 Q. Did you ask anybody that day when you
10 were talking to the personnel there at the water
11 treatment plant, did you ask them to preserve that
12 rope?

13 A. I did not ask them to preserve the rope.

14 Q. Have you ever since 2005, which we
15 believe was maybe some of the first time periods
16 you started doing a little work at time Camp
17 LeJeune, for the last 20 years, have you ever
18 observed Hadnot Point water treatment plant
19 operations on and water in that spiractor?

20 A. Yes, I have.

21 Q. When was that?

22 A. For this case, the times I went to the
23 base, every time I went there. And the spiractors
24 that I observed at the time were actually online.

25 Q. When was that?

1 A. I went one time in 2024 and I believe I
2 went one time in 2023.

3 Q. Did you take any photographs of the
4 spiractors and the operations?

5 A. On the 2024 I didn't take pictures, but
6 some pictures were taken by counsel.

7 Q. These same spiractors were there in
8 2024, is that what your testimony is?

9 A. Yes.

10 Q. And did you conduct any measurements
11 when you were there in '24?

12 A. I did not.

13 Q. Was that rope there in 2024?

14 A. Not where you see on the picture. It
15 was not there. I don't know if the base had that
16 rope or not.

17 Q. When you were there in '24, you had some
18 DOJ attorneys with you; right?

19 A. Yes.

20 Q. Did you have some of the well men, some
21 of the well operations people there with you as
22 well?

23 MS. O'LEARY: Object to foundation.

24 THE WITNESS: The best I recall, some
25 people from the water treatment plant were there

1 when we visited.

2 BY MR. DEAN:

3 Q. And in '24, did you have a cell phone
4 with you?

5 A. Probably.

6 Q. Did you have a camera with you?

7 A. I did not have a camera with me because
8 we were told pictures will not be taken by us.

9 Q. But pictures could be taken by base
10 personnel, which they did?

11 A. Not base personnel. It was counsel.

12 Q. Did you ask the DOJ lawyers in '24 if
13 you could do these measurements you did in 2025
14 when you were there in '24?

15 A. Could not have done those because you
16 need some preparation to do this. It's
17 complicated. On top of it, we were on a site
18 visit with several people, other experts, counsel,
19 several counsel. And the purpose of the site
20 visit was not to do measurements at the spiractor.
21 I do recall that -- and I could not have done this
22 measurement there because I would not have had
23 what I needed to do them. Now --

24 Q. After you were there in 2024 through
25 February 11, 2025, did you make -- during that

1 timeframe, May of '24, February 1, 2025, did you
2 ever make any request for an additional visit --
3 excuse me. Strike that.

4 Between May of '24 and when you issued
5 your report on December 9, 2024, did you make any
6 request of the DOJ or the Marines to go back to
7 the base to do measurements?

8 A. Through counsel I did. And I want to
9 add that during the 2024 visit, unexpectedly there
10 was a spiractor on the truck bed, that was on a
11 truck bed. That was at the Holcomb Boulevard
12 water treatment plant. And when I saw that, I
13 said, well, it is there. It's not going to be
14 there forever. And I asked counsel to take some
15 photographs of that spiractor effluent pipe using
16 a Metro card as a scale.

17 I have a Metro card. I know exactly the
18 distance of it. And I used that as a scale on the
19 spiractor and had counsel take photographs of
20 that. So that's one.

21 Second, I did through counsel ask if the
22 base could measure the distance that I am talking
23 about here, that measurement that is important for
24 parameters that is used in volatilization
25 calculations. And I did on one spiractor effluent

1 pipe at Holcomb Boulevard. And they provided me
2 with a measurement. It was much easier to do that
3 at the Holcomb Boulevard water treatment plant
4 because the spiractor there are not covered with
5 this metallic cover that you have at the Hadnot
6 Point water treatment plant.

7 Q. Two more points. Then we'll take a
8 break.

9 So you did think about the need to do
10 the measurements you did on February 11, 2025 when
11 you saw the effluent pipe over at Holcomb
12 Boulevard; right?

13 A. The reason why --

14 Q. Let me go slowly through this and, if
15 you could, you did think about the need to do some
16 of these measurements that you ultimately did on
17 February 11, 2025 back in May of '24 when you saw
18 the effluent pipe on the back of the truck, but
19 you were at Holcomb Boulevard and you did some
20 measurements there; right?

21 A. Yes. That was an opportunity. I did
22 that.

23 Q. Didn't have the equipment, didn't what
24 you needed or circumstances weren't right for you
25 at the time May of '24 and you went back and did

1 it February of '25?

2 A. Yes. And reason I went -- that's one of
3 the reasons I went back on February 11, 2025.
4 It's because of what Dr. Sabatini basically in
5 some sense rebutted my report on some aspect of
6 it. In his estimates, he relied on a fall height,
7 which is a very important parameter for
8 calculating the losses that AH report basically
9 provided as a visual estimate.

10 And I was in some sense criticized
11 because the measurement I had was not measurements
12 for Hadnot Point water treatment plant. They were
13 measurements for the Holcomb Boulevard water
14 treatment plant spiractor effluent pipe. And you
15 have two such measurements. You have the one that
16 was on the truck bed. Basically I was there when
17 that was done. And later on, I had requested
18 through counsel that the base perform a
19 measurement on the spiractor pump, and I provided
20 that to me because I did it.

21 Q. When you took those photographs, and
22 they're in your report, we're going to go over
23 them a little bit after lunch.

24 On the pipe that you saw, the effluent
25 pipe that was in truck bed over at Holcomb

1 Boulevard and you saw it, I guess it had been used
2 and it had been removed and it was in spare parts
3 or to be discarded area or something like that;
4 right?

5 A. That's my understanding on the truck
6 bed.

7 Q. Did you do any work, see if had any
8 serial numbers to ascertain how old it was? Did
9 you do any metallurgy work on it, anything to
10 ascertain how old that particular pipe was?

11 A. I didn't see anything that would allow
12 me to do that.

13 Q. Do you even know if that pipe had
14 actually been used in the past?

15 A. That pipe obviously had been used.

16 Q. Why do you say obviously? Because it
17 was sitting in the back of a pickup truck in a
18 base salvage area. How do you know where it came
19 from?

20 MS. O'LEARY: Object to foundation.

21 THE WITNESS: Two things. The pipe had
22 been obviously used because it was encrusted, if
23 you wish, with deposits, which is typical of all
24 the spiractor pipes that I've seen in place. That
25 was one. And the second point is I was told at

1 other times that it came from the Holcomb
2 Boulevard.

3 BY MR. DEAN:

4 Q. Did someone show you where it was before
5 it went in the truck bed when it was actually
6 functioning?

7 A. No.

8 Q. Did you ask anybody where that pipe came
9 from specifically?

10 A. I came from the plant.

11 Q. Which plant?

12 A. The Holcomb Boulevard plant.

13 Q. What do you base that on?

14 A. That's what I was told.

15 Q. By who?

16 A. The people from the water treatment
17 plant.

18 Q. What was that person's name?

19 A. I do not know that person's name.

20 Q. Did you make a record of that person's
21 name so if you need to go back to confirm
22 anything, you'd have his or her information?

23 A. I did not.

24 Q. That pipe could have equally come from
25 Hadnot Point, been on the back of a truck, and

1 they parked it back there behind Holcomb
2 Boulevard, couldn't it?

3 MS. O'LEARY: Object to foundation.

4 THE WITNESS: I was told it was from
5 Holcomb Boulevard.

6 BY MR. DEAN:

7 Q. But to be fair and reasonable with me,
8 you don't know, you didn't see where it came in
9 from. It could have come from Hadnot Point as
10 well?

11 MS. O'LEARY: Object to form.

12 THE WITNESS: It was on the bed of a
13 truck, and that's all I can tell you.

14 MR. DEAN: Let's take a lunch break.

15 MS. O'LEARY: Before we go off record, I
16 just wanted to note that Exhibit 7, which was the
17 email, I understand from colleagues who's looked
18 into this, we agree that this one was not among
19 the group where we requested the clawback, but
20 that was an oversight. We think it was missed
21 because of the sort of thread nature. And we
22 assert privilege over Exhibit 7.

23 MR. DEAN: So let's do it this way.
24 Let's mark that section of the transcript
25 confidential. And let's note on the record when

1 we don't agree with you, but we'll deal with it
2 later. And we'll mark that document pursuant to
3 your request it be considered privilege and we
4 won't share it outside. We probably won't even --
5 let's remove Exhibit 7. Exhibit 7 will not be
6 attached to the transcript until this issue is
7 resolved.

8 THE VIDEOGRAPHER: We are off the record
9 at 1255.

10 (Recess from 12:55 p.m. to 1:47 p.m.)

11 THE VIDEOGRAPHER: We are on the record
12 at 1347.

13 BY MR. DEAN:

14 Q. Let's go back to Exhibit 11, your notes.
15 It should be in there Exhibit 11.

16 A. Got it.

17 Q. Now, as we go through this, if you want
18 me -- I'm going to throw some photos -- we're
19 going to go back through the photos at some point
20 in time. But what I'm saying is if you feel like
21 it would be better for me to throw one of these
22 photos up for you to illustrate what you're doing
23 here, just tell me.

24 A. I will.

25 Q. We may jump around a little bit too

1 because I don't have photos of water buffalos up
 2 here yet. But let's go to item number two.
 3 Explain to me -- it says spiractor effluent pipe.
 4 That's a good photo to use? Tell me. If not,
 5 I'll find a different one. Tell me what your
 6 notes say in No. 2 and how that information
 7 supports your opinions.

8 MS. O'LEARY: For the record, that's in
 9 Exhibit 11.

10 MR. DEAN: Correct, Exhibit 11.

11 THE WITNESS: So item two on Exhibit 11
 12 is basically an explanation of the result of the
 13 estimated measurements that I performed on
 14 February 11, 2025 at the HP WTP, HP water
 15 treatment plant spiractor effluent pipe.

16 BY MR. DEAN:

17 Q. So which pipe -- so we're clear, you
 18 appear to be taking some measurements. You've
 19 recorded some measurements here. Which pipe are
 20 you measuring the 14-1/2 to 15, the 24 to 18? Is
 21 it at Hadnot Point? Is it the one that was --
 22 which pipe are you measuring?

23 A. This is specifically related to Hadnot
 24 Point and the photographs that we have looked at.

25 Q. So you're measuring that pipe in photo

1 Hennet 4 dated 2/11/25?

2 A. That's correct.

3 Q. Is that a good photo for you to use
4 to -- let me tell you what I'm trying to figure
5 out, and I don't care how we do it, whatever is
6 most convenient and quick for you and me both.
7 I'm trying to find a photo that can demonstrate
8 what you're doing in number two.

9 MS. O'LEARY: And that's on Exhibit 11?

10 MR. DEAN: On Exhibit 11.

11 MS. BAUGHMAN: Kevin, for the record
12 what you're showing now is No. 8?

13 MR. DEAN: Is HENNET_USA_8.

14 BY MR. DEAN:

15 Q. So eight is one possibility. Stop me if
16 you see a photo that you think might help us
17 illustrate what you're doing in No. 2.

18 A. This is a photograph that I took.

19 Q. We're looking at HENNET_USA_38 taken
20 2/11/25.

21 My question is: Do that help
22 illustrated the measurements that you're showing
23 on Exhibit 11 under item No. 2?

24 A. Yes, it does.

25 Q. And what does it show?

1 A. It is basically a measurement of the
2 diameter of the effluent pipe.

3 Q. And is that effluent pipe that you're
4 measuring there at Hadnot Point water treatment
5 plant?

6 A. Yes.

7 Q. And did you inspect -- first of all, did
8 you ask anybody when that particular pipe was
9 installed? Did you get any history from anyone?

10 A. Nobody knew.

11 Q. Did you ask?

12 A. Yes, I did.

13 Q. Did you look at any documents to
14 ascertain when that effluent pipe extension or end
15 was installed?

16 A. I found no information as to this
17 particular pipe installment.

18 Q. Did you look at the pipe to see if it
19 had any markings on it, serial numbers, markings,
20 where it came from, anything like that, to give
21 you any information about its era?

22 A. There is no such information that I
23 could see.

24 Q. Again, do you have a better photo? Is
25 that is the best photo angle? Because of where

1 you were situated, I understand it was a safety
2 issue. You didn't have the ability to shoot
3 straight down, did you?

4 A. I did not have that ability.

5 Q. So you're measuring the inside diameter;
6 is that fair?

7 A. That's correct.

8 Q. And so the 14-1/2 to 15-inch measurement
9 that you're doing there is the inside diameter
10 best estimation just because you can't see
11 straight down?

12 A. Right. It is the best measured estimate
13 of the diameter of the effluent pipe.

14 Q. Now, see if we can get this other
15 measurement photo. You were measuring -- is this
16 the same pipe at a different angle?

17 MS. O'LEARY: For the record, this is
18 82.

19 MR. DEAN: I'm sorry.

20 BY MR. DEAN:

21 Q. I'm showing you, Dr. Hennet,
22 HENNET_USA_82 showing that you took it on 2/11.

23 Is that the same you pipe or a different
24 pipe than the photo we saw before?

25 A. This is the same pipe.

1 Q. And what is purpose of the measurement
2 in the photograph 82, page 82?

3 A. It's to obtain measurement -- measure
4 estimate of the distance between the top of the
5 metallic bar, the horizontal bar, to the rim of
6 the effluent pipe.

7 Q. And is that shown on your -- your
8 interpretation or your measurement estimate, is it
9 shown in Section 2?

10 MS. O'LEARY: Exhibit 11.

11 BY MR. DEAN:

12 Q. On Exhibit 11.

13 A. It is not shown on Exhibit 11, but that
14 was measured in order to have dimensions for the
15 pipe, per se. This is the distance from the
16 reference bar to the rim.

17 Q. And what's the inside diameter of the
18 horizontal part of the pipe?

19 A. The inside -- I couldn't measure that
20 part, but having observed the other effluent pipe
21 that was from the Hadnot Point treatment plant,
22 the pipe is actually -- the diameter appears to be
23 actually a little bit smaller away from this area
24 that you have on the photograph and maybe further
25 away than what even you can see on the photograph.

1 Q. So this is a Hadnot Point spiractor
2 tube, right, pipe?

3 A. This one is at Holcomb Boulevard water
4 treatment plant. That photograph was not taken by
5 me.

6 Q. Who took that a photo?

7 A. Base personnel upon my request.

8 Q. We're looking at CLJA_USMC_spiractors 2,
9 and you believe that photo was taken at Holcomb
10 Boulevard?

11 A. Yes. It was taken at Holcomb Boulevard.

12 Q. That pipe, the effluent pipe and the
13 supply pipe at the bottom where they come
14 together, they're the same size appear in this
15 photo?

16 A. Yes, they do.

17 Q. Where is that photo, HENNET_USA_9,
18 taken?

19 A. This one was taken at the Hadnot Point
20 water treatment plant.

21 Q. And did you measure -- so is this the
22 same pipe that you measured the inside diameter of
23 the top of the spiractor?

24 A. That is the same pipe that we looked at
25 before, yes.

1 Q. Did you measure the section of the pipe,
2 the supply pipe that comes to the curved spiractor
3 end?

4 A. No. What I measured was the distance
5 between the top of the horizontal bar to the top
6 of the pipe at that location with a rope that we
7 discussed before, and then I measured the length
8 of that distance.

9 Q. I understand that. If I also remember
10 for the record, I mean, all this stuff was empty,
11 dry?

12 A. Everything was dry.

13 Q. But what I was trying to figure out is
14 what is your belief the diameter of this pipe is
15 right here? It looks like to me it's PVC of some
16 court.

17 A. It is not PVC.

18 Q. The two pieces are assembled in this
19 little area here with the crease; right?

20 A. That's my understanding, yes.

21 Q. Did you measure the diameter of the
22 first part of the pipe that's coming out of the
23 wall?

24 A. No. I could not do that.

25 Q. So you don't have any idea of the size

1 of this pipe that's supplying the effluent pipe
2 ending piece there?

3 A. That portion of the pipe doesn't supply.
4 It is an exit. So the water enters the effluent
5 pipe from the rim you see there, and it goes by
6 gravity that way (indicating).

7 Q. Do you know when the spiractor is active
8 what the level of water would be in the effluent
9 pipe horizontally?

10 A. That was estimated in the AH report as
11 approximately 6 inches. That would be called the
12 tail end water height.

13 Q. Can you show me -- I've got on the
14 screen -- I'm showing you HENNET_USA_10. Can you
15 tell me the purpose of that measurement?

16 A. This measurement is a measurement of the
17 distance between the top of the water reservoir to
18 basically vent, exit.

19 Q. I cannot -- is there some reason someone
20 didn't take the photo so you can see the
21 measurement of the pipe clearly?

22 A. I think there are photographs that show
23 that.

24 Q. But that particular one you can't tell
25 the exactness of the measurement, can you, in that

1 angle?

2 A. You can make a fair guess, but I think
3 you have a better photograph of that particular
4 vent pipe.

5 Q. I'm showing you HENNET_USA_11. Do you
6 know what the purpose of that photo is and what's
7 going on there?

8 A. This is -- this was explained to me to
9 be the treated water after it comes out of the
10 sand filters, treated water.

11 Q. I'm not following. Is this an
12 experiment? A demonstration. First of all, let
13 me ask you this: Where was photo taken
14 HENNET_USA_11?

15 A. It is inside the Hadnot Point water
16 treatment plant.

17 Q. Did you turn the water on?

18 A. No. The water is the always on.

19 Q. The water is always on. And that vial
20 that's being filled up, was it always there?

21 A. I do not know.

22 Q. Did you put the vial under the water
23 faucet?

24 A. I did not.

25 Q. So do you know why that is there at all

1 from any water supply reasons?

2 A. I do not know the reason for the
3 (indecipherable) to be there. I do not know.

4 Q. Does this have anything to do with any
5 of your opinions other than it's just an
6 observation when you were in the treatment plant?

7 A. I took these photographs because it was
8 explained to me this is where the treated water,
9 after it comes out of the treatment, that's where
10 the samples are taken. That's why I took that
11 picture.

12 Q. We're looking at HENNET_USA_7. Is that
13 okay size-wise? Can you tell me what HENNET_USA_7
14 is or the purpose of the photo?

15 A. This is an open area that was open for
16 me of the finished water reservoir at the Hadnot
17 Point water treatment plant.

18 Q. And is this season normally covered up?

19 A. Normally that door is closed, yes.

20 Q. And where is the normal water level?

21 A. The water level for the reservoir
22 fluctuates I was basically informed of by about,
23 if I recall, 4 feet per day up and down.

24 Q. So when you measured it at whatever time
25 it was on February 11 -- I guess the water level

1 is this level right here under the first stair?

2 A. I interpret this as the top of the water
3 level.

4 Q. You interpreted this to be the top of
5 the water level just below -- between the first
6 and the second step?

7 A. Yes. And, as a matter of fact, it was
8 explained to me to be that, because if it goes
9 higher, the water would exit the reservoir through
10 an overflow pipe or vent.

11 Q. Now, what stage of treatment is this?
12 Is this ready to be furnished? Is this finished
13 water ready to be pumped out, or is it still in
14 the treatment process?

15 A. This is finished water, which is
16 basically ready to be pumped into the supply
17 system.

18 Q. When you were there on February 11, did
19 you drink any water?

20 A. I don't recall. I probably -- not
21 there. I wasn't there.

22 Q. You might have had bolted water. But
23 did you drink this water at Hadnot Point?

24 A. I didn't go down there to have a look,
25 no.

1 Q. Does that look like water you would want
2 to drink with all the rust in that tank and all
3 the pipe going down? Does that look like safe
4 water even today?

5 A. Safe water is based on measurement of
6 that water. And this is not an unusual setting
7 for a water reservoir that has been there for a
8 while.

9 Q. Who told you the fluctuation was 4 feet?

10 A. People at the base when I asked that
11 question. They have a system, and based on that
12 system, they were able to answer that question.

13 Q. What do you mean by "they have a
14 system"?

15 A. They measure it, I mean, automatic
16 measurement.

17 Q. What was the person's name that told you
18 that it was a fluctuations of 4 foot?

19 A. It was a person who worked at the water
20 treatment plant.

21 Q. What was that person's name?

22 A. I do not recall his name.

23 Q. Did you make any notes other than the
24 two pages that we have that would identify this
25 person and the specific statement they made about

1 4 feet?

2 A. I did not take his name. The people
3 were there basically serving the base. They don't
4 give me their names. They're working. They're
5 doing their job. And I ask them questions and
6 they responded and I noted it.

7 Q. Do you, yourself, personally observe a
8 4-foot fluctuation of the water level in order to
9 be able to use that information to support or use
10 those observations to support your opinions?

11 MS. O'LEARY: Object to foundation.

12 THE WITNESS: No. I could not have seen
13 that within the short time that I observed this
14 reservoir water level.

15 BY MR. DEAN:

16 Q. If you stayed there for 24 hours and
17 observed this well, you would possibly have been
18 able to make that observation; right?

19 A. That's possibly.

20 Q. And was there more than one person who
21 told you about the 4 feet or were there like four
22 or five people standing around that agreed it was
23 4 feet? How many people were you talking about to
24 about the fluctuation, one or more?

25 MS. O'LEARY: Object to form.

1 THE WITNESS: There were several people.
2 And the question was posed when we were in the
3 room where they have the water pressure monitoring
4 done. They have a computer that basically shows
5 water levels in different places. And the
6 reservoirs are one of those places.

7 BY MR. DEAN:

8 Q. Did the system of measuring the
9 fluctuation of the water levels, did you ask them
10 if they kept any records of that?

11 A. I know they measure it. I would say
12 they probably keep a record of that for a period
13 of time.

14 Q. Not you. I'm talking about you got
15 information from the unnamed person who gave you
16 the 4-foot fluctuation. My question was a little
17 different.

18 Did you ask them whether they kept
19 records of that fluctuation using their measuring
20 system? Did they keep any records of this 4-foot
21 fluctuation measuring system?

22 A. I do not know if they keep records, but
23 that's something they monitor because it is
24 important. If it is too low, there can be a
25 failure. If it who high, it will overflow.

1 Q. Did you ask how long they had been using
2 this system to measure the fluctuation to be able
3 to say it's 4 feet?

4 A. What I was told is that that's a
5 parameter that has to be measured for the system
6 to function. I can extrapolate that to say from
7 day, one they were monitoring the water level on
8 the reservoir, and it goes up and down because it
9 demands (indecipherable).

10 Q. You did you ask this person how long
11 their measuring system had been a recording a
12 4-foot fluctuation? Did you ask this person that
13 question?

14 A. I was told that it was basically typical
15 fluctuation.

16 Q. Do you know how long that person had
17 worked to the water treatment plant?

18 A. Not exactly, but I ask. People that
19 were there were working there for 10 years, 15
20 years, but not a hundred years.

21 Q. The specific person that told you the
22 4-foot fluctuation, specifically since you don't
23 remember that person's name, do you know how long
24 that person had been on the base to make these
25 observations?

1 A. As I said before, they were several
2 person in the room, and all those people were
3 operating this. And basically the answer was
4 provided, and everybody chimed in. They say
5 that's typical. That's what I do recall.

6 Q. You said in the room. Did you all have
7 a meeting either before or after you did the site
8 work?

9 A. Yes. When we talked about those
10 specific things, like water level fluctuation,
11 that was done inside the water treatment plant.

12 Q. At a conference room of some sort?

13 A. Yes, in a room inside the Hadnot Point
14 water treatment plant.

15 Q. You had a note pad that has S.S.
16 Papadopoulos & Associates with you; right?

17 A. Yes.

18 Q. Did you create Exhibit 11, the two pages
19 of notes, on February 11, or did you go home the
20 next day or two and fill out these from some other
21 records you had?

22 A. I don't remember when I did this.
23 Probably the next day this.

24 Q. Did you copy off of something else that
25 you had?

1 A. I probably took some notes of that, like
2 very brief notes because some of those notes you
3 have standing. And then I just put them so they
4 can be understood.

5 Q. While you were in the room and you were
6 taking notes on some other note pad or some other
7 notes, did you write down the things that this
8 person was telling you on that note pad?

9 MS. O'LEARY: Object to foundation.

10 THE WITNESS: Yes, I did. Then I
11 transferred that here. And then basically I
12 discarded the draft or I may still have it. I do
13 not know that.

14 BY MR. DEAN:

15 Q. Do you know where those other notes are
16 for which you created Exhibit 11 notes the next
17 day?

18 A. If they still do exist, I have them in
19 my office probably.

20 Q. Well, do you know as you sit here today
21 if you still have them?

22 A. And I do not know right now.

23 Q. But right now we do know you don't
24 remember the names of the individual or
25 individuals in the room that provided you this

1 that 4-foot fluctuation history; right?

2 A. The names of those people was not
3 provided to me.

4 Q. Did you ask and they just didn't want to
5 give you that info?

6 A. I was told that there is no photograph
7 of individuals. And basically you had four, five
8 people there depending on when in the tour. And I
9 did not ask the name of those individuals one
10 after the other.

11 Q. Did you walk in the room and extend your
12 hand and introduce yourself?

13 A. No.

14 Q. Did they introduce themselves to you?

15 A. No. I was basically following the
16 leader of the visit or the leaders of the visit,
17 which to my understanding was basically the person
18 in charge of the entire treatment plant.

19 Q. Did you tell me you thought they kept
20 measurement records or not?

21 A. I said you can ask them if you want.
22 But they do measure things, and measurements
23 typically are kept for a period of time. I do not
24 know the period of time.

25 Q. Fair. Did you ask them whether -- to

1 look at those measurement records to verify the 4
2 foot that you had been told?

3 A. Well, I recall that they showed me on
4 the screen some fluctuations. I recall that. And
5 those numbers came basically from those.

6 Q. What screen were you looking at?

7 A. Again, it was in a room where they do
8 monitor those devices that measure the elevation
9 in many places, including the water towers, in the
10 water reservoirs, the finished water reservoirs,
11 the old water reservoirs, those kinds of things.

12 Q. We're making progress. You're in a room
13 with some individuals that operate the water
14 treatment plant at Hadnot Point; right?

15 A. Some?

16 MS. O'LEARY: Object to form.

17 BY MR. DEAN:

18 Q. And you are taking some notes on another
19 piece of paper about observations, what you're
20 learning as you're talking to these and they're
21 showing you a computer screen with some data.
22 Sounds like to me it's a chart, flowchart of some
23 sort.

24 MS. O'LEARY: Object to form.

25 THE WITNESS: First of all, there was

1 individuals, not only one.

2 BY MR. DEAN:

3 Q. I understand.

4 A. Second of all, they showed me that. And
5 I asked specific questions, like what is the water
6 level fluctuation in the finished water reservoir.
7 I asked that question and they answered.

8 Q. I understand.

9 A. I am not finished. And then they also
10 showed me on the screen some graphs of water
11 fluctuations in the water towers and the
12 reservoirs. That's what I recall. I'm not
13 finished.

14 And then I took notes of that. And for
15 the reservoirs, my note is 4 feet typical per day.
16 And for the water tower, it's basically 6 feet, if
17 I recall, typical per day.

18 Q. Thank you for that. I was asking a
19 little different question sort of as a lawyer.

20 The screen you were looking at, is it a
21 computer screen or a TV screen?

22 A. It was a computer screen smaller than
23 the one you're showing me now, but it was hooked
24 up to a computer I suppose because I did not check
25 where the extension word went.

1 Q. And you were looking at some from
2 computer data history records of some fluctuation
3 data of some sort; right?

4 A. That's right.

5 Q. And could you tell from looking at the
6 screen or asking questions how far back the
7 information and data went?

8 A. I think so because you had two axes.
9 One was in feet and the other axis was basically
10 time, time and date, as I recall. And what I saw
11 was basically what was going on.

12 Q. But you don't know how far back that
13 information went?

14 A. I do not know how far back that
15 information could be retrieved. I do not know
16 that.

17 Q. Was there a printer room?

18 A. I do not know that.

19 Q. Did you take a picture of the screen
20 that you were looking at to get the information
21 for which you now opine that it's approximately a
22 4-foot fluctuation?

23 A. I did not taking a picture of that.

24 Q. Did you ask anybody if they had the
25 capability to print out the screen you were

1 looking at in order to base your opinion of a
2 4-foot fluctuation?

3 MS. O'LEARY: Object to form.

4 THE WITNESS: I did not.

5 BY MR. DEAN:

6 Q. If you were talking to these well
7 operators in 2025 and they've been there 10 or 15
8 years, assuming you're accurate, that means that
9 they may have started their employment 2010
10 hypothetically using that math; right?

11 MS. O'LEARY: Object to form.

12 THE WITNESS: I do not know the exact
13 employment history of each one of those
14 individuals. But I asked was anyone there in the
15 1980s, and the answer was no.

16 BY MR. DEAN:

17 Q. So none of them were there in the '80s.

18 Do you know if any of them were there in
19 2004? Did you ask that question?

20 A. I did not ask that question.

21 Q. And the record you were looking at, how
22 long did you spend looking at the screen -- let me
23 strike that and ask a different way.

24 All I'm trying to figure out is the
25 fluctuation data you were looking at, the screen,

1 and you said it was an axis chart. Do you know
2 what the timeframe of that chart was that you were
3 looking at? Was it data for 2024 or 2025, the
4 last few weeks? What era was that data and the
5 information you were looking at on the screen?

6 A. My recollection, the time axis was by
7 the week.

8 Q. So the week before you got there?

9 A. Yes, because it was up to date.

10 Q. Did you ask anybody what were any
11 changes in the operations, the pumping operations
12 there from 2004 to the week before you were there?
13 Did you ask anybody if they were aware of any
14 differences in the operational characteristics of
15 the plant?

16 A. I asked that question. Basically, to
17 their knowledge, it was still the same. They were
18 just keeping operating it the same way.

19 Q. How long were you in the room with them
20 approximately?

21 A. Which room?

22 Q. The room where you were looking at the
23 data on the screen.

24 A. I don't know, 20 minutes, 30 minutes.

25 Q. Was there a desk in this room, chairs?

1 A. For the people who work there, yes. I
2 was standing.

3 Q. Were there file cabinets?

4 A. I do not recall that.

5 Q. Did you ask them while they were on the
6 computer showing you that screen to go into any
7 historic records and look at any additional
8 documents or information?

9 A. No, because I asked the question. The
10 question I asked was in another room. Everybody
11 was standing. But it's inside the plant. And
12 then to answer those questions, we went to that
13 room where you had the computer screen that
14 basically showed me the fluctuations.

15 Q. Did you ask before you went out to do
16 your measurements -- for example, you can see the
17 spiractor pipe HENNET_USA_4.

18 Did you ask any of those gentlemen in
19 the 20-minute meeting whether or not any of these
20 spiractor pipes had been changed since 2004?

21 A. I asked that question, but it was not in
22 the same room. It was in the previous room when I
23 asked a series of questions. Nobody was aware
24 that any one of those pipes was ever changed to
25 their recollection. That's what that answer was.

1 So the answer was no.

2 Q. And you don't know their names. You
3 don't know exactly how many people were in the
4 room. You were looking at data on the screen that
5 was for the week before you arrived. The pipes,
6 they don't remember them being changed while
7 they've been employees, but you don't know how
8 long they've been employees; right?

9 A. Approximately as I answered before.

10 Q. 10 to 15 years?

11 A. The oldest one maybe 20. I don't know.
12 I just tell you what I recollect.

13 (Hennet Exhibit 13 was marked.)

14 BY MR. DEAN:

15 Q. Now, Exhibit 13 I believe is the AH
16 Consultants December 2004 report that you and I
17 have been talking about; correct?

18 A. That's the report I mentioned, yes.

19 Q. Do you see on -- turn to page 1-1.

20 A. Yes.

21 Q. The last sentence at the bottom of
22 Section 1.1, does it read, "As a part of this
23 effort, AH conducted a literature review and a
24 search of the appropriate archives to assist in
25 the development of reference estimates of the VOC

1 removal rates that you might have occurred through
2 Hadnot Point, Holcomb Boulevard and Tawara Terrace
3 water treatment plants."

4 Did I read that correctly?

5 A. You read that correctly.

6 Q. On page 2-1 under the Chronology
7 section, second full paragraph beginning, in 1982
8 contamination of the Hadnot Point and Tawara
9 Terrace water systems with tetrachloroethylene or
10 PCE and TCE was detected during monitoring of
11 trihalomethanes.

12 Do you see that?

13 A. I see that except you didn't read it
14 correctly.

15 Q. Do you want to read it for me? I was
16 embarrassed because I couldn't pronounce the
17 words. So you go ahead and read it.

18 A. "In 1982, contamination at the Hadnot
19 Point and Tawara Terrace water systems with
20 tetrachloroethylene (perchloroethylene or PCE) and
21 trichloroethylene (TCE) was detected during
22 monitoring of trihalomethanes."

23 Q. Now, on page -- in your report -- you
24 might want to lay your report next to you. I
25 believe we marked it Exhibit 3.

1 A. I found Exhibit 3.

2 Q. Let's finish this first. On page 3-6 of
3 the AH report is where I'm at now.

4 MS. O'LEARY: Is that Exhibit 13?

5 MR. DEAN: Yes, ma'am.

6 THE WITNESS: Yes.

7 BY MR. DEAN:

8 Q. It says at the bottom, "The spiractors
9 at three treatment plants were identical in
10 capacity and dimensions. In the model, removal of
11 VOC occurred from the top surfaces are shown in
12 Figure 3.1 as well as from the nappe (i.e., the
13 sheet of water falling over a weir) believed to be
14 formed at the center effluent pipe."

15 Do you see that?

16 A. I see that.

17 Q. And then that figure is on the next page
18 at the top.

19 A. Yes. I see that.

20 Q. What's in that photo or that figure?

21 MS. O'LEARY: Object to foundation.

22 THE WITNESS: This is a schematic of the
23 entire spiractor.

24 BY MR. DEAN:

25 Q. And it shows in it the entire spiractor

1 is a 22 foot tall; right?

2 A. That's correct.

3 Q. It's 10.4 foot wide?

4 A. At the top.

5 Q. And it shows the spiractor pipe, I
6 guess, at the top exiting to the right?

7 A. Yes. That's the exit by gravity of the
8 spiractor pipe at the top.

9 Q. At the end of that first paragraph --
10 let's read the first sentence. "Images of the
11 pipes at the Hadnot Point water treatment plant
12 are provided in Figure 3.2 and in Figure 3.3 and a
13 detailed sketch of the effluent pipe is shown on
14 Figure 3.4."

15 Do you see that?

16 A. That's the first sentence on that page.
17 Yes.

18 Q. The last sentence, and I just want you
19 to tell me what you understand this means, says,
20 "The critical depth for a circular 12-inch pipe at
21 a flow rate of 1 MGD is approximately 6 inches."

22 What does that mean?

23 MS. O'LEARY: Object to foundation.

24 THE WITNESS: Well, the MGD is million
25 gallon per day. And that's basically the flow,

1 the capacity of flow through for a spiractor.

2 BY MR. DEAN:

3 Q. If you turn to page 3.8, next page, you
4 see a picture, Figure 3.2 of that effluent pipe?

5 Do you see that?

6 A. I see that, yes.

7 Q. And it says the era according to the
8 research done by AH Environmental in 2004, that
9 this photo was a 1941/1942 era photo.

10 MS. O'LEARY: Object to foundation.

11 BY MR. DEAN:

12 Q. Correct?

13 A. That's what it says. I have no way to
14 verify that the photograph was taken in 1942 or
15 1941.

16 Q. Then there's a different looking pipe at
17 the same Hadnot Point water treatment plant
18 spiractor in a photo in Figure 3.3, on the next
19 page, 3-9, says on the photo it was a 1944, 1945
20 era photo. Do you see that?

21 MS. O'LEARY: Object to foundation.

22 THE WITNESS: I can read that under the
23 photograph.

24 BY MR. DEAN:

25 Q. And do you agree with me that effluent

1 pipe is different than effluent pipe in 3.2?

2 A. That particular pipe is I would call it
3 L shaped. The other one is called J shaped pipe,
4 but they serve the same purpose.

5 Q. I understand they serve, but they're
6 different pipes?

7 A. They are different shape pipes.

8 Q. Now, if you go to Figure 3.4, do you see
9 where AH Environmental has measured those
10 dimensions of those pipes?

11 MS. O'LEARY: Object to foundation.

12 THE WITNESS: My understanding is I
13 didn't measure those dimensions. It's a visual
14 estimate.

15 BY MR. DEAN:

16 Q. Where do you get that from?

17 A. I don't recall exactly where, but it is
18 in the report.

19 Q. Turn to page 3-7. In the middle of the
20 paragraph it says the fall height. Do you see
21 that?

22 A. Yes.

23 Q. Is that the sentence you're referring
24 to?

25 A. Yes. And I define the fall height on

1 Figure 3.4 that we just looked at. And there you
2 have the fall height sketched out.

3 Q. No, sir. That says the fall height was
4 estimated visually. That doesn't say that the
5 pipe was not measured. Do you see what I'm
6 saying?

7 MS. O'LEARY: Object to foundation.

8 THE WITNESS: What I am saying is that
9 the fall height was not measured. The fall height
10 is the most important parameter here.

11 BY MR. DEAN:

12 Q. I'm not disagreeing with you.

13 A. And that was not measured. I see no
14 indication they did actually measure the diameter
15 of the pipe.

16 Q. Well, there's no evidence they didn't in
17 this report, is there?

18 MS. O'LEARY: Object to foundation.

19 THE WITNESS: I will have to read the
20 report again, but to my understanding, they did
21 not measure those values. I estimated them. And
22 the most important one is the fall height.

23 BY MR. DEAN:

24 Q. They measured the inside diameter of
25 that pipe to be 12 inches, that top measurement;

1 right?

2 MS. O'LEARY: Object to form and
3 foundation.

4 THE WITNESS: You will have to show me
5 where in the report it says they measured it.

6 BY MR. DEAN:

7 Q. Can you show me in the report where they
8 say they did not measure it and they got these
9 measurements visually from some picture of a pipe?

10 A. I have not soon seen a picture of a pipe
11 with a scale that could give you a measurement of
12 any of those values.

13 Q. So then you would agree with me they
14 would have had to have physically measured these
15 pipes on the scene?

16 MS. O'LEARY: Object to foundation.

17 THE WITNESS: They did a visual estimate
18 for the fall height. Why not a visual estimate
19 for the other dimensions that they provide on this
20 diagram.

21 BY MR. DEAN:

22 Q. They're showing that the water in the
23 pipe and the measurement they're taking is
24 12 inches plus 2 to get 14; correct?

25 MS. O'LEARY: I'm sorry. What are we

1 looking at?

2 MR. DEAN: I'm looking at the AH report,
3 and I'm going to stay on the AH report until I
4 give you another exhibit number. I believe it's
5 Exhibit 13.

6 MS. O'LEARY: What page?

7 MR. DEAN: I'm on page 3-10, same page
8 we've been on.

9 THE WITNESS: Can you repeat the
10 question, please?

11 BY MR. DEAN:

12 Q. Do you see that they took three
13 different measurements or they show three
14 different measurements there. First one is at the
15 top, 2 inches. And then they go -- the pipe goes
16 down 12 inches and it stops in the center, and
17 they're depicting a water level.

18 Do you see that?

19 MS. O'LEARY: On object to foundation.

20 BY MR. DEAN:

21 Q. Which would be at 14 inches.

22 MS. O'LEARY: Same objection.

23 THE WITNESS: Again, it is a visual
24 estimate. They did not show any measurement that
25 would show the 2 inch. It could be 2 inch. But

1 the 12-inch for the fall height, which is a value
2 that is important, I did not measure.

3 BY MR. DEAN:

4 Q. And then there's a measurement here of 6
5 inches from the center down to the bottom of the
6 pipe; right?

7 MS. O'LEARY: Objection. Foundation.

8 THE WITNESS: My understanding is I did
9 not measure that either. I assumed that.

10 BY MR. DEAN:

11 Q. Well, that's what I'm saying. You're
12 speculating regarding whether AH took actual
13 measurements of whatever pipe they were looking at
14 or what they were doing in 2004; right?

15 MS. O'LEARY: Object to foundation.

16 BY MR. DEAN:

17 Q. You don't know what they did.

18 MS. O'LEARY: Object to form.

19 THE WITNESS: Let's look at them one at
20 a time. We discussed already the 12-inch I
21 estimated. The 2 inch is also an estimate. And
22 the 6 inch, they also estimated for a pipe of
23 12-inch diameter that is basically flowing by
24 gravity at the given flow of the spiractor. To me
25 all of those are estimates, not measurements.

1 BY MR. DEAN:

2 Q. Is that AH Environmental still in
3 business?

4 A. I don't know. I believe so, but I do
5 not know specifically.

6 Q. Did you make any attempt to reach to
7 contact maybe at AH Environmental to verify what
8 they were referring to on the page we were just
9 reviewing?

10 MS. O'LEARY: Object to the form.

11 THE WITNESS: I did not.

12 BY MR. DEAN:

13 Q. Now, turn to page 4-15 in your report,
14 please.

15 MS. O'LEARY: This is Exhibit 3.

16 MR. DEAN: I'm sorry.

17 BY MR. DEAN:

18 Q. Let's go back. Before we go back, let's
19 go back to Exhibit 13. There's one thing I forgot
20 to ask you.

21 If you turn to page 2-5 of Exhibit 13.

22 A. I am on page 2-5.

23 Q. Under 2.3 Water Plant Descriptions
24 Systems, does it read, "The water systems of
25 concern in the ATSDR study including Hadnot Point,

1 Holcomb Boulevard and Tawara Terrace are described
2 in the following sections. The descriptions are
3 based on interviews with base personnel, site
4 visits and an examination of the design and
5 as-built drawings that were obtained as a part of
6 this project."

7 Did I read that correctly?

8 A. You did.

9 Q. So AH did do site visits?

10 MS. O'LEARY: Object to foundation.

11 THE WITNESS: It says they did, yes.

12 BY MR. DEAN:

13 Q. And in 2004, 21 years before you were
14 there, the personnel at the base in 2004 would
15 have been closer in time to the early 2000s.

16 A. I don't know. It's likely.

17 Q. Now we're finished with Exhibit 13.

18 Would you go to page 4-15 in your
19 report, which I believe is Exhibit 3.

20 A. 4-15?

21 Q. Yes, sir.

22 A. Yes.

23 Q. In the second paragraph, you say, under
24 4.5, "The first known analysis of the Camp LeJeune
25 drinking water for VOCs that included COCs was in

1 October 1980." And you footnote 41 and refer to
2 1980 Jennings lab report; right?

3 A. You read that correctly.

4 Q. If you turn over, let's start the
5 sentence at the bottom of page 4-15, last
6 sentence, it begins for, about three lines up,
7 "For example, the composite sample contained
8 39 percent, 18 and 11 percent of finished water
9 from HP, TT and HB-WTPs, respectively."

10 Did I read that right so far?

11 A. Yes, but you didn't finish sentence.

12 Q. You're right. I'll come back. "The
13 39 percent that's above that is the Hadnot Point
14 reference, the 18 is Tawara Terrace, and the 11 is
15 at Hadnot Point, Holcomb Boulevard.

16 A. Yes, that's correct.

17 Q. Then the sentence completes. The rest
18 was from the five other water supply systems.

19 A. Correct.

20 Q. "Analytical results" -- go to the next
21 page 4-16 -- "reported on October 31, 1980 showed
22 only trace levels of COCs in the composite (TCE
23 reported at .005 milligrams a liter; 1,2-DCE at
24 .006 micrograms a liter; VC at .01 micrograms a
25 liter; PCE not detected; benzene not detected)."

1 Do you see that?

2 MS. O'LEARY: Object to foundation.

3 THE WITNESS: I see that except that for
4 TCE you said 0.05 milligrams per liter.

5 BY MR. DEAN:

6 Q. What is it?

7 A. It is microgram per liter.

8 Q. Then you say, "Even assuming a worst
9 case scenario that all the reported COCs came from
10 Hadnot Point water treatment plant water, that
11 would yield only trace level COCs in that system."

12 Do you see that?

13 A. I see that.

14 Q. Then "The same can be calculated for
15 each water system, and none would show COC
16 concentrations above trace levels. This indicates
17 that none of the water supply systems were
18 contaminated with COCs at that time."

19 Did I read that correctly?

20 A. You did.

21 Q. Am I understanding that opinion is based
22 on a composite sample that was taken in 1980, that
23 sole opinion is based on this composite sample,
24 sole composite sample taken in 1980?

25 MS. O'LEARY: Object to form.

1 THE WITNESS: That description is based
2 on water samples taken at eight different water
3 treatment plants, brought to the lab, composited
4 by the lab. Labs do know how to do that. And the
5 composite that was analyzed.

6 BY MR. DEAN:

7 Q. Do you know if all those wells were
8 operating the day that sample, composite sample
9 was created?

10 MS. O'LEARY: Object to form and
11 foundation.

12 THE WITNESS: Explain to me what you
13 mean all of those wells.

14 BY MR. DEAN:

15 Q. Well, the wells that you say were
16 sampled to make up the composite sample, were
17 those wells operating the day the sample was
18 taken?

19 MS. O'LEARY: Object to foundation.

20 THE WITNESS: It was not wells that were
21 sampled. It was --

22 BY MR. DEAN:

23 Q. I'm sorry. Water at water treatment
24 plants that created the composite sample, do you
25 know if the plant was operating or the wells were

1 operating that day the composite samples were
2 taken from the water treatment plant?

3 MS. O'LEARY: Object to foundation.

4 THE WITNESS: I'm confused because it
5 seems you confused wells and water supply.

6 BY MR. DEAN:

7 Q. I may have in my first part of my
8 question. I'm trying to clear it up now. My
9 understanding is composite samples that are being
10 referred to here, eight systems were taken,
11 39 percent from the Hadnot Point water treatment
12 plant, 18 percent from the Tawara Terrace water
13 treatment plant, and 11 percent from the Holcomb
14 Boulevard water treatment plant; right?

15 A. I don't think that's correct. What is
16 correct is samples were taken at eight water
17 treatment plants, basically finished water. So
18 samples were. And then they were brought to the
19 lab or the lab took them. And in the lab they
20 were composited in a manner that is reflected in
21 that paragraph, 39 percent for Hadnot Point,
22 et cetera.

23 (Hennet Exhibit 14 was marked.)

24 BY MR. DEAN:

25 Q. I'll show you Exhibit 14. Just lay it

1 there next to you. We'll be referring to that.
2 For the record, this is Exhibit 14. It's CLW 430
3 through 434, which is the document you reference
4 for your sentence footnote 41. Also known as
5 CLJA_USMCGEN_6650 through 6654.

6 MS. O'LEARY: Object to foundation.

7 BY MR. DEAN:

8 Q. Do you see listed on the first page of
9 Exhibit 14 the eight marked samples?

10 A. Just checking something here. I see
11 this.

12 Q. Let me ask you --

13 A. It seems to be an issue with the Bates
14 number on these documents because you have --

15 Q. No, sir. Let me help you if I can.
16 Your sentence, The first known analysis of Camp
17 LeJeune drinking water's plot for VOCs that has
18 included COCs was in October 1980. Footnote 41.

19 Footnote 41 says Jennings Laboratories
20 10/31/1980 Camp LeJeune Justice Act CLW, CLW 430
21 through 435. I put in front of you Exhibit 14 is
22 the CLW 430 through 435 document you're referring
23 to.

24 A. You are correct. But there is another
25 Bates number.

1 Q. I agree. I agree. But you refer to --
2 I'm just using the one you refer to and making it
3 clear that it's the same one.

4 You agree with that?

5 A. I agree with that.

6 Q. The first two samples are Hadnot Point
7 water treatment plant samples; right?

8 MS. O'LEARY: Object to foundation.

9 BY MR. DEAN:

10 Q. Sample 1 is Hadnot Point Building 20,
11 which is the Hadnot Point treatment plant?

12 A. Right.

13 Q. Sample 2 is -- and they took two quarts
14 from there, which is a 152 milliliters; right?

15 A. No. It's 1,500.

16 Q. I'm sorry. You're right. And Number
17 two sample, they one quart from Hadnot Point
18 Building 670?

19 MS. O'LEARY: Object to foundation.

20 THE WITNESS: Yes. Building 670 is
21 Holcomb Boulevard.

22 BY MR. DEAN:

23 Q. Treatment plant?

24 A. Treatment plant.

25 Q. Now, this is dated October 31, 1980 when

1 the report was issued, but it says the samples
2 were taken on October 1.

3 A. That's right.

4 Q. Do you know if on October 1, 1980 Hadnot
5 Point well 651 was running?

6 A. I do not know. Nobody knows that.

7 Q. Have you done any work to ascertain from
8 historic records whether or not well 651 was
9 operating on October 1, 1980?

10 A. I have looked. I have looked quite a
11 lot to see what is the information on when well
12 651 was operated.

13 Q. So go back to your report. And your
14 report, last sentence of that first paragraph I
15 read, says, "This indicates that none of the water
16 supply systems were contaminated with COCs at that
17 time."

18 Do you see that?

19 A. That's a true statement, yes.

20 Q. And you rely on this report, October 31,
21 and everything else you say in that paragraph to
22 reach that conclusion?

23 A. Yes.

24 Q. I just want to make sure I understand
25 that last sentence. You're saying it's your

1 opinion based on what we just talked about that
2 none of the water supply systems at Hadnot Point,
3 at Holcomb Boulevard or Tawara Terrace were
4 contaminated on October 31, 1980?

5 MS. O'LEARY: Object to foundation.

6 BY MR. DEAN:

7 Q. October 1, 1980.

8 A. Yeah. I indicated that you had no
9 significant contamination in any of those systems
10 on October 1, 1980. That's what that reports.

11 MS. O'LEARY: If we've been going for a
12 little over an hour. So if there's point where we
13 can take a short break.

14 MR. DEAN: Now is a good time. I'm
15 fixing to go to another subject.

16 THE VIDEOGRAPHER: We are off the record
17 at 1455.

18 (Recess from 2:55 p.m. to 3:06 p.m.)

19 THE VIDEOGRAPHER: We are on the record
20 at 1506.

21 BY MR. DEAN:

22 Q. Can you go to Exhibit 3. Actually --
23 yeah, Exhibit 3. Let me get the right page for
24 you. I want to talk about your opinions for
25 Hadnot Point well 634.

1 Do you have independent opinions on
2 contamination analysis of HP-634 as far as its
3 start date of contamination, contamination at all?
4 Do you have independent opinion on that or do you
5 rely on Alex Spiliotopoulos?

6 MS. O'LEARY: Object to form and
7 foundation.

8 THE WITNESS: I have reviewed
9 independent data for well 634, and it is in my
10 opinions. I describe that.

11 BY MR. DEAN:

12 Q. What is your opinions with respect to
13 contamination at HP-634?

14 A. It is in my report. So I can go there.

15 Q. Please if you don't mind.

16 A. If you permit me to find it.

17 Q. I'm trying to get there myself. I
18 believe it's page 530. Page 531, bullet point --
19 I guess it's the third bullet point down, it says,
20 "Supply well HP-634 was not contaminated with
21 TCE."

22 Do you see that?

23 A. I see that, yes.

24 Q. And what's the basis of that opinion?

25 A. The data.

1 Q. What data are you referring to?

2 A. The available data.

3 Q. It's in your report. Let's just read it
4 together. You're saying that there's two samples
5 taken in December of 1984 after the well was shut
6 down and, two, after wells shut down in '86 and
7 '91. But on those first two, December 4 and 10th
8 they were nondetects.

9 MS. O'LEARY: Object to form and
10 foundation.

11 THE WITNESS: For TCE they were
12 nondetect.

13 BY MR. DEAN:

14 Q. Do you know what the nondetected level
15 was?

16 A. By memory, no, but we have to go back to
17 the data sheets.

18 Q. Do you know, did you do any work or
19 research or data analysis for the December 4, 1984
20 sample at HP-634 to determine whether or not that
21 was a good sample?

22 MS. O'LEARY: Object to form.

23 THE WITNESS: I looked at what is
24 available for the results on that date, and my
25 recollection is that it's some information from

1 the laboratory.

2 BY MR. DEAN:

3 Q. Do you know whether or not that
4 December 4 sample was contaminated in any way?

5 A. I would have to go back to the data
6 sheets to answer that question if it is. But I
7 recall for TCE, it was nondetect as I recall it.
8 I would need to see the datasheet to confirm.

9 Q. I think this is in your report. Table
10 C7 report ATSDR, let's see if that's in here.

11 According to your -- I'll show you the
12 form the data in just a second. I'm making a copy
13 of it. But according to your bullet pointed note
14 there, there's only one sample that shows a
15 positive result for TCE, which was taken
16 January 16, 1985 at 1300 micrograms per liter;
17 right?

18 A. Out of the five samples taken during the
19 period, yes, that's my understanding.

20 Q. But you're saying -- what's wrong with
21 that 1300 micrograms per liter measurement
22 taken in -- reported out January 16, 1985?

23 A. So you mean the one with 1300 reported?

24 Q. Yes, sir.

25 A. Well, that particular sample was part of

1 a questionable sample sets that contained broken
2 bottles based on what I have reviewed.

3 Q. And do you believe that the sample that
4 rendered the 1300 microgram per liter measurement,
5 was that sample vial broken?

6 A. Again, I will have to go to look at that.
7 There were several samples broken.

8 Q. What about the sample for 634, was that
9 vial broken?

10 A. I have to go back to look at that
11 information that I cite in my report. And I want
12 to say for these type of samples, for those type
13 of analytical means, you always -- the protocol is
14 to take more than one flask or one sample, so
15 typically two or three.

16 Q. But you believed that somehow because
17 some of the vials collected January 16 that that
18 means that the vial for 634 was somehow comprised?

19 A. It is a QA/QC flag. So the data should
20 be marked as such. You have a problem with that
21 shipment. And all the samples could have been
22 contacted by the broken vials in the package, if
23 you wish. And typically the flag, you say, well,
24 you should resample.

25 Q. Have you seen any documents to date that

1 indicate specifically which vials were broken and
2 what the condition of the 634 vial was? Have you
3 seen any documents or data that gives you that
4 information?

5 A. I recall two or three different sources
6 there. And I do not specifically recall the
7 content of those. You'll have to show them to me.

8 (Hennet Exhibit 15 was marked.)

9 BY MR. DEAN:

10 Q. We'll show you Exhibit 15, and this is
11 the data for -- and for the record, it's
12 CLJA_WATERMODELING_01-33723 through 3726. And on
13 page -- I'm going to to this referring to the
14 Bates-stamp 3724. So it's the second page.

15 Do you see the data reported out for
16 HP-634?

17 A. Well, this is, I believe, from the ATSDR
18 report.

19 Q. Correct.

20 A. And this is not the documents I was
21 referring to. I refer to original documents that
22 basically describe the sample set.

23 (Hennet Exhibit 16 was marked.)

24 BY MR. DEAN:

25 Q. Now, I'm going to show you Exhibit 16.

1 This is report # 7.

2 MS. O'LEARY: Do you have a copy of for
3 me of 16?

4 MR. DEAN: Did I hand him two copies?

5 MS. O'LEARY: I'm not sure. The last
6 one I got was 15 which was Table C7 from the ATSDR
7 report.

8 BY MR. DEAN:

9 Q. This is report 7 from the JTC
10 Environmental, December 18, 1984 report,
11 CLJA_NAVLANT-563489 through the 563498. If you
12 turn to page 3495, you see that that particular
13 Navy sample for HP-634 was received on the 12th
14 and analyzed December 14. And that's when they
15 got the chloroform, the 44V methylene chloride 130
16 reading.

17 Do you see that?

18 MS. O'LEARY: Object to form.

19 THE WITNESS: I see that.

20 BY MR. DEAN:

21 Q. Do you remember that when that -- let's
22 go to something else first.

23 (Hennet Exhibit 17 was marked.)

24 BY MR. DEAN:

25 Q. I show you Exhibit 17. That first one,

1 Exhibit 16, it's listed as a part of your
2 reference materials; correct?

3 A. I believe so.

4 Q. I'll show you just page 9 of your
5 reliance materials, which are Exhibit 1 --
6 Exhibit 10 is your supplemental reliance
7 materials. Do you see just the two reports I've
8 handed to you, Exhibit 16 and 17, do you see where
9 you listed both those reports in your reliance
10 materials, the highlighted ones that I've got
11 there for you?

12 MS. O'LEARY: What do you have
13 highlighted?

14 MR. DEAN: Report 7, Exhibit 16 and the
15 report 17 which is Exhibit 17.

16 THE WITNESS: Stay with me.

17 BY MR. DEAN:

18 Q. Exhibit 16 is the report 7; right?

19 A. 563.

20 Q. Do you see it says test report number 7.
21 That's all you got to look at on the top. Do you
22 see it on Exhibit 16?

23 A. I see that. It says Report # 7, but the
24 a Bates-stamp numbers for some reason --

25 Q. Don't worry about Bates numbers. Don't

1 worry about Bates numbers. Okay? Exhibit 16 is
2 test report # 7 that's referenced that in
3 Exhibit 10 of your reliance materials on page 9;
4 correct?

5 A. It's not the same Bates number. But it
6 has the title report number 17.

7 Q. Now go to Exhibit 17 laying there. Top
8 left-hand corner it says it's report number 17
9 Enclosure. Actually if you'll turn to the second
10 page that would be the easiest. Turn to the
11 second page. And it says at the top report 17.

12 A. It says report number 17.

13 Q. And is report 17 in your reliance
14 materials on page 9?

15 A. I believe it is.

16 Q. Now, on Exhibit 17, if you turn to the
17 page -- the easiest one for me to use is the CLW
18 number 5611, so about a third of the way in. Do
19 you see the large CLW number?

20 MS. O'LEARY: That would be the Bates at
21 the bottom CLJA_WATERMODELING_09 and then 423234.

22 MR. DEAN: Mine is cut off. Sorry I
23 couldn't give you that one.

24 BY MR. DEAN:

25 Q. Do you see on 5611 the sample received

1 January 18 reported out at 1300 microgram per
2 liter on that page 5611?

3 A. Can you repeat that?

4 Q. Do you see at the bottom besides 87V,
5 TCE is reported out at 1300 on the sample for
6 January 18?

7 A. Yes. I see that.

8 Q. Do you see anything on this lab sample
9 log, page 5611, that says anything about that
10 sample being compromised or there being some sort
11 of an issue with that sample?

12 A. Not on this sheet.

13 (Hennet Exhibit 18 was marked.)

14 BY MR. DEAN:

15 Q. I'll show you Exhibit 18 and ask you if
16 you've ever seen that document before today. I
17 will tell you it's not listed in your reliance
18 materials as a part of the ones you specifically
19 set out. It's probably covered in the catch-all.

20 My question is just: Do you as you sit
21 there today remember reading this chronology?

22 A. Those documents seem familiar, but there
23 are several chronologies in the record that look
24 about the same. So I think I have seen this.

25 Q. It's not again listed specifically in

1 your reliance reference materials, although it's
2 probably in a catch-all at the end in those
3 others, and I just was not certain of whether or
4 not you've ever considered this document and
5 considered it for your opinion in this case.
6 That's my question.

7 MS. O'LEARY: Object to form.

8 THE WITNESS: I have looked at many
9 documents, and this is probably one of the one I
10 looked at because I do remember documents that
11 looked like that that were basically chronologies.
12 I don't think they are more than one to my
13 recollection.

14 BY MR. DEAN:

15 Q. Now, do you see that January 16, 1985
16 entry? Actually let's go back up. So December 4,
17 which was the date we were talking about earlier
18 shown on the summary that had a nondetect
19 remember, it says, "Sampled Hadnot Point water
20 plant raw and treated water, plus wells 601, 603,
21 608, 634, 637 and 642 because of their proximity
22 to the 602."

23 Do you see that?

24 A. I see that.

25 Q. And it also says on 10 December, a

1 couple lines down, "Sampled HP treated water, plus
2 wells 601, 602, 608, 634, 637 and 642."

3 Do you see that?

4 A. I see that.

5 Q. 14 December, "Received the result of the
6 10 December '84 sampling. Treated water levels
7 dropped. Wells 634 and 637 previously showing
8 nothing showed significant levels of methyl
9 chloride. 634 and 637 were shut down."

10 Do you see that?

11 A. Yes. It is methylene chloride. Yes.

12 Q. I'm sorry. Now, I think in your report
13 your opinion is that as of December 14, 634 has
14 been shut down and no longer operating; is that
15 right?

16 A. 634 was shut down because of methylene
17 chloride detection.

18 Q. And it stayed shut down. It was the
19 never turned back on as far as you know?

20 A. It was not returned to service as far as
21 I know.

22 Q. I don't know exactly what page that is.
23 It might have Dr. Spilotopoulos' report.

24 But as far as you know as you sit here
25 today, you don't know of any information that 634

1 was turned back on after that December 12?

2 A. My recollection is that it was shut
3 down. It was said shut down temporarily, but I
4 saw no indication that it was ever put back in
5 service.

6 Q. Let's look at that. Do you see the next
7 entry about two down, it says 16 January 1985? Do
8 you see that entry?

9 A. Yes, I do.

10 Q. And we've already established from
11 Exhibit 17, the JTC report, that 634 was, in fact,
12 tested on January 16; right?

13 A. Can you show me which?

14 Q. Exhibit 17 or you can go to Exhibit --
15 Exhibit 17, January 16, 1985, 634 was tested.

16 MS. O'LEARY: What page is that?

17 MR. DEAN: 5611.

18 BY MR. DEAN:

19 Q. Page 5611, 634 was a well that was
20 sampled on the 16th, the sample received 18th, and
21 it was reported out on the 28th. Do you see that?

22 A. Where is the date of sampling here on
23 this page?

24 Q. Do you see at the top of 5611 it says
25 the Navy received the 634 on January 18?

1 A. Yes, but that's not the sampling data.

2 Q. Hold on. Bear with me. If you go to
3 exhibit -- go to Exhibit 15, which is this
4 document, the chart. Do you see on the second
5 page besides or down there where it says the
6 sample date for Hadnot Point 634, it lists 12/4,
7 12/10 and January 16, 1300 micrograms per liter?

8 A. Two more dates later. Yes. This is
9 from ATSDR.

10 Q. Correct.

11 A. This is not primary source of
12 information.

13 Q. Sir, the primary source of the
14 information for the 1300 reading right there shows
15 that the Navy received the sample. I'll give you
16 it doesn't say when specifically on that page the
17 sample was taken. It says the Navy received it on
18 the 18th. The result for TCE on the bottom
19 right-hand corner is 1300, isn't it?

20 A. That's correct, but it doesn't give me a
21 sampling date.

22 Q. I understand it's not there, but we can
23 get that date, assuming it's accurate, from
24 Exhibit 15; right?

25 A. Assuming that the ATSDR is accurate.

1 There were a few typos in the ATSDR sampling
2 dates.

3 Q. Also on Exhibit -- the chronology,
4 Exhibit 18, on the first page, CLW 4546, beside 16
5 January 1985, which is the same date that ATSDR
6 listed in their report as the sample date, does it
7 read, "Sampled all operating wells for Hadnot
8 Point and Holcomb Boulevard water plant (HB). 37
9 wells"?

10 Did I read that correctly?

11 A. You read that correct.

12 Q. So we got two. That's the original
13 source or that a source, not the original. That's
14 a source of the date of January 16 that all
15 operating wells including HP-634 were sampled;
16 right.

17 A. It doesn't say January 16 HP-634 on what
18 you showed me.

19 Q. It says, "All operating wells were
20 sampled that day."

21 Do you see that?

22 A. That what it says.

23 Q. 634 was sampled on that day.

24 MS. O'LEARY: Object to foundation.

25 THE WITNESS: Could be.

1 BY MR. DEAN:

2 Q. The history says it was operating that
3 day; right?

4 A. That's the words that is being used in
5 this.

6 Q. So my question is: Did you disregard
7 that fact or not consider that fact when you
8 issued your opinion saying that the well shut down
9 on December 12, 1984 and never went back into
10 service?

11 MS. O'LEARY: Object to foundation.

12 THE WITNESS: I did not disregard that.
13 I did look at the 37 wells that were sampled, and
14 it included both operating wells and the wells
15 that were shut down. For example, 602 was
16 sampled. It was shut down. So I think the person
17 who wrote this narrative just basically probably
18 used the incorrect word because what I did is I
19 sampled all water supply well that they could
20 sample. That's my interpretation of that, because
21 when I look at what was actually sampled, it
22 included wells that were not on.

23 BY MR. DEAN:

24 Q. Do you know if there's any other
25 evidence that well 634 was, in fact, operating on

1 January 6, 1985 other than the document you and I
2 just looked at, the chronology, 4546, CLW 4546?
3 It's Exhibit 18.

4 A. Well, I have searched for that. There
5 is no document I could find that would say well
6 634 after it was shut down because of methylene
7 chloride was ever restarted. You are quoting
8 something that is out of the -- not of the time,
9 but somebody just did a narrative.

10 And when they say all operating wells
11 were sampled, 37 wells, I looked at the data from
12 those resampling, and it does include wells that
13 were shut down, but they could be sampled because
14 technically because they could be sampled.

15 Q. Did you find any other historical
16 documents or any other information about operation
17 of 634 when you were doing your in-depth document
18 review in order to base your opinions other than
19 you now believe you might have seen Exhibit 18?

20 A. Yeah. My memory come back. I have seen
21 this. And then I just went to look at all the
22 wells that we sampled, and those included wells
23 that were in operation or operable as well as
24 wells that were closed at that time.

25 (Hennet Exhibit 19 was marked.)

1 BY MR. DEAN:

2 Q. Let me show you Exhibit 19. The
3 Department of Justice has retained you as an
4 expert in this case; right?

5 A. Yes.

6 Q. And they are defending the United
7 States; right?

8 A. Pardon me?

9 Q. That they are defending the United
10 States in this litigation?

11 A. That's the role of the Department of
12 Justice in this case, yes.

13 Q. And the location that's at issue in this
14 case is Camp Lejeune, North Carolina, which is a
15 Marine base under the jurisdiction of the Marine
16 Corps which falls under the Navy.

17 A. That's my understanding. I have not
18 seen documents that state specifically that. I
19 have not looked for that.

20 Q. Do you believe that the United States
21 Marine Corps, if they were to prepare a history
22 that applies to operation 634, that the Marines
23 would be accurate and truthful in that chronology?

24 MS. O'LEARY: Object to foundation.

25 THE WITNESS: As I mentioned, those

1 chronologies are put together by somebody who was
2 probably task to do that. That doesn't mean that
3 it is absolutely correct. I have noticed several
4 times where things are contradictory in the
5 record.

6 BY MR. DEAN:

7 Q. Do you trust Marine Corps chemists?

8 MS. O'LEARY: Object to foundation.

9 THE WITNESS: What do you mean by trust?

10 BY MR. DEAN:

11 Q. Do you not believe or trust a Marine
12 Corps chemist?

13 MS. O'LEARY: Object to form and
14 foundation.

15 MR. DEAN: Let me withdraw that. A
16 little argumentative. I'll object to my own
17 question and ask a different way.

18 BY MR. DEAN:

19 Q. Do you have any reason as you sit there
20 today right now to distrust, not believe, not feel
21 comfortable with a United States Marine Corps
22 chemist analyzing the operation of these wells in
23 1989?

24 A. 1989? Everybody do the best they can.
25 I don't see malfeasance, if that's what you mean,

1 but it is not to the exclusion of sometimes some
2 verbiage that is not correct for litigation or
3 basically some error. Human error happens, but --
4 I want to finish -- I don't see anyone who's is
5 trying to basically say something that I didn't
6 think was the way they said it.

7 But I do not cherry pick what I look at.
8 I look at everything. The basis of me as a
9 professional rendering an opinion it's not based
10 on the cherry picked one piece or one sentence
11 here ignoring the other ones. I am taking the
12 entirety of that, and then I make my opinion.

13 Q. And your opinions are based on the stuff
14 that's been provided to you or that you've
15 developed or researched and located, produced to
16 you. That's where you get all your information;
17 right?

18 MS. O'LEARY: Object to form.

19 BY MR. DEAN:

20 Q. Let me ask a different way. Did you get
21 any information, did you get any documents
22 directly from the Marine Corps or the Navy, or did
23 you get all of the documents and information
24 supplied to you by the Department of Justice?

25 A. My understanding as far as documents,

1 base-related documents that they basically all
2 came through the Justice Department. But if you
3 have a newspaper article, I may have read that,
4 but it was not coming from the Justice department.

5 Q. Understood. I'm going to show you
6 Exhibit 19. Exhibit 19 is a memo from a
7 supervisory chemist Elizabeth Betz, dated 11
8 April 1989. Its subject says Water Monitoring
9 Related to the Installation Restoration Program at
10 the top.

11 Do you see that?

12 A. I see that.

13 Q. This document is not listed in your
14 reliance materials in any of the call-outs through
15 page 22, although it could be covered in some of
16 the other catch-alls.

17 My question: Do you, as you sit there
18 today, specifically remember reviewing a 1989
19 Marine Corps water monitoring program history
20 document?

21 MS. O'LEARY: Object to form.

22 THE WITNESS: I believe I have seen
23 this. At least it looks like something I've seen
24 in the past.

25

1 BY MR. DEAN:

2 Q. And do you see on the second page, 1819,
3 it says Installation Restoration Program
4 Background Information? Do you see that?

5 A. I see that.

6 Q. And if you go down to line 6, that very
7 similar sentence where it says, "On December 4,
8 1984 the Hadnot Point water treatment plant's raw
9 water and treated water was sampled as well as any
10 drinking water wells within a mile of Hadnot Point
11 fuel farm or Building 202. The building numbers
12 sampled were 601, 603, 608, 634, 642."

13 Do you see that?

14 A. I do see that.

15 Q. Then the results are received on
16 December 6. In item number 8, it says from
17 October 31 -- excuse me. Does it say, "From 10-31
18 December 84 duplicate and quality control samples
19 were run to confirm the presence of TCE, DCE and
20 PCE in the wells. Wells 634 and 637 on a second
21 sampling shows methyl chloride. The wells were
22 temporarily closed until it was determined that
23 the methyl chloride was probably a laboratory
24 contaminant."

25 Do you see that?

1 A. I see that.

2 Q. If you turn to the next page, paragraph
3 9, Ms. Betz notes "On January 16, 198 37 wells
4 serving the Hadnot Point and Holcomb Boulevard
5 water plants were the sampled."

6 Do you see that?

7 A. I see that.

8 Q. Item number 13, moving forward, says,
9 "On 1 February 1985, the 31 January 1985 samples
10 showed that there was still a contaminated well
11 operating in the Hadnot Point system. The results
12 of the 16 January '85 sampling were phoned into
13 Natural Resource and showed high levels of TCE in
14 651. Well 651 is located on the backside of
15 DRMO's disposal storage lot. It was not initially
16 sampled as being in proximity to a NACIP site. It
17 had the highest levels of TCE found. The
18 concentration was in the 17,000 to 18,000 parts
19 per billion range. Well 651 was shut down."

20 Can you read what the record what it
21 says on February 1, 1985 about well 634?

22 A. Well, we're talking back to this 1300.

23 Q. Can you read into the record the rest of
24 the paragraph I just read beginning well 634, sir.

25 MS. O'LEARY: Object to form.

1 THE WITNESS: "Well 634 showed TCE also
2 and was shut down."

3 BY MR. DEAN:

4 Q. That document says 634 continued to run
5 some point in time after it was temporarily
6 closed, put back in service the end of December,
7 middle to end of December, and it ran until
8 February 1, 1985. That's what that document says;
9 right?

10 MS. O'LEARY: Object to foundation.

11 THE WITNESS: You have to help me here.
12 I don't see where says that 634 was operated for
13 the water simply.

14 BY MR. DEAN:

15 Q. Well, it says on the 1st of
16 February 1985, it was shut down. That's the
17 sentence you read. And if it shut down, it means
18 it was operating before it was shut down.

19 A. No. That's one interpretation of this.
20 But my interpretation based on everything I have
21 looked at is -- remember that this chronology here
22 was done basically four years or five years after
23 the fact. So it's basically some rehashing of
24 things. I put more credential to basically
25 documents that are close to when things happen or

1 when things happened.

2 Q. Well, this is 1989 and the other
3 document is February 26, 1985. If you go look at
4 Exhibit 18, tell me the date it says that that
5 chronology was prepared.

6 MS. O'LEARY: Object to form.

7 THE WITNESS: That chronology we talked
8 about was February 26, 1985. This one --

9 BY MR. DEAN:

10 Q. 30 days later.

11 A. That one. And this one is five years
12 later.

13 Q. Four years later and it has the same
14 wording, for the most part, of the wording that
15 was done when it was created 30 days within that
16 well -- actually, the well was shut down
17 February 1. So that's 25 days after 634 was shut
18 down. This chronology was prepared. Isn't that
19 sufficiently close in time, sir?

20 MS. O'LEARY: Object to form and
21 foundation.

22 THE WITNESS: No. I think you are
23 trying to argue with me. But the information I
24 have seen and reviewed was that well 634 was shut
25 down in December after methylene chloride was

1 reported in the water from the well.

2 BY MR. DEAN:

3 Q. And your opinion is it was never started
4 back up?

5 A. I'm not finished. I'm not finished.
6 Then I looked for information that would just
7 support what you say, that well 634 was basically
8 reused for the water supply. And you have
9 information from the time that shows you that that
10 well was not on. And that information is given in
11 my report for the period November -- for 69 days,
12 November to basically February 5, 1985, that
13 period of time. And well 634 after this period of
14 shutdown on December 10 or whatever that was, was
15 not on. And that is contemporary information that
16 tells you which wells were on and which wells were
17 off. And that I rely as being primary indication
18 and support for my opinion and deduction and
19 conclusion that well 634, once it was shut down,
20 was not restarted for the water supply.

21 Q. We'll circle back to that in a minute,
22 move onto another subject.

23 (Hennet Exhibit 20 was marked.)

24 BY MR. DEAN:

25 Q. I'll show you Exhibit 20. Do you see

1 that Exhibit 20, which is
2 CLJA_WATERMODELING_09-427825 through 427827 is a
3 meeting, 2/27/85 meeting, the day after the
4 chronology document is dated, Exhibit 19.

5 A. Are we on 19 or 20?

6 Q. I think we're on Exhibit 20. I was
7 referring back to 19 because it's got that date at
8 the top. The chronology is 18.

9 Have you seen this document before?

10 A. I believe I did.

11 Q. It's not listed in your reliance
12 materials specifically as a call-out. It could be
13 covered in some of the catch-alls at the back.

14 My question you to is: Do you know for
15 certain one way or the other in forming your
16 opinions in this case, did you, in fact, review
17 this document or not?

18 MS. O'LEARY: Object to form.

19 BY MR. DEAN:

20 Q. If you don't remember, tell me. But if
21 you remember, I'd like to know.

22 MS. O'LEARY: Same objection.

23 THE WITNESS: This document looks
24 familiar to me. I believe I have seen it.

25

1 BY MR. DEAN:

2 Q. If you turn to the second page, do you
3 see on the page 826 it is Wilmington Regional
4 Office. It's got a stamp February 7, 1985 in the
5 right corner. Do you see that?

6 A. I see that.

7 Q. And at the top it says Hadnot Point
8 Water Systems. There's a location line across the
9 top with different dates to the right. Do you see
10 that? So the locations are up and down the left
11 side, and the dates are across the top on the
12 right.

13 A. That I see that, yes.

14 Q. And if you go down to the bottom, in the
15 middle, do you see the section that says "Wells
16 out of service and could not be sampled on
17 January 16, 1985"?

18 Do you see that section?

19 A. I do see it.

20 Q. They list 610, 615, 654 and LCH 4006.
21 Did I read that list correctly?

22 A. I see that.

23 Q. 634 is not listed there as being out of
24 service, is it, sir?

25 A. It is not listed there as being out of

1 service.

2 Q. On a report generated or received on
3 February 27, 1985; correct?

4 MS. O'LEARY: Object to form.

5 THE WITNESS: That's correct. And this
6 is one piece of information I have looked at.

7 BY MR. DEAN:

8 Q. And you discounted and didn't -- before
9 we go there, do you see the information for the
10 vials in the list under 1/16? Do you see there's
11 a 1/16 date. Then there's some results listed
12 under it.

13 A. I see that.

14 Q. And the location is over along the left
15 side. Would you agree with me that this is
16 additional information that shows that samples
17 were taken January 16 because under January 16
18 next to well 634, out to the right is that same
19 reading we looked at before, 1300.

20 A. I see that.

21 Q. Do you agree with that?

22 A. Yes. And if I may elaborate on this,
23 the meaning of what you read in the record that
24 wells out of service and could not be sampled.
25 Now, if you look at the wells that were sampled

1 and you go, for example, from the top, Building
2 20, Building 20, well 601, well 602, 603, 608,
3 634, 637, 642, 651, all of those wells were
4 sampled. All of those wells were sampled.

5 Those wells sampled, basically some of
6 them were not in service. And then you have the
7 list of the wells that were sampled.

8 Q. 16 is not at the top.

9 MS. O'LEARY: Object to the foundation.
10 BY MR. DEAN:

11 Q. 16 is not listed as a sample taken
12 because it was out of service, nor was 615, nor
13 was 654, nor was LCH 4006. Those are noted listed
14 at the top on this document.

15 A. I would like to answer, and listen to my
16 logic. You try and pick the one you want, but
17 listen to what is important here. Let's take, for
18 example, well 608. Well 608 says for 1/16 it was
19 broken. You read that; right?

20 Q. Yes, sir. I can read.

21 A. Does that mean it was sampled? I
22 conclude that it does mean it was sampled. Well
23 608, was it an active well? No. It had been had
24 shut down before. It was never restarted, but it
25 could be sampled. In my evaluation of this, I

1 made the same conclusion for 634.

2 Q. But this says on its face that this
3 along with the other two documents I showed you,
4 shows that 634 was, in fact, pumping, operating,
5 when the samples were taken on January 16, 1985 as
6 well as all the way through at least February 1,
7 if not February 27 when this document was
8 prepared.

9 A. No. What this means is that 634 could
10 be sampled like 608 could be sampled. We know
11 that 608 was not in service. And what you made me
12 read earlier is that wells out of service and
13 could not be sampled outside those four.

14 What is meant by that is those you could
15 not sample. Sometimes it's because you do not
16 have a pump that function anymore or the well has
17 been probably abandoned, so it could not be
18 sampled.

19 Now, 608 was abandoned before, but it
20 was sampled as indicated by the data. 634, I saw
21 nothing that says that 634 was restarted after it
22 was shut down because of methylene chloride.

23 Q. I just shown you three documents. I'm
24 not going to argue with you anymore about it.

25 I'm just asking you: Does that change

1 your view with regard to whether your opinion is
2 correct that 634 was shut down temporarily January
3 12 and was thereafter was restarted?

4 MS. O'LEARY: Object to form.

5 THE WITNESS: And I explained to you
6 that you are reading words in a wishful manner for
7 what you try to express. And I am explaining to
8 you that basically I have not seen any indication
9 that well 634 was restarted for service, but it
10 could be sampled similarly to well 608 for
11 example, which we know for sure was never put back
12 in service. And by the way, the same is true for
13 well 602.

14 BY MR. DEAN:

15 Q. What is your basis to say that 634 was
16 shut down December 12 and never turned back on?
17 What is the basis for that statement?

18 MS. O'LEARY: Object to foundation.

19 THE WITNESS: The well was shut down at
20 that time because of methylene chloride. And I
21 found no indication that it was put back into
22 service. And the fact that you are trying to make
23 me admit that because it was sampled on
24 January 16, that means it was in service.

25 You have plenty of more direct evidence

1 that shows that 634 was not restarted. And I
2 mentioned before the document that shows the wells
3 that were on and the wells that were off between
4 November -- sometime in November all the way to
5 February 5, 1985. By November I mean November
6 1984.

7 (Hennet Exhibit 21 was marked.)

8 BY MR. DEAN:

9 Q. We're going to look at it right now.
10 Now, in your report -- I'll show you Exhibit 21.
11 I blew it up. You've seen that chart before. I
12 think that's what you're referring to; right?

13 A. That's correct.

14 Q. And you took Exhibit 21, which is an
15 operational monthly report of when these wells
16 were all -- between November 28, '84 and
17 January 6, '85; right?

18 THE WITNESS: That's right. This is
19 independent data, if you wish.

20 BY MR. DEAN:

21 Q. That you believe shows that this -- do
22 you think when this document was created,
23 Exhibit 21.

24 MS. O'LEARY: I'm sorry. I have a
25 foundation objection. I think you said January 6,

1 '85. I think it goes to February 5, if you look
2 at page 2.

3 MR. DEAN: I'm sorry. You're exactly
4 right. My apologies.

5 BY MR. DEAN:

6 Q. This chart for all these wells gives
7 November 28, 1984 and continues through
8 February 5, 1985; right?

9 A. That's correct.

10 Q. And you took that chart and you've
11 created an Excel spreadsheet, and we'll talk about
12 it later on, but you used that spreadsheet to then
13 do some calculations and come up with percentages
14 of operation time at these wells; right?

15 A. That's a basis for that, yes.

16 Q. So this is not a report. Someone
17 created a summary after they went and looked at
18 some records to create this well operational
19 history document; right?

20 MS. O'LEARY: Object to foundation.

21 THE WITNESS: Somebody working there did
22 this.

23 BY MR. DEAN:

24 Q. What did you do to ascertain or
25 investigate whether the data or the information

1 about what months shown on this chart these
2 different wells were operating? What work did you
3 do to verify that this chart was accurate before
4 you created your own chart?

5 A. Well, the chart -- you have information
6 for the well we know were shut down. Let's take
7 634 off the table now. 602, 608, we know when
8 that well was shut down. And we have some others.
9 By memory I don't remember them all.

10 But those wells were basically but out
11 of service, and that's documented. And they were
12 never restarted. By memory 602 608 are the ones I
13 remember right now. There are probably some other
14 ones. And when you look at this chart, one of the
15 things that I checked was, right, is this
16 consistent with that information. And it is. So
17 602 for example, I know that it was shut down
18 before November '84, and it's never on.

19 608, I know that it was shut down
20 approximately in early December, and it was never
21 on. All the ones that were contaminated, once
22 they discovered the contamination, they shut them
23 down.

24 Same for 634 now. 634 basically was
25 never on, was never on at all after December,

1 December 10. And it was off a few days before
2 because it was off. But it was never put back on
3 all the way to February 1985.

4 Q. I let you finish. I let you finish. So
5 let me ask a question.

6 A. Let me finish then. So this to me is
7 important data in that context, because it's not
8 somebody like ASTDR, like me or anyone else who
9 just generated this information.

10 Q. My question was: You rely primarily on
11 Exhibit 21, this chart someone created based on
12 some other information to create your chart on
13 page 418 in your report; right?

14 A. I basically base what have in my report
15 on this, and I made it to fit on one page.

16 Q. Second question, you mentioned some data
17 you conferred with to verify that the information
18 in the chart is accurate.

19 Do you remember what you were referring
20 to?

21 A. I thought I explained that. You have
22 information in the record that, for example --

23 Q. Be specific. What information are you
24 referring to that you conferred or reviewed to
25 determine that you felt this chart was accurate?

1 That's what my question is.

2 A. For example, well 602, remember this
3 chart are for the wells that are actually used for
4 the water supply. They're water supply wells when
5 you have an X that were in use to supply the
6 water. Now, I know from the record, for example,
7 well 602 was contaminated but was shut down.

8 Q. Let me stop you there. I don't know
9 what you're referring to. You just say the
10 record. I need to know what documents you're
11 relying upon that you claim you reviewed to
12 confirm that this chart was accurate.

13 MS. O'LEARY: Object to form.

14 THE WITNESS: They are documents in the
15 record that I reviewed that basically give you the
16 date when 602 was --

17 BY MR. DEAN:

18 Q. Can we agree we'll move on. As you sit
19 there, you believe there's records. You believe
20 you reviewed something, but you can't cite to them
21 specifically to me right now?

22 A. By memory I am describing those, but I
23 cannot just all of a sudden present them out of my
24 nose.

25

1 Q. So on Exhibit 21, the chart, beside 634
2 it shows it was operating on December 28 and 29
3 and it shows it was operating December 2, 3 and 5,
4 and then there's nothing for it throughout --

5 A. That was too fast for me. Can you
6 repeat, please?

7 Q. For 634 it shows only on the chart that
8 634 was operating November 28, November 29,
9 February 2, 3, 4, 5 and 6, and it stops. If you
10 turn and look all the way across that, it shows it
11 wasn't operated the rest of December, wasn't
12 operating in January. And on the back, if you go
13 to 634, it doesn't show it operating at all in
14 January or February.

15 MS. O'LEARY: Object to foundation. I
16 think you just misspoke and February when you
17 meant December.

18 BY MR. DEAN:

19 Q. The well did not operate at all in
20 December according this document or January or
21 February, and that's where you got your
22 information it must have been shut down and not
23 come back on; right?

24 MS. O'LEARY: Object to foundation.

25 THE WITNESS: That is consistent because

1 if it were to have been used, it will be
2 represented with X on this chart, and it was not.

3 BY MR. DEAN:

4 Q. Then, sir, go back to Exhibit 20 for me.
5 It's the handwritten memo page.

6 A. Yes.

7 Q. I think you missed a document. If you
8 look at page 2, that analysis, if you look at well
9 634 under the date 12/10, what is the 130F?

10 A. F stands for methylene chloride.

11 Q. Out beside both 12/4, 12/10 you have
12 this 130 reading; right?

13 MS. O'LEARY: I'm sorry for which well?

14 BY MR. DEAN:

15 Q. Well location 634 there's a methyl
16 chloride finding on a sample taken on 12/10;
17 right?

18 A. Methylene chloride, yes, on 12/10.

19 Q. And in order to obtain that sample, the
20 well is operating; right?

21 A. It doesn't mean it was operating. It
22 means it was sampled.

23 Q. Well, wouldn't you want to sample it
24 when the well is operating?

25 A. Actually, you sample when you can

1 sample. It doesn't have to have the well
2 operating. By operating, I mean providing water
3 to the water supply.

4 Q. If this chart you created on 418 that
5 you pulled from Exhibit 21, the historical summary
6 chart --

7 MS. O'LEARY: That's 418 of Exhibit 3?

8 MR. DEAN: Yes.

9 BY MR. DEAN:

10 Q. You'd need to rethink your opinions,
11 wouldn't you? If this chart is wrong, Exhibit 21,
12 for which you created 418 and did some
13 calculations, if his chart is wrong, then your
14 opinions with regard to this information and
15 calculation of these well operational
16 contributions by percentages, those opinions would
17 be wrong, wouldn't they?

18 MS. O'LEARY: Object to form.

19 THE WITNESS: This is a major piece of
20 information that I considered. It's not the only
21 one.

22 BY MR. DEAN:

23 Q. I understand. But what if it's wrong?
24 What if this information you thought was accurate
25 is wrong? Would you please agree with me you

1 would need to go back and look at your opinions?

2 MS. O'LEARY: Object to form.

3 THE WITNESS: You're asking me to
4 speculate that this is wrong.

5 BY MR. DEAN:

6 Q. I'm saying I want you to assume it's
7 wrong.

8 A. If you assume anything is wrong, if it
9 is wrong, then I would consider that and see if it
10 affects my opinion or not.

11 Q. What if some of these wells that shows
12 they're not operating on this chart are, in fact,
13 operating. Wouldn't that call into question this
14 chart that you relied upon for your calculations?
15 Yes or no.

16 MS. O'LEARY: Object to form.

17 THE WITNESS: That depends which
18 information you would show me. Is that
19 information that a well was sampled? For me, if
20 you show me information that the well was sampled,
21 it doesn't mean it was actually being pumped
22 through the water supply at the time.

23 BY MR. DEAN:

24 Q. Let's relax and go to something else.

25 A. Can we take a break sometimes for

1 relaxation? I can wait a little bit more, but at
2 some point, my coffee is working.

3 THE WITNESS: We've gone a little over
4 an hour.

5 MR. DEAN: I'm fine taking five or so
6 minutes if we could.

7 THE WITNESS: Five minutes is fine.

8 MR. DEAN: Let's take a break.

9 THE VIDEOGRAPHER: We are off the record
10 at 1610.

11 (Recess from 4:10 p.m. to 4:19 p.m.)

12 THE VIDEOGRAPHER: We are on the record
13 at 1619.

14 BY MR. DEAN:

15 Q. Can you pull back out your handwritten
16 note, please, sir, Exhibit 11.

17 A. Got it.

18 Q. And also out beside your report. We're
19 going to go to page 5-7.

20 A. Can you repeat, please?

21 Q. In your report page 5-7. We're talking
22 about volatilization losses at Hadnot Point water
23 treatment plant; right? On Exhibit 2-4 you did
24 some calculation work?

25 MS. O'LEARY: I'm sorry. What's Exhibit

1 2? Excuse me. I'm just confused.

2 BY MR. DEAN:

3 Q. Page 5-7. It's also at the top called
4 Exhibit 2-4 in your report; right?

5 A. Yes. Exhibit 2-4 is actually starting
6 on 5-6.

7 Q. How did you do those calculations?

8 A. I applied a formula that I describe in
9 an appendix to my report.

10 Q. And you started with 1000 parts per
11 billion, and you say that the treatment process
12 removes like 30 percent; is that right?

13 MS. O'LEARY: Object to foundation.

14 THE WITNESS: No. I did do everything
15 in percent. I started at 100 microgram per liter
16 and then basically taking 100 percent and then
17 that's what you reduced.

18 BY MR. DEAN:

19 Q. I'm sorry. You took 100 percent,
20 started with that. You took out 30 percent for
21 treatment process; right?

22 MS. O'LEARY: Object to foundation.

23 THE WITNESS: Where is that, please?

24 BY MR. DEAN:

25 Q. I'm trying to get you to explain to me

1 how you did the calculations that are shown on
2 Exhibit 2-4. Starting with 100 percent, how did
3 you do these calculations?

4 A. In a manner similar to what was done in
5 the AH report basically for the different
6 elements, if you wish, of the storage treatment
7 and water towers.

8 Q. You started with 100 percent. How much
9 do you believe the treatment process reduces the
10 volatilization losses?

11 MS. O'LEARY: Object to form.

12 THE WITNESS: As a whole?

13 BY MR. DEAN:

14 Q. Yes, sir.

15 A. For which compound?

16 Q. Did you apply a constant percentage of
17 30 percent to volatilization losses -- let me ask
18 it this way.

19 Your overall -- on Exhibit 2-4 under
20 TCE, your overall evaporative removal at the very
21 bottom comes out to be 17.07.

22 Do you see that?

23 A. I see that.

24 Q. And if you add up these percentages, I
25 believe, they -- do you know what they total?

1 MS. O'LEARY: Object to foundation.

2 THE WITNESS: I am not sure I understand
3 your question. What this 17 percent is is the sum
4 of the numbers that are in bold in the table for
5 each chemical. This one in particular would be
6 for TCE.

7 I want to add something. Those
8 calculated results are for the system and do not
9 include the operation of the recarbonization
10 basin. I didn't put any value on that or it does
11 not include other type of losses. This is
12 evaporative losses as it is today, if you wish, or
13 as it was when the recarbonization basin at Hadnot
14 Point water treatment plant was not operating and
15 the period of operation for the recarbonization
16 basin when it was used for its purpose is unknown.

17 BY MR. DEAN:

18 Q. Thank you for that. We'll circle back
19 to this in a minute. Let's talk about stressor
20 periods.

21 A. Stressor periods.

22 Q. So the stressor period that ATSDR did in
23 calculating and doing its water modeling, they use
24 one month and look at all this well information;
25 right?

1 MS. O'LEARY: Object to foundation.

2 BY MR. DEAN:

3 Q. They didn't do it daily?

4 A. The ASTDR model reported their results
5 as monthly averages.

6 Q. Your chart we talked about earlier that
7 you created is basically two full months?

8 A. This one?

9 Q. Yes, sir.

10 A. This is the information we have on which
11 wells were on, which wells were off for a period
12 of 69 days.

13 MS. O'LEARY: For the record, we're
14 referencing 21?

15 MR. DEAN: Yes.

16 THE WITNESS: As shown in Exhibit 21.

17 BY MR. DEAN:

18 Q. Do you believe that it's representative
19 of the true nature of well pumping and
20 contributions of these various wells look at just
21 one month?

22 MS. O'LEARY: Object to form.

23 THE WITNESS: That's not one month.
24 It's more than two months.

25

1 BY MR. DEAN:

2 Q. Do you think that's sufficient to look
3 at two months of data in December of '84 and
4 January of '85 to analyze this issue about the
5 contributions of these various wells to the
6 pumping operations?

7 MS. O'LEARY: Object to form.

8 THE WITNESS: This is the data that is
9 available. And I will comment on this in the
10 sense that during this period of time, you had
11 less wells available for pumping because some of
12 them had been closed because of contamination,
13 which implies that the other wells had to
14 compensate for that. So that information probably
15 exaggerates -- not exaggerates -- but gives a
16 relative on and off period for the well that is --
17 you had less wells. So you had to operate the
18 wells a little bit more to compensate for that.

19 BY MR. DEAN:

20 Q. Do you remember -- well, you made the
21 mention about wells coming off line. You know
22 that new wells were put in as well in this same
23 timeframe; right? Have you seen that data?

24 MS. O'LEARY: Object to foundation.

25 THE WITNESS: I don't recollect the date

1 of new wells you would be talking about. But
2 there were new wells, especially -- probably -- I
3 do not know the date of the new wells by memory,
4 but there were some, and I believe they were
5 either for Hadnot -- Holcomb Boulevard system came
6 later as far as Hadnot Point system was concerned.
7 BY MR. DEAN:

8 Q. If new wells were coming online
9 hypothetically at a particular water treatment
10 plant area, that sort of changes the history or
11 what's going on with pumping because you're taking
12 some off line and then you're bringing on some new
13 ones. And if all this is occurring at the same
14 time, it could artificially not represent the true
15 history of what might have been taking place
16 previously with respect is to certain wells.

17 Do you see what I'm saying?

18 MS. O'LEARY: Object to form.

19 THE WITNESS: I understand what you are
20 saying and I understand you are talking about the
21 tools in that sense, and nobody knows for the past
22 except this period of time, which is data in my
23 opinion.

24 BY MR. DEAN:

25 Q. And you think it's okay just to look at

1 these two months even though at the same time of
2 these two months, some wells are coming off and
3 others are potentially coming on?

4 MS. O'LEARY: Object to foundation.

5 THE WITNESS: This is the data that is
6 available.

7 (Hennet Exhibit 22 was marked.)

8 BY MR. DEAN:

9 Q. I'll show you Exhibit 22. Do you see
10 that HP-622 -- let me just for the record,
11 Exhibit 22 is CLJA_WATERMODELING_05-826091 through
12 826118.

13 Do you see that HP-622, Hadnot Point,
14 new well 622 put in 5/19/82 the construction was
15 completed. And on 6/1 there's a note that it went
16 in service. Do you see that?

17 MS. O'LEARY: Object to foundation.

18 BY MR. DEAN:

19 Q. Do you see that?

20 A. I don't see the last part, but you have
21 to be patient with me.

22 Q. At the top, 5/19/83, construction
23 completed. 6/1/84 it's in service.

24 A. I see that on this document, which is
25 from the ATSDR, I believe.

1 Q. Right. But I mean they're citing -- let
2 me ask you this: Do you not trust any of the
3 historical information that was completed by
4 ATSDR? And they've even footnoted where they got
5 the information from, including Scott Williams, a
6 June 6, 2008 email about well runs from Scott
7 Williams.

8 Do you not just the information that's
9 on this chart?

10 MS. O'LEARY: Object to form.

11 THE WITNESS: It is trust, but verified.
12 I do not care who did what. I just go always to
13 the original document that's close to that that
14 and I can do, and I consider everything in
15 between.

16 BY MR. DEAN:

17 Q. And the capacity for which this well was
18 originally drilled and -- I don't know if
19 certified is the right word, but capacity in
20 gallons per minute was 323 at the top.

21 Do you see that?

22 A. That's capacity of the well at
23 construction, yes.

24 Q. And well capacity test was performed
25 again 9/5/85 it's at 320. 1986 it's 320. 1988,

1 290. 1988, 330. Do you see that? So it's
2 consistently in the 320, 330 range; right?

3 A. For this well, it is.

4 Q. Now, if you turn to well 623, its
5 construction was, I guess, about the same day, a
6 few days off. May 25 it says it was completed.
7 Its capacity was originally 360. It went in
8 service August of 1984 according to operation
9 records. 1985 it's got a well capacity test of
10 242.

11 Do you see that?

12 A. 1985 I see that 242 capacity.

13 Q. Turn to the next page Bates-stamp ending
14 97. The next one HP-628 (new). Do you see that
15 new well went in 6/1/1984 construction completed.
16 I guess there's some capacity reading of 160 in
17 October 1984.

18 Do you see that?

19 A. I see that.

20 Q. Turn to the next well, well HP-660, that
21 one, construction was completed in July of '83.
22 Capacity test or whatever result in service
23 7/1/84, and it had I guess a capacity test
24 previously at 151 in November of '83.

25 Do you see that?

1 A. I see that. That's the only capacity
2 test.

3 Q. Agree with you.

4 A. And it was put out of service and later
5 abandoned.

6 Q. Correct, 1994. HP-661, drilled in March
7 of '83. In service August of '84. Well capacity
8 test October 26, '84 was 280.

9 Do you see that?

10 A. I see that.

11 Q. And the last one is 662, last page
12 ending 118. Says it was in service August of '83.
13 Well capacity test October of '83 146. In service
14 November 1984. Another well capacity test August
15 of '85 at 168.

16 Do you see that?

17 A. I see that.

18 Q. So going back to my question, with all
19 of those wells contributing, if you add them all
20 up, over 988 gallons per minute in addition to the
21 raw water supply, do you really think looking at
22 the two months that you looked at still are
23 representative of well cycling?

24 MS. O'LEARY: Object to foundation.

25 THE WITNESS: What we talked about on

1 this sheet, it tells you which wells were on,
2 which wells were off. A well can be in service
3 and but not being bumped.

4 BY MR. DEAN:

5 Q. Are you aware that November 30, 1984 the
6 Navy received test results for 22 sampled wells,
7 that well 602 was contaminated with benzene and
8 that that initiated additional plans for further
9 testing?

10 Do you remember that fact?

11 A. What was the date you mentioned?

12 Q. December 30, 1984.

13 MS. O'LEARY: Object to foundation.

14 THE WITNESS: I don't recall the exact
15 date, but during that time, well 602 was shown to
16 be contaminated and was basically shut down.

17 BY MR. DEAN:

18 Q. And that finding initially would have
19 resulted in some additional testing and the well
20 shut down?

21 MS. O'LEARY: Object to foundation.

22 THE WITNESS: Yes. The evaluation by
23 the base went step-wise. They were trying to
24 understand the problem.

25

1 BY MR. DEAN:

2 Q. For 602, and I believe it's in the
3 records, there were well tests of 602 December of
4 '84 and January '85 to locate the sources of
5 contamination; right.

6 MS. O'LEARY: Object to foundation.

7 THE WITNESS: What do you mean by well
8 test?

9 BY MR. DEAN:

10 Q. If you take a look at Exhibit 15, it's
11 the chart with all the well tests summarized.
12 It's Exhibit 15, ATSDR table. You can use mine.

13 A. I'd love to find mine so you can keep
14 yours. Got it.

15 Q. Do you see beside HP-602 all of the
16 testing that was done in November and December
17 checking for contamination?

18 A. I see that. We're talking about
19 chemical tests, I mean sampling and laboratory
20 analysis of chemicals. Just before we were
21 talking about capacities.

22 Q. Would those tests have affected pumping?

23 MS. O'LEARY: Object to the foundation.

24 BY MR. DEAN:

25 Q. Operations.

1 MS. O'LEARY: Object to form.

2 THE WITNESS: Test affected pumping?

3 The sampling of a well may be done when the well
4 is actually supplying water or when a well is not
5 supplying water if you have a pump that works that
6 is (indecipherable).

7 BY MR. DEAN:

8 Q. And that well was shut down, 602 was
9 shut down after those contamination results were
10 received in December of '84; correct?

11 MS. O'LEARY: Object to foundation.

12 THE WITNESS: My understanding, it was
13 shut down because contamination was reported.

14 BY MR. DEAN:

15 Q. Would the fact 602 being shut down not
16 impact pumping schedules for the other wells?

17 MS. O'LEARY: Object to form.

18 THE WITNESS: That depends if the well
19 was in use or not. But, of course, you had one
20 less well for the supply when they shut down that
21 well.

22 BY MR. DEAN:

23 Q. When you shut down one well and you got
24 so many people on base, doesn't it potentially
25 impact pumping operations at other wells?

1 A. Yes, it does. You either have to pump
2 the one you have for a longer time or you have to
3 add wells.

4 Q. What information would you need, going
5 back to Exhibit -- going back to the well service
6 for the couple months that we've been talking
7 about record that you used to create your chart,
8 what records would you need to look at if you
9 wanted to enhance this analysis to look and see
10 about what was going on with well operations
11 either before or after these time periods?

12 What sort of records would you need?

13 MS. O'LEARY: Object to form. This is
14 Exhibit 21.

15 THE WITNESS: It doesn't exist to my
16 knowledge, because I have looked for. And for the
17 time prior to this, you basically have -- if any
18 record, you basically have nothing all the way to
19 1942. You know the number of wells, more or less,
20 that you had that were potentially in service.
21 But you do not know if were they pumping or which
22 group of wells were pumping.

23 (Hennet Exhibit 23 was marked.)

24 BY MR. DEAN:

25 Q. I'll show you what I'm going to mark as

1 Exhibit 23. This is some historical information
2 about well capacity, operational history for
3 HP-651. Do you see that? It's Bates-stamped
4 CLJA_WATERMODELING_05-826112.

5 A. I see this is again from the ATSDR
6 report.

7 Q. Yes, sir. You see like some of the
8 other ones we've looked at, this information down
9 at the bottom under the footnotes, you see there's
10 footnote number three. For example, under that it
11 lists all the data sources for which this
12 information came including operation records.

13 Do you see that?

14 A. Number three?

15 Q. Footnote three.

16 A. AH Environmental Consultants, Inc.,
17 electronic communication, September 3, 2004.

18 Q. Now, you see that well was constructed
19 in 1971. Do you see that?

20 A. I see that.

21 Q. It says it went in service in '72. And
22 I think you got that in your report. Do you
23 remember that?

24 A. Yes, I do.

25 Q. And it was originally marked with a

1 capacity or constructed with a capacity rating of
2 200 gallons per minute; right?

3 A. It was tested at the capacity of
4 200 gallons per minute with a set pump at a given
5 elevation. We were given horsepower.

6 Q. 1977 well capacity test. It says 190.
7 1979, well test capacity test is the 167. 1980,
8 capacity 178. 1981 it goes up to 232. 1983 it
9 goes up to 239. And October 29, 1984, it's
10 pumping at its highest rate, 242, according to
11 this information; correct?

12 A. According to this, it is correct. And I
13 have looked at the information for this well as
14 well.

15 Q. And in your report, you opined that
16 HP-651 is only operating 39 percent of the time
17 based on your calculations and using the
18 spreadsheet you created from the historical record
19 of operation of these various wells, Exhibit 21;
20 right?

21 MS. O'LEARY: Object to foundation.

22 THE WITNESS: That's the data I have and
23 that's the data I used.

24 BY MR. DEAN:

25 Q. If it's pumping all of those historical

1 timeframes where it was tested, does it really
2 make sense that it's only pumping at 39 percent?

3 MS. O'LEARY: Object to foundation.

4 BY MR. DEAN:

5 Q. According to your calculations?

6 A. 39 percent of the time?

7 Q. That's right.

8 A. This is what the data supports.

9 (Hennet Exhibit 24 was marked.)

10 BY MR. DEAN:

11 Q. Now, again so you and I can see it
12 better, I took your page 4-18, which is your Excel
13 spreadsheet graph, and this is Exhibit 24. It's
14 that same page out of your report. It says in
15 your report under that chart Exhibit I-9,
16 Frequency of Use of Supply Wells, November 28, '84
17 to February '85. And your conclusion, Supply well
18 HP-651 was on for 27 out of 69 days, and that gave
19 you an average pumping frequency of .39; right?

20 A. That's correct.

21 Q. And that is the basis for your opinion
22 that this HP-651 was only pumping 40 percent of
23 the time or thereabouts?

24 MS. O'LEARY: Object to foundation.

25 THE WITNESS: That's it, yes.

1 (Hennet Exhibit 25 was marked.)

2 BY MR. DEAN:

3 Q. Now, I'll show you Exhibit 25. And that
4 document is an email from Anita Short at the top.
5 It was a document found in the CAGE, identified as
6 CLJA_USMC_CAGE_350325 through 345. You see the
7 subject line of all these emails is the same. It
8 says HP & HB Well Pumps: January to June 1980.

9 Do you see that?

10 A. I see that.

11 Q. Now, I didn't see this document listed
12 on your reference materials specifically called
13 out, although I think it might potentially --
14 while I'm doing that, just confirm if it's in the
15 catch-all.

16 Do you remember ever seeing that
17 document before?

18 A. I may if it is -- I may have seen it,
19 but it seems to be indicating some water levels.

20 Q. In order to get these water levels,
21 would you agree with me the well has to be
22 pumping?

23 A. No. Some of them when you have a 3-foot
24 water level, it's probably not pumping, 3-foot
25 draw down as it's called.

1 Q. If you go to well 651, which will be on
2 page 29, it's about the third page in, you see
3 well 651, the January 1980, that first record, you
4 say it says stat 25 foot, pump a hundred, draw
5 down 75. Do you see that?

6 A. I see that.

7 Q. If you look across that, you see in
8 February, March, April, May it shows all those
9 lines filled out and it's pumping?

10 A. It's pumping sometime during that period
11 of time; right.

12 (Hennet Exhibit 26 was marked.)

13 BY MR. DEAN:

14 Q. I'll show you Exhibit 26. This is
15 CLJA_USMC_CAGE_67935 through 68188. This document
16 is not listed in your reliance materials
17 specifically. But do you see that it starts in
18 1978 at the beginning on that second page at the
19 top?

20 A. I see that.

21 Q. If you turn about four pages in till you
22 get to the well 651, do you see some operational
23 data in the information there?

24 MS. O'LEARY: What's Bates-stamp?

25 MR. DEAN: CLJA_USMC_CAGE_67935 through

1 8188.

2 BY MR. DEAN:

3 Q. Right now I'm asking the question about
4 age 7944. Do you see well data, monthly well
5 pumping data for Hadnot Point, well 651, for July
6 on that particular page, August, September?

7 A. This does not give you pumping values.
8 It just tells you that during those months, the
9 well that we are talking about were used. That
10 doesn't mean they were used all the time. Of
11 course, they were not.

12 Q. I understand, but that's some
13 information that on that particular month that
14 well 651 was operated at sometime. We don't know
15 the exact date?

16 A. Exactly. But what this tells you as
17 well is for 651 is that it was not operated in
18 October of that year at all.

19 Q. Let's go back to -- where do you see
20 that? Show me what page you're looking at.

21 A. We were looking at page 7944.

22 Q. I agree 100 percent. October it's not
23 working at all?

24 A. At least it's not reported.

25 Q. Did you consider this information at all

1 in forming your opinions about what months --
2 scratch that.

3 If you look through this entire exhibit,
4 do you see that it goes all the way through July
5 of 1983, December?

6 MS. O'LEARY: Objection. Foundation.
7 BY MR. DEAN:

8 Q. Do you see on the last page, page 68188,
9 is July of '83 to December of '83?

10 MS. O'LEARY: Object to foundation.

11 THE WITNESS: That page does not inform
12 me on 651. But that page goes to December 1983
13 but for some wells at different places. So that's
14 fine. I see you probably have it under Hadnot
15 Point.

16 BY MR. DEAN:

17 Q. Here it is. It's going to be on page
18 68148, well 651. The previous page, 68146, began
19 January of '83. Do you see that?

20 A. I am on 68146.

21 Q. Do you see 1983 Hadnot Point at the top?

22 A. I see that.

23 Q. And the next page, which for whatever
24 reason, there's a Bates -- my next page says
25 68148.

1 MS. O'LEARY: That's what I have as
2 well. I don't have a 7.

3 MR. DEAN: I don't know what's going on
4 there at all.

5 BY MR. DEAN:

6 Q. But you see 651?

7 A. I see that, yes.

8 Q. January through June?

9 A. Right.

10 Q. July through December is on about three
11 page over beginning page 54.

12 A. Yes. It goes all the way to December.
13 And I believe if you follow the logic of this, it
14 would be '83.

15 Q. So we have some information for all of
16 those months, 1978 through January of '84 where
17 well 651 is pumping. I'm not sure how many days.
18 But it's pumping at least one day. And you didn't
19 consider that evidence in forming your opinions
20 that the well is only operating 39 percent of the
21 time?

22 A. I have never said that well 651 was not
23 a water supply well during the period 1972 until
24 it was shut down in 1985. It was available.
25 Those sheets are consistent with that, but I did

1 not give you a frequency of use.

2 Q. Do you agree that if you took into
3 consideration those operational months, it would
4 expand potentially the time periods to consider
5 for reaching your calculation of 39 percent using
6 only two months versus five years of well
7 operational history?

8 MS. O'LEARY: Object to form and
9 foundation.

10 THE WITNESS: I will re-answer. This
11 information shows that the well was available for
12 that period that is documented in this Exhibit 26.
13 But that doesn't give you a frequency of use.

14 BY MR. DEAN:

15 Q. Now, let's go to something else, talk
16 about water buffaloes. When you read
17 Dr. Sabatini's report, you realized that
18 Dr. Brigham had made a mistake about how the water
19 buffaloes were filled back in the day as far as
20 what hatch or location they were filled; right?

21 MS. O'LEARY: Object to foundation.

22 THE WITNESS: I don't see what mistakes.
23 My recollection is Dr. Brigham just showed water
24 buffaloes, several types of water buffaloes that
25 were used at the base at the time.

1 BY MR. DEAN:

2 Q. Well, Dr. Brigham assumed that all you
3 water buffaloes were M107s or if they all -- if
4 they had other models, that they were being filled
5 through the filler neck; right?

6 MS. O'LEARY: Object to foundation.

7 BY MR. DEAN:

8 Q. That what he says in his historical
9 expert opinion report, that these water buffaloes
10 were filled through the filler neck.

11 MS. O'LEARY: Object to form and
12 foundation.

13 THE WITNESS: You have to show me where
14 he says that because I don't recall that.

15 BY MR. DEAN:

16 Q. Well, you relied upon that up until the
17 time you issued your report to support certain
18 opinions about volatilization. And after
19 Dr. Sabatini provided his report, you then went
20 back out there February 11 and did your work
21 including filling a water buffalo; right?

22 MS. O'LEARY: Object to foundation.

23 THE WITNESS: When I made my calculation
24 for the fill up of a water buffalo, I had a
25 diagram of a water buffalo and I filled it up

1 through the filler pipe for my calculation. And
2 then I made that calculation. And then I just saw
3 the expert report that rebutted my report by
4 Dr. Sabatini in which he basically agrees with me
5 on the methodologies. But there he just also
6 included two affidavits that I had seen before
7 that says that the water buffaloes, at least some
8 of them, were filled up through the manhole. I
9 understand that, and that one of the reasons I
10 went back to the base to basically evaluate that.

11 BY MR. DEAN:

12 Q. When you issued your report in
13 December 2024, December 9, 2024 when you issued
14 your original report, did you do anything at that
15 time to verify any of the data in Dr. Brigham's
16 report?

17 MS. O'LEARY: Object to foundation.

18 THE WITNESS: I wrote my report.

19 BY MR. DEAN:

20 Q. Can you answer my question yes or no.
21 Did you do anything to verify his data
22 when you first saw his report before you prepared
23 yours?

24 MS. O'LEARY: Object to form and
25 foundation.

1 THE WITNESS: I did not do anything to
2 verify Dr. Brigham report, which basically came at
3 the same time as mine. And I made my calculation
4 as I explained in my report.

5 BY MR. DEAN:

6 Q. In your report, you did your
7 calculations based on Dr. Brigham's report saying
8 that they were filled through the filler neck;
9 right?

10 MS. O'LEARY: Object to foundation.

11 THE WITNESS: You will have to show me
12 where and what Dr. Brigham says about that if he
13 said it as you tried to insinuate, that they were
14 only filled up through the filler. I don't recall
15 reading that. So you have to show me that, and I
16 will be able to answer.

17 BY MR. DEAN:

18 Q. You assumed when you wrote your report
19 on volatilization issues about the water buffaloes
20 you relied on Dr. Brigham's report. And I can
21 represent to you he says in the report they were
22 filled through the filler neck, and that's what
23 you have in your report.

24 MS. O'LEARY: Object to foundation.

25 THE WITNESS: You have to show me

1 Dr. Brigham's report where he says that because I
2 don't recollect that specifically, not that it
3 really matter for my opinion.

4 BY MR. DEAN:

5 Q. So you go back and you do this work.
6 How does that either change your opinions about
7 how these water buffaloes were -- the
8 volatilization of the water buffaloes?

9 A. You are going to have volatilization
10 losses when a water buffalo is being filled up.

11 Q. Let me ask you this.

12 A. I am not finished.

13 Q. Let me withdraw the question.

14 A. I am not finished.

15 Q. I'm withdrawing the question. It's my
16 question. I'm trying to get us out of here on a
17 timely basis. Okay?

18 Did you do any work before you issued
19 your first report to that determine how long it
20 takes to fill a water buffalo either through the
21 filler neck or the manhole cover?

22 A. I didn't make a specific calculation
23 because I didn't have time of fill up. But my
24 understanding was that it goes relatively fast
25 because we are dealing with big filling pipes or

1 hoses, if you wish. They are not a garden hose.
2 Those hoses are full pressure hoses that can
3 deliver 100, 200 gallon per minute.

4 Q. You went back on February 11 and you
5 evidently filled up a water buffalo with a hose
6 because I've seen in it photos; right?

7 A. I did not fill it up myself. I
8 witnessed the fill-up of a water buffalo by the
9 base personnel.

10 Q. Did you time -- not time -- did you
11 videotape the filling of the water tank?

12 A. I did not videotape it. I took many
13 pictures as it was being filled up. And I did
14 time the time it took to fill up that water
15 buffalo at that stage.

16 Q. What did you use to record that time? A
17 watch? A stopwatch?

18 A. I asked specifically counsel stopwatch.
19 And I said start and at the end I say end. And I
20 was on the top of the water buffalo taking
21 pictures.

22 Q. Did you record somehow that stopwatch by
23 the Department of Justice employee or lawyer to
24 see if they actually started and stopped the watch
25 when you told them to? Did you do anything to

1 record this timing of the filling?

2 A. It was reported to me as 3 minutes and
3 23 seconds, which is consistent with whatever
4 Dr. Sabatini says about filling up through a
5 manhole.

6 Q. When you did this experiment or document
7 the timing, did they fill it through the filler
8 neck or the manhole cover?

9 A. It was filled through the manhole.

10 Q. And did you all tell him how to fill the
11 water buffalo?

12 A. I did not.

13 Q. Did he stay on top of the water buffalo
14 holding on the hose for the 3 minutes and 23
15 seconds to fill the water buffalo?

16 MS. O'LEARY: Object to form.

17 THE WITNESS: Who is "he"?

18 BY MR. DEAN:

19 Q. Whoever filled the water buffalo as
20 shown in the photos.

21 A. Yes. There two personnel from the base,
22 two Navy Marines. And one of them was basically
23 holding the hose and filling up. The other one
24 was basically handling the shutoff valve and
25 shut-on valve. I was on the other side of the

1 water buffalo observing and taking pictures.

2 Q. Did you have an iPhone that you were
3 taking picture on?

4 A. I think I took them with my company
5 camera.

6 Q. Did you have the capacity, you or the
7 DOJ lawyer with you, to record the video if you
8 had wanted to?

9 A. Well, I took a lot of pictures of that
10 filling up.

11 Q. Could you have videotaped it if you
12 wanted to?

13 A. I was not permitted to videotape. I
14 wanted to take photographs and I did. And for me
15 as an expert for that, this is sufficient
16 information to support my conclusions.

17 Q. My question is not that.

18 Did your phone have the capability or
19 the DOJ's lawyer to videotape?

20 A. My private phone has that capability.

21 Q. So when you had the Marine stick the
22 hose, did he hold it up at a certain level, or did
23 he drop it all the way into the tank? How did he
24 handle the hose?

25 A. My recollection, and that can be seen on

1 the pictures. Basically the hose is partially
2 inside, but it's still under water. It is above
3 the water level in the tank.

4 Q. Well, did he start with the hose all the
5 way at the bottom and then pull it up as it comes
6 out, or did he leave it in there and let the water
7 buffalo fill up and then when it got to the top,
8 pulled it out then? How did he handle the hose?

9 A. He was holding the hose, to the best of
10 my recollection, and that's documented in the
11 picture. The end of the hose, if you wish, was
12 basically always above the water level in the
13 tank.

14 I want to say one more thing. It is
15 possible that some of the picture I took with my
16 cell phone because at the time, there was some --
17 because it was cold and raining, if I recall, you
18 get some fog on the camera I had. So I don't know
19 if it was -- that's kind of what I recall. I
20 wanted to put that in the record.

21 Q. Let's move to different subject. NRC
22 review report issued in 2009, did you play any
23 role in any aspect of the start of that report,
24 assisting with getting -- identifying who might be
25 a good person to be the panel?

1 Did you have any discussions with
2 anyone, whether it be someone with the Marines or
3 the NRC, a lady named Susan Martel whose
4 deposition you read. Did you talk to anybody
5 about the formation of that committee back in
6 2006, '7, '8?

7 A. I do not recall such discussion, and I
8 don't know that person Martel you mentioned is.
9 You suggested that I read that deposition. I do
10 not know. You will have to show it to me.

11 Q. You don't remember reading Susan
12 Martel's as you sit there today?

13 A. As I sit here today, I have read a lot
14 of depositions and I do not associate names, this
15 name, to anything that I have seen unless you were
16 to show me the documents you are talking about.

17 Q. How many water modeling hydrogeology
18 experts do you remember that served on that NRC
19 committee panel?

20 A. I have no recollection or understanding
21 of that.

22 Q. Let's talk about travel time of
23 contaminants at TT-26. In your report 5-15 -- I
24 believe your report is Exhibit 3 -- 5-15 you say
25 it's 15 to 25 years travel time for PCE from the

1 dry cleaners to TT-26; right?

2 MS. O'LEARY: Object to foundation.

3 THE WITNESS: Can you repeat, please?

4 BY MR. DEAN:

5 Q. Yeah. Let me ask you a question I
6 forgot to ask you at the end of the last one about
7 the water buffalo.

8 I didn't see anything. You haven't done
9 any new calculation based on the observations you
10 made when you were filling the water buffalo on
11 2/11?

12 A. I have not done calculations, but I have
13 basically looked at some EPA information that
14 gives information on, for example, when I saw the
15 water buffalo being filled up with aeration, I
16 say, well, the best comparison to that would be
17 faster fill-up, but it would be much less
18 aeration, if you wish, because I have seen
19 bathtubs being filled up.

20 And I considered that, and I say, well,
21 with the large amount of aeration that I observed
22 when the water buffalo was filled up in 3 minutes
23 and 23 seconds or so for 400 gallons, you have a
24 lot of aeration. And I estimated that, yeah,
25 substantial loss that is comparable to what I

1 calculated for the strainer. That's basically --
2 I didn't do calculations, but I did for myself an
3 evaluation of that.

4 BY MR. DEAN:

5 Q. So travel time for contaminants at
6 TT-26, on page 5-14, you state, "The release of
7 waste materials containing PCE at ABC Cleaners was
8 gradual." Okay? Do you see that?

9 A. I don't see that, but I believe I say
10 that. Can you tell me where it is?

11 Q. Second sentence in the last paragraph at
12 the bottom. "ABC Cleaners started operations in
13 mid 1954. The release of waste materials
14 containing PCE at ABC Dry Clearance was gradual."
15 Footnote 86. And you're citing to a North
16 Carolina Department of Resources Community
17 Development report by Rick Shiver.

18 Do you see that?

19 A. I see that.

20 Q. And then page 5-15, you opine in the
21 bottom paragraph that the PCE travel time between
22 ABC Dry Cleaners and TT-26 are in the 15 to
23 25-year range. And you've got a chart on page
24 5-16 where you -- the next page, Dr. Hennet --
25 where you illustrate in Exhibit 3-1 those travel

1 times.

2 Do you see that?

3 A. Yes. That's an illustration. And
4 details of this is provided as an attachment to my
5 report.

6 Q. How did you choose those three travel
7 pathways at 25, 20 and 15?

8 A. Well, I calculated the time it would
9 take for the contaminant PCE dissolved in
10 groundwater to travel to the well from ABC
11 Cleaner, and I used as a basis a simplified setup
12 which is the same as the ATSDR model used, the
13 same layers, the same thickness of each layer, the
14 same permeability in each layer and such.

15 And what I did as a hydrogeologist and a
16 geochemist, I applied the fundamental equations of
17 formulas of evaluating fate and transport when you
18 don't have data to illustrate that basically you
19 can get answers that are different from what ATSDR
20 has done as far as the travel time that are as
21 valid and even more in this case, because ATSDR
22 made mistakes and errors in what they did at
23 Tawara Terrace on the parameters.

24 I used parameters that were the same as
25 in the Hadnot Point model, and I used to calculate

1 the retardation for those travel time. I relied
2 on the site-specific data that the ATSDR did not
3 consider even though it did exist.

4 So nobody knows what happened in the
5 domain where you have no data with any degree of
6 reasonable scientific certainty. You have many
7 ways that you can calculate travel times to arrive
8 to a well.

9 The thing I want to say, in this case,
10 you are trying to calculate travel times for a
11 period of 30 years during which you have zero data
12 for the contamination arriving at the well. And
13 you have two or three years -- well, you have some
14 data, and that data is a huge portal, if you wish,
15 because it has a huge range. It goes from zero to
16 hundreds.

17 So ultimately you have many ways to get
18 through that portal. This is one way. This way
19 here, is there's no fundamental error like in like
20 ATSDR has. It's a Tawara Terrace model. And it
21 is actually something that is -- that I would rely
22 on to give you what is a range, a reasonable
23 range, and that's what I did.

24 Q. How, if at all, did your methodology
25 take into account the cone of depression that

1 develops around a pumping well which causes the
2 losses to increase in the direction of the well?

3 A. In this calculation here that is
4 basically summarized on this figure, I considered
5 ATSDR water level that they use in their model for
6 both layer one and layer three. And I derived
7 congruent gradient from that.

8 Now, it is true that the closer to you
9 get to the well, you have what is called a cone of
10 depression, and that cone of depression for
11 potentiometric values would be in layer three
12 because that's where the well is pumping, and it
13 will be less marked in layer one.

14 So you have several things that you can
15 say that would slightly accelerate or diminish
16 those travel time, if you wish, but you have other
17 things that would actually make them longer. The
18 thing that would accelerate potentially would be
19 as us you get very close to the well, you
20 accelerate. But before you get it close to the
21 well, you have a long way to go. That's the first
22 thing.

23 The second thing would be you could have
24 dispersion that is not in this calculation.
25 Nobody knows what the dispersion is, but that

1 would accelerate this as well somewhat. On the
2 other end, on the other end, things that would
3 actually elongate the time of travel are two major
4 things. The first one --

5 Q. Let me withdraw --

6 A. I am not finished.

7 Q. I don't know what question you're
8 answering.

9 A. I am not finished.

10 Q. I don't know what question you're
11 answering. That's not what I asked you. I
12 withdraw the question. I withdraw the question.

13 What makes your three path flows
14 representative of what actually occurred with
15 contamination at well TT-26?

16 A. This is the setup that -- this setup,
17 those layers, the permeability is in each one of
18 those layers. The thickness of those layers is
19 directly from the ATSDR model. I am not trying to
20 critique those. I am just adopting them just to
21 show if you do a calculation in the same framework
22 that the ATSDR model is and you do it without
23 mistakes or errors, you actually can get a
24 representation that is like this.

25 So it gives you representative travel

1 time within a large range which is meant to show
2 that you don't have a single model that would tell
3 you the truth because you don't know where the
4 truth is when you don't have data.

5 Q. What makes the three pathways you chose
6 representative of what occurred at TT-26?

7 A. Well, similarly to what the ATSDR model
8 represent, you have transport in layer one, and
9 you have transport in layer three. And in order
10 to go to the well, you have to basically end up in
11 layer three because the well is screened in layer
12 three, not in layer one.

13 Now, between the source, which is the
14 ABC Cleaner, all the way to the well, you have
15 basically many ways for the groundwater to get
16 there. You don't go there through one single
17 pathway. So that's why I choose some pathways,
18 one which would go a short period of time in layer
19 one and some of that contamination would go
20 through the less permeable layer down to layer
21 three and continue in layer three.

22 I have another pathway that is closer to
23 the well, and I have another pathway that is in
24 between. Those are basically estimates that give
25 you a range of travel time of this situation.

1 (Hennet Exhibit 27 was marked.)

2 BY MR. DEAN:

3 Q. I'm going to show you -- this is my
4 copy. I'm only using page 5-16. It's the same
5 page he's looking at.

6 MS. O'LEARY: The report, sure.

7 BY MR. DEAN:

8 Q. You've got it in front of you. I'll
9 hand you a copy in a moment, but there's actually
10 four pathways represented here on your chart;
11 right?

12 A. There are three pathways to the well
13 screen, the well screen where the pumped water
14 goes through.

15 Q. But isn't it true that one of the
16 pathways which you actually show an arrow -- you
17 just stop the arrow -- one of the pathways that
18 you're not considering is the pathway that ATSDR
19 utilized, and that's as I drew on Exhibit 27 where
20 the contaminants go directly in the aquifer all
21 the way to the well; right?

22 A. Again --

23 Q. Is that a possible travel way?

24 MS. O'LEARY: Object to form and
25 foundation.

1 THE WITNESS: This is a possible
2 pathway. That's an extreme pathway. That will be
3 the fastest of the fastest, and it doesn't go to
4 the screen, as you know. It goes basically to
5 touch the casing of the well which is basically
6 not accepting water.

7 BY MR. DEAN:

8 Q. Do you know who Dr. Konikow is?

9 A. I do know who Dr. Konikow is.

10 Q. And did you read his report on pages 28
11 and 29 where Dr. Konikow calculated the
12 alternative travel time to be only 3-1/2 to 5
13 years, not the 15 to 25 that you did?

14 A. You have to show me that. And I
15 understand he said something like this. However,
16 I think it was for groundwater transport, not at
17 all related.

18 Q. Do you take issue that Dr. Konikow
19 opined in his rebuttal report it was 3-1/2 to 5
20 years he calculated? Can you and I agree that's
21 what he said in his report?

22 A. You have to show me his report.

23 Q. I'm going to represent to you that's
24 what it says. Do you disagree or have any basis
25 to disagree with Dr. Konikow's calculations, and

1 if so, what are the bases of your disagreement?

2 MS. O'LEARY: Object to foundation.

3 THE WITNESS: What do you represent
4 exactly that Dr. Konikow says?

5 BY MR. DEAN:

6 Q. I'm representing to you that Dr. Konikow
7 calculated an alternative travel time and opined
8 in this case of 3-1/2 to 5 years, not the 15 to 25
9 you calculated.

10 A. Well, I would disagree with
11 Dr. Konikow's calculation.

12 Q. Why?

13 A. Because I made my calculation, and I
14 agree that my calculations are based on
15 site-specific data and they are based the
16 principles of hydrogeology that would allow me to
17 make this calculation that includes the time of
18 travel that it takes for dissolved PCE, which is a
19 compound, a chemical compound in groundwater, and
20 that dissolved PCE is retarded relative to
21 groundwater.

22 And I took that into consideration, and
23 I focused on the site-specific data. I did not
24 make the same errors that the ATSDR did for the
25 Tawara Terrace model.

1 Q. So page 5-21 of your report, page 5-21,
2 second sentence, you say in the second sentence
3 "Pumping of well TT-26 was likely not continuous
4 as the well had to be shut down for maintenance
5 and repair."

6 Do you see that?

7 A. I see that.

8 Q. You're aware that ATSDR took into
9 account based on the pumping records when these
10 various wells were on and off; right?

11 A. ATSDR for well TT-26 took into account
12 two stoppage of the well for maintenance that
13 happened, if I recall, in the 1980s. They did
14 that. But there is no information from before
15 that.

16 And what ATSDR did in a conservative
17 way, if you wish, was to assume it was always on,
18 never maintained, never stopped, which is wrong
19 because wells that are used for decades, every
20 well needs maintenance or repair.

21 Q. What evidence do you have, documents,
22 interviews of anybody that you've conducted or
23 review, what factual basis do you have that
24 support a thought, view, your opinion that TT-26
25 had additional shutdown time not accounted for by

1 ATSDR?

2 MS. O'LEARY: Object to form.

3 THE WITNESS: My answer to this is ATSDR
4 has no information, and, therefore, they assume
5 something that is not realistic in the real world.

6 BY MR. DEAN:

7 Q. Do you have any evidence they are wrong?

8 A. My evidence that they are wrong is that
9 you don't have wells that would be pumped for 30
10 years without being maintained. That doesn't
11 exist.

12 Q. You don't have any specific data, any
13 specific documents or specific testimony about
14 specific periods when the wells were shut down;
15 right?

16 MS. O'LEARY: Objection to form.

17 THE WITNESS: I believe there is some
18 information. Some capacity test might have been
19 redone. I don't remember specifically for well
20 TT-26. But it is not a correct assumption in my
21 field, in the field of hydrogeology, to assume
22 that because you don't know, it was always on.
23 That is not reasonable.

24 BY MR. DEAN:

25 Q. Have you ever evaluated a contamination

1 site for human risk?

2 A. As a geochemist, I do not do human risk.
3 I just do geochemistry.

4 Q. For the Hadnot Point spiractor, did you
5 measure the fall height under operating conditions
6 with backwater?

7 MS. O'LEARY: Object to foundation.

8 THE WITNESS: With backwater? I do not
9 understand what you mean by that.

10 BY MR. DEAN:

11 Q. When you were there, did you measure the
12 fall height under operating conditions on
13 February 11 when there was any water left in the
14 bottom of the spiractor, tubes, pipes?

15 A. So that means the spiractor was working?

16 Q. Correct.

17 A. I did not do that.

18 Q. Ever done that at all?

19 A. Could never have done that there.

20 Q. Are you aware that 43 percent of Camp
21 Lejeune samples tested for FOC had values less
22 than .0001?

23 MS. O'LEARY: Object to foundation.

24 THE WITNESS: Show me the data you are
25 talking about because --

1 BY MR. DEAN:

2 Q. I'm just asking.

3 A. .001 of what?

4 Q. Have you ever been stricken as an
5 expert?

6 A. I have never been stricken as an expert.

7 Q. Have you ever had your opinions
8 disregarded by a court in the United States?

9 A. Among all the testimonies I have done in
10 court, which is 12 or 13, there was one time when
11 one of my answer was actually taken away from the
12 record because I addressed a topic that had
13 already been decided before, and that was
14 basically not -- I should not have talked about
15 that. And the judge decided that that should be
16 stricken, my response should be stricken because
17 it had been decided before. And that's what I
18 understand.

19 Q. You've never had your opinion -- do you
20 remember the name of that case?

21 A. I believe that case was Titan,
22 T-I-T-A-N, versus -- I think it's versus the
23 United States.

24 (Hennet Exhibit 28 was marked.)
25

1 BY MR. DEAN:

2 Q. You don't believe a judge has ever
3 disregarded your testimony because he believed
4 that you had insufficient data to provide the
5 opinions that you had given?

6 A. I do not recollect any case like this
7 based on data.

8 Q. I show you Exhibit 28. Turn to page 75.
9 Are you on page 75?

10 A. Yes.

11 Q. Page 75, look at page footnote 31. "The
12 court disregards the testimony of the defense
13 expert Remy Hennet geochemical fingerprints of the
14 PCBs found at the DICO site and those found at the
15 SIM site did not match. During cross-examination,
16 Hennet admitted he was mistaken concerning the
17 data on which he based that opinion. Because the
18 opinion was based on unreliable methods utilizing
19 insufficient facts of data, it is inadmissible
20 under Federal Rule of Evidence 702."

21 Do you see that? Did I read that
22 correctly?

23 A. You read that correctly.

24 Q. Now, in the middle of the next paragraph
25 after Federal Rule of Evidence 701, the court went

1 on to say, "In contrast, the court concludes the
2 testimony by defense expert Dr. Remy Hennet that
3 other sources of PCBs were present on the SIM site
4 constituted impermissible expert testimony. The
5 court noted the testimony was based on sheer
6 speculation rather than sufficient facts or data
7 and was not the product of reliable principles and
8 methods. Additionally, the court notes the
9 testimony was not supported by personal knowledge
10 or observation as Hennet neither conducted any
11 testing on other items at the SIM site nor
12 observed any labels on other items at the SIM site
13 indicating the presence of PCBs."

14 Did I read that correct?

15 A. You read that correct.

16 Q. Isn't that the same thing you've done in
17 this case?

18 A. Pardon me?

19 Q. You speculated, you've not taken into
20 consideration other well pumping information that
21 I've shown you today. Isn't that true?

22 MS. O'LEARY: Object to foundation.

23 THE WITNESS: I disagree.

24 BY MR. DEAN:

25 Q. That court didn't believe anything --

1 didn't believe or struck your opinions for the
2 reasons I just read to you; right?

3 MS. O'LEARY: Object to form.

4 BY MR. DEAN:

5 Q. That was 2017, September 2017.

6 MS. O'LEARY: Object to form.

7 THE WITNESS: Yes, I remember that case.
8 And I think, you know, for that case there was
9 very little information, and it was basically --
10 that was the case. That's the way it went. And
11 the judge made his decision.

12 (Hennet Exhibit 29 was marked.)

13 BY MR. DEAN:

14 Q. I'll show you what I marked as
15 Exhibit 29 and 30. Exhibit 29, is this the
16 affidavit you referred to earlier regarding Baby
17 Washington?

18 MS. O'LEARY: Object to foundation.

19 BY MR. DEAN:

20 Q. Is this your report you issued 5 years
21 ago, 4-1/2 years ago, December 22, 2020 expert
22 report Remy Hennet, In Re: Baby Washington case?

23 A. It looks like it. I haven't looked at
24 it in a while, but it looks like it's my expert
25 report, not an affidavit.

1 Q. And this was in a Camp Lejeune case
2 pending back in 2020 when you issued this report?

3 MS. O'LEARY: Object to foundation and
4 form.

5 THE WITNESS: That was one case, one
6 litigation that basically was -- that is basically
7 some correlation to basically Camp Lejeune.

8 BY MR. DEAN:

9 Q. And in the bottom paragraph on page 1,
10 last full paragraph, you say, "The opinions
11 presented in this report were reached by applying
12 accepted methods in the fields of hydrogeology,
13 geochemistry and environmental sciences. Opinions
14 expressed in the report are my own based on my
15 education, my training, my experience and the
16 documents, the information, the photographs, the
17 diagrams, the data and the facts available to me
18 at the time of the writing. I hold these opinions
19 to a reasonable degree of scientific certainty."

20 Did I read that correctly?

21 A. You read that correctly.

22 Q. And on page 3, next to the bottom
23 paragraph, did you write, "The ATSDR conducted a
24 detailed review of the available data and the
25 information and of the history and contamination

1 of the base water systems. (See, for example,
2 Faye and Venezuela 2007; Sautner, et al., 2013)."

3 Did I read that correctly?

4 A. You did read that correctly.

5 Q. You didn't just cite to them. You said
6 they conducted a detailed review; right?

7 MS. O'LEARY: Object.

8 THE WITNESS: Yes, I did.

9 BY MR. DEAN:

10 Q. Turn to page 10, opinion number three,
11 you opined that Holcomb Boulevard water supply
12 wells weren't contaminated during the time period
13 when Rhonda Bell resided on base; did you not?

14 A. It speaks for itself.

15 Q. And in the first paragraph, does it
16 read, "The main monthly contaminant concentrations
17 in the Holcomb Boulevard water supply over the
18 period of the relevant" --

19 MS. O'LEARY: I'm sorry. We're at time.

20 MR. DEAN: Let me finish this sentence.

21 BY MR. DEAN:

22 Q. Did you state, "The mean monthly
23 contaminant concentrations in the Holcomb
24 Boulevard water supply over the period of
25 relevance to the complaint as shown in Exhibit C,"

1 and you relied upon those in opining Ms. Bell was
2 not there when there was contamination?

3 A. That's at Holcomb Boulevard, and I agree
4 with the ATSDR that the Holcomb Boulevard was not
5 contaminated with the exception of a very short
6 period of time as discussed in my expert report.

7 Q. You utilized, relied upon that work,
8 ATSDR work and those reports when you signed this
9 affidavit, this report in 2020; right?

10 A. I did rely.

11 Q. Did you have time --

12 MS. O'LEARY: I'm sorry. That's your
13 third question now.

14 THE WITNESS: Can I answer?

15 BY MR. DEAN:

16 Q. Yeah, if you answer my question. Yes or
17 no. Did you rely --

18 A. You cannot jump on me and just confuse
19 me.

20 Q. Yes or no. Did you rely upon ATSDR mean
21 monthly concentration data in order to opine that
22 Ms. Bell was not on base at a time period when
23 contamination existed at Holcomb Boulevard? Did
24 you opine that?

25 A. Well, my report speaks for itself.

1 Q. And you did opine on that issue using
2 ATSDR's work; correct?

3 A. I considered the ATSDR work. It is not
4 the same --

5 MS. O'LEARY: I'm sorry. We're
6 finished.

7 THE WITNESS: It is not the same as what
8 I did for this case.

9 MS. O'LEARY: We've gone over seven
10 hours, and this deposition is finished.

11 BY MR. DEAN:

12 Q. Did you have an opportunity --

13 MS. O'LEARY: You don't have to answer.

14 BY MR. DEAN:

15 Q. Did you have an opportunity to review
16 and do the same work you've done in this case at
17 that time that you wanted to? Can you answer my
18 question?

19 A. I am advised by counsel that it's out of
20 time. I don't have to answer.

21 Q. And you're not going to answer my
22 question?

23 MS. O'LEARY: I'm instructing you not to
24 answer.

25 THE WITNESS: I did answer your

1 question. My report stands for itself.

2 BY MR. DEAN:

3 Q. No. My question was -- last question I
4 asked you was: Did you have an opportunity to do
5 the same work you did in this case back before you
6 did that report if you wanted to?

7 MS. O'LEARY: I'm instructing you not to
8 answer.

9 MR. DEAN: Can we put on the record that
10 Ms. O'Leary has instructed this witness not to
11 answer my last question. What time is it?

12 MS. O'LEARY: Can we put on the
13 record --

14 MR. DEAN: What's the time?

15 THE VIDEOGRAPHER: 7 hours and 3
16 minutes.

17 MR. DEAN: 7 hours and 3 minutes.
18 Ms. O'Leary has instructed this witness not to
19 answer my final question.

20 Thank you for being here, sir. I wish
21 you'd answer my question, but thank you for the
22 time. That's all I have at this time.

23 THE VIDEOGRAPHER: We are off the record
24 at 1742.

25 (Whereupon, at 5:42 p.m., the taking of

1 the instant deposition ceased.)

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1 COMMONWEALTH OF PENNSYLVANIA)

2 COUNTY OF ALLEGHENY) SS:

3 C E R T I F I C A T E

4 I, Ann Medis, RPR, CLR, CSR-WA and
5 Notary Public within and for the Commonwealth of
6 Pennsylvania, do hereby certify:

7 That REMY J.-C. HENNET, PH.D, the
8 witness whose deposition is hereinbefore set
9 forth, was duly sworn by me and that such
10 deposition is a true record of the testimony given
11 by such witness.

12 I further certify the inspection,
13 reading and signing of said deposition were not
14 waived by counsel for the respective parties and
15 by the witness.

16 I further certify that I am not related
17 to any of the parties to this action by blood or
18 marriage and that I am in no way interested in the
19 outcome of this matter.

20 IN WITNESS WHEREOF, I have hereunto set
21 my hand this 19th day of March, 2025.

22 
23

24 _____
Notary Public
25

COMMONWEALTH OF PENNSYLVANIA) E R R A T A
COUNTY OF ALLEGHENY) S H E E T

I, REMY J.-C. HENNET, PH.D, have read the foregoing pages of my deposition given on March 20, 2025, and wish to make the following, if any, amendments, additions, deletions or corrections:

Page Line Change and reason for change:

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In all other respects, the transcript is true and correct.

REMY J.-C. HENNET, PH.D

_____ day of _____, 2025.

Notary Public

GOLKOW, a Veritext Division
One Liberty Place
1650 Market Street, Suite 5150
Philadelphia, Pennsylvania 19103
877.370.3377

March 26, 2025

Allison O'Learly, Esquire
U.S. Department of Justice
1100 L Street NW
Washington, DC 20005
Re: Deposition of REMY J.-C. HENNET, PH.D
Notice of Non-Waiver of Signature

Dear Ms. O'Leary:

Please have the deponent read his deposition transcript. All corrections are to be noted on the Errata Sheet.

Upon completion of the above, the Deponent must affix his signature on the Errata Sheet, and it is to then be notarized.

Please forward the signed original of the Errata Sheet to Kevin R. Dean, Esquire for attachment to the original transcript, which is in his possession. Send a copy of same to all counsel. Please return the completed Errata Sheet within 30 days of receipt hereof.

Sincerely,

Ann Medis, RPR, CLR, CSR-WA

cc:

Kevin R. Dean, Esquire

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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