

Stephen Peter Dunning

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

STEPHEN PETER DUNNING,            )  
  )  
  Plaintiff,            )  
  ) Case No:  
  ) 7:23-cv-01364  
  )  
vs.    )  
  )  
UNITED STATES OF AMERICA,        )  
  )  
  Defendant.            )

VIDEOTAPED DEPOSITION OF STEPHEN PETER DUNNING, produced, sworn and examined on January 31, 2024, between the hours of 9:00 o'clock in the morning and 5:00 o'clock in the afternoon of that day, taken at the law offices of Davis Bethune & Jones, LLC, 1100 Main Street, Suite 2930, Kansas City, Missouri, 64105, before Stacy L. Decker, a Certified Court Reporter (MO), Certified Shorthand Reporter (KS) in a certain cause now pending before the United States District Court for the Eastern District of North Carolina, wherein Stephen Peter Dunning is Plaintiff and United States of America is Defendant; taken on behalf of the Defendant.

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19                   Mr. Kelley Hauser (appearing remotely)  
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Also Present:

18                   Ms. Kit Frazen, Assistant  
19                   Davis Bethune & Jones  
20                   Mr. Oleh Kovalchuke, Videographer  
21

Reported by:

22                   Ms. Stacy L. Decker, Missouri CCR #858  
23  
24  
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\* \* \*

1           IT IS HEREBY STIPULATED AND AGREED by  
2           and between counsel for the Plaintiff and  
3           counsel for the Defendants that this deposition  
4           may be taken in shorthand by Stacy L. Decker,  
5           CCR, a Certified Court Reporter, and Notary  
6           Public, and afterwards transcribed into  
7           typewriting; and the signature of the witness is  
8           expressly reserved.

9           (Deposition start time: 10:26 a.m.)

10           VIDEO TECHNICIAN: We are now on the  
11           record. My name is Oleh Kovalchuke. I'm a  
12           videographer with Golkow Litigation Services.  
13           Today's date is January 31st, 2024, and the time  
14           is 10:26 a.m.

15           This video deposition is being held in  
16           Kansas City, Missouri, in the matter of Stephen  
17           Peter Dunning vs. United States of America. The  
18           deponent is Stephen Peter Dunning.

19           Counsel, please identify yourself for  
20           the video record.

21           MR. DAVIS: Grant Davis for the  
22           plaintiff.

23           MR. DOBY: Mark Doby for the  
24           plaintiff.

25           MR. RUZICKA: Ted Ruzicka for the

1 plaintiff.

2 MR. MALONE: JT Malone for the  
3 plaintiff.

4 MR. WALTHALL: You're not going to --  
5 Tim Walthall --

6 MR. DAVIS: I'd be happy to introduce.  
7 Kit, say your name.

8 MS. FRAZEN: Kit Frazen.

9 MR. DAVIS: She works for our law  
10 firm, Davis, Bethune & Jones.

11 MR. WALTHALL: And that's fine. Tim  
12 Walthall for the United States. And I think on  
13 Zoom is supposed to be Kelley Hauser, but I'm  
14 not sure. I don't know how to -- I don't know  
15 how to contact him.

16 VIDEO TECHNICIAN: The court reporter  
17 is Stacy Decker and will now swear in the  
18 witness.

19 STEPHEN PETER DUNNING,  
20 of lawful age, having been first duly sworn to  
21 tell the truth, the whole truth, and nothing but  
22 the truth, testified as follows:

23 EXAMINATION

24 BY MR. WALTHALL:

25 Q. Good morning, Mr. Dunning.

1           A.    Good morning, sir.

2           Q.    Tim Walthall, as I said earlier.  
3    This is a deposition pursuant to Rule 30 of the  
4    Federal Rules of Civil Procedure pursuant to the  
5    case -- to the matter of Camp Lejeune water  
6    cases.  And my name, again, is Timothy Walthall.

7           MR. WALTHALL:  Just to state some  
8    preliminary matters, Grant Davis for you has  
9    given me a set of documents.  I think it's in  
10   response to the notice, but I have -- just I'll  
11   put it on the record, Grant.  The -- I've just  
12   received from him a request for Social Security  
13   earning information that has been signed by you.

14           And we're just going to put this on  
15   the record, so -- we have a Department of  
16   Veterans Affairs request for authorization of  
17   release of health information, which I believe  
18   was previously signed by you.

19           Mr. Davis has given me the Social  
20   Security statement requested in the notice of  
21   deposition as well as a HIPAA-compliant  
22   authorization for release of patient  
23   information, which has also been signed by you.

24           And then I have brought to the  
25   deposition a request for military records that

1 has previously been signed by you. So I -- so  
2 in addition to that, I'm going to show you what  
3 I'm going to have marked as Exhibit 1 for  
4 identification and I will ask that you examine  
5 that.

6 (Exhibit 1 was marked.)

7 MR. WALTHALL: And just for the  
8 record, this is a set of stipulations that we  
9 proposed to conduct this deposition. And  
10 they're all pursuant to the rules that we've set  
11 up here. I'd just like to have it on the record  
12 so that we're all on the same page.

13 MR. DAVIS: And I think this is more  
14 for lawyers than the witness, but, yes, I  
15 understand these -- all these stipulations, one  
16 through five.

17 MR. WALTHALL: Okay. And I'll ask  
18 that the -- you enter Exhibit 1 for the record.

19 And, in addition, I will highlight  
20 some of the following stipulations that we would  
21 propose apply to this deposition. That all  
22 objections to questions and answers are reserved  
23 until the time of trial except as to the form of  
24 any question and the responsiveness of any  
25 answer.

1                   And what that means for you,  
2 Mr. Dunning, is that if I ask a question and  
3 Grant objects, or your counsel objects, you  
4 pause so that he can get his objection in, but  
5 then you're to go ahead and answer the question  
6 unless he instructs you not to answer --

7                   THE DEPONENT: Understand.

8                   MR. WALTHALL: Which is a whole  
9 'nother ball game.

10                   Under Federal Rule of Civil Procedure  
11 30(e), the witness is requested to sign the  
12 deposition. You are to sign and review the  
13 deposition within 30 days after being notified  
14 by the court reporter that it is available for  
15 your review.

16                   If the original of the deposition is  
17 lost, a copy may be used in its place. And  
18 notice of the filing of the deposition is  
19 waived.

20                   Q.     (By Mr. Walthall) So let me ask  
21 you some --

22                   MR. DAVIS: Can I just say one thing?

23                   MR. WALTHALL: Sure, go ahead.

24                   MR. DAVIS: The one thing you left out  
25 is privileged matters. So privileged matters I



1 have to make my objection and --

2 MR. WALTHALL: Absolutely.

3 MR. DAVIS: Gotcha.

4 MR. WALTHALL: And obviously make your  
5 objection, and if you need to instruct, you  
6 know, we'll deal with that, but...

7 MR. DAVIS: Okay.

8 MR. WALTHALL: You're certainly --  
9 that is certainly your privilege to assert  
10 privilege.

11 Q. (By Mr. Walthall) So let me ask  
12 you this. Have you ever given a deposition  
13 before?

14 A. I have.

15 Q. Okay. And what -- under what  
16 circumstances was that?

17 A. One deposition was in regards to  
18 an automobile accident.

19 Q. Okay.

20 A. One deposition was in regards to a  
21 fire, arson.

22 Q. Okay. And --

23 A. Both of those were as a witness.

24 Q. And when -- can you tell me when  
25 the deposition regarding the accident was, the

1 car accident?

2 A. In the '80s.

3 Q. 1980s.

4 A. The late '80s.

5 Q. Okay. What court -- do you know  
6 what court it was?

7 A. Manatee County, Florida.

8 Q. I'm sorry. You're going to have  
9 to say that a little slower.

10 A. Manatee County, Florida.

11 Q. And in the 1980s. And you said  
12 that was related to a car accident?

13 A. Something I witnessed.

14 Q. Okay. You were a witness to a car  
15 accident?

16 A. Yes.

17 Q. And what about the -- what about  
18 the other deposition where you were a fire --  
19 you said it was a fire?

20 A. Yes. Something that I witnessed,  
21 someone who was there. And that was also in the  
22 late '80s. Also in Manatee County, Florida.

23 Q. So -- and have you talked to your  
24 attorney about this deposition we're having  
25 today?

1 A. Yes, I have.

2 Q. And whenever I ask you questions  
3 about your attorney, I don't want to know what  
4 you said. I just want to know whether you spoke  
5 to him and --

6 A. I understand.

7 Q. -- for how long, what have you.  
8 And -- but the reason I'm asking this is that --  
9 so you understand the procedure of the  
10 deposition, that the court reporter is taking  
11 down everything you're saying and will print it  
12 up in a booklet form to be used at trial. You  
13 understand that?

14 A. I do.

15 Q. And you've taken an oath to tell  
16 the truth, and that's the same oath that you  
17 would do -- would take and give if you were in a  
18 court of law. Do you understand that?

19 A. I do.

20 Q. Under the same penalties of  
21 perjury?

22 A. I do.

23 Q. Okay. So a little bit more about  
24 the proceeding of the deposition. If you don't  
25 hear one of my questions or you don't understand

1 a question, tell me and I'll repeat it, and let  
2 me know if you don't understand. If you answer  
3 any of my questions, I'm going to assume that  
4 you heard and understand the question; is that  
5 fair?

6 A. Yes, it is.

7 Q. Okay. And please don't interrupt  
8 my questions. And by the same token, I will try  
9 not to interrupt your answers. And the reason  
10 is the court reporter is trying to take down  
11 what we're both saying, and she can't do it if  
12 we're both talking at the same time.

13 A. I understand.

14 Q. Okay. I don't want you to guess  
15 or speculate. Okay? And I'm sure your  
16 attorneys probably told you that. But you may  
17 give your best estimate. So if I ask -- if I  
18 ask you a question and you don't know the  
19 precise answer but you can give an estimate,  
20 please do your -- you know, we'll ask you to  
21 give your best estimate.

22 As we talked earlier, any time --

23 MR. DAVIS: I'm going to object to the  
24 form of that question, but --

25 MR. WALTHALL: Okay.

1                   MR. DAVIS: I think it's an  
2 instruction that -- anyway, we can keep going.  
3 It's not a big deal.

4                   Q.    (By Mr. Walthall) And we can take  
5 a break -- as we spoke about before, take a  
6 break anytime you need to take a break, just let  
7 me know.

8                   A.    Thank you.

9                   Q.    The only stipulation there is that  
10 if there's a question pending I'll ask that you  
11 answer the question and then we'll -- and  
12 then --

13                  A.    I understand.

14                  Q.    And note also that if we take a  
15 break and -- that you're not to speak to anyone  
16 about your testimony during the break. And  
17 after each break I'm going to ask you whether  
18 you spoke to anyone about your testimony. And  
19 if you do discuss your testimony, I'm going to  
20 ask you about those discussions. Do you  
21 understand that?

22                  A.    I understand.

23                  MR. DAVIS: I'm going to object and  
24 have a comment about that. I think it's not  
25 that he can't talk to someone; I think it is

1 that he -- there's no obligation whatsoever that  
2 he can't talk to his attorneys. I do understand  
3 what you're saying that then you may ask what  
4 did you speak to your attorney about.

5 MR. WALTHALL: Right, that's what I  
6 meant. Thank you for clarifying.

7 MR. DAVIS: Okay.

8 Q. (By Mr. Walthall) And, more  
9 importantly, you understand that?

10 A. Yes, sir, I do.

11 Q. Okay. If you at any time think  
12 that you need to correct your testimony, do not  
13 hesitate to interrupt me, interrupt me to the  
14 extent that you don't interrupt the court  
15 reporter, but just let me know and you can --  
16 we'll give you an opportunity to correct  
17 anything on the record. Okay?

18 A. (Witness nods.)

19 Q. Is there any reason why you might  
20 have difficulty in recollecting anything for  
21 your testimony here today?

22 A. Potentially from the effects of  
23 chemotherapy.

24 Q. Okay. So let me ask you a little  
25 bit about that. So what -- you are presently

1 taking chemotherapy?

2 A. I just finished four months.

3 Q. Okay, just four months. When was  
4 the last time you took chemotherapy?

5 A. The end of October.

6 Q. Okay.

7 A. So the side effects are still  
8 present. Chemo fog is a very real thing.

9 Q. Okay. Do you feel like you're  
10 able to give your deposition here today?

11 A. Yes, I do.

12 Q. Okay. Let me ask you, do you have  
13 any emotional or personal problems that would  
14 affect your ability to testify here today?

15 A. No.

16 Q. So when I ask you questions, I'm  
17 going to ask that you answer clearly and in  
18 words. Shaking of the head and nodding is a  
19 common thing in our regular discussions. But  
20 for the court reporter's benefit, if you would  
21 answer questions verbally, that would be  
22 helpful.

23 A. I understand.

24 Q. Okay. Do you have any questions  
25 about what we're doing here today?

1 A. Not at this time.

2 Q. All right. Are you ready to  
3 begin?

4 A. I am.

5 Q. All right. First of all, let me  
6 ask you, how did you -- how did you get here  
7 today? We are in Mr. Davis' law offices. How  
8 did you get here? Did you drive?

9 A. Yes, I did.

10 MR. DAVIS: Clarify that. You  
11 actually walked because you stayed --

12 A. Yes. My vehicle is parked  
13 downstairs in the basement, and I walked up to  
14 this office.

15 Q. (By Mr. Walthall) Okay.

16 MR. DAVIS: He didn't drive from his  
17 home. He drove from half a block away. I'm  
18 sorry. I didn't mean to interrupt.

19 THE DEPONENT: Thank you.

20 MR. WALTHALL: No, that's fine.

21 Q. (By Mr. Walthall) I want to  
22 clarify. But you do have the ability to travel  
23 alone, right?

24 A. Yes, I do.

25 Q. Okay. And how often do you travel



1 and how far?

2 A. Seldom. Typically my travel is  
3 back and forth to KU Med with the doctors --

4 Q. Okay.

5 A. -- scans, lab work, blood work.  
6 Other than that, an occasional trip to the  
7 grocery store. That's about it. I'm not out  
8 very much. I don't go anywhere.

9 Q. Okay. Are you assisted when you  
10 travel?

11 A. No.

12 Q. Okay. Let me ask you this. Do  
13 you have difficulties at security requirements,  
14 like metal detectors at airports?

15 A. No.

16 Q. Is there any reason why you would  
17 be unable to testify at a government building if  
18 you're required, for instance, a federal  
19 courthouse?

20 A. No.

21 Q. Let me ask you this. Do you have  
22 any documents with you that you brought that are  
23 related to your -- to this case?

24 A. I do not.

25 Q. So I'm going to go to witness

1 preparation. What did you do to prepare for  
2 your deposition today?

3 A. I had discussions with my  
4 attorneys.

5 Q. Okay. And that is Mr. Davis?

6 A. The gentlemen seated here, yes.

7 Q. All four of them?

8 A. Yes.

9 Q. Okay. And how many discussions  
10 did you have with them? Again, no substance.

11 A. Well, we spent yesterday in  
12 discussions.

13 Q. Okay. And that was it, yesterday?  
14 How long?

15 A. I would estimate four hours.

16 Q. And did you have any discussions  
17 with anyone else other than your attorneys  
18 regarding your deposition?

19 A. I have not.

20 Q. Okay. And that would include any  
21 family members?

22 A. My sons are aware that I have a  
23 deposition today so they can't reach me. They  
24 have not been informed of any substance.

25 Q. Okay. Did you call anyone

1 regarding your deposition?

2 A. I have not.

3 Q. That's -- other than your counsel.

4 A. Other than my attorneys, yes.

5 (Exhibit 2 was marked.)

6 Q. (By Mr. Walthall) Let me show you  
7 what has been marked as Exhibit 2 for  
8 identification and I'll ask you to examine that.  
9 For the record Exhibit 2 for identification is  
10 the -- is your notice of deposition.

11 And for the record this is the  
12 document that requested your presence today at  
13 this deposition.

14 MR. DAVIS: This is the one that has  
15 Wichita, Kansas on it.

16 MR. WALTHALL: Yes. It has not been  
17 adjusted to the Kansas City venue of this  
18 deposition.

19 Q. (By Mr. Walthall) I just want to  
20 ask you a couple questions. And I believe this  
21 has been addressed by your counsel, but I just  
22 want to clarify for the record.

23 So you have provided the -- there  
24 at Paragraph 1 -- direct your attention to the  
25 bottom of Page 1, Paragraph 1, Social Security

1 number. I believe you have provided that to us,  
2 but I --

3 A. I have.

4 Q. Okay. And Number 2 there says  
5 your date of birth. You provided that to us?

6 A. I have.

7 Q. Number 3 on Page 2 is medical  
8 release form. And I believe that is what was  
9 given to us today?

10 A. I have.

11 Q. And let me see here then. Number  
12 4 is to the extent the Form SSA-7050 FR, and  
13 that I believe was given to us --

14 MR. WALTHALL: Was that given to us  
15 today?

16 MR. DAVIS: Yes, the Social Security  
17 earning information.

18 MR. WALTHALL: Yes, here it is. Yes,  
19 that was given to us today.

20 Q. (By Mr. Walthall) And -- and  
21 that's not listed on here, but --

22 MR. DAVIS: It's actually Number 5.

23 Q. (By Mr. Walthall) Yes, Number 5  
24 is the Social Security statement, and you gave  
25 that over to us as well through your attorneys.

1                   And the last thing that's not  
2 listed on here, but I think you did turn it  
3 over, is the Veterans Affairs release.

4                   MR. DAVIS: We did provide that, too.

5                   MR. WALTHALL: Yes, okay. Thank you,  
6 Grant.

7                   Q. (By Mr. Walthall) Now, the last  
8 item is the -- your income tax returns from the  
9 previous ten years. Now, I don't believe that  
10 was provided, and I will ask whether you have --  
11 are prepared to turn those over to us? And I  
12 can address that question to Grant.

13                   MR. DAVIS: Okay. Yeah, and we do  
14 have some. I'm not sure we have all of the  
15 previous ten years, but we have some. And if we  
16 don't have all, we can get them to you. And we  
17 can also give you a release so that you guys can  
18 get them if you want to get them, too.

19                   But I do have actually copied I think  
20 the first three pages that show the adjusted  
21 income and all that for you.

22                   THE DEPONENT: Am I able to ask a  
23 question?

24                   MR. DAVIS: Don't do it.

25                   THE DEPONENT: Thank you.

1 MR. WALTHALL: Let me straighten this  
2 out and then I'll address your question.

3 THE DEPONENT: No need.

4 MR. DAVIS: Okay. We're going to get  
5 them for you.

6 MR. WALTHALL: Okay, I appreciate  
7 that.

8 Q. (By Mr. Walthall) So let's see.  
9 So therefore you can put aside Exhibit Number 2  
10 for identification.

11 (Exhibit 3 was marked.)

12 Q. (By Mr. Walthall) And I'm going  
13 to introduce what I have marked as Exhibit 3 for  
14 identification, which --

15 MR. DAVIS: What was Exhibit 1?

16 MR. WALTHALL: Exhibit 1 was the  
17 stipulations. I'm sorry.

18 Pursuant to the protocol, I bring four  
19 copies of everything --

20 MR. DAVIS: That's very nice.

21 Q. (By Mr. Walthall) So for the  
22 record Exhibit 3 for identification is the  
23 complaint filed on your behalf in this case.  
24 Have you had a chance to look at it?

25 MR. DAVIS: Today or ever?

1 MR. WALTHALL: Today.

2 MR. DAVIS: I think he just saw it.

3 So the only question for you right now  
4 is do you see what's before you?

5 A. I do see it.

6 Q. (By Mr. Walthall) And do you  
7 recognize Exhibit 3 for identification?

8 MR. DAVIS: I think --

9 A. I would defer that --

10 MR. DAVIS: He's never seen it before,  
11 but you can say what it says.

12 MR. WALTHALL: I would prefer for him  
13 to testify.

14 MR. DAVIS: Sure, sure. I'm sorry.  
15 I'm trying to help. I'm sorry about that. I  
16 was trying too hard to help.

17 MR. WALTHALL: I get it.

18 A. What was your question, sir?

19 Q. (By Mr. Walthall) The question is  
20 have you ever seen that before?

21 A. I have not.

22 Q. Okay. And just for the record,  
23 this is the complaint filed on your behalf.  
24 I'll direct your attention to the last page. It  
25 is not signed by you, but it is signed by -- who

1 signed it -- Mona Lisa Wallace on your behalf.

2 Do you see that?

3 A. I do see it.

4 Q. Take a look at -- just take a look

5 -- take a few minutes and look at the complaint.

6 I'm going to -- I will ask you one or two

7 questions regarding it.

8 MR. DAVIS: I've got a question. Do  
9 you want him to read the whole thing, because  
10 it's going to take a while, or do you want to  
11 point him to a specific area?

12 MR. WALTHALL: Actually I just want to  
13 ask him generally if he can say whether or not  
14 that's a true and correct statement of his claim  
15 against the United States.

16 A. Well, sir, I would need time to  
17 review all 16 pages. If you want me to  
18 stipulate that it's accurate, it's 16 pages  
19 long, so...

20 Q. (By Mr. Walthall) All right. Let  
21 me do this. If you have anything that -- any  
22 changes that you -- strike that.

23 At this time do you have any  
24 changes that you want to make to that complaint?

25 A. Well, sir, I haven't read it.



1 Q. Okay.

2 A. I'll do what you request. If you  
3 want me to sit here and read it --

4 Q. Take a minute just to scan through  
5 it, if you would.

6 MR. WALTHALL: And maybe we can  
7 simplify this. I would ask Grant whether we  
8 would stipulate that this is the complaint filed  
9 on Mr. Dunning's behalf on --

10 MR. DAVIS: Yes, I will stipulate.

11 Q. (By Mr. Walthall) Let's just  
12 leave it at that and ask you if you -- if upon  
13 review if you have any changes that you wish to  
14 make, that you inform us of that at your  
15 earliest convenience?

16 A. Yes, sir.

17 Q. Then I would put that one aside.

18 And then I'm going to ask you to  
19 -- I'm going to show you what's been marked as  
20 Exhibit 4 for identification, and I'll ask you  
21 to examine that.

22 (Exhibit 4 was marked.)

23 Q. (By Mr. Walthall) And for the  
24 record this is the short form complaint filed on  
25 behalf of Peter Dunning -- Stephen Peter

1 Dunning, and I'll ask you to take a look at  
2 that. This one is shorter, so I will ask that  
3 -- and it's more specific to you, so I will ask  
4 that you examine this one.

5 THE DEPONENT: Can I borrow a pen?  
6 This is incorrect.

7 MR. DAVIS: Okay.

8 Q. (By Mr. Walthall) Have you had an  
9 opportunity to review Exhibit 4 for  
10 identification?

11 A. Yes, sir, I have.

12 Q. And I'm going to ask you -- and I  
13 noticed that you did make some changes, so I'm  
14 going to ask you, is that accurate to the best  
15 of your knowledge, information, and belief?

16 A. I've made some changes.

17 Q. Okay. So what changes have you  
18 made?

19 A. The date of initial diagnosis of  
20 bladder cancer was not December of 2019. It was  
21 January.

22 Q. Okay. And this -- that's on  
23 Page 3 --

24 A. Correct.

25 Q. -- where it says bladder cancer.

1 And it was January 2019?

2 MR. DAVIS: Wait, wait. Could I ask  
3 you something? At the top of that it says -- it  
4 doesn't say date of diagnosis. It says  
5 approximate date of onset. So I think that's  
6 the wrong terminology.

7 A. Oh, I was diagnosed January of  
8 2019. I have no idea date of onset, when cancer  
9 began.

10 Q. (By Mr. Walthall) So January is  
11 the date of diagnosis?

12 A. Yes.

13 Q. Okay. And onset, you have no --  
14 you have no idea?

15 A. I was stage 3 bladder cancer when  
16 I was diagnosed, so the years that it took to  
17 get to that point -- I was not diagnosed because  
18 I wasn't aware of the risk.

19 Q. Okay. And just directing your  
20 attention to the rest of Page 3, so -- and you  
21 have no other complaints --

22 A. I do.

23 Q. You do? Okay.

24 A. Added to the list of bladder  
25 cancer, you can include gallbladder, intestinal

1 cancer, kidney cancer, ureter cancer, and  
2 prostate cancer. All of those have been  
3 removed.

4 Q. Okay. Hold on. Let me -- so  
5 gallbladder cancer?

6 A. Kidney -- left kidney has been  
7 removed.

8 Q. Kidney cancer.

9 A. My left ureter has been removed.

10 Q. Left ureter?

11 A. Is gone. 18 inches of intestine  
12 has been removed. And my prostate has been  
13 removed.

14 Q. Okay. Let me ask you this. You  
15 listed one, two, three, four, five additional  
16 illnesses. Do you attribute all of those to --  
17 as a result of exposure to contaminated water at  
18 Camp Lejeune?

19 A. I do. It all originated from the  
20 bladder cancer.

21 Q. Okay. All right. So let's -- let  
22 me just go back over -- beginning at Page 1 -- I  
23 think there's another -- I'm going to suggest  
24 that it may be an error as well on the first  
25 page, because it says -- in answer to question

1 number one it says on this form you are  
2 asserting a claim for injuries to you or someone  
3 else, and you check someone else and I believe  
4 that you probably meant --

5 A. Yes. That's not correct. It's  
6 me.

7 Q. Right, okay. And I thought that.  
8 I just -- as I said, I just want to point it out  
9 and give you a chance to correct it for the  
10 record.

11 And let's see. Going to Page 2,  
12 under Roman numeral III, exposure information,  
13 question number 13, basically the first month  
14 you were exposed to the Camp Lejeune water was  
15 July of 1979?

16 A. To the best of my recollection,  
17 yes.

18 Q. Okay. And the last month of  
19 exposure was July 1985?

20 A. Correct.

21 Q. For a total of six years?

22 A. No. Five years.

23 Q. Five years, okay.

24 MR. DAVIS: Explain.

25 MR. WALTHALL: I'm bad.

1 MR. DAVIS: No, no, no. You're right  
2 on the math. He needs to explain why.

3 Q. (By Mr. Walthall) All right. Go  
4 ahead, explain.

5 A. My apologies. During that time  
6 period I was gone for 12 months to Okinawa,  
7 Japan. Left Lejeune, went to Third Marine  
8 Division, did a year, went back to Lejeune,  
9 Second Marine Division.

10 Q. Got it. Thank you. Thank you for  
11 clarifying. That that's why we have this  
12 deposition.

13 A. My apologies. I saw underneath it  
14 says 60 months.

15 Q. Yes. And I was -- the math was  
16 not making sense, so thank you for clarifying  
17 that.

18 A. Yes, sir.

19 Q. And then the next down there in  
20 response to number 18, this is the where you --  
21 where you lived or worked. And you've checked  
22 Hadnot Point and --

23 A. Mainside -- yes, sir. Hadnot  
24 Point and Mainside Barracks. But I was -- some  
25 of the other locations listed in number 18 I was

1 present in, so -- I didn't live there.

2 Q. Okay. But those are the two  
3 places where you actually lived?

4 A. Yes. Yes, sir, that is correct.

5 Q. All right. And there are -- are  
6 there any other places where you lived at Camp  
7 Lejeune?

8 A. No, sir.

9 Q. Okay. Or Camp Geiger?

10 MR. DAVIS: Can I clarify something.

11 MR. WALTHALL: Sure.

12 MR. DAVIS: So Mainside Barracks is in  
13 Hadnot Point. And then there's also other  
14 places within Hadnot Point that cover it, also,  
15 but -- but I -- yell at me if I'm being too  
16 helpful.

17 MR. WALTHALL: It's okay. It's all  
18 right. I just, as I say, want to make sure that  
19 this is true and correct to the best of his  
20 knowledge, information, and belief.

21 Q. (By Mr. Walthall) And some of  
22 these places are -- I'll just ask you, were you  
23 ever stationed at Camp Geiger?

24 A. I was not.

25 Q. Okay. That answers my question.

1                   A.    I've been there.  I didn't live  
2   there.

3                   Q.    Let's see.  Turning to Page 5 of  
4   Exhibit 4 for identification.  And question  
5   number 29 basically says the date on which you  
6   filed your administrative claim.  Do you see  
7   that?

8                   A.    Yes, sir.

9                   Q.    And it says January 27th?

10                  A.    Yes, sir.

11                  Q.    And do you have a copy of the  
12   claim that you had filed with the Navy?

13                  A.    No, sir, I don't.

14                  Q.    Do you -- okay.  And you state  
15   that that has not been assigned an  
16   administrative claim number.  And is that still  
17   true, to the best of your knowledge?

18                  A.    I would defer to my attorneys.

19                  Q.    Okay.

20                  MR. WALTHALL:  Have you received --  
21   have you all received an administrative claim  
22   number?

23                  MR. DAVIS:  No, we haven't.

24                  MR. WALTHALL:  All right.  Just  
25   checking.  All right.



1                   Are you okay or do you want to take a  
2 break?

3                   THE DEPONENT: Continue.

4                   MR. DAVIS: You tell him when you're  
5 feeling nauseous.

6                   THE DEPONENT: Yes, sir, I will.

7                   MR. WALTHALL: I'm trying to monitor  
8 it.

9                   THE DEPONENT: Thank you.

10                  Q. (By Mr. Walthall) Let me ask you,  
11 did you review any documents in preparation for  
12 your deposition today?

13                  A. No, sir, I did not.

14                         (Exhibit 5 was marked.)

15                  Q. (By Mr. Walthall) Let me show you  
16 what's been marked as Exhibit 5 for  
17 identification. And for the record Exhibit 5  
18 for identification is the Defendant United  
19 States of America's First Set of Request For  
20 Production to Discovery Pool Plaintiffs.

21                  MR. DAVIS: And forgive me for not  
22 knowing. Has the date for producing these  
23 already occurred? Have they been produced by  
24 your office to his office?

25                  MR. DOBY: Yes.

1 MR. DAVIS: So Mr. Doby is saying that  
2 these documents have been produced by the  
3 lawyer's office.

4 MR. WALTHALL: Okay. Unfortunately, I  
5 never got a copy of them, so...

6 Q. (By Mr. Walthall) So let me ask  
7 you to look at Exhibit 5 for identification and  
8 just ask you if -- have you ever seen Exhibit 5  
9 for identification, this request for production?

10 A. No, sir, I have not seen this.

11 Q. All right. Let me -- and I  
12 realize that it's probably something that was  
13 handled by your attorneys, but I'm going to go  
14 over some of the materials anyway just to ask  
15 you whether you have any now or whether you  
16 searched for.

17 So let's -- I'm going to start  
18 with Page 5, Request For Production Number 1.  
19 And it says all documents and things in your  
20 possession, custody, or control that are  
21 identified or relied upon to formulate  
22 plaintiff's answers to the discovery profile  
23 form.

24 A. Okay.

25 Q. And let me ask -- so do you -- did

1 you have any documents responsive to that  
2 request?

3 A. Yes, I did. I had a document I  
4 provided to my attorney regarding tax returns  
5 and Social Security -- my Social Security  
6 statement. That's it.

7 Q. Okay. Tax returns and Social  
8 Security statement?

9 A. That's it. I don't believe I  
10 provided anything else.

11 Q. Okay. And you turned those over  
12 to your attorneys?

13 A. I have.

14 Q. Okay. I'm going to ask you to  
15 direct your attention to Request Number 2, which  
16 is any identification cards, driver's license,  
17 military-issued identification cards, or  
18 passports. Did you do a search for any -- for  
19 that -- for those documents?

20 A. No, sir, I did not.

21 Q. Do you have any of those  
22 documents?

23 A. Yes, sir, I do.

24 Q. Could you please produce them over  
25 to your attorney, or we will submit -- we can

1 submit a request for production for driver's  
2 license, passports, or military-issued  
3 identification cards.

4 MR. DAVIS: And can I ask a question?

5 MR. WALTHALL: Sure.

6 MR. DAVIS: Do you want his current  
7 driver's license or one that was way back when  
8 he was in the Marines?

9 Q. (By Mr. Walthall) You probably  
10 don't have the one when you were in the Marines,  
11 do you?

12 A. No, sir.

13 Q. I didn't think so. Current  
14 driver's license is --

15 A. Okay.

16 Q. Yeah, just for identification  
17 purposes.

18 MR. DAVIS: And we will do that -- we  
19 will comply with the regular discovery process  
20 and do that for you.

21 MR. WALTHALL: Okay. And you may have  
22 already done it -- sorry.

23 MR. DAVIS: And may have already done  
24 it.

25 MR. WALTHALL: You may have already

1 done it, but I just...

2 MR. DAVIS: That's all the -- the  
3 lawyers will work out the belief of whether it's  
4 relevant or not. The lawyers do that, along  
5 with the judge. And so what the judge says is  
6 relevant we produce.

7 THE DEPONENT: Okay.

8 Q. (By Mr. Walthall) All right,  
9 let's -- staying on Exhibit 5 for  
10 identification, if you could go to request  
11 number -- Request Number 3 at the bottom of  
12 Page 5, all documents that relate to any facts,  
13 allegations, injuries, or physical symptoms or  
14 damage referred to in the complaint.

15 Did you do a search for those  
16 documents?

17 MR. DAVIS: I'm going to object to  
18 that, because that's a lawyer issue, not a --  
19 he's never even seen the complaint.

20 MR. WALTHALL: Okay. Well, I'm just  
21 going to ask him.

22 MR. DAVIS: Sure.

23 Q. (By Mr. Walthall) Looking at  
24 those -- did you do a search for those records  
25 is my question?

1           A.    No, sir.

2           Q.    Okay. Request Number 4, all  
3 documents in your possession, custody, or  
4 control related to the examination or treatment  
5 of injuries and physical symptoms alleged by the  
6 plaintiff in the complaint.

7                    Did you do a search for those  
8 documents?

9           A.    No, sir, I did not search for  
10 them.

11           Q.    And then if you didn't, I'm  
12 assuming the answer is -- to this next question,  
13 but did you -- do you have any of those  
14 documents?

15           A.    Can you be more specific about  
16 which documents you're talking about? I believe  
17 that my attorneys forwarded to you over 5,000  
18 pages of my medical records that you should have  
19 had by now. All this other stuff has been  
20 provided. If that's what you mean, they have  
21 that. I don't know what else -- I don't know  
22 what else you're referring to.

23           Q.    And that's -- that may be the  
24 disconnect here, because I have -- I have not  
25 received them. And that just may be a

1 disconnect in our office. So I'm not  
2 questioning whether they have been turned over.

3 A. Request for Production Number 4,  
4 are you talking about medical records?

5 Q. Yes.

6 A. All that's been provided, yes,  
7 sir.

8 Q. Okay. Request Number 5 is for  
9 photographs, videotapes, or recordings of -- in  
10 your possession that identify or depict or  
11 relate to the events.

12 Let me ask you first, are there  
13 any such videos or photographs?

14 A. Yes, sir, there are.

15 Q. Okay. And did you turn them over  
16 to your attorney?

17 A. Yes, sir, I have.

18 Q. And same questions -- I'm going to  
19 ask pretty much the same questions for all of  
20 them.

21 With respect to Request Number 6,  
22 examinations, evaluation, diagnosis and  
23 treatment of injuries alleged in the complaint  
24 or otherwise related to exposure to contaminated  
25 water at Camp Lejeune, including correspondence,

1 radiography, et cetera.

2 Do you see that?

3 A. Yes, sir, I do.

4 Q. Did you do a search for that?

5 A. I did not search, no, sir. They  
6 have been provided to my attorneys.

7 Q. Okay. So when I say you did a  
8 search, I mean, what did you provide to your  
9 attorneys?

10 A. All of my records, films, scans,  
11 chart notes, correspondence, radiography,  
12 medical imaging, pathology samples, reports,  
13 operative notes, medical releases. This has all  
14 been provided to my attorney.

15 Q. Okay. And so when you say you  
16 didn't do a search --

17 A. I already had it.

18 Q. You already had them and you  
19 turned them over to your attorney?

20 A. Correct. That is correct.

21 Q. And same with Request Number 7,  
22 any documentation in your possession that  
23 related to the -- your plaintiff has experienced  
24 emotional or mental suffering. Do you see that?

25 A. I do see that.



1 Q. Did you have any of those records?

2 A. I do not have any documentation  
3 regarding my emotional and mental suffering.

4 Q. Okay. And with respect to Number  
5 8, this requests prescription drugs within ten  
6 years before the onset, which we will take as  
7 December of 2019 just for convenience, all  
8 right, or for the purposes of this request.

9 Do you have medical prescription  
10 drugs documents related to those?

11 A. No, sir, I do not. Prior to my  
12 diagnosis, I rarely went to the doctor. I don't  
13 have those records.

14 Q. And the diagnosis was -- we're  
15 going to say 12/2019, is that what you're -- is  
16 that roughly when you were diagnosed?

17 MR. DAVIS: I think he said February.

18 MR. WALTHALL: Or January.

19 A. January. January 2019.

20 Q. (By Mr. Walthall) Was when you  
21 were diagnosed?

22 A. January 29th was the day I was  
23 told I have cancer.

24 Q. Okay. 29th, 2019. And that was  
25 the date of diagnosis. All right.

1           A.    The day that the news was broken  
2   to me, yes.

3           Q.    Okay.  So prior to that you had no  
4   knowledge of the onset of any disease?

5           A.    That's correct.

6           Q.    Okay.

7           A.    I believed I was healthy.

8           Q.    Let's see.  Request -- are you  
9   okay?  Do you want --

10          A.    Yeah.  Please keep going.

11          Q.    So with respect to Production  
12   Number 9, any documents shown to the plaintiffs  
13   by any physician or provider related to your  
14   injuries.

15                    Were those included in the  
16   documents that you produced to your attorneys?

17          A.    Yes, sir, they were, I believe.

18          Q.    Any that you had, you turned over  
19   to your attorneys?

20          A.    Yes, sir.

21          Q.    Okay.  With respect to Request For  
22   Production Number 10, this relates to any  
23   lawsuit, workers' compensation proceeding or  
24   benefit, Social Security claim, Veterans  
25   Administration disability compensation claim, VA

1 benefits claim or request -- request insurance  
2 claim or claim for personal injury.

3 Now, these are -- this is  
4 basically a request for insurance claims that  
5 you have made for the ten years prior to your --  
6 I'm going to put your diagnosis -- substitute  
7 your diagnosis of the injury. Do you see that?

8 A. I do see that.

9 Q. Do you have any of those  
10 documents?

11 A. There are none.

12 Q. Okay.

13 A. They didn't exist.

14 Q. Meaning you made no claims?

15 A. No. The ten years prior to being  
16 diagnosed with cancer, I didn't have reason to.

17 Q. Okay. So no claims were made is  
18 what you're saying?

19 A. No. Best of my knowledge,  
20 regarding the documents you're referring to, no.

21 Q. Okay. Number 11 requests any  
22 notes, diaries, or calendars, et cetera, in your  
23 possession relating to the injuries, physical  
24 symptoms, or damages alleged in the complaint.

25 Did you have any of those?

1                   A.    I turned those over to my  
2 attorney.

3                   Q.    Okay.  But you did have some?

4                   A.    Yes, I did.

5                   Q.    And then I'm going to skip to  
6 Request Number 13, which asks for expenses  
7 incurred by the plaintiff by any insurance  
8 carrier -- here we go with insurance carrier --  
9 or health plan or damages alleged in the  
10 complaint including but not limited to fees by  
11 any hospital, medical facility, medical  
12 provider, therapy, surgeries, et cetera.  Do you  
13 see that?

14                  A.    Yes, sir, I do see it.

15                  Q.    Did you have any of these  
16 documents?

17                  A.    I do not have them.  I believe  
18 they're available to my attorneys from  
19 University of Kansas Health System and my  
20 insurance carrier who is UnitedHealth.  There  
21 are years of medical bills we're referring to.  
22 They're available from them.  I don't have them.  
23 I didn't keep track of it.

24                  Q.    You don't have them?

25                  A.    No, I didn't --

1 Q. That's fair. With respect to  
2 Number 14, any records in your possession,  
3 custody, or control of life care planning  
4 services conducted for the plaintiff.

5 A. I don't know what that is.

6 Q. I'm not sure I know what that is,  
7 so let's scratch that one off.

8 Request Number 15 is any expenses  
9 paid on behalf of the plaintiff for the period  
10 of ten years before your -- I'm going to say  
11 your diagnosis.

12 MR. DAVIS: I'm going to object to  
13 that as vague.

14 A. I don't know what that is.

15 Q. (By Mr. Walthall) Okay.

16 MR. DAVIS: I guess it's relating to a  
17 claim of subrogation or lien by any third party.

18 MR. WALTHALL: It is, and so --

19 Q. (By Mr. Walthall) I mean, with  
20 respect to the -- you know, with respect to  
21 that, has anyone else paid any of your expenses  
22 pursuant --

23 A. To my knowledge no, sir.

24 Q. -- pursuant to a subrogation  
25 claim?

1           A.    Ten years before the onset of the  
2    injury, no, sir.

3           Q.    Okay.  Let me ask you this.  
4    Number -- directing your attention to production  
5    14 -- 16, sorry, Page 9.  All documents in your  
6    possession or control related to any witness  
7    that the plaintiff intends to call.  Do you  
8    intend to call any witnesses?

9           A.    I would defer that to my attorney.

10          Q.    Well, let me ask you this.  Are  
11   you aware of any people that know about your  
12   illness other than your doctors?

13          A.    My two sons, my ex-wife.  I've got  
14   a very good friend in Florida who came up and  
15   spent several weeks with me helping me get  
16   through the early rounds of chemotherapy.  The  
17   rest of it I went through alone.

18          Q.    Okay.  And what's your friend's  
19   name?

20          A.    First name is Steven, last name  
21   Lechner, L-e-c-h-n-e-r.  He knows what I've gone  
22   through.  That's it.  Doctors, nurses.  Other  
23   people are just aware I have cancer, but they  
24   don't know what I've gone through, so no.

25          Q.    Okay.  All right.  And what is

1 your ex-wife's name?

2 A. I, if possible, prefer to leave  
3 her out of this. I prefer no contact.

4 Q. I realize that, but --

5 A. Her name's Linda, L-i-n-d-a, same  
6 last.

7 Q. Okay. Yeah, I mean, we're not  
8 going to -- we have no plans to involve her.  
9 But if you mentioned her as a person who might  
10 have knowledge, I would just want to mark that  
11 down.

12 A. Understood.

13 Q. And your sons' names?

14 A. First son is Ryan, R-y-a-n, middle  
15 initial A. And younger son is Sean, S-e-a-n,  
16 middle initial R, same last.

17 Q. Thank you. And I'm going to ask  
18 these other questions, but I'm assuming that  
19 you've -- that the answers are going to be very  
20 similar. But with respect to number 17, any  
21 documents in your possession or control that  
22 relate to the -- that show that the damage was  
23 caused by exposure to contaminated water at Camp  
24 Lejeune. Do you see that?

25 Strike that. Let me start over.

1                   Number 17 requests all documents  
2     in your possession, custody, or control that  
3     plaintiff contends supports or provide proof --  
4     provide or prove that the injuries, physical  
5     symptoms, or damages alleged in the complaint  
6     were caused by the exposure to contaminated  
7     water or a chemical agent at Camp Lejeune.

8                   A.     I'm not sure I can speak to that,  
9     if there's any such thing that can prove -- when  
10    you say prove, that I believe implies that  
11    there's no doubt, it's proven, that this was  
12    caused by the water at Camp Lejeune. I don't  
13    know how to answer that question, sir.

14                  Q.     Okay. Support then. Support that  
15    -- support your contention that it was caused by  
16    exposure to contaminated water?

17                  A.     Well, I would offer that my belief  
18    is the 5,000 pages of medical records would  
19    support the fact that I have cancer and that's  
20    where it came from. But not being a doctor, I  
21    -- I shouldn't -- I shouldn't claim that.

22                  Q.     All right. Let's move on to  
23    Request Number 19 -- 18. All documents in your  
24    possession or custody or control that support  
25    that you were exposed to contaminated water.



1 That's similar to the last one, so I withdraw  
2 that question.

3 Number 19 is all documents in your  
4 possession that reflect your presence at Camp  
5 Lejeune for the period starting August 1st,  
6 1953, to the present.

7 A. Yes, sir.

8 Q. Okay. So what documents do you  
9 have?

10 A. I provided it my attorney, my  
11 DD-214. I believe my counsel has my full  
12 medical records, a copy of my SRB. I believe  
13 that should be proof enough.

14 Q. This is all documents that support  
15 that you were there.

16 A. Yes, sir.

17 Q. So you mentioned your DD-214.

18 A. And a full copy of my service  
19 record book, SRB.

20 Q. Okay. And other than those --  
21 other than that and medical records, are there  
22 any other documents that you have that show that  
23 you were at Camp Lejeune?

24 A. No, sir.

25 Q. Number 20 is request for

1 photographs of the interior or exterior of any  
2 residences at Camp Lejeune.

3 A. No, sir.

4 Q. And 21 is photographs of any  
5 places where you worked at Camp Lejeune.

6 A. No, sir.

7 Q. Number 22 is for each place where  
8 you worked in the period ten years prior to your  
9 diagnosis all documents in your possession,  
10 control, or custody relating to any inspection  
11 or testing of those premises. In other words,  
12 this is asking you whether you had any testing  
13 done of any places where you lived ten years  
14 prior -- for the ten years before January 2019?

15 A. No, sir. All ten years were one  
16 residence in Overland Park, Kansas.

17 Q. Okay.

18 A. That home is still owned by my  
19 ex-wife.

20 Q. And to your knowledge was any  
21 testing done for chemical agents on that  
22 property?

23 A. There were none.

24 Q. And with respect -- let's move to  
25 Request for Production Number 23 on Page 11 of

1 the RFP, Exhibit 5 for identification. All  
2 documents relating to the occupancy in housing  
3 within Camp Lejeune, including the DEERS  
4 dependency information.

5 A. No, sir, there were none.

6 Q. With respect to Number 24, I think  
7 you mentioned, but all documents or photographic  
8 material in your possession relating to all  
9 military service.

10 A. I believe my attorney has those  
11 documents.

12 Q. And those are the ones you  
13 previously related --

14 A. Yes, sir.

15 Q. -- your service record?

16 A. Yes, sir.

17 Q. And then with respect to Number  
18 25, all statements made by any agent or service  
19 of the government regarding the subject matter.  
20 Did you receive any statements from the United  
21 States regarding this?

22 A. No, sir, I have not.

23 Q. Let's move to Request for  
24 Production Number 28 on Page 13 of Exhibit 5 for  
25 -- Exhibit 5 for identification. And it

1 basically requests communication the plaintiff  
2 had with any person concerning the subject  
3 matter of this lawsuit. Do you have any letters  
4 or emails that you --

5 A. No, sir, I do not.

6 Q. And Number 29 on Page 13 of  
7 Exhibit 5 for identification asks you for all  
8 information obtained from state or federal  
9 government agencies, including any FOIA --  
10 Freedom of Information Act requests that you  
11 might have made.

12 A. No, sir.

13 MR. DAVIS: Just to be clear, the  
14 attorneys may have. You're asking him if he  
15 did.

16 MR. WALTHALL: I'm just asking him.

17 MR. DAVIS: Gotcha.

18 THE DEPONENT: Yes, sir.

19 MR. WALTHALL: If you guys got them,  
20 I'm sure you'll show them to me.

21 Q. (By Mr. Walthall) Next is exhibit  
22 -- strike that -- Request Number 30 on Page 14  
23 of Exhibit 5 for identification, and this  
24 requests for any -- all news reports,  
25 advertisements, or publications in your

1 possession relating to contamination or  
2 environmental investigation near Camp Lejeune --  
3 on or near Camp Lejeune Marine Base that you  
4 reviewed or received.

5 A. I have none.

6 Q. Request Number 31 relates to  
7 documents relating to your employment within the  
8 previous ten years prior to your diagnosis. And  
9 this one kind of is fairly extensive, so let me  
10 walk through and ask you if you have any of  
11 these. The first one is any documents related  
12 to the names of your employers.

13 A. I don't have any documents, no,  
14 sir.

15 Q. Okay. This -- and this is -- note  
16 that this is the period ten years prior to  
17 January --

18 A. I understand.

19 Q. -- of 2019.

20 Okay. Any documents that relate  
21 to the income or work schedules or earnings and  
22 profits that you derived from your work  
23 activities from any source.

24 A. Those would be in tax returns --

25 Q. Okay.

1           A.    -- that I do not have copies of  
2    except for what I've provided to my attorney.

3           Q.    Okay.  And then we've asked for  
4    your authorization to receive your tax returns.

5                    Any documents relating to  
6    unemployment?

7           A.    I don't have any.

8           Q.    Let me ask you this.  Is that  
9    because they don't exist or --

10          A.    Correct.

11          Q.    Okay.  And number D there says all  
12   documents reflecting any dates you were absent  
13   from work for any reason.

14          A.    I have no such document.

15          Q.    None, okay.

16          A.    No.

17          Q.    Okay.  Any documents relating to  
18   your membership in labor unions or trade  
19   organizations?

20          A.    I was not a member, no.

21          Q.    Okay.  Employer-provided fringe  
22   benefits received in connection with employment  
23   prior to the alleged injury?

24          A.    I have no documents, no.

25          Q.    Documents relating to your

1 inability to work, do you see that? It's G on  
2 Page 15.

3 A. I see it. And could you read the  
4 rest of the statement, please.

5 Q. Okay, yes.

6 All documents evidencing the  
7 dates, if any, the plaintiff was unable to work  
8 or was in any way impaired from pursuing his or  
9 her career development as a result of the  
10 alleged injury or injuries and the earnings  
11 which plaintiff allegedly lost as a result of  
12 that absence, use of paid time off, delay in  
13 pursuing career development, and any other event  
14 allegedly causing monetary damages.

15 A. Well, sir, I don't have any  
16 documentation other than the date I was in all  
17 reality -- excuse me -- forced to retire because  
18 of cancer.

19 Q. Okay. And what date was that?

20 A. It would have been I believe  
21 January, possibly February of -- I would have to  
22 work on that, sir. I don't recall. I can guess  
23 but I'd rather not.

24 Q. We'll probably get back to that a  
25 little bit later.

1                   A.    Yes, I could -- I just need to sit  
2    and figure it out.

3                   Q.    Okay.

4                   MR. WALTHALL:   It -- I mean, as a  
5    matter of fact, it's probably a good time to  
6    take a break anyway.

7                   THE DEPONENT:   If we could, that would  
8    be great.

9                   MR. WALTHALL:   Yes.  And you've got to  
10   -- let me know whenever you feel like you need a  
11   break.

12                  THE DEPONENT:   Thank you, sir.  I'd  
13   rather power through this.

14                  MR. WALTHALL:   I know, but let me know  
15   anyway.  Okay?

16                  VIDEO TECHNICIAN:  Going off the  
17   record.  The time now is 11:27 a.m.

18                  (Recess.)

19                  VIDEO TECHNICIAN:  We are back on the  
20   record.  The time now is 11:46 a.m.  Please  
21   proceed.

22                  Q.    (By Mr. Walthall)  Good morning  
23   again, Mr. Dunning.

24                  A.    Good morning, sir.

25                  Q.    I think the last question we had



1 on the record was the date that you retired?

2 A. Yes, sir.

3 Q. You were going to look into that.  
4 And what have you come up with?

5 A. March 2019. I started cancer  
6 treatment in February, early February. And I  
7 made it about a month and I just -- I physically  
8 couldn't keep going. So I made the decision to  
9 retire, basically forced retirement. I couldn't  
10 do both. I had a career that I loved and I  
11 loved my job and couldn't do it.

12 Q. And do you have any documents  
13 related to that? That's what this request for  
14 production is all about. Did you have any  
15 documents related --

16 A. No, I don't -- other than I  
17 stopped working, no.

18 Q. Okay. Let me go to question H on  
19 Page 15 of request -- strike that.

20 Exhibit Number 5 for  
21 identification, Page 15, all documents  
22 reflecting that the plaintiff searched for  
23 another job after leaving employment because of  
24 the alleged injury.

25 A. There are no documents. To date I

1 have not returned to work. I'm not able to.

2 Q. Okay.

3 A. It's not an option.

4 Q. And then the next subcategory is  
5 there all documents evidencing the date the  
6 plaintiff retired from work, the annual value of  
7 any retirement benefit.

8 A. There are none.

9 Q. And is that because you have no  
10 retirement benefits, or why is that?

11 A. The company did not have -- other  
12 than a 401(k), does not -- did not offer a  
13 pension plan. It didn't exist. I did have a  
14 401(k).

15 Q. Okay. And any documents  
16 reflecting workers' compensation? I think we  
17 talked a little bit --

18 A. I did not file for workers' comp.

19 Q. Thank you. Let me return your  
20 attention to Page 16 of Exhibit 5 for  
21 identification and ask you to look at production  
22 number 13 -- number 33. All documents related  
23 to benefits, awards, or payments related to the  
24 alleged injury or injuries. And that includes  
25 Veterans Administration, workers' comp, and

1 Medicaid or Medicare benefits.

2 A. I do not have any of those, sir.

3 Q. Okay. Then Number 34 requests  
4 text messages, posts, conversations related to  
5 the facts or allegations of this.

6 A. I do not have any, sir.

7 Q. Okay. Do you have a Facebook  
8 account or anything like that?

9 A. Yes, sir, I do.

10 Q. Do you use Instagram?

11 A. I do not -- on a very limited  
12 basis. Rarely.

13 Q. How about Snapchat?

14 A. I don't know what that is.

15 Q. I'm not sure I do, either.

16 Signal?

17 A. I don't know what that is.

18 Q. Okay. How about WhatsApp?

19 A. I don't know what that is.

20 Q. Okay. Directing your attention to  
21 Page 17 of Exhibit 5 for identification and ask  
22 you to look at Request for Production Number 35.  
23 All documents related to any concerns that you  
24 have or complaints that you made about the  
25 contaminated water at Camp Lejeune.

1           A.    I do not have any.

2           Q.    Number 36, going down, is all  
3    communications you had made between you and the  
4    United States relating to contaminated water.

5           A.    I do not have any.

6           Q.    Number 37 is all documents related  
7    to the interaction with the United States about  
8    contaminated water.

9           A.    I still don't have any.

10          Q.    Okay. Looking at Request for  
11    Production Number 38 on Page 17 at the bottom  
12    of 5 for identification, all documents in your  
13    possession, custody, control including  
14    communications related to your participation or  
15    contribution to any reports, studies, or  
16    assessments or evaluations related to  
17    contaminated water at Camp Lejeune.

18          A.    I do not have any.

19          Q.    Okay. And then, finally, Request  
20    for Production Number 39 is what we've  
21    identified and -- we've identified on the record  
22    certain of your -- your medical release, which  
23    was handed over to us by your attorneys and --

24                MR. WALTHALL: Grant, do you want to  
25    just put on the record that you handed over to

1 us -- or I'll put on the record, that you gave  
2 us his 2019 income tax return?

3 MR. DAVIS: Correct, I did.

4 MR. WALTHALL: The first -- at least  
5 the --

6 MR. DAVIS: Yeah. And then we did  
7 send you authorizations -- we sent you on the  
8 break by email a Dropbox to the documents that  
9 were sent to the DOJ previously, which I think  
10 it was sent January of 2010 -- I mean January  
11 10th, 2024. And then -- that's it.

12 MR. WALTHALL: Okay. And just for the  
13 record, I -- for some reason it got lost in the  
14 system. I wasn't prepared to talk about those  
15 documents because I couldn't find them. Nobody  
16 gave them to me, so -- they were in the -- they  
17 were given to the justice department, but they  
18 never made it to me is the problem.

19 MR. DAVIS: Okay.

20 MR. WALTHALL: So -- but -- so that's  
21 -- you can put aside Exhibit 5 for  
22 identification and ask that that be put on the  
23 record.

24 MR. DAVIS: Three, four, five.

25 MR. WALTHALL: Yep. That's the

1 request for production.

2 (Exhibit 6 was marked.)

3 Q. (By Mr. Walthall) So let me ask  
4 you to -- so I'm handing you what's been marked  
5 as Exhibit 6 for identification. And I'll ask  
6 you to examine that.

7 For the record Exhibit 6 is the  
8 Discovery Pool Profile Form filled out for  
9 Stephen Peter Dunning. And have you had a  
10 chance to look at that, Mr. Dunning?

11 A. No, sir, I have not.

12 Q. Okay. Go ahead.

13 A. I would defer to my attorneys.

14 Q. Well, let me direct your attention  
15 to Page 16, then, of this exhibit --

16 A. 16.

17 Q. -- of Exhibit 6. And it notes  
18 there that you certified to the best of your  
19 knowledge, information, and belief that the  
20 information contained here is true.

21 A. Yes, so I must have seen this.

22 Q. Okay. And that is your signature  
23 on Page 16?

24 A. Yes, sir, it is.

25 Q. So why don't you take a look at

1 it --

2 A. I'd like to, please, refresh my  
3 memory with this.

4 Q. Please do.

5 MR. DAVIS: Yeah, okay, you've got to  
6 correct that.

7 THE DEPONENT: Spell check. Ureter,  
8 u-r-e-t-o-r or e-r?

9 MR. DOBY: e-r, I think.

10 THE DEPONENT: Thank you. I'm not a  
11 doctor.

12 COURT REPORTER: Do you want this off  
13 the record?

14 MR. WALTHALL: Yeah, just off the  
15 record.

16 (Off the record.)

17 Q. (By Mr. Walthall) So you've had a  
18 chance to look at Exhibit 6 for identification.  
19 And are there corrections you want to make?

20 A. Yes, sir. It appears that Page 7  
21 is the same as Page 8. So I don't know if I'm  
22 missing something here. Diseases and illnesses,  
23 diseases and illnesses.

24 MR. DAVIS: It's all right. Start  
25 with Page 7, because the same thing applies to

1 Page 8, right?

2 THE DEPONENT: It appears so. I'm  
3 checking the same boxes. So I didn't understand  
4 if they wanted it twice, but...

5 Q. (By Mr. Walthall) Are there any  
6 other changes that you are making there? Strike  
7 that. Let's go back.

8 So what changes have you made so  
9 far to Exhibit 6 for identification?

10 A. Exhibit 6, Page 7 --

11 Q. Okay.

12 A. -- currently lists bladder cancer.

13 Q. Okay.

14 A. I've also included kidney cancer,  
15 gallbladder, intestinal, prostate, and left  
16 ureter. Page 8, exactly the same. The  
17 additions were kidney, gallbladder, intestinal,  
18 prostate, and ureter. Those are the only  
19 changes I have made so far.

20 MR. DAVIS: How about -- and the date.  
21 You put down the date.

22 THE DEPONENT: I have not put the date  
23 -- I don't see --

24 MR. DAVIS: Next page has February. I  
25 think earlier in your testimony when you talked



1 about this you said January 2019.

2 THE DEPONENT: Oh, yes.

3 MR. DAVIS: We actually went through  
4 this before somewhat on Page 3 of the short  
5 form --

6 MR. WALTHALL: Short form complaint?

7 MR. DAVIS: -- complaint that's  
8 Exhibit Number 4.

9 THE DEPONENT: Okay. I've also  
10 completed that change on Page 8 to show January  
11 of 2019. I don't see any other changes.

12 Page 11 is asking for my Social  
13 Security number, my date of birth, branch of  
14 service. Do you need that information included  
15 or --

16 MR. DAVIS: I think it's also on the  
17 first page. You've already done that on the  
18 first page, or Page Number 2 --

19 THE DEPONENT: Yes, sir. But Page 11  
20 is blank.

21 MR. DAVIS: Do you see Page Number 2,  
22 Tim? It gives the Social Security number,  
23 answer to number 16, and then date of birth to  
24 number 17. Maybe that's for someone --

25 MR. WALTHALL: Yes, that's for someone

1 else. Yes, that's for -- that's a different --

2 THE DEPONENT: Page 11?

3 MR. WALTHALL: Yeah, you don't need --

4 MR. DAVIS: That's if you're making a  
5 claim for someone else.

6 MR. WALTHALL: That's not applicable  
7 to you.

8 THE DEPONENT: Then I don't believe --  
9 I don't believe there are any other -- except  
10 for Page 17, it's a repeat of the other pages.

11 MR. WALTHALL: Yeah, that's an insert  
12 for additional injuries if --

13 THE DEPONENT: It appears to be the  
14 same page as Page 8. It appears to be  
15 identical. Question 44 and question 92 appear  
16 to be the same.

17 MR. WALTHALL: Okay.

18 THE DEPONENT: But yes, sir.

19 MR. WALTHALL: Okay, I appreciate  
20 that.

21 THE DEPONENT: Those are the changes.

22 MR. WALTHALL: Okay. I think what we  
23 may -- well, you made those on -- did you make  
24 those changes on the exhibit?

25 THE DEPONENT: Exhibit, yes, sir.

1 MR. WALTHALL: Then we'll just --

2 MR. DAVIS: And he did that also with  
3 the short term petition -- short form petition  
4 that's Exhibit 4. So you will have those  
5 changes written down there.

6 MR. WALTHALL: Okay, very good. All  
7 right.

8 Q. (By Mr. Walthall) So let me see  
9 if I have any other questions. I do.

10 So with respect to your residence,  
11 this is Page 2, question number 18, and you list  
12 there 17602 South Rolling Hills Road in Belton,  
13 Missouri. Is that where you live now?

14 A. Yes, sir.

15 Q. Okay. And then 12801 Bluejacket,  
16 Overland Park, Kansas, you lived there until  
17 year 2000?

18 A. We moved -- we purchased the home  
19 in 2000. And I relocated, going through an  
20 unexpected divorce. So my ex currently has that  
21 home. She's still there.

22 MR. DAVIS: But that wasn't in the  
23 year 2000.

24 THE DEPONENT: No. 2000 I moved in.

25 MR. WALTHALL: Okay. Right.

1 Q. (By Mr. Walthall) And then 2021  
2 you moved --

3 A. 2021 I moved to Belton when I left  
4 -- when I left our residence, which is now her  
5 residence.

6 Q. Okay. All right. I'm just --  
7 this is more -- Page 4, question 28 of  
8 Exhibit 6, you checked "Other." Okay. It says,  
9 did plaintiff -- did plaintiff service overlap  
10 any of the following conflict periods, and you  
11 checked "Other," but you left it blank, and I'm  
12 wondering what you're referring to there.

13 A. Service overlap was Beirut,  
14 Lebanon, Grenada, operations that weren't  
15 included in the very short list.

16 Q. Right, got it. So Beirut was one,  
17 Grenada was another?

18 A. Panama was another.

19 Q. Panama?

20 A. Those are the other conflicts that  
21 -- I don't know if they should have been  
22 included or not. I don't know.

23 Q. Okay. All right. And those are  
24 the three that you can think of --

25 A. Yes, sir. Those are the three.

1 Q. All right. And those occurred  
2 while you were in the Marine Corps service?

3 A. Correct.

4 Q. And at Page 5 it indicates that --  
5 were you a TRICARE beneficiary, and the answer  
6 is no.

7 Let me ask you this. Do you know  
8 what TRICARE is?

9 A. No, sir, I don't.

10 Q. Okay, so that's a good -- that's  
11 why you put no. It's a good reason to put no if  
12 you don't know what it is.

13 A. Yes, sir. I don't know what it  
14 is.

15 MR. DAVIS: Well, we checked. It  
16 wasn't like the lawyers didn't check.

17 MR. WALTHALL: I'm sure you did.

18 Q. (By Mr. Walthall) Okay. Just so  
19 I have it in the front of my mind, so at Page 7  
20 you checked kidney cancer -- strike that. You  
21 checked bladder cancer, but you're adding kidney  
22 cancer, right?

23 A. Yes, sir.

24 Q. What were the other --

25 A. Gallbladder.

1 Q. Gallbladder. Where is that?

2 A. Halfway down.

3 Q. Okay, there it is. Yeah.

4 A. Couple clicks south of that is  
5 intestinal.

6 Q. Okay.

7 A. About ten clicks south of that is  
8 prostate.

9 Q. Thank you.

10 A. Last line is ureter, left.

11 Q. How did we decide to spell that?

12 A. U-r-e-t-e-r. And that's also been  
13 removed.

14 MR. DAVIS: For clarity, you also had  
15 ducts removed and --

16 THE DEPONENT: Yeah, they're not here.

17 A. Lymph nodes. All the lymph nodes  
18 in my waist have been removed, which is the  
19 causation of lymphedema that I suffer from every  
20 day as well as aggravated sciatica that I enjoy  
21 every day.

22 Q. (By Mr. Walthall) And all of  
23 these additions are in some way related to the  
24 bladder cancer?

25 A. Directly related, yes, sir.

1 Q. Okay. And -- all right. Okay.  
2 Tell me about -- let's go to Page 8, question  
3 46, when was the plaintiff diagnosed with his  
4 injury. February 21st, 2019.

5 So who diagnosed you with bladder  
6 cancer?

7 A. Initial diagnosis was done with  
8 Dr. Talbert, College Park Family Care Center.

9 Q. Okay. And he's the doctor listed  
10 on the next page?

11 A. Yes, sir. I went to see him  
12 believing I had kidney stones. He's the one who  
13 broke the news to me that I had cancer.

14 Q. So it was in 2019, February 2019,  
15 right?

16 MR. DAVIS: I think he said January.

17 A. January, January 29th. January  
18 29th, 2019, was the day.

19 Q. (By Mr. Walthall) Okay. So you  
20 want to change that --

21 A. To January 2019.

22 Q. January 29th, okay.

23 A. It was February that I started  
24 treatment.

25 Q. Okay. And then at Page 9,

1 question 50, you list all the treating  
2 physicians. Timothy Talbert you mentioned. And  
3 the next one there is John Rahul -- or, I'm  
4 sorry, it's John Taylor. Reading across, it's  
5 John Taylor.

6 A. John Taylor. Dr. Taylor, Dr.  
7 Parikh.

8 Q. Yes. And what was -- what was Dr.  
9 Taylor?

10 A. Dr. Taylor is my oncologist. Dr.  
11 Parikh is my pathologist.

12 MR. DAVIS: Wasn't there another  
13 person at Dr. Talbert's office, too?

14 THE DEPONENT: Yes. I don't remember  
15 his name. He -- he was the doctor who was the  
16 radiologist who brought in -- it's in my medical  
17 record somewhere. We discussed -- he's the one  
18 who brought in the films that Dr. Talbert let me  
19 know I have cancer. And that's another doctor.  
20 I don't remember his name.

21 Q. (By Mr. Walthall) Radiologist?

22 A. Yes.

23 Q. But you do have a Dr. Todd Johnson  
24 listed on the next page?

25 A. Yes, and he is a urologist.



1 Q. Okay.

2 A. And he's with Saint Luke's.

3 Q. Okay. Continuing on -- that's  
4 Page 10. We're on Page 10 of Exhibit 6 for  
5 identification. And now question -- okay.  
6 Question 51 says please select all of the types  
7 of exposure. And you have residential. We  
8 talked about that. We have occupational, and  
9 then we have "other." And what other exposure  
10 did you have, are you referring to there?

11 A. I believe it points out  
12 recreation, being in the pool. Using the  
13 drinking water while we were exercising,  
14 enjoying activities on the base. Exposure was  
15 constant. It was everywhere every day. I don't  
16 believe there was a time we were ever not  
17 exposed.

18 Q. So -- and you have -- residential  
19 we talked about. And where were you exposed  
20 occupationally? In other words, where were you  
21 working on base?

22 A. Part of our duties as a marine we  
23 were required to keep squad bays and barracks  
24 clean. So you would mop floors, scrub toilets,  
25 clean the showers. The term is field day, and

1 it was done often.

2 We also took turns with mess duty.  
3 When you worked in the kitchen for a week,  
4 scrubbing garbage cans and pots and pans and  
5 cleaning the steam tables and cleaning the  
6 dining area between all meals, mopping floors,  
7 cleaning tables. We were exposed to water all  
8 the time.

9 The uniform you wear is washed in  
10 the water. You brush your teeth, you shave, you  
11 shower. You drink the water all day. You drink  
12 coffee. You eat the food that the water is used  
13 to prepare. I can't imagine there's a time  
14 you're not exposed. All the heating was steam  
15 heat, so you're breathing that all the time.

16 I don't think -- if you were to  
17 analyze the average day of a marine at Camp  
18 Lejeune, was there ever a period of time in that  
19 day he wasn't exposed to the water, I would say  
20 no. It's constant.

21 Q. And the entire time you --

22 MR. DAVIS: Could I object?

23 MR. WALTHALL: Object? I haven't  
24 asked a question.

25 MR. DAVIS: I know. It was to the

1 prior one. It's really him being nonresponsive.  
2 I think the question was asked where did you  
3 work. I think that was really the question you  
4 asked, right?

5 MR. WALTHALL: Yes.

6 MR. DAVIS: On the base, in relation  
7 to --

8 A. I worked in a communications  
9 center on base. That was my MOS, my military  
10 occupational specialty, so that was my daily  
11 job.

12 Q. (By Mr. Walthall) All right. And  
13 where was that?

14 A. Mainside.

15 Q. Mainside Barracks, okay. And so  
16 you list Hadnot Point, Mainside Barracks, where  
17 you -- is that -- the entire time at Camp  
18 Lejeune, that was where you spent your time?

19 A. Yes. Where I lived, yes.

20 Q. Right. I'm sorry. Where you  
21 lived. Well, you also mentioned that your  
22 occupational was also on Mainside Barracks,  
23 right?

24 A. Yes.

25 Q. So was there any other spots on

1 Camp Lejeune that you spent time at, either  
2 working or living?

3 A. Spent time?

4 Q. Yes?

5 A. Yes, sir.

6 Q. Okay. Where would they be?

7 A. All over the base.

8 Q. Okay. But I mean --

9 A. The ball fields. I played on a  
10 team baseball team on base.

11 Q. Sure. And what position did you  
12 play?

13 A. The pool. Shortstop.

14 Q. Good arm.

15 A. We used the pool. We would play  
16 touch football. We would -- we were all over  
17 the base. We used the different facilities on  
18 base. We would go to the PX, the commissary,  
19 the movies.

20 Q. Got it. But more related to where  
21 you either worked or --

22 A. Was Mainside. That's where  
23 basically everything was.

24 Q. Okay.

25 A. And as a junior marine making \$60

1 every other week, we didn't go out very often.

2 Q. Understood. So now Page 12 of  
3 Exhibit 6 for identification, it talks about  
4 Agent Orange. And it says was the plaintiff  
5 ever exposed to Agent Orange, and the answer is  
6 -- you answered no.

7 And my question is how do you know  
8 that you were not exposed to Agent Orange?

9 A. To my understanding Agent Orange  
10 is a defoliant that was used during Vietnam.

11 Q. Yes.

12 A. And the result of Agent Orange is  
13 everything that is sprayed with it dies. So I  
14 don't recall ever walking around base and seeing  
15 all the trees dead and the grass dead. So I  
16 would assume, hopefully, that they weren't  
17 spraying Mainside with Agent Orange.

18 Q. Did you -- were you ever deployed  
19 where Agent Orange was used?

20 A. I don't believe so, no, sir.

21 Q. Okay. Did you ever investigate  
22 whether you might have been exposed to Agent  
23 Orange?

24 A. No, sir.

25 Q. Okay.

1           A.    Until you asked me that, I --  
2   before I had this question, I never gave it a  
3   thought.

4           Q.    Okay.  And it indicates you went  
5   to Mount Olive High School?

6           A.    That's correct.

7           Q.    Flanders, New Jersey?

8           A.    Correct.

9           Q.    Then you graduated in 1979?

10          A.    Yes, sir.

11          Q.    Okay.  With a degree?

12          A.    Diploma, yes, sir.

13          Q.    Diploma.  Okay.  I don't know --  
14   72(e) -- I'm sorry.  72(d).

15          A.    72 --

16          Q.    -- (d) on Page 13 of Exhibit 6 for  
17   identification?

18          A.    72(d).

19          Q.    It indicates cancer -- this looks  
20   like something that was probably an oversight,  
21   but anyway --

22          A.    Well, sir, it says please identify  
23   all family members, grandparents, parents,  
24   siblings, who have been diagnosed with these.  
25   The answer is none.

1 Q. Okay. That's -- that answers my  
2 question.

3 A. I don't have any history of cancer  
4 in my family other than myself.

5 Q. Okay. So this basically -- on  
6 Page 13, Roman numeral VI, you're talking about  
7 economic loss. And question 73, do you seek  
8 economic -- recovery for economic loss such as  
9 out-of-pocket medical expenses or lost earnings.  
10 Are you seeking that?

11 A. Yes, sir.

12 Q. And you are seeking out-of-pocket  
13 medical expenses?

14 A. Yes, sir.

15 Q. And out-of-pocket non-medical  
16 expenses?

17 A. Yes, sir.

18 Q. And then question 76 is has an  
19 injury related to Camp Lejeune water caused you  
20 to be unable to work?

21 A. Yes, sir.

22 Q. So question number 77, have you  
23 ever had -- did plaintiff ever file a civil  
24 litigation complaint against the United States  
25 related to the contaminated water at Camp

1 Lejeune?

2 A. No, sir.

3 Q. Okay.

4 MR. DAVIS: It says prior to August  
5 11, 2022.

6 MR. WALTHALL: Right. Prior to August  
7 11, 2022, right.

8 Q. (By Mr. Walthall) And I think you  
9 -- going to question 86, and I think you already  
10 answered this, but just confirming, have you  
11 ever filed a disability claim with a state  
12 agency, and the answer is no. Do you see that?

13 A. That's a correct answer, sir. I  
14 have not.

15 Q. Okay. I thought you did -- I  
16 thought you did answer it earlier.

17 MR. WALTHALL: Okay. So I think that  
18 this probably would be a good time to take a  
19 break. Do you want to go for -- how long would  
20 you like to go?

21 VIDEO TECHNICIAN: We are going off  
22 the record. The time now is 12:21 p.m.

23 (Recess.)

24 VIDEO TECHNICIAN: We are back on the  
25 record. The time now is 12:36 p.m. Please



1 proceed.

2 Q. (By Mr. Walthall) Yes, good  
3 afternoon. And welcome back, Mr. Dunning.

4 A. Thank you, sir.

5 Q. I would like to move on a little  
6 bit about your personal information and family  
7 history, so -- I believe you already indicated  
8 that you live -- you presently live at 17602  
9 South Rolling Hills Road?

10 A. That's correct.

11 Q. And that is in Belton, Missouri,  
12 right?

13 A. That's correct.

14 Q. And who lives there with you?

15 A. No one.

16 Q. And I think your previous address  
17 was 12801 Bluejacket?

18 A. That is correct.

19 Q. And that's Overland Park in  
20 Kansas, right?

21 A. Yes. It's the home we raised our  
22 boys in. Yes.

23 Q. Okay. And did you -- do you --  
24 let's take it one at a time. Do you own at  
25 South Rolling Hills or do you rent?

1 A. I own it.

2 Q. Okay. And then same question with  
3 respect to Bluejacket in Overland Park, did you  
4 own or rent?

5 A. We owned.

6 Q. And --

7 A. My ex-wife and children still  
8 reside there.

9 Q. Okay. And how old are you?

10 A. 63.

11 Q. And where were you born?

12 A. Camden, New Jersey.

13 Q. And are you a U.S. citizen?

14 A. Yes, I am.

15 Q. And -- let's see. We've already  
16 asked for Social Security and driver's license  
17 numbers, and we'll get that information from --

18 A. Yes.

19 MR. DAVIS: And the Social Security  
20 number is in the profile.

21 MR. WALTHALL: Right. Okay.

22 Q. (By Mr. Walthall) All right. You  
23 mentioned that you were married. What is the  
24 date of your marriage?

25 A. August 15th, 19 -- 1995.

1 Q. And where were --

2 A. 08/19/95.

3 Q. And where were you married?

4 A. Suffolk, Virginia. S-u-f-f-o-l-k,  
5 Virginia.

6 Q. Know it well.

7 A. United Christian Church.

8 Q. And how old were you when you were  
9 married?

10 A. 34.

11 Q. And I believe you've indicated  
12 you're divorced?

13 A. I am.

14 Q. And have you ever been married to  
15 anyone else?

16 A. I was.

17 Q. Okay. And when was that?

18 A. While I was at Lejeune. Married  
19 for two years, three years. Met a girl at  
20 Lejeune, got married, married for a couple  
21 years, got divorced. Young stupid marine thing.

22 Q. And what was her name?

23 A. Nancy.

24 Q. And roughly what years were you  
25 married to her?

1           A.    I'm guessing '83 to '86, if it was  
2   that long.  That's best guess.

3           Q.    Okay.

4           A.    '83 to '85.  I'm guessing.

5           Q.    Well, maybe I can help.  You were  
6   at Lejeune until June of '85, right?

7           A.    Yes.

8           Q.    Okay.  Would it have been --

9           A.    So --

10          Q.    Go ahead.

11          A.    I guess -- I'm guessing again.  
12   '83 to '84.  Two years.  And we both realized it  
13   was a pretty stupid thing to do.

14          Q.    Okay.  You mentioned you have  
15   children.  I think you've given me their names.

16          A.    I have.

17          Q.    How old are they?

18          A.    My oldest son Ryan is 25.  My  
19   youngest son Sean is 22.

20          Q.    And where do they live?

21          A.    They reside with their mother in  
22   Overland Park, Kansas.  It's the only home  
23   they've ever known.

24          Q.    And how is their health?

25          A.    Excellent, both of them.

1 Q. Do they have any children?

2 A. No. They better not.

3 Q. Somehow I knew that was coming.

4 Do you have any brothers and  
5 sisters?

6 A. I do not.

7 Q. And how about your parents, what  
8 are the names of your parents?

9 A. My mother has passed away in  
10 September of 2011. First name was Betty, middle  
11 initial Mae -- or middle name Mae. Same last.

12 Q. Okay. And your father?

13 A. Passed away when I was three.  
14 Never knew him.

15 Q. His name was?

16 A. His first name was Frank.

17 Q. And what did he pass away of, do  
18 you know?

19 A. No. No, I don't -- specifically  
20 what did he pass away from? No, I don't know.

21 MR. DAVIS: He was in the military and  
22 died in the military.

23 A. That's what my mom told me. I  
24 don't know specifically the details. Yes, we've  
25 discussed this. That's -- that's all I know.

1 Q. (By Mr. Walthall) Okay. So  
2 according to your mom, what was his cause of  
3 death?

4 A. I don't know. He was in the Navy,  
5 and he passed away when he was in the Navy.

6 Q. And what year would that have  
7 been, do you know?

8 A. '63, '64. I was three years old.

9 Q. Do you know the -- do you know if  
10 you have any hereditary diseases that run in  
11 your family?

12 A. No.

13 Q. And do you know what the cause of  
14 death of your grandparents were?

15 A. Specifically, no. I would -- I  
16 would assume time. Grandmother was 97.  
17 Grandfather was 91.

18 Q. Okay. Do you have any dependents?

19 A. Not at this time, no. My kids are  
20 off my payroll.

21 Q. I was -- I was going to say,  
22 they're old enough now.

23 A. They are.

24 Q. Now, you told us that you  
25 graduated from Mount Olive High School in 1979?

1 A. Correct.

2 Q. Did you have any further education  
3 after that?

4 A. I've taken college courses for  
5 engineering classes. When I left the sheriff's  
6 office, I went to work for a pump and valve  
7 company, so I took a lot of classes with process  
8 engineering, the science of moving fluids and  
9 gases, transfer of energy, to be more proficient  
10 in my job. I never matriculated.

11 Q. Okay. Are these basically night  
12 school courses or --

13 A. Yes, nights, weekends.

14 Q. And when -- when would those --  
15 when did you take those courses?

16 A. Spread out over years. '95 to  
17 2015. Again, guessing.

18 Q. Reasonable estimate.

19 A. That's -- somewhere in that time  
20 frame. As different courses came up that I was  
21 interested in, I would take them. Some of them  
22 were private courses. McNally is one in that  
23 industry. Everybody knows McNally for pumps and  
24 valves. And there are a number of courses that  
25 you can take to achieve McNally certification.

1 So, as I said, everybody in that industry knows  
2 who McNally is.

3 I took courses through McNally.  
4 Courses through American Petroleum -- API,  
5 American Petroleum Institute, that enabled me to  
6 work in refineries. Those are API courses. CPI  
7 is Chemical Process Institute. Take those  
8 courses to be able to do work in chemical  
9 plants. NRC certification to be able to work in  
10 nuke plants. And just classes you take so you  
11 understand the process and be able to work with  
12 design engineers with pumps and valves in that  
13 environment.

14 Q. Okay. But you never received a  
15 degree?

16 A. No.

17 Q. So let me move on to your military  
18 service. What was the first branch of service  
19 that you tried to join? Was it the Marine  
20 Corps?

21 A. Marine Corps.

22 Q. Were you ever told -- were you  
23 ever told by any military recruiter that you  
24 were not eligible to serve?

25 A. No.



1 Q. Okay. Were you ever rejected from  
2 military service?

3 A. No.

4 Q. I didn't think so. Did you meet  
5 all the physical and testing requirements for  
6 military service?

7 A. I did.

8 Q. Did you ever request any waivers  
9 to enter the military service?

10 A. I did not.

11 Q. Okay. Did you serve in more than  
12 one branch of the military service?

13 A. I did not.

14 Q. And did you enter active duty?

15 A. I did.

16 Q. And so what year did you enter,  
17 again, this July --

18 A. I graduated boot -- I entered --  
19 went to Parris Island, South Carolina, for  
20 Marine Corps recruit training in March of 1979.

21 Q. 1979, okay.

22 A. Actually was able to obtain enough  
23 high school credits to graduate early to go to  
24 boot camp and return to my high school and  
25 graduate high school in my Marine Corps uniform.

1 Q. Cool. Parris Island, March 1979.

2 And then --

3 A. Graduated June of '79.

4 Q. You graduated high school in June  
5 of '79, right?

6 A. And boot camp in June of '79.

7 Q. And did you ever re-enlist?

8 A. No. I extended.

9 Q. You extended?

10 A. I did.

11 Q. And what's the difference?

12 A. Enlistment contracts run three to  
13 four years. You can extend active duty in the  
14 Marine Corps for two years, one year or two  
15 years. If you want to go longer than two years,  
16 you had to re-enlist. I extended because I was  
17 considering re-enlisting in the Corps versus  
18 getting out and doing something else.

19 Q. Okay. And so we talked about this  
20 a little bit, but your total length of service  
21 in the Marine Corps was?

22 A. Six years active duty, two years  
23 as a reservist.

24 Q. And of that you spent how many  
25 years at Camp Lejeune?

1 A. Five.

2 Q. And where was the other year  
3 spent?

4 A. Okinawa, Japan, Third Marine  
5 Division.

6 Q. Okay. And what year was that?

7 A. Best of my recollection was 1980.  
8 When did I leave? I'm going to say spring of  
9 '80 -- the spring of '81. Guessing March. I  
10 should remember. It was only 43 years ago. I  
11 should remember.

12 Q. March 1981 you returned to Camp  
13 Lejeune?

14 A. I did.

15 Q. Okay. And what was your tour of  
16 duty in Japan for?

17 A. Everybody takes a turn, WestPac.

18 Q. WestPac?

19 A. Western Pacific, yes. Marines --  
20 it's very, very common that just about -- almost  
21 everybody takes a turn away from home for a year  
22 -- a solid year in Japan.

23 Q. In Japan?

24 A. Okinawa.

25 Q. And what was your highest military

1 pay grade?

2 A. E-4, corporal.

3 Q. E-4. Okay. Let's talk about -- a  
4 little bit about your occupation. Are you -- I  
5 think you mentioned military occupational  
6 specialty?

7 A. My MOS.

8 Q. What was your MOS?

9 A. 2542, communications.

10 Q. 2542. And exactly what is that,  
11 2542 communications?

12 A. Bases, units, have message traffic  
13 that comes and goes to provide communication.  
14 So those units, Second Marine Division -- Camp  
15 Pendleton, California, is the First Marine  
16 Division. Okinawa, Japan, is the Third Marine  
17 Division. Communicate, as well as with  
18 Department of Defense, Department of Navy. So  
19 those messages come and go. So someone who's in  
20 communications is working with receiving and  
21 processing message traffic and sending message  
22 traffic.

23 Q. Okay. Is this primarily emails,  
24 or what kind of message --

25 A. No.

1           Q.    What kind of message traffic are  
2 we talking about?

3           A.    It -- again, I'll date myself. At  
4 that time communication was received and sent on  
5 five level dot code. It's a machine that spit  
6 out paper tape. And that paper tape, as it  
7 runs, had up to five holes punched in it,  
8 sometimes two, sometimes three. It would remind  
9 you of braille. And you have to learn -- be  
10 able to read what that says by -- by the dots.

11          Q.    Okay.

12          A.    So an example would be the address  
13 for Second Marine Division is R-U-E-B-D-O-D.  
14 And amazing I remember that. So all message  
15 traffic destined for Second Marine Division has  
16 that designator, that's where it's going. If  
17 it's going to First Marine Division, Third, it  
18 has a different addressee designator. So you  
19 have to process that message traffic coming in  
20 and going out. So you have a security clearance  
21 and you handle sensitive material between the  
22 commands.

23          Q.    Okay. And is that -- is that what  
24 you did the entire time you were at Lejeune?

25          A.    Yes, sir.

1 Q. And were you assigned a duty  
2 rotation?

3 A. Could you specify?

4 Q. In other words, did you -- was it  
5 a 9:00 to 5:00 job?

6 A. No. It was shift work.

7 Q. Okay. And what do you mean by  
8 that?

9 A. Around the clock. You -- someone  
10 was there 24 hours a day. As an example, if the  
11 Marine Corps is going to war, you can't say,  
12 well, it's not business hours, we're not going.  
13 Someone's always there, someone's always on  
14 duty, so yes.

15 Q. So were there any times that you  
16 particularly worked there or did you --

17 A. It was shift work, around the  
18 clock. So sometimes you're assigned days,  
19 sometimes evenings, sometimes nights.

20 Q. Okay.

21 A. You worked your assigned shift.  
22 And the shifts would rotate.

23 Q. Got it.

24 A. And that was the schedule when we  
25 were on Mainside. When you're in the field, it

1 basically works -- basically works the same way.

2 Q. And what type of machinery did you  
3 use to send and receive these --

4 A. Teletype machines.

5 Q. Teletype.

6 A. Yes, I am a dinosaur.

7 Q. I'm not saying that. You're  
8 actually younger than I am, so -- anyway.

9 A. There were also computers that  
10 were used for different types of messages, flash  
11 message traffic. There was an IBM computer  
12 system for urgent. But typically most of the  
13 message traffic was handled on teletype  
14 machines, the mundane day-to-day message  
15 traffic.

16 Q. And did you do your work in one  
17 particular location at Camp Lejeune or -- you  
18 mentioned field duty. So when you weren't on  
19 field duty, where were you?

20 A. Initially I -- when I first got to  
21 Lejeune, I was at French Creek with second FSSG,  
22 which stands for field service support group.

23 Q. Okay.

24 A. And when I returned to Lejeune, I  
25 was with Second Marine Division.

1 Q. Okay. Let me unpack that. So the  
2 second FSSG, where did you go?

3 A. French Creek.

4 Q. That was at French Creek?

5 A. Yes.

6 Q. And then when you -- I'm sorry.  
7 Then when you returned to Lejeune you were  
8 where?

9 A. Second Marine Division.

10 Q. Yeah. And that was at?

11 A. Middle of Mainside.

12 Q. Mainside.

13 A. Headquarters building.

14 Q. Got it. Mainside Barracks.

15 A. In the basement of headquarters  
16 building, yes.

17 Q. Okay.

18 A. You may see it in the movies with  
19 somebody standing outside the vault door with an  
20 M-16. And if you shouldn't be in there, you're  
21 not going in.

22 Q. Got it.

23 A. That was the message center.

24 Q. Okay. And so you said you  
25 attended boot camp. Where did you attend boot



1 camp?

2 A. Parris Island.

3 Q. You said that. And you also said  
4 when, but just for -- how long was it, a year?

5 No.

6 A. Thank you, no. March of 1979 to  
7 June. And I believe when I went through boot it  
8 was 14 weeks. Thankfully not a year.

9 Q. Got it, okay. And where did you  
10 attend your MOS training?

11 A. I started at Lejeune. I spent a  
12 brief period at 29 Palms, California. Then back  
13 to Lejeune.

14 Q. When was that? When was 29 Palms,  
15 California?

16 A. September and October of '79, I  
17 believe.

18 Q. All right. But -- did you have  
19 any other institutional military training?

20 A. Well, it was ongoing. There was  
21 rifle training, physical training.

22 Q. Got it.

23 A. A marine never stops training.  
24 It's the purpose of going to the field, to be  
25 ready to go to war.

1 Q. Okay. And what I'm trying to get  
2 at is a -- MOS and that was it, right?

3 A. That's your job.

4 Q. That was your job, okay.

5 A. I'm sorry. Excuse me. That's  
6 your primary job. If you notice, every marine,  
7 the stripes that he wears, every marine wears  
8 cross rifles. Every marine's primary job is a  
9 rifleman. You train and you focus. Your combat  
10 role, you're a rifleman. Again, that's why when  
11 you look at marine's patches, there's always  
12 cross rifles.

13 Then you have your military  
14 occupational specialty. Mine was  
15 communications. You could be a cook. You could  
16 be motor transport. You could do  
17 administrative, law, the judge advocate court.

18 If the alarm goes off, you grab a  
19 rifle, you put on a helmet, and you stand a  
20 post. That's every marine's job.

21 Q. Okay. So for your MOS training,  
22 what unit were you assigned to?

23 A. Oh, I started with communications  
24 center, second FSSG. Then I went to 29 Palms  
25 for training, and then back to Second Marine

1 Division. And the more you do, the better you  
2 get.

3 Q. Okay. And I think we said -- we  
4 said this, but you lived at Hadnot Point in the  
5 barracks?

6 A. Yes.

7 Q. In the barracks at Hadnot Point?

8 A. Yes. First several years were in  
9 a squad bay. Then eventually the hotel-style  
10 barracks were finally built.

11 Q. Hotel-style, what does that mean?

12 A. It's three stories tall. It has a  
13 balcony outside, outdoor entrance. It looks  
14 like a hotel. Your door leads to a common  
15 balcony that runs the length of the building.  
16 There's two-man rooms. There's two racks, two  
17 wall lockers, two desks, two foot lockers.

18 Q. Okay. So divide it up for me. So  
19 the first how many years did you spend in the  
20 open barracks?

21 A. Squad bays.

22 Q. Squad bays.

23 A. First -- first four, first five.  
24 The hotel-style barracks were just being built.  
25 They were just under construction. When we

1 finally moved into one, it was just several  
2 streets away from us. They were tearing down  
3 the wooden squad bays and putting up the brick  
4 three-story -- the new barracks.

5 Q. Okay.

6 A. Most of my time was in a squad  
7 bay.

8 Q. And during this time did you use  
9 water buffaloes? I should say do you know what  
10 a water buffalo is, but I know you do.

11 A. I certainly do. And yes, we did.

12 Q. Okay. And what are they, just for  
13 the record?

14 A. Water buffalo is a water tanker.  
15 It's a trailer. It's not self-propelled. It's  
16 towed behind a six-by-six wheel -- powered  
17 six-wheel vehicle. And it holds I believe 2,000  
18 gallons of water. And that's water that's  
19 consumed and used when a Marine Corps unit goes  
20 to the field.

21 Q. And do you know where the water  
22 buffaloes were filled?

23 A. Yes.

24 Q. Where?

25 A. At the barracks with a hose. When

1 the six-bys were being loaded with all the gear  
2 that was going to the field, one of the things  
3 that was being done was filling the water  
4 buffaloes while you were loading the trucks with  
5 your gear.

6                   You always remembered to take a  
7 clean five-gallon metal trash can, because you  
8 would fill that with water, put it on a water  
9 heater -- propane gas water heater to get the  
10 water hot, and try to find a couple clean socks,  
11 fill them with coffee grounds, and you dipped  
12 them in the water until you made coffee. That's  
13 where the water came from.

14                   Q. That's where the water came from  
15 and that's where the coffee came from, right.

16                   A. Yes, that's where the coffee came  
17 from. Hopefully the socks were clean.

18                   Q. So on a -- strike that.

19                   How much time did you spend at  
20 Camp Lejeune when you were stationed there is  
21 what I'm getting at?

22                   A. I don't understand your question.  
23 I was at Lejeune.

24                   Q. But did you spend all the time --  
25 all your time on base or did you take leave?

1                   A.    Oh, occasionally when I could get  
2   some leave I would.

3                   Q.    How often?

4                   A.    A marine gets 30 days a year.

5                   Q.    Okay.

6                   A.    And that's 30 days total per year  
7   that you can be off duty.  So if you want to  
8   take any time off, it comes out of that pool.  
9   So if I wanted to travel to see family or do  
10  something -- you can also accrue that leave.  
11  You can build it up.  It's like a savings  
12  account.

13                  Q.    Okay.  And did you -- did you take  
14  leave?

15                  A.    I did.

16                  Q.    Okay.  And --

17                  A.    I can remember leaving to see my  
18  mom in Florida.  I went to New Jersey for a  
19  wedding.  Went to New Jersey for a funeral.  I  
20  didn't leave very often because -- the challenge  
21  wasn't getting the time off; it was monetary.  
22  Couldn't afford to go anywhere.

23                  Q.    Did you have any other absences  
24  from Camp Lejeune other than the leave you're  
25  discussing?

1 A. I did not.

2 Q. Okay. No AWOL?

3 A. No.

4 Q. Okay. Do you -- did you do any  
5 training at any other bases? I think you  
6 mentioned Japan. Did you train in Japan or did  
7 you just --

8 A. We did. Worked in a  
9 communications center and would go to the field  
10 and -- the Marine Corps never stops practicing  
11 for war.

12 Q. Did you deploy?

13 A. No.

14 Q. And other than the 30 days, you  
15 spent your weekends on Camp Lejeune?

16 A. Yes.

17 MR. DAVIS: I'm going to object to the  
18 form. He didn't say he took 30 days off, but...

19 MR. WALTHALL: 30 days -- he talked  
20 about 30 days leave per year.

21 A. That's what you earn. So, again,  
22 you can build that up, but -- whenever you get  
23 paid, you get a leave and earnings statement,  
24 your LES. On there it shows you how much you're  
25 getting paid this pay cycle, how much you've

1 made all year long. It's kind of like a mini  
2 W-2. And on your LES will be how many days of  
3 leave you've accrued. So you can keep building  
4 those up.

5 I don't remember how many I cashed  
6 in when I left active duty. I saved a lot.  
7 Because when you -- if you decide to leave  
8 active duty, you can -- 30 days leave you've  
9 built it, you can cash it in, that's 30 days'  
10 pay.

11 Q. Right.

12 A. So I built -- I built it up. I  
13 know that.

14 Q. How much can you build it up? Can  
15 you build it up to more than 30 days or --

16 A. I don't remember how much you  
17 maxed out. I don't recall.

18 Q. Okay.

19 A. If it was 60 days, 90 days, I  
20 don't -- there was a cap on it. I don't -- I  
21 think it was 60. Anything -- anything over 60,  
22 I think, or 90, you'd lose if you didn't use it.  
23 I think it was 90, 90 days, you could build up.  
24 And beyond that you lost it if you didn't use  
25 it. I don't remember.



1 Q. Okay. Let me ask you this. What  
2 were your -- what was your address, if you can  
3 remember, when you lived at Camp Lejeune? Did  
4 you --

5 A. No, sir, I can't tell you.

6 Q. Okay. That's like you were in the  
7 barracks?

8 A. Right. And address would have  
9 been your unit, your base -- your unit  
10 such-and-such, Second Marine Division, Camp  
11 Lejeune, North Carolina, and the zip code.  
12 That's the address for all of us.

13 Q. And what about your address for  
14 the MOS unit that you were in; was there a  
15 separate address for that?

16 A. No.

17 Q. It was in the same --

18 A. No. Your mail is delivered to  
19 your unit, and then it's handed out at the  
20 barracks, mail call.

21 Q. Did you -- and I believe you said  
22 you joined the reserves, right?

23 A. After active duty.

24 Q. Yes, after --

25 A. All Marines owe two years.

1 Q. And how long were you on reserve  
2 duty?

3 A. Two years.

4 Q. Two years. And that was it?

5 A. Yep.

6 Q. Were you in any training at Camp  
7 Lejeune during that reserve period?

8 A. No.

9 Q. Okay. Let me ask you to, if you  
10 can, list your permanent duty stations.

11 A. I have.

12 Q. Camp Lejeune?

13 A. Started at Parris Island.

14 Q. Parris Island, Camp Lejeune,  
15 Okinawa?

16 A. Okinawa, Japan.

17 Q. Okinawa, Japan. And then back to  
18 Camp Lejeune?

19 A. That's it.

20 Q. All right.

21 A. Not real exciting.

22 Q. Did you ever have any temporary  
23 duty stations?

24 A. No.

25 Q. And you were never deployed?

1 A. No.

2 Q. During your military service did  
3 you ever experience any blast or explosion?

4 A. I'm not sure I understand what  
5 you're --

6 Q. Okay. For example, one of the  
7 people we interviewed was a tank crew commander.  
8 Obviously he experienced blasts or explosions.  
9 Did you experience blasts or explosions?

10 A. We would go to the rifle range and  
11 you're firing live rounds. You're throwing  
12 grenades, live grenades in training. That makes  
13 some noise. You're in the field and you're  
14 going through mortar training, so you're  
15 dropping pipe rounds in a mortar, mortar tube.  
16 When those find a suitable landing place, they  
17 make some noise. So yes, sir, in that regard I  
18 -- yes, I guess.

19 Q. Okay. Were you ever in a  
20 vehicular accident? Were you ever in a car  
21 crash?

22 A. No.

23 Q. You said that before.

24 A. No.

25 Q. Did you ever get a fragment of a

1 bullet?

2 A. No.

3 Q. Other than Camp Lejeune were you  
4 exposed to any chemicals during your time in the  
5 service?

6 A. No.

7 Q. That you're aware of?

8 A. No. And, again, I didn't think I  
9 was being exposed to anything at Lejeune. I  
10 thought there were people to make sure that that  
11 wasn't happening and we were safe. So I can't  
12 speak to anywhere else that I was -- Parris  
13 Island, anything else I was exposed to. I could  
14 have been and just no one's told me yet. I  
15 don't know.

16 Q. Did you experience any other  
17 injuries or -- either physical or psychological  
18 that you're aware of?

19 A. Well, obviously psychological.  
20 What this has resulted in, it's cost me my  
21 health, a marriage, the home I lived in living  
22 with my kids, a career. Basically all the plans  
23 I had for the future are shot as a result of  
24 this.

25 I'm hoping things go well as time

1 goes by, but right now my goal is I'm hoping to  
2 make it to Christmas. So I live with that  
3 psychological damage that -- knowing that -- how  
4 much time you got left. I -- and I don't. No  
5 one can answer that, including the doctors.  
6 They can't tell me.

7                   The cancer I have constantly  
8 reoccurs. They cannot get rid of it. It keeps  
9 coming back. Look back at the list of parts  
10 I've lost, it keeps coming back. And I  
11 currently have a port. I asked if they would  
12 take it out. They said no. They expect they're  
13 going to need it again.

14                   February I have a scan to see if  
15 any cancer is detectable. I still have cancer.  
16 They just can't detect it yet. The concern is  
17 that it's going to return to my lymphatic  
18 system, my liver, or my lungs, in which case the  
19 doctors have said they'll do everything they can  
20 to keep me comfortable. I would assume they're  
21 referring to I'm done if that -- if it occurs  
22 where they can't take it out. So I live with  
23 that every day. There's a psychological part of  
24 this.

25                   Q. Okay. Let me ask you, were you --

1 did you ever have any disciplinary proceedings  
2 against you?

3 A. I did not. I never --

4 Q. At Camp Lejeune?

5 A. I never had office hours, no.  
6 Anywhere in the Corps.

7 Q. Were you ever subject to an  
8 investigation?

9 A. Never, other than my security  
10 clearance.

11 Q. Right. But subject of a military  
12 justice investigation?

13 A. No. No.

14 Q. Have you ever been picked up or  
15 detained by the military police?

16 A. Never.

17 Q. Have you ever applied to the Board  
18 of Corrections for military records?

19 A. Never.

20 Q. What was the date of your  
21 discharge from the Marine Corps?

22 A. I would -- I'd have to refer to my  
23 paperwork. I -- my initial enlistment would be  
24 March of '83. Then I extended. So March of '85  
25 my extension would have expired, doing quick

1 math in my head.

2 Q. Did you retire from the military?

3 A. No.

4 Q. No?

5 A. I just ended active service.

6 Q. Okay. Are you receiving any  
7 pension from the military?

8 A. I am not.

9 Q. Okay. I think that's pretty much  
10 what I wanted to cover on your military  
11 background. Let's talk a little bit about your  
12 employment history here. We'll go until the  
13 lunch --

14 A. Certainly.

15 Q. -- service -- sandwiches arrive,  
16 if that's okay with you.

17 A. Yes.

18 Q. So can you give me -- just give me  
19 a list of the names of employers that you had  
20 after you left the military.

21 A. First employer was the Manatee  
22 County Sheriff's Office. From there I went to  
23 Chesterton, C-h-e-s-t-e-r-t-o-n. They are a  
24 pump and valve manufacturer. After Chesterton  
25 -- I don't remember who was next. I remember

1 companies I've worked for. I don't know the  
2 order.

3 After Chesterton, I don't --  
4 Imperial, I-m-p-e-r-i-a-l, Imperial, and they're  
5 out of Green Bay, Wisconsin. Chesterton is in  
6 Stoneham, Massachusetts. After Imperial, it was  
7 BEKA, B-E-K-A, Lubrication. They're a pump  
8 manufacturer. They're based in Pegnitz,  
9 Germany. And I retired from SafeRack, common  
10 spelling SafeRack.

11 Q. SafeRack, r-a-c-k?

12 A. Yes. Industrial equipment  
13 manufacturer. And they're located --  
14 headquartered is in -- it's South Carolina.  
15 Andrews, South Carolina.

16 Q. Okay.

17 A. And I was with SafeRack when my  
18 working days ended.

19 Q. That would be until 2019?

20 A. Right. I met with my boss  
21 explained, what's going on with my physical  
22 condition, and we both agreed that it's time to  
23 retire. I couldn't keep working. The doctors  
24 also said stop -- I was trying to go through  
25 chemo and keep working and I couldn't.



1 Q. Okay. Let me just walk you back  
2 through briefly if I can. So the Manatee County  
3 Sheriff's Office, what years did you work there?

4 A. I'm going to say '86 -- '86 to  
5 '92. I'm winging it, giving you my best  
6 answers.

7 Q. Right, best estimates. And what  
8 did you do for the --

9 MR. DAVIS: Oh, we're going to have to  
10 -- are you okay?

11 THE DEPONENT: Is it working.

12 (Off the record.)

13 A. My apologies, sir. Your question?

14 Q. (By Mr. Walthall) That's fine.  
15 So you worked there from '86 to '92 by your best  
16 estimate?

17 A. I believe so, yes.

18 Q. And what did you do for the  
19 Manatee County Sheriff's Office?

20 A. I was a deputy sheriff.

21 Q. And after that you went to  
22 Chesterton Pump and Valve?

23 A. Yes.

24 Q. So that would have been in 1992 --

25 A. Yes.

1 Q. -- roughly?

2 A. I was with Chesterton for a while.

3 Q. And what did you do for them?

4 A. Sales. Selling pumps and valves.

5 Q. And when we say pumps and valves,  
6 are we -- what are we talking about there?

7 A. Industrial pumps and valves,  
8 controlling fluid, moving fluids and gases. And  
9 that -- that whole science is process  
10 engineering.

11 Q. And where did you -- where did you  
12 work for Chesterton?

13 A. Started in -- I had the southern  
14 New Jersey territory to begin with. Relocated  
15 to the Philadelphia area, Westchester, and --  
16 actually started in Florida. Take that back. I  
17 started in Florida and had a section of the west  
18 coast of Florida. Then moved up to Westchester,  
19 Pennsylvania, and I had the southern half of New  
20 Jersey as a territory.

21 Q. Okay. And then what year did you  
22 leave Chesterton?

23 A. I'm trying to recall. I just told  
24 you I started with Chesterton --

25 Q. Yeah, 1992.

1           A.    '92 I started with them. So I'm  
2 going to say -- well, the boys were born -- I'm  
3 going to say I left Chesterton for Imperial  
4 2002.

5           MR. DAVIS: These are all estimates?

6           THE DEPONENT: Yes. I'm doing the  
7 best I can to reach back 25 -- now 25 years.  
8 We're talking 40 years -- 40 years ago.

9           A.    To 2002. And then I was with  
10 Imperial from 2002 to -- 2002 -- I'm going to  
11 say 2012.

12          Q.    (By Mr. Walthall) Okay. And was  
13 that when you went to BEKA?

14          A.    Yes. 2012 to 2016.

15          Q.    Okay.

16          A.    And SafeRack up until I retired.

17          Q.    2019?

18          A.    Yeah.

19          Q.    And where were you located when  
20 you were at Imperial?

21          A.    Here. I lived in Overland Park.  
22 My territory was the middle third of the United  
23 States. I was a regional sales manager. Three  
24 of us split the U.S. So Canada to Texas, I had  
25 the middle third of the U.S.

1 Q. And what did Imperial sell?

2 A. Industrial supplies. All of the  
3 companies we're discussing were in the  
4 industrial vertical market.

5 Q. Okay. And then -- and how were  
6 you paid in these positions? Let's start with  
7 Chesterton.

8 A. Salary and bonused.

9 Q. Salaries and bonuses?

10 A. Yes.

11 Q. Bonuses based on?

12 A. Production.

13 Q. Production being?

14 A. Sales. The more you sell, the  
15 more you make.

16 Q. Okay. And do you know how much on  
17 an annual basis your compensation was at  
18 Imperial? How much did you make at Imperial?

19 A. I could not begin to recall. I  
20 would have to refer to --

21 Q. Okay, that's fine.

22 A. -- tax returns and -- I'd have to  
23 refer to something. I don't remember.

24 Q. Okay. Let's go to BEKA. Where  
25 did you work at BEKA?

1           A.    I was a vice president of sales  
2 for North America. I had the U.S. and Canada.  
3 I was responsible for all sales functions. I  
4 reported to the board in Germany. My base  
5 salary was 150,000 a year plus bonuses on all  
6 sales in the U.S. and Canada.

7           Q.    And you say their board -- board  
8 was in Germany. What's the parent company, or  
9 is that the --

10          A.    That's the parent, BEKA. The  
11 board of directors are located in Germany. I  
12 would fly over twice a year to meet with the  
13 board to explain to them what was happening with  
14 sales.

15          Q.    That was in Pegnitz, Germany?

16          A.    Yes.

17          Q.    Okay. Trying to keep my notes  
18 straight here more than anything else.

19          A.    No worries. Pegnitz is near  
20 Nuremberg, Munich.

21          Q.    Got it. And then in 2016 you went  
22 to SafeRack?

23          A.    Yes.

24          Q.    And where did you -- where were  
25 you employed at SafeRack?

1           A.    Company is based in South  
2 Carolina. I was the director of business  
3 development for the United States.

4           Q.    And where were you actually  
5 located?

6           A.    I lived here, Overland Park, had  
7 an office in my house, an office in South  
8 Carolina. So traveled back and forth, but  
9 living in Kansas was ideal for traveling  
10 nationally. I was gone all the time. Leave  
11 Monday, come home Friday. I lived in an  
12 airplane.

13          Q.    And how much how much was your  
14 compensation at SafeRack?

15          A.    SafeRack was 150 a year, and  
16 bonuses based on margin, sales, for the U.S.

17          Q.    So let me ask you, in any of these  
18 jobs were you exposed to chemicals?

19          A.    No. No, I was not. Met with  
20 design engineers, purchasing people, plant  
21 managers.

22          Q.    And let me -- I'm going to go  
23 through each of your jobs and ask you why you  
24 left. So why did you leave the sheriff's  
25 office?

1 A. Short answer, more money.

2 Q. At Chesterton?

3 A. Yes.

4 Q. And then you left Chesterton for  
5 Imperial for the same reason?

6 A. Yes. Advancing at Chesterton I  
7 was a territory sales manager. Imperial I was a  
8 regional sales manager for a third of the U.S.

9 Q. Got it. And then at BEKA?

10 A. I was the boss for the U.S. and  
11 Canada.

12 Q. Vice president of sales, right?

13 A. And I reported directly to the  
14 board and then SafeRack.

15 Q. And then SafeRack you left for  
16 medical reasons?

17 A. Cancer. I didn't want to leave.

18 Q. Okay. Let me ask you -- I think  
19 you may have already answered this. But do you  
20 have any retirement -- you've got a 401(k) from  
21 SafeRack, right?

22 A. I do.

23 Q. But no other retirement benefits,  
24 or do you?

25 A. Personal retirement benefits.

1 Q. What's that?

2 A. Investments that we made with  
3 Edward Jones, Merrill Lynch. My -- during my  
4 married life we were both employed. She's done  
5 very, very well with her career. She's still  
6 employed. She's a director with DuPont. So we  
7 lived on one salary, and the other salary went  
8 into investments for 28 years.

9 So our plan before this happened,  
10 we had retirement plans and a future, and we had  
11 been preparing for that. And when I was hit  
12 with cancer, my wife decided that she wanted to  
13 do something else, so we were divorced.

14 Q. And, I'm sorry, when did you get  
15 divorced? You may have said this. But what  
16 year were you divorced?

17 A. It was finalized '21. I believe  
18 it's September of '21 it was final. The reason  
19 for the divorce, if I should get into that --

20 Q. I don't think it's -- well,  
21 unless --

22 A. Result of the cancer, among all  
23 the parts I lost, I lost my prostate. And she  
24 let me know that she loves me but not the way a  
25 wife should love a husband. And she wanted more



1 from the relationship than I would be able to  
2 provide. And I've never been mad at her. But  
3 she didn't anticipate what I would go through  
4 and she wanted more in her life.

5                   So we're divorced. She has a  
6 boyfriend she's been seeing since we were  
7 separated but before we even were divorced. She  
8 didn't sign on for this. For two years prior to  
9 me being diagnosed with cancer, her mom had  
10 cancer, and her -- she -- Linda was the primary  
11 caregiver to her mother for two years and  
12 watched her mother die of cancer. We were with  
13 her mom when she died, holding her hand, and she  
14 passed away while we were there.

15                   A month after her mom died I was  
16 diagnosed with cancer. And she was not up for  
17 it. She said she couldn't do it again, watching  
18 someone she loved die.

19                   We did not have marital problems  
20 prior to this. She was my best friend. We  
21 raised two great kids. We had a future to look  
22 forward to. The house was paid for. The kids'  
23 college was paid for. The kids were gone. I  
24 had a lot to look forward to in my life, and  
25 this cost everything. That's a long answer to a

1 short question.

2 Q. I appreciate it. I am trying to  
3 focus on what -- so you don't have any other  
4 disability pensions or anything like that?

5 A. No, no pensions. I have  
6 investments. When we were divorced we came to  
7 an agreement between us. She kept the house. I  
8 didn't want anything to be different. When I  
9 left I didn't take anything, I left, so the  
10 house looks exactly the way it always has looked  
11 for the boys. I'm so blessed that they've lived  
12 their whole life in one house. They went there  
13 as babies, and the room they were infants in is  
14 still their room. So everything's the same.

15 And we came to an agreement  
16 financially that she kept the bulk of what we  
17 had accumulated, and I have enough to take care  
18 of myself, so -- other than that, no.

19 Q. All right. Let me talk a little  
20 bit about group memberships. Are you a member  
21 of any clubs?

22 A. VFW. I donate to -- donate to the  
23 VFW, donated to Wounded Warriors on a regular  
24 basis. I don't know if technically that makes  
25 you a member or not. I don't know, but --

1 that's it.

2 Q. Churches?

3 A. I go to church.

4 Q. Which church do you go to?

5 A. That's my own business, but --  
6 yes.

7 Q. And that's fair. I'm just --  
8 okay. So you do go to church?

9 A. Yes, I do.

10 Q. Are you a member of a civic  
11 association?

12 A. No, I'm not.

13 Q. How about environmental groups?

14 A. I'm not.

15 Q. And with respect to the VFW and  
16 your church, whatever it is, are you still  
17 active?

18 A. As much as I can be. I am a  
19 member of fraternal -- a member of the Fraternal  
20 Order of Eagles, and most of the guys in that  
21 group are all vets. I haven't been to the lodge  
22 in quite a while. I try hard to get to church.  
23 The last several months I haven't gone very  
24 often. I haven't been able to. Just not  
25 feeling well. I'm finally starting to feel a

1 little bit better, so I hope to go back.

2 Q. You got me curious. Fraternal  
3 Order of Eagles is -- what is that?

4 A. It's a lodge.

5 Q. It's a Moose Lodge type thing?

6 A. Basically, yes. Yes.

7 MR. DAVIS: Whenever is a good time,  
8 lunch is here.

9 MR. WALTHALL: All right. Well, this  
10 is probably as good a time as any. Yeah, this  
11 is probably a good time.

12 VIDEO TECHNICIAN: All right. We are  
13 going off the record. The time is 1:32 p.m.

14 (Lunch recess.)

15 VIDEO TECHNICIAN: We are back on the  
16 record. The time now is 2:27 p.m. Please  
17 proceed.

18 Q. (By Mr. Walthall) Good afternoon,  
19 Mr. Dunning.

20 A. Good afternoon, sir.

21 Q. And I'm going to move on to your  
22 health history. And what I'm going to ask you  
23 about first is do you have any illnesses or  
24 diseases that you do not claim were caused by  
25 exposure to contaminated water at Camp Lejeune?

1           A.    No, I do not.  That I'm currently  
2 aware of, no.

3           Q.    Right, I get it.  So when did you  
4 first learn about your exposure to contaminated  
5 water at Camp Lejeune?

6           A.    I don't recall the specifics.  
7 Either news flashes on the internet, TV  
8 commercials, the news -- I don't recall  
9 specifically when.  But I do recall going  
10 online, and I believe it was Google, to try to  
11 find out what it was all about, because I was  
12 shocked to hear it.

13                    I would say this was -- I don't  
14 know.  A year ago, more.  I would have to  
15 reference the paperwork that I have with -- with  
16 Mark's firm to figure out when I first contacted  
17 them.  Because I did some research online, the  
18 legal firms to contact, so I was in touch with  
19 Mark's firm.

20           Q.    And this was before or after you  
21 were diagnosed with bladder cancer?

22           A.    Oh, way after.

23           Q.    Way after.

24           A.    This was just -- just recently.  
25 I've been fighting cancer for four years.  This

1 is just in the last -- I think I contacted  
2 Mark's firm in January, I think, so I'm going to  
3 say I first learned about this in December and  
4 started to dig into it and understand what the  
5 Corps did. And from my knowledge they were  
6 aware of it and didn't tell anybody. So I  
7 contacted Mark's firm.

8 Q. Let me ask you this. Do you have  
9 any congenital --

10 MR. DAVIS: Can I ask quickly? He  
11 said January and December. He doesn't mean  
12 January and December -- this January and  
13 December. He means at least a year before. I  
14 mean --

15 Q. (By Mr. Walthall) '22 instead of  
16 '23, is that what you're saying?

17 A. Yes, sir. Yes, sir.

18 Q. Okay. Thank you for that  
19 clarification.

20 A. Yeah, because --

21 THE DEPONENT: Thank you.

22 Q. (By Mr. Walthall) And I should  
23 have asked this earlier, but do you have any  
24 congenital birth defects?

25 A. No, sir, I don't.

1                   Q.    Are there any in your family that  
2    you're aware of?

3                   A.    No, sir, there aren't.

4                   Q.    And do you have any prior injuries  
5    or illnesses, again, not related to -- this is  
6    not related to Camp Lejeune, but any prior  
7    illnesses or injuries?  For instance, have you  
8    ever been in an automobile accident?

9                   A.    Yes, sir.

10                  Q.    Okay.  When was that?

11                  A.    Okay.  This would be a lengthy  
12    answer.  Being 63 years old, I was in a car  
13    accident in 2000 at an intersection, traffic  
14    light.  Light was red, it turned green.  
15    Fortunately right behind me was a police  
16    officer.  I pulled out and a car ran the red  
17    light, T-boned the car I was in.  Totalled the  
18    car, put me in the hospital for a week.  The  
19    driver was sued we won.

20                                I tore up a knee playing football.  
21    My left knee's been rebuilt three times.  Just  
22    over the years, injuries, falls.

23                                Illnesses, I've had kidney stones.  
24    I've had bronchitis several times.  I've had  
25    pneumonia once.  That's about it.  My whole life

1 I've been healthy. I would see my doc once a  
2 year, do the checkup thing. He would say you're  
3 good, I'd leave, go back the next year. I've  
4 had the same doc for more than 20 years. I  
5 rarely saw him.

6 Q. And which doctor is this?

7 A. Dr. Talbert.

8 Q. That's Dr. Talbert. All right.

9 A. Tim Talbert, family practice.

10 Q. Good name. And what were your  
11 injuries in the car accident in 2000?

12 A. A grade three concussion, I tore a  
13 nerve in my left elbow, dislocated my left  
14 shoulder, broke a couple ribs, dislocated my  
15 left hip, tore up my left knee from the impact  
16 of -- he was moving somewhere between 50 and 60  
17 miles an hour when he blew the red light and  
18 T-boned the car and he hit the driver's door.  
19 So he hit the car. It was a Lincoln  
20 Continental. He hit it hard enough to bend the  
21 car --

22 Q. Ouch.

23 A. -- like a horseshoe and put the  
24 rearview mirror through the passenger window.  
25 He pushed the car down the -- down the road at



1 that intersection 88 feet sideways. I don't  
2 remember any of it. Fortunately, again, there  
3 was a police officer right behind me. Behind  
4 him was my wife. So they both got to see it.

5 Q. Do you still suffer from any of  
6 those injuries?

7 A. No. This was 25 years ago. No.

8 Q. How often do you get kidney  
9 stones?

10 A. It's been ten years since I've had  
11 the last ones. I've had them three times.

12 Q. How about -- how is your eyesight?

13 A. In the Corps it was 20/10. Now my  
14 distance vision is still 20/20. I just need  
15 reading glasses.

16 Q. And do you use any physical aids  
17 like a cane or a brace?

18 A. I don't.

19 Q. Do you ever experience any  
20 blackouts or amnesia?

21 A. No.

22 Q. Dizziness or fainting spells?

23 A. No.

24 Q. Epilepsy or loss of balance?

25 A. No.

1 Q. Do you smoke?

2 A. No.

3 Q. Have you ever smoked?

4 A. Yes.

5 Q. When did you smoke?

6 MR. DAVIS: When did he start?

7 MR. WALTHALL: Yes.

8 Q. (By Mr. Walthall) When did you  
9 smoke?

10 A. I did. I started smoking in March  
11 of 1979 when I arrived at Parris Island. During  
12 that time when you arrive there, one of the  
13 steps you went through was a bucket issue. You  
14 got a bucket. In it was your toothbrush,  
15 toothpaste, soap, washcloth, and you had a  
16 choice of Winstons or Kools. I didn't know the  
17 difference until a drill instructor screamed at  
18 me Winstons or Kools. So the guy next to me  
19 said Kools, Kools, so I said Kools. He grabbed  
20 a carton of cigarettes and a box of matches,  
21 stick matches, and threw them at me, and told me  
22 to get away from him. That's when I started to  
23 smoke.

24 Q. Okay.

25 A. And smoked until -- I'm going to

1 say 2000. I don't remember when I quit. It's  
2 been a long time.

3 Q. Okay. And how much did you smoke?

4 A. Half a pack a day maybe to a pack.

5 I was not a serious smoker. I'd smoke one or  
6 two at a bar with friends having drinks. Maybe  
7 after a meal. I did not smoke all day when I  
8 was working. I did not smoke in the car. I did  
9 not smoke in the house.

10 So, yes, I did smoke cigarettes.  
11 Would I classify myself as a smoker? Yes, light  
12 smoker.

13 Q. What kind of cigarettes did you  
14 smoke?

15 A. Ultra lights.

16 Q. The whole time?

17 A. Yes, except for boot camp.

18 Q. I was going to say, they didn't  
19 even have them in boot camp.

20 A. No. It wasn't a choice in boot  
21 camp.

22 Q. But after you got out of the --

23 A. Yeah.

24 Q. -- boot camp you smoked ultra  
25 lights?

1 A. Yes.

2 Q. And so you say you quit in roughly  
3 2000?

4 A. Best guess.

5 Q. And why did you quit?

6 A. Didn't like the taste, the smell.  
7 We had kids in the house. From what I recall,  
8 it just became an inconvenience. It's cold  
9 outside and you have to go outside to smoke.  
10 You can't smoke in the car. I didn't want the  
11 smell in the car, smell in my clothes.

12 I wasn't dependent on them enough  
13 to keep smoking. I just said I'm going to stop,  
14 I know it's not good for me, I'm going to quit,  
15 so I quit.

16 Q. Let me ask you about -- does  
17 anybody else in your family smoke?

18 A. No.

19 Q. And that's -- when I say that, I  
20 mean your immediate family being your sons?

21 A. No. My ex-wife.

22 Q. Your ex-wife?

23 A. No.

24 Q. Parents?

25 A. No. Parents are deceased.

1 Q. But did they smoke when they were  
2 with us?

3 A. I don't know if my mom smoked when  
4 she was younger.

5 Q. Not that you know of is what  
6 you're --

7 A. No. But, no, in today's society  
8 nobody smokes. Friends that we had and --  
9 nobody smokes.

10 Q. All right. What about do you  
11 drink?

12 A. Rarely.

13 Q. Have you in the past drank more?

14 A. No.

15 Q. Okay. When you say rarely, what  
16 do you mean?

17 A. I may have two or three mixed  
18 drinks a month. I may drink two or three beers  
19 a month. I've never been a big drinker, and now  
20 alcohol just makes me nauseous -- excuse me,  
21 more nauseous than I usually am. I'm extremely  
22 nauseous right now. I've been nauseous all day.

23 Q. Do you want to take a break?

24 A. No. It doesn't go away. It's one  
25 of the things I live this.

1 Q. Just let me know when you need --

2 A. Everybody just had lunch, and I  
3 had half a cup of tomato soup, and it's -- I --  
4 no, I don't want food.

5 Q. When you say two or three mixed  
6 drinks, what kind of mixed drinks are you  
7 talking about?

8 A. Captain Morgan and Coke, single  
9 shot. As long as you're going, lime squeeze.

10 Q. Okay. Have your drinking patterns  
11 changed over the years?

12 A. Not really. Well, yes. The  
13 entire time I was going through chemo, I didn't  
14 drink at all. You can't. It's -- you've been  
15 car sick. You can't drink while you're on  
16 chemotherapy. The nausea, vomiting, is bad  
17 enough. You try to mix -- take a drink, it's  
18 coming right back up again. No. So for the  
19 longest time I didn't drink at all.

20 Q. Okay. Have you ever been treated  
21 by a physician or a psychiatrist for alcoholism?

22 A. No. No.

23 Q. Were you ever discharged from work  
24 for insobriety?

25 A. No.

1 Q. Ever been arrested for drunkenness  
2 or driving under the influence?

3 A. No, never.

4 Q. Let me move to prescription drugs.  
5 This could be a list, maybe not. What kind of  
6 prescription drugs have you taken?

7 A. I would have to refer to my  
8 medical records. That's a long list. My chemo  
9 drugs.

10 Q. I was thinking that was true.

11 A. I know I was on cisplatin, a  
12 platinum-based drug for chemo. There was  
13 another drug for chemo I was on. As I was going  
14 through chemo, I had 16 pills I took every  
15 morning -- 16 pills every afternoon and 14 pills  
16 every morning.

17 Q. And are all these drugs prescribed  
18 to you by Dr. -- I'm sorry, Dr. Talbert?

19 A. Talbert and Parikh. I have a  
20 cardiologist I've seen. I have the respiratory  
21 doc. What is that called? Cardiologist and  
22 respiratory --

23 MR. DAVIS: Pulmonologist?

24 THE DEPONENT: Pulmonologist, thank  
25 you, sir.

1           A.    A pulmonologist I've seen. Part  
2 of my care team I also have a dietician. I have  
3 a pharmacist. I have a care nurse coordinator.  
4 These are all the people that I can rely on.

5           Q.    (By Mr. Walthall) Okay. So  
6 getting back to who prescribed what, who  
7 prescribed -- so did Dr. Talbert prescribe your  
8 prescriptions for the chemotherapy?

9           A.    Dr. Parikh is a pathologist. He  
10 did the chemo cocktail.

11          Q.    Okay.

12          A.    The cardiologist prescribed the  
13 statin.

14          Q.    And then who was your  
15 cardiologist? I'm sorry.

16          A.    I'm -- I would have to look. I  
17 don't remember his name. I can see his face. I  
18 don't --

19               MR. DAVIS: We can get it for you.

20               MR. WALTHALL: Okay. Yeah, I'm  
21 just --

22          A.    And then Dr. Taylor, all the rest  
23 of the stuff that I was on.

24          Q.    (By Mr. Walthall) Dr. Taylor was  
25 your --



1 A. Oncologist.

2 Q. Oncologist, right.

3 A. So I'm on an antidepressant --  
4 actually two antidepressants. One is Wellbutrin  
5 and the other is -- I forget.

6 Q. Who prescribes those?

7 A. That was Dr. Talbert. And I was  
8 on Ambien and I quit. I don't use it. I was on  
9 the one for anxiety, for stress. You guys  
10 probably know the name. It's Zoloft or --

11 MR. DAVIS: Xanax?

12 A. I was on Xanax. I quit taking it.  
13 I threw that away. I'm not a big pill guy, drug  
14 guy. Before this happened, before I was  
15 diagnosed with cancer, I took a men's one-a-day.  
16 That was it. That was -- I took one vitamin a  
17 day. And now I'm here.

18 Q. (By Mr. Walthall) All right.

19 A. I have another prescription  
20 medication for nausea that I don't take very  
21 often. It doesn't really seem to work very much  
22 and it makes me sleepy, so I just deal with  
23 nausea all day.

24 I have another prescription med  
25 that I believe is a diuretic, because I do

1 suffer from lymphedema as well as aggravated  
2 sciatica. I quit taking that, because, again,  
3 it doesn't seem to help very much and makes me  
4 very sleepy.

5 My apologies, sir. I would have  
6 to go back through my medical records for all  
7 the -- there are so many.

8 Q. Okay. And Dr. Talbert is the one  
9 who prescribed most of these medications and --

10 A. Dr. Talbert was the  
11 antidepressants. The other drugs were Dr.  
12 Taylor.

13 Q. Taylor, okay. Oncologist?

14 A. Yes, to help with the symptoms  
15 caused by cancer.

16 Q. And just for completeness, have  
17 you taken any illegal drugs or narcotics?

18 A. I don't ever.

19 Q. Ever. And let me ask you this.  
20 Let me -- can you describe your diet to me  
21 generally. Is it a low fat diet or high  
22 carbs --

23 A. Now?

24 Q. Yes.

25 A. No diet. I go all day and not

1 eat. We just adjourned for lunch, and I had a  
2 half a cup of tomato soup --

3 Q. You mentioned that.

4 A. -- and I'm trying to keep it down.  
5 I go a lot of days with no food.

6 Q. For what reason?

7 A. The severe nausea. I did have --  
8 met a friend last night and I ate a hamburger in  
9 the hotel, and it was mine for 20 minutes and I  
10 had to excuse myself to make it to a men's room  
11 because I threw it right back up again. So --

12 Q. Let me ask you this. Prior to  
13 your diagnosis and treatment for bladder cancer,  
14 what was your diet like? Was it --

15 A. I ate like a horse. Steaks,  
16 Italian, Chinese food, burgers. I ate whatever  
17 I wanted to. I've always been very active,  
18 physically active, so weight's never been a  
19 problem. I would eat whatever I wanted to.

20 Q. Okay.

21 A. But I have no desire now. Food  
22 has no appeal to me.

23 Q. And you were in the past not  
24 overweight?

25 A. No. I went into Marine Corps at

1 191 pounds. I'm here today at 201.

2 Q. Wish I could do that.

3 MR. DAVIS: Let us know if you need  
4 to --

5 THE DEPONENT: Okay.

6 Q. (By Mr. Walthall) Okay. You've  
7 talked a little bit about this, but let me just  
8 kind of nail down some of the details. So have  
9 you had mental health problems?

10 MR. DAVIS: Before?

11 MR. WALTHALL: Right.

12 A. No. Before I was diagnosed, no.  
13 As a matter of fact, I was extremely happy with  
14 my life, solid family, a wife I believed who  
15 loved me, a job I really enjoyed, active with  
16 friends. Thought I was enjoying good health. I  
17 had plans for my future. No. Since I've been  
18 diagnosed, obviously. This has cost me  
19 everything.

20 Q. (By Mr. Walthall) So -- and what  
21 doctor are you seeing?

22 A. Just my cancer docs, Talbert. I  
23 was seeing a counselor for a while. Her name is  
24 Tamara. I saw her for about six months. And I  
25 appreciated she was trying to help, but there's

1 no help. My situation is what it is. I don't  
2 know how much time I have left. Counseling  
3 won't change that. My faith helps. But I've  
4 accepted this is where I am, so -- I lost  
5 everything. I don't see friends. I'm not  
6 physically active. I lost my family. I lost my  
7 home, living with my kids, my wife, my job. I  
8 lost everything because of this.

9 Q. Let me ask you this. Have you  
10 seen a psychiatric -- a psychiatrist?

11 A. I have not.

12 Q. Okay. Have you sought psychiatric  
13 treatment?

14 A. Psychiatric, no. I saw a  
15 counselor.

16 Q. The counselor.

17 MR. DAVIS: I think the counselor is  
18 psychiatric help, but...

19 THE DEPONENT: I don't know. I'm not  
20 a medical professional. If you need to see --

21 Q. (By Mr. Walthall) I'm trying to  
22 figure out --

23 A. A psychiatrist, psychiatric, or is  
24 it a mental health professional for -- she's a  
25 mental health professional.

1 Q. Okay. Do you take any  
2 prescription or -- for tranquilizers?

3 A. No, not any longer.

4 Q. When did you?

5 A. He -- Dr. Talbert had me on  
6 Ambien, and I took that for I guess about three  
7 months. And I quit taking that in the fall. I  
8 learned that it's habit forming. The longer you  
9 take it, the more you depend on it. And if you  
10 don't have it, you cannot sleep. It affects  
11 people in different ways and I didn't want it.

12 So I talked to him and just -- I  
13 went from a whole pill to a half to a quarter,  
14 and within about two weeks I was off of it. And  
15 I threw them away. Same thing with the other  
16 one for anxiety.

17 MR. DAVIS: Xanax?

18 A. Xanax. I just -- they really  
19 didn't help that much. The anxiety is going to  
20 be there when you know more than likely you're  
21 terminal. I just quit taking them. I don't  
22 want to go drugged up -- I don't want to be  
23 drugged up during my days.

24 Q. (By Mr. Walthall) Okay. Let's go  
25 over the injuries that you do claim as a result

1 of your exposure. So let's start with the  
2 bladder cancer. And I think we've pretty much  
3 covered most of what we need to talk about  
4 there.

5 Let me ask -- before you were  
6 diagnosed, can you remember when your symptoms  
7 began?

8 A. Vividly.

9 Q. When?

10 A. Got up one morning. As always,  
11 cup of coffee, went in the boy's room to pee and  
12 it was dark. I thought, great, I probably have  
13 kidney stones again. Didn't hurt, no pain,  
14 forget about it.

15 Next morning, get up. Coffee,  
16 peed even darker. This isn't good. Mention it  
17 to my wife. She looked in. She said, go to the  
18 doctor. I said it's probably stones but it  
19 doesn't hurt.

20 Third morning I got up and it  
21 looked like I poured a Coke into the toilet. My  
22 wife said, are you out of your mind, call Tim,  
23 get to a doctor. No, I'm fine, it's stones.

24 Called Tim, told him what's going  
25 on. He said, yeah, I don't like this, come on

1 in. So that day I went in to see Dr. Talbert.  
2 He did a urinalysis and blood work. Said he had  
3 the results and he didn't like what he saw.

4 I believe he said my white count  
5 was through the floor. And there was a lot of  
6 blood in the urine. I want you to do a scan.  
7 And I said, I've got stuff I got to do. He  
8 said, just get it done, take you 15 minutes.  
9 Fine.

10 And in his office -- it's a large  
11 practice. They have the equipment there. So I  
12 did the scan, got dressed. He's going to call  
13 and say I have stones, and I left.

14 Ten-minute ride home, walked in  
15 the door. My wife said, Tim called, he wants  
16 you to go back. Go back for what? I -- did I  
17 leave something? He just said go back. Go back  
18 to his office. He said come on in. And instead  
19 of an exam room he took me into his office. And  
20 he had a wingback chair and he said sit down. I  
21 said, just tell me what's going on. Sit down.

22 So I sat down. He was in front of  
23 me. He put his hand on my chest so I wouldn't  
24 fall out of the chair. He says, there's no easy  
25 way to tell you this, you have cancer.



1                   That's why he makes you sit down.  
2    Because he said people faint and -- you hear  
3    those words, you have cancer, your head starts  
4    to spin. There's no way to describe it to  
5    someone who hasn't experienced it.

6                   We talked briefly about what he  
7    saw, how advanced it is. He said you need to  
8    get to an oncologist like now, right away. So  
9    he made some -- had made some phone calls, and I  
10   went from his office to Dr. Johnson, Todd  
11   Johnson, who is a urologist.

12                  And within days I went through a  
13    procedure where you're fully awake and they  
14    insert a tube up your penis and it's connected  
15    to a scope so they can look into your bladder  
16    and move this thing around and they can see  
17    inside your bladder. He saw the tumors and  
18    removed them. And immediately after that I  
19    started chemo.

20                  Cycles were every three months, 12  
21    weeks. Eight weeks you -- I would go every  
22    Friday, and they fill your bladder with  
23    chemotherapy. And you have to wait an hour.  
24    They put a little clip on your member and you  
25    have to wait an hour, and then you can drain the

1 chemo.

2                   You have to sit down to drain it.  
3 You have to use a paper thing so you don't get  
4 any on you, because it will burn your skin  
5 badly, and it did.

6                   You do that for eight weeks. You  
7 have four weeks off. And then at the end of the  
8 four weeks, you go back in and they scan you  
9 again. I did this for four consecutive  
10 quarters, and every time I got scanned I had  
11 more cancer than I had before.

12                   At the end of the fourth cycle, he  
13 let me know that I need to get to KU Med to see  
14 Dr. John Taylor, who is an oncologist, because  
15 the chemo I was receiving isn't working. The  
16 cancer is growing in the chemo. The cancer is  
17 so aggressive that the chemotherapy wasn't even  
18 touching it.

19                   So I got in touch with Dr. Taylor  
20 right away, went to see him. Linda was with me.  
21 We sat down, talked to him. He had all my file,  
22 he had everything there. He looked at the  
23 results of the chemo. He let me know the  
24 chemotherapy is not working, so you have a  
25 choice. You can go about your business, go on

1 with your life, you're in good shape, we'll say  
2 you'll have three years, probably closer to two,  
3 and you'll be gone. Or we take it out, stop  
4 screwing around with it, we get the bladder out  
5 of you, that's where the cancer is, we'll remove  
6 it.

7                   So very easy decision. I said  
8 let's get it out. That was on a Monday. The  
9 following Wednesday I had surgery. And they --  
10 that procedure they removed the bladder, my  
11 prostate, all my wires to the prostate, all the  
12 lymph nodes in my waist, and 18 inches of  
13 intestine.

14                   Q. That was all in one operation?

15                   A. Eleven and a half hours on the  
16 table. About halfway through Dr. Taylor came  
17 out to the waiting room with -- my family was  
18 there and some friends. He was out of his  
19 scrubs and he talked to Linda and said, I just  
20 want to bring you up to speed, we don't think  
21 he's going to make it through this procedure,  
22 his blood pressure is -- whatever it was, 38  
23 over 16. He's not responding to get his  
24 pressure up. It doesn't look like he's going to  
25 make it through the procedure. I wanted to

1 bring you up to speed where we are. We're  
2 taking a break.

3 He came out about she said another  
4 15, 20 minutes and said his blood pressure is on  
5 the way up. He looked at my kids and said your  
6 dad is a jarhead, he's stubborn, he's -- his  
7 pressure is coming up, we're going to keep  
8 going, we can't stop, he's wide open.

9 He came out five hours after that  
10 and said I was done, I made it through. And I  
11 spent the next two months in KU Med. So that  
12 was the first surgery?

13 Q. And that was Dr. Taylor?

14 A. Yes, John Taylor.

15 Q. And you say that was the first  
16 surgery. So when was the second surgery?

17 A. Okay. I'm going to have to  
18 struggle with math. So after two months I went  
19 home, was home for a week, then I had sepsis.  
20 Linda called the ambulance, they came and got  
21 me, got me back to KU Med. I was in for another  
22 two weeks.

23 Q. With sepsis?

24 A. I was septic.

25 Q. Okay.

1           A.    And then got to go home again.  So  
2   that would be -- the surgery would have been '20  
3   -- all of '19 was chemo.  '20, call it February  
4   of '20 -- March, April -- so in May of '20 I  
5   went home, because surgery was in February.  So  
6   February and March I was in the hospital.  
7   April, I missed a month.  So April I went home.

8           Q.    Okay.  I'm -- time out.  I need a  
9   program here.  So in -- the surgery where you  
10  had your bladder, prostate, intestine, and lymph  
11  nodes --

12          A.    February of 2020.

13          Q.    That was February of 2020?

14          A.    My guess.  I'm doing the best I  
15  can to provide you answers --

16          Q.    Okay.  I'm just --

17          A.    -- without having anything to  
18  refer to.

19          Q.    And that's fine.  I'm just trying  
20  to get a chronology.  So February of 2020, that  
21  was surgery number one we'll call it.

22          A.    Yes.

23          Q.    And then when did surgery number  
24  two come in?

25          A.    I'm going to say about -- roughly

1 six months after the first one.

2 Q. August of 2020 perhaps?

3 A. It's a good guess. And that was  
4 for an inguinal muscle. And there are pictures  
5 my counselor -- or my lawyers have to provide to  
6 you. And then it was after that surgery I had  
7 the discussion with my wife Linda about where we  
8 are.

9 Q. Okay. I'm sorry. Which muscle  
10 was this? Linguinal muscle (ph)?

11 A. Inguinal. It's your crotch.

12 Q. Got it.

13 A. Groin area.

14 Q. Got it. Okay. And was this  
15 cancerous, or what was that surgery for?

16 A. Yes. Yes, it -- there was --  
17 apparently there was -- again, I'm not the  
18 doctor. There was cancer present and a piece of  
19 it had to go.

20 Q. Okay. I'm sorry. And then you  
21 had a discussion with your wife?

22 A. And that's when she said that --  
23 that's when she filled me in that she wanted  
24 something different, something I couldn't give  
25 her. And after that, next surgery -- so where

1 are we? That's 2020, right?

2 Q. I'm thinking August 2020 is what I  
3 wrote down.

4 A. Right. So then I went into '21,  
5 and I think '21 I was getting scans. I was --  
6 yes. I was clean. And then go into '22, 2022,  
7 April of 2022 I had another -- another operation  
8 that was a groin muscle. And then made it until  
9 -- so that's '22. Made it to the fall '22. So  
10 '23 is last year.

11 So then fast-forward to February  
12 of last year is when I thought I had kidney  
13 stones. I went to Saint Luke's Hospital and  
14 they did a scan and -- on my left kidney and let  
15 me know the kidney was fully blocked, but it  
16 wasn't stones, it was cancer; that I needed to  
17 get right back to KU Med.

18 Saint Luke's contacted Dr. Taylor.  
19 KU Med provided all the films. The next day I  
20 was with Dr. Taylor. My left kidney and left  
21 ureter were clogged with cancer. That's why it  
22 felt like I had stones. I couldn't pass urine.  
23 The urine couldn't go through the ureter. It  
24 was filled with cancer.

25 So roughly a week after that I was

1 in surgery. And they did scans and tests and  
2 tried to determine exactly where the cancer had  
3 returned to. A week later I was in surgery.  
4 They took out my left kidney, my left ureter,  
5 and my gallbladder.

6 I was in the hospital after that  
7 for like three weeks. And then went home and  
8 they waited -- I don't know, whatever, for me to  
9 heal, a month, two months, and then we started  
10 chemo. And I just finished chemo the end of  
11 October. That brings me to here. Again, the  
12 best that I can recall.

13 Q. Okay.

14 A. Being under oath, I'm trying to be  
15 accurate, but some of this I have to admit I'm  
16 guessing.

17 Q. I appreciate it. Again, just  
18 trying to get a chronology. So in February  
19 2023, like --

20 A. Yes.

21 Q. -- this past February?

22 A. Yes.

23 Q. Like a year ago?

24 A. Yes. That's when I thought I had  
25 kidney stones.



1 Q. You thought you had kidney stones,  
2 and that's when they discovered the kidney  
3 cancer?

4 A. Correct.

5 Q. And then they operated March of  
6 '23, is that --

7 A. March or April, yes. It was  
8 springtime.

9 Q. They removed your left kidney,  
10 your left ureter, and your gallbladder?

11 A. Yes, sir, that is correct.

12 Q. Three or four of 2023, right?

13 A. Yes.

14 Q. And then you had -- you went on to  
15 chemotherapy from then until October of 2023?

16 A. That is correct. And chemo was --  
17 for those months was double chemo. I was on  
18 double dose. Dr. Taylor and Dr. Parikh said,  
19 because the cancer is so aggressive, as long as  
20 my body would hold up to it, as long as I could  
21 push through, they were going to put me on  
22 double dose of chemo.

23 So every Tuesday in the morning I  
24 would be there with the chemo club and get a  
25 dose of chemotherapy, take a break. Those

1 people would leave. The afternoon chemo club  
2 would come in, and I would do another dose of  
3 chemo. And I made it through that.

4 Q. And that was --

5 A. All -- all 16 weeks. A couple  
6 times I wanted to quit and I didn't. I made it  
7 through.

8 Q. Okay. And so -- and now you are  
9 finished with chemotherapy for the moment?

10 A. I am for now. My next scan is  
11 February 17th. And that's when I'll learn if  
12 the cancer is detectable again. The concern the  
13 doctors have shared with me is that at this  
14 point I'm running out of things to take out.  
15 And success rate with the cisplatin that I took  
16 for chemo is 15 percent.

17 So the anticipation is the cancer  
18 will return. And the concern is, if it returns  
19 to the lymphatic system, my liver, or my lungs,  
20 they said they'll do everything they can to keep  
21 me comfortable. I basically interpreted that to  
22 mean that I'm done. They won't be able to  
23 remove those things. So I'm waiting to find  
24 out.

25 Q. Okay.

1 A. Heck of a thing to live with.

2 Q. Do you require attendant care?

3 A. No.

4 Q. Has any doctor ever indicated that  
5 there may a relationship between this disease  
6 and your exposure to the water at Camp Lejeune?

7 A. Hasn't been discussed.

8 Q. Has anyone else, other persons  
9 have indicated that it is related to the water  
10 at Camp Lejeune?

11 MR. DAVIS: You can't talk about  
12 lawyers obviously.

13 A. No, it hasn't been discussed.

14 Q. (By Mr. Walthall) Okay.

15 A. With me personally, no.

16 Q. All right.

17 A. I mean, except chatter among  
18 friends, hey, did you hear? Yeah, I heard. But  
19 no.

20 Q. Going back to when the cancer was  
21 diagnosed, so how did -- it's Dr. Taylor? How  
22 did Dr. Taylor discover that it was bladder  
23 cancer?

24 A. No. I went in to see Dr.  
25 Talbert --

1 Q. Talbert. Sorry.

2 A. -- when I was passing blood in the  
3 urine. He's the one that did the blood test,  
4 urinalysis, who wanted me to have a scan. He  
5 discovered presence of cancer when he did the  
6 scan.

7 Q. Okay.

8 A. He's the individual who broke the  
9 news to me that I have cancer. From Dr. Talbert  
10 I saw Dr. Johnson.

11 Q. Got it.

12 A. Dr. Johnson is a urologist.

13 Q. Was --

14 A. He treated me for the following  
15 year. He's the one who kept going in and would  
16 scope me and remove the tumors. At the end of  
17 each quarter, after receiving chemo, the cancer  
18 kept coming back more than before. And it was  
19 growing in the chemotherapy. That's when he  
20 sent me to Dr. Taylor who said that chemo is not  
21 going to work for you; you can either let us  
22 take it out or we'll give you two years, you'll  
23 be dead.

24 Q. Okay. And do you know what the  
25 grade of the bladder cancer was when it was

1 first diagnosed?

2 A. No, sir, I don't.

3 Q. High, low?

4 MR. DAVIS: You mean stage?

5 Q. (By Mr. Walthall) Or stage.

6 A. Stage 3. But the grade of cancer  
7 -- they grade it. The doctors let me know it  
8 was extremely aggressive. I don't know what  
9 they graded it. I'm sure that information's  
10 buried in my medical records somewhere.

11 Q. And your stage -- you were stage  
12 3?

13 A. Yes.

14 Q. You were told you were stage 3?

15 A. Yes.

16 Q. So was -- at the time of the  
17 diagnosis, was the cancer muscle invasive?

18 A. I wouldn't know how to answer  
19 that, sir.

20 Q. Okay.

21 A. It was in my bladder.

22 Q. Was it metastatic at that time, do  
23 you know?

24 A. I do not know how to answer.

25 Q. Those are doctors' questions.

1 MR. DAVIS: You don't know that,  
2 right?

3 A. I don't know if it metastasized  
4 had or not. I know it was continuously growing  
5 in the bladder. But I do not think at that  
6 point it was discovered that it had metastasized  
7 in other areas. Again, that's a question for  
8 Dr. Taylor.

9 I'm going to guess that he removed  
10 my prostate, my lymph nodes, and 18 inches of  
11 intestine not for the joy of it. I'm going to  
12 assume that cancer was present and that's why I  
13 lost all those parts. That's a question to ask  
14 Dr. Taylor.

15 Q. (By Mr. Walthall) Okay. Did any  
16 doctor explain to you your TNM staging?

17 A. No, sir.

18 Q. So at this stage what if -- did  
19 any doctor tell you what your recurrence rate is  
20 at this stage, recurrence of bladder --

21 A. Now?

22 Q. -- yes, bladder cancer.

23 A. Just that -- what I've already  
24 shared with you. I still have the port because  
25 the doctors believe I'm still going to need it.

1 They would not remove it. They let me know that  
2 the success rate with cisplatin with this type  
3 of cancer is 15 percent.

4 Q. Right, okay.

5 A. So 85 percent failure rate. He  
6 put it with a positive spin. He said the 15  
7 percent success rate. It's been pointed out to  
8 me that I will always have cancer. The issue is  
9 is it detectable. You can't treat it until you  
10 can see it.

11 So in February I'll have another  
12 scan, and at that point they want to see, if  
13 it's returned, where. The concern right now is  
14 I'm running out of parts to take out. So  
15 wherever it shows up again, I'm -- I'm hoping if  
16 it does return, when it returns, that it returns  
17 somewhere that it can be removed. That's my  
18 fear, that it's going to come back but it --  
19 they can't remove it.

20 Q. Let me ask you this. Have you  
21 ever had radiation therapy, radiation treatment?

22 A. No, I have not.

23 Q. Either for the bladder cancer or  
24 previously for other -- anything else?

25 A. No. Radiation wouldn't work.

1 Q. Right. So you've never had  
2 radiation treatment?

3 A. No. You may be aware of it,  
4 radiation won't work with this type of cancer.  
5 Radiation is -- it's been discussed with me.  
6 And I've been educated that I would receive  
7 three tattoos, and in the middle of those is  
8 exactly where the radiation would go. But it's  
9 very, very pinpoint treatment. You can't do a  
10 tumor with radiation. It's a spot.

11 So if cancer is discovered and  
12 it's small enough, radiation can -- is a  
13 treatment option. Every time they found cancer  
14 in me, it was way too big. So that's -- that's  
15 why -- that's not been an option for me. I  
16 asked.

17 Q. Have you ever had Type 2 diabetes?

18 A. No.

19 Q. Have you ever taken a medication  
20 called Actos, A-c-t-o-s?

21 A. I am not aware of it, no. Never  
22 heard that word.

23 THE DEPONENT: Would you like to take  
24 a break. You could find your next --

25 MR. WALTHALL: I'm thinking if we take



1 a break it might speed things up. So let me go  
2 through my notes and -- because that's what I'm  
3 doing. I'm just wasting your time. So let's  
4 take a break.

5 VIDEO TECHNICIAN: All right. We are  
6 going off the record. The time now is 3:15 p.m.

7 (Recess.)

8 VIDEO TECHNICIAN: We are back on the  
9 record. The time now is 3:43 p.m. Please  
10 proceed.

11 Q. (By Mr. Walthall) Good afternoon,  
12 Mr. Dunning.

13 A. Sir.

14 Q. I'm going to ask you one or two  
15 more questions with regard to your treatment.  
16 Did any of the doctors ever explain to you why  
17 they selected the treatment that they did for  
18 your gallbladder -- for your bladder cancer?

19 A. They did. Started with Dr.  
20 Johnson.

21 Q. Okay.

22 A. And I don't recall much. We're  
23 going back, what, four years now, whatever. I  
24 remember him talking about the type of cancer I  
25 had. It's aggressive. He at the time told me

1 the name and it's -- I don't remember the  
2 technical name of the cancer.

3 But he talked about treatment  
4 options. And he said that -- explained that the  
5 chemo treatment I was going to go through for  
6 the next four quarters was going to be  
7 progressive, and he believed this was the most  
8 aggressive way to treat the cancer.

9 And at the end of the year, that's  
10 when they figured out that the cancer was  
11 actually growing in the chemo, so it was  
12 laughing at it. So it didn't work. That's why  
13 he passed me off to Dr. -- Dr. Taylor.

14 Q. Dr. Taylor?

15 A. Because what he was doing wasn't  
16 working. And he never shared with me, but Dr.  
17 Taylor is there to take it out. He's a surgeon.  
18 And I didn't realize that at the time. So I  
19 went in to see Dr. Taylor thinking he had more  
20 options for me. He was there to -- his job was  
21 to cut me, so...

22 Q. Let me ask you this.

23 A. And I feel like he saved my life.

24 Q. Let me ask you this. Was the  
25 chemo that you underwent, was that intravesical

1 chemotherapy, do you know?

2 A. I do not know, sir.

3 Q. Versus intravenous chemotherapy?

4 A. I don't know, sir.

5 Q. How was the chemotherapy  
6 administered?

7 A. Through a tube in my penis. And  
8 they would fill my bladder with the chemo  
9 solution. And there was a clock on the wall,  
10 but the clock was a one-hour clock.

11 Q. Okay.

12 A. It -- you just -- it went around,  
13 that was an hour. So they would fill me with  
14 chemo, put the little clip on my johnson and  
15 start the clock, and you had to wait an hour.  
16 And your bladder was overfilled with chemo. So  
17 you have felt the urge to go before. That's  
18 nothing like this. They overfill the bladder  
19 with chemo. And your eyes are watering and you  
20 have to wait for an hour, and you're finally  
21 allowed to go into the men's room to empty your  
22 bladder. So it's extremely uncomfortable. It  
23 hurts.

24 So you do that for eight  
25 successive weeks, then you get four weeks off,

1 then you get scoped. Then they go back in  
2 through your penis and they remove all the  
3 tumors they can see while you're scoped. And  
4 you're awake. There's no anesthesia. There's  
5 no numbing agent. They just force this thing  
6 through your penis, up into your bladder. And  
7 as they see tumors, they take them out. And  
8 then you start the cycle again for another eight  
9 weeks. I did that for a year.

10 Q. Okay. Let's -- moving on to  
11 another topic here. I'm going to ask you, are  
12 you claiming loss of consortium? And what I  
13 mean by that is are you claiming that your  
14 illness has interfered with your interpersonal  
15 relations in any way?

16 A. It's totally destroyed them. It  
17 cost me marriage. I no longer live in the home  
18 I shared with her. My boys live there. I don't  
19 see them. Maybe once every two or three weeks  
20 I'll see them. My wife has moved on. She's my  
21 ex now and she has a boyfriend.

22 It hasn't interfered with it.  
23 It's destroyed it. I don't have -- I don't  
24 think -- I don't have any of that to look  
25 forward to anymore. When my prostate was

1 removed, so were the nerves. So I don't have  
2 ED; my unit is dead. There is nothing to  
3 stimulate. There is no gaining an erection ever  
4 again. There is no orgasm ever again. There is  
5 no being intimate ever again. That's gone.

6 God is kind. When you lose your  
7 prostate and the nerves, you also lose the urge.  
8 So to be close to someone, to snuggle, there's  
9 no urge because you're not capable. So I've  
10 lost that forever.

11 I was still active with my wife  
12 before this happened. And for the record, the  
13 last time I was successful with my wife, with a  
14 woman, was January 27th, 2019. I remember the  
15 last time I had sex. Yes, I won't ever again,  
16 and I've accepted that. I will never again be  
17 intimate with someone. I hope that answers your  
18 question.

19 Q. Let me ask you this. Did you seek  
20 any counseling with respect to your relationship  
21 with your wife, marriage counseling?

22 A. No. I spoke to a counselor  
23 afterwards, but there really wasn't -- there  
24 really wasn't a lot to discuss. I cannot be  
25 intimate with her. I have lost the desire to do

1 so. I have cancer, potentially I'm going to  
2 pass away, and she would have to be there to  
3 watch.

4 There's nothing here to talk  
5 through. There's nothing here that a counselor  
6 or a doctor or you or the Marine Corps can fix.  
7 This is what they've done. This is my life.

8 So we -- no, we did not go to  
9 marriage counseling. And I've never, for the  
10 record, been angry with her. I've never blamed  
11 her. I've never been upset. She didn't sign on  
12 for this. I didn't, either. And for me to  
13 expect her to go through this with me, she chose  
14 not to. I can't resent her for that.

15 Q. I'd like to talk to you a little  
16 bit about your exposure to the water at Camp  
17 Lejeune. Did you use -- let me ask you this.  
18 Did you smell the tap water at Camp Lejeune?

19 A. Yeah.

20 Q. Did it smell or look odd or  
21 different?

22 A. Tasted nasty. It had a smell to  
23 it.

24 Q. What kind of a smell?

25 A. We're going back obviously years.

1 Just -- I think a lot of us assumed it was hard  
2 water, like it was minerals in the water.

3 Q. Right.

4 A. We would make what we called bug  
5 juice. You took Kool-Aid to put in the water to  
6 make the water taste better. It wasn't too bad  
7 if it was really cold. But if it started to get  
8 warm, it just -- it tasted nasty. When you  
9 brushed your teeth -- it just -- it had a taste  
10 to it. And we all -- again, we assumed -- I  
11 clearly remember we assumed it was just hard  
12 water. But it always tasted funny. We didn't  
13 -- we didn't know any better.

14 And we -- I'm sure everybody  
15 assumed, all of us assumed, we're safe, it's  
16 base water. It's just like the water you're  
17 drinking now, sir, out of the bottle. You're  
18 assuming that it's safe. We did. We had no  
19 idea that we were being exposed to --

20 Q. What is your understanding of the  
21 chemicals that you were exposed to?

22 A. They were toxic. The powers that  
23 be knew about it. They kept it from us. They  
24 were aware of it. Instead of just telling me I  
25 had been exposed to it and go get scanned and go

1 get checked just in case you have cancer, they  
2 didn't tell me, and now I'm here.

3 Q. Is there any one chemical that  
4 you're concerned about over the others?

5 A. Not at this point. Too little,  
6 too late.

7 Q. And what --

8 A. Whatever the government's going to  
9 tell me at this point, I really don't care. Too  
10 little, too late. It's -- I already have  
11 cancer. I know that there was a list of  
12 chemicals that were in the water. I don't know  
13 what they were.

14 Q. Can you tell me -- I'm going to  
15 ask a little bit about ingestion, number of  
16 glasses of water that you drank per day at Camp  
17 Lejeune, if you can estimate for me.

18 A. No, sir. We were drinking water  
19 all day long, especially in the summer. Go to  
20 the chow hall, two or three glasses of water.  
21 Soda wasn't available. There was milk, you  
22 could get -- if you wanted milk. But when it's  
23 hot outside, you're not going to drink a glass  
24 of milk. You want water. So we drank water all  
25 day long.



1                   There were water coolers all over  
2 the place. So you'd fill your canteen. The  
3 plastic water bottles that are popular today  
4 weren't around. So you would fill your canteen  
5 with water.

6                   When you're working there's always  
7 coffee. We were drinking coffee all the time.  
8 In the squad bay there's coffee machines.

9                   So how much water would I drink in  
10 a day, I would estimate between one and two  
11 gallons. Best guess.

12                  Q. Let me ask you this. How large  
13 were your -- the canteens that you carried  
14 around? Do you know what the capacity was of --

15                  A. No, sir. A standard Marine Corps  
16 canteen. I believe it was a pint, maybe two  
17 pints. They're the same size today as they were  
18 then, as they were in World War II. Canteen.

19                  Q. And did you use the water for  
20 cooking?

21                  A. Maybe to help with this -- yes,  
22 sir. If this will cover more items, we were  
23 exposed to water all day, every day, 24 hours a  
24 day. Our clothing was washed in it. The sheets  
25 we slept on was washed in it, the pillow case.

1 The room was heated with it. You got up in the  
2 morning, you showered with it. Brushed your  
3 teeth with it, shaved with it, washed your head  
4 with it, put on the clothing that you washed in  
5 it. Drank water, drank coffee. Used water to  
6 mop the floors, clean the head, clean the sinks.

7                   You're -- as you are right now,  
8 you're exposed to water all day long. We were.  
9 The heat was steam, so we're breathing it.  
10 Wintertime, the shower room was maybe -- not as  
11 big as this room almost. But it had twenty-some  
12 odd shower heads, so whoever was up in the  
13 morning, go around turn all the shower heads on  
14 hot to get it good and steamy to go in there and  
15 get warm. Squad bay's cold. So you go in there  
16 and take a 15- to 20-minute shower. You're  
17 obviously breathing the steam, but you're going  
18 in there to get warm.

19                   Same thing in the summertime, but  
20 -- take a shower in the morning before you go to  
21 work. And then after work, it's North Carolina  
22 in the summer, you're going to take another  
23 shower. You don't want to go to bed and stink.

24                   I can't begin to estimate how much  
25 water we went through. We were exposed to it

1 all day long.

2 Q. Let me ask you this. Was the  
3 water that you drank stored or chilled?

4 A. I could not answer. I wasn't with  
5 base maintenance. I -- it came out of a pipe.  
6 I don't know.

7 Q. That's the tap water, right?

8 A. Yes. And I would assume the tap  
9 water is what fed the water coolers that were  
10 all over base. It was tap water. I would think  
11 the same water they used to fill the pools that  
12 we swam in, that's the same water that came out  
13 of the taps when we filled the water buffaloes,  
14 the same water in the chow hall that we used to  
15 clean the dining area, clean the tables, the  
16 floors, the trash cans, in between every meal.

17 The same water that they used in  
18 the steam table, same water they used to make  
19 our food, prepare our food. Same water for the  
20 wash racks. Every time we came in from the  
21 field, all the vehicles, all your equipment, had  
22 to be washed and cleaned and stored.

23 Every Friday in the squad bay,  
24 everything had to be scrubbed, the walls and the  
25 floor, the deck was scrubbed, the head was

1 scrubbed. Everything was made ready for  
2 inspection. All the racks were wiped down with  
3 wet towels so there was no dust anywhere.  
4 Water.

5 Q. Did you have any contacts with  
6 media regarding your alleged exposure --

7 A. No, sir.

8 Q. Okay.

9 A. No.

10 Q. And let me just broaden that a  
11 bit. Have you had any contacts with anyone  
12 regarding your alleged exposure to chemicals?

13 A. Other than counsel.

14 Q. Correct.

15 A. No.

16 Q. You may have answered this, but  
17 when did you become aware of the problems with  
18 the water at Camp Lejeune?

19 MR. DAVIS: That has been asked  
20 already, but you can answer it again.

21 MR. WALTHALL: I can't remember.

22 MR. DAVIS: You don't have to say  
23 months or -- what month or year. You just give  
24 the best --

25 A. Truthfully I don't recall,

1 especially now.

2 Q. (By Mr. Walthall) Yeah. And  
3 actually I remember your answer now, so don't --  
4 I withdraw that question.

5 A. Thank you, sir.

6 Q. So I'm going to go over some of  
7 your employment again to -- just focusing on  
8 when you were unable to work. Can you tell me  
9 when you were first unable to work as a result  
10 of your illness?

11 A. Yes, sir, we covered that. I was  
12 with SafeRack. It was in February of '19. I  
13 had gone through about a month of treatment and  
14 I was trying to continue to work and go through  
15 treatment, and physically I couldn't do both.

16 And in a very friendly gesture,  
17 that's when my boss suggested I retire, that I  
18 couldn't -- it was very evident by my physical  
19 condition I couldn't keep doing this. Treatment  
20 on Friday, the weekend to recover, get up Monday  
21 morning, get on a plane, travel till Thursday,  
22 make it back into Kansas City International  
23 Thursday by seven, eight at night, to be back in  
24 the doctor's office on Friday to go through  
25 chemo again. I did it for about a month and I

1 couldn't hang. So that's when I retired. It  
2 wasn't really a choice.

3 Q. So are you making a claim here for  
4 lost earning capacity?

5 A. I would have to ask my -- my  
6 attorneys.

7 MR. DAVIS: Yes.

8 Q. (By Mr. Walthall) And what is  
9 that based on?

10 A. Without speaking with my attorney,  
11 I would assume lost wages since I've had cancer,  
12 future wages that I would have earned had I not  
13 gotten sick, if I was still with my wife living  
14 in the home we owned and we were still together  
15 and on the plan we had to retire.

16 I wanted to work until I was 70,  
17 which would have made my ex-wife 62. The boys  
18 are grown, gone, doing their own thing. We had  
19 planned to travel. I bought a motorhome. We  
20 were going to see the country. The motorhome is  
21 in a barn at my house parked. It hasn't moved  
22 in the last couple years. I don't use it.

23 How do you put -- I don't know how  
24 to put a price tag on that. Lost future wages,  
25 bonuses, what those wages would have generated

1 had they been invested with Merrill Lynch,  
2 Edward Jones, and grown over the 11 years I've  
3 lost since I've had cancer, I don't know, maybe  
4 my attorneys or a forensic accountant could help  
5 me figure that out, how badly this has impacted  
6 me financially. I don't know how you put a  
7 price on the rest of it.

8 Q. And the 11 years you're talking  
9 about --

10 A. 59 to 70.

11 MR. DAVIS: You were actually 58 when  
12 diagnosed.

13 A. Okay. Again, I would need someone  
14 above my pay grade to be able to figure out what  
15 this -- what this number would look like as far  
16 as earnings that would appear on a W-2 are  
17 worth. The rest of it, I don't know how you put  
18 a price on it.

19 Q. (By Mr. Walthall) How about lost  
20 past earnings, are you going to claim any lost  
21 past --

22 A. That's what I just said. From the  
23 time I retired --

24 Q. Okay. I guess --

25 A. -- to now, to when I had planned

1 to retire, is what I would say is what I've  
2 lost. If I had never been diagnosed with  
3 cancer, I was 58 years old, still working in a  
4 position I really enjoyed, making very good  
5 money, I would have kept going until I'm 70.

6 Consider projected pay raises, my  
7 bonuses, what yield I would have seen from  
8 Edward Jones, Merrill Lynch, had that money been  
9 invested, which it would, were running about  
10 seven to eight percent growth annually  
11 compounded with all of our investments, so I  
12 would have to sit down with a forensic  
13 accountant to break this down to say, okay,  
14 every year expect cost of living allowance,  
15 COLA, to increase my base by 5 percent. All  
16 that money's in Merrill Lynch. Okay, I'm  
17 averaging eight percent growth compounded year  
18 over. What would that look like? Take a guess.  
19 I don't know. I would say more than a few  
20 bucks. That's just dollars lost we're talking  
21 about, not the rest, so...

22 Q. And let me ask you this. Are you  
23 making any claims for business losses?

24 A. No. I didn't lose a business. I  
25 was employed. I would -- again, I would --



1 Q. That's my question. Did you --  
2 did you -- were you a business owner?

3 A. No, I was not.

4 Q. Let me ask you this. Are you  
5 claiming any loss of value for real estate?

6 A. No. I lived in a home with my ex  
7 and the home was paid for. The home I live in  
8 now is not paid for. I have a mortgage. So I  
9 traded -- I traded a nicer home for the home I'm  
10 in that was paid for, and now I have debt on  
11 this home, so -- I don't know how you -- how  
12 someone would figure that out.

13 Q. Let me ask you this. Are you  
14 making any personal property damage claims,  
15 claims for loss of personal property?

16 A. No.

17 Q. And I asked you at the outset of  
18 this whether you had been in any previous  
19 litigation, and I think we talked about some of  
20 it. We talked about the accident that you were  
21 in, right?

22 A. No, sir. I went through a  
23 deposition for an accident I witnessed, as a  
24 witness, and a fire that turned out to be arson.  
25 And I was deposed for what I saw at those two

1 instances.

2 Q. Got it.

3 A. I wasn't part of it.

4 Q. All right. But were you in a  
5 litigation with respect to the accident you were  
6 in with the --

7 A. Yes. An attorney handled all that  
8 for me, but -- I didn't appear, I didn't --

9 Q. Never went to trial?

10 A. He took care of it all, yes. Yes.  
11 It settled out of court.

12 Q. Okay. Have you ever had -- been  
13 involved in any civil suits?

14 A. I have not.

15 Q. Have you ever filed any accident  
16 claims, not necessarily lawsuits, for injuries  
17 or --

18 A. No, sir.

19 MR. DAVIS: I'm assuming you mean  
20 other than the one car accident he talked about.  
21 You knew about that.

22 MR. WALTHALL: Correct. Yeah. Well,  
23 I was saying no -- not filing a lawsuit. Okay.  
24 Point taken.

25 MR. DAVIS: I just want to make sure

1 the record was clear.

2 A. And we did have homeowners claims  
3 over the years, but I don't think -- I don't  
4 think you're referring to that.

5 Q. (By Mr. Walthall) No. Let me ask  
6 you this. Have you received a loan or advance  
7 in connection with your claim under the Camp  
8 Lejeune Act?

9 A. I have not.

10 Q. And have you received any money  
11 from any third parties in connection with your  
12 claim under the Camp Lejeune Act?

13 A. I have not.

14 Q. Let me talk a little bit briefly  
15 about loss of household services. Are there any  
16 household services that you cannot perform now  
17 that you could before your injury or disease?

18 A. I'm not really sure how to answer  
19 that. I maintain my own home. It's a lot  
20 tougher now. I do have somebody who comes in  
21 and cleans. I've been trying to -- to do the  
22 outside work, mowing and that type of thing.  
23 I've got a couple tractors. But that's getting  
24 tougher, too, so -- I've got a neighbor right up  
25 the street who has a teenage son, and we've

1 talked about him taking care of the grass for me  
2 this year, because it's getting harder to do.  
3 Right now I'm extremely nauseous. I can't  
4 imagine getting on a tractor right now.

5 So I think, to answer your  
6 question, there are some changes coming. I'm  
7 kind of taking my life one day at a time.

8 Q. Okay. I've got to ask you, do you  
9 have a criminal record?

10 A. I do not. I've never been  
11 arrested, never been charged.

12 Q. Do you recall filing the claim --  
13 the Camp Lejeune Justice Act Administrative  
14 Claim in this case?

15 A. I would ask my attorney. I don't  
16 -- there have been so many forms, release forms.  
17 There has been so much documentation. I've --  
18 I've trusted these gentlemen and I know they're  
19 on top of it.

20 Q. Yeah, I just -- I'm not, so I need  
21 a copy of that. But I don't have one so --  
22 anyway, but you do recall that you did file an  
23 administrative claim?

24 MR. DAVIS: I think he just said I  
25 don't know.

1           A.    I don't recall, but there have  
2    been so many --

3           Q.    (By Mr. Walthall) All right.  
4    When we get it I'll show it to you and you can  
5    figure out whether you recognize it or not.

6           A.    Okay.

7           Q.    And that is -- well, let me ask  
8    you -- I'll ask you some concluding questions,  
9    and I think I'm just about done.

10                    So are there any answers to my  
11    questions that you wish to change before we wrap  
12    up this deposition?

13           A.    Not that I can think of at this  
14    time, no, sir.

15           Q.    Okay. Is there any information I  
16    asked you about that you remember now, we've  
17    been talking about some things, that you didn't  
18    when I asked you? But I think we cleared those  
19    up.

20           A.    I believe we have.

21           Q.    All right. Were there any  
22    questions you didn't understand looking back?

23           A.    No, sir, I don't believe so.

24           Q.    And is there anything else you'd  
25    like to add?

1           A.    Not at this time.

2           Q.    Is there anything else you want to  
3 tell us?

4           A.    I think that I've tried to make  
5 myself clear that -- what this has done. I  
6 don't hold any animosity towards any individual.  
7 Being a marine is a title I've been proud to  
8 hold and would never have anticipated that  
9 serving my country in the Marine Corps, and the  
10 history of the Corps, never leave a man behind,  
11 Semper Fi, and all the things that we were led  
12 to believe as a marine, that someone would have  
13 known this was happening and for the love of God  
14 I don't know why wouldn't tell us.

15                    If you make a mistake own it, step  
16 up, man up, own it. We're being contaminated  
17 with this water; somebody knew and kept it  
18 secret. I won't live to understand that. I  
19 could have been screened. We could have gotten  
20 ahead of this. I possibly would still have my  
21 family -- I don't know -- I could still be with  
22 my wife, with my kids, with my home, with my  
23 job. I don't know, who can say, but -- I don't  
24 -- I'll never understand why somebody just  
25 didn't tell me, and result of that is it's

1 trashed my life.

2                   This is where I am. I'm grateful  
3 for today. I'm strong in my faith. But  
4 everything that was important to me is gone.  
5 Living with my kids, my wife, my job, my  
6 friends, things I enjoy, my health, looking  
7 forward to a future, all of it, it's gone.

8                   So it's hard not to feel some  
9 frustration and some animosity towards whoever  
10 it was that did this to us. Because I'm not  
11 alone. I've got friends who are dying, friends  
12 who have died, because somebody kept their mouth  
13 shut. It's criminal. That's my opinion.

14                  Q. All right.

15                  A. Thank you for the opportunity to  
16 voice that.

17                  Q. Absolutely. And I want to thank  
18 you for your patience in answering my questions.  
19 And so once it is ready, you will be provided  
20 with a transcript of your testimony in this  
21 deposition. And we would just ask that you  
22 carefully read it, correct and sign it, and so  
23 -- when it's done. So I appreciate that.

24                  A. Yes, sir.

25                  MR. DAVIS: Tim, I'm going to have

1 some questions.

2 (Off the record.)

3 VIDEO TECHNICIAN: We are going off  
4 the record. The time now is 4:13 p.m.

5 (Recess.)

6 VIDEO TECHNICIAN: We are back on the  
7 record the time now is 4:30 p.m. Please  
8 proceed.

9 EXAMINATION

10 BY MR. DAVIS:

11 Q. Please state your name for the  
12 Court and jury.

13 A. Stephen Dunning.

14 Q. Steve, how old were you when you  
15 joined the Marines?

16 A. I was 18.

17 Q. Had you already graduated high  
18 school?

19 A. I graduated early. I had enough  
20 credits that I had obtained a high school  
21 diploma. I left in March of my senior year to  
22 go through boot camp, because I wanted to time  
23 it to be able to go home and graduate high  
24 school with my class in my Marine Corps uniform.  
25 So I was --



1 Q. And did you graduate?

2 A. I did.

3 Q. And did you appear at the  
4 graduation ceremony in your uniform?

5 A. I did. One of the proudest  
6 moments of my life to be able to walk onto that  
7 stage, as every kid does when you graduate high  
8 school, and do it in a Marine Corps uniform. So  
9 yes, I did.

10 Q. Why did you join the Marine Corps?

11 A. I wanted to serve my country.  
12 Idealistic at the time. I thought of the other  
13 branches. And the -- I can recall the Marine  
14 Corps recruiter saying that if you go into the  
15 Army, the Navy, or the Air Force, you'll always  
16 wonder if you could have been a marine. If you  
17 go into the Marine Corps, you'll never wonder if  
18 you could have been a soldier, a sailor, or  
19 chairman. He was right. Once you're a marine,  
20 you never think about you could have been  
21 another branch of service.

22 Q. After you went -- where did you go  
23 to boot camp?

24 A. Parris Island, South Carolina.

25 Q. After that where were you

1 stationed?

2 A. Camp Lejeune, North Carolina.

3 Q. And how many years approximately  
4 were you at Camp Lejeune?

5 A. On -- on base Camp Lejeune, five  
6 years. It was over a six-year period.

7 Q. Okay. And the other year where  
8 were you stationed?

9 A. I did a tour with WestPac, Western  
10 Pacific, Third Marine Division, Okinawa, Japan.

11 Q. So when you were at -- strike  
12 that. New question.

13 When you were at Camp Lejeune,  
14 describe the barracks you would stay in.

15 A. We lived in the squad bay. It was  
16 a wooden building. It was two stories tall.  
17 Each squad bay -- and there were a number in the  
18 building. Each squad bay was one large open  
19 room shared by about 80 guys. We all shared one  
20 common bathroom called a head.

21 There was one large room called a  
22 -- the shower room. We called it the rain room.  
23 There were roughly 20 commodes in the room.  
24 There were no privacy walls. So when you sat  
25 there to do business, you would talk to the guy

1 right next to you.

2                   It was just basically communal  
3 living. It's one wide open space. And your  
4 house consisted of one half of a bunk bed, a  
5 wall locker, and a foot locker. That was home.

6           Q.    When you were stationed at Camp  
7 Lejeune, were you exposed to water?

8           A.    Oh, constantly. There was never a  
9 time you're not.

10          Q.    Did you drink water?

11          A.    Constantly.

12          Q.    Did you drink water with every  
13 meal?

14          A.    Yes. In the chow hall they had  
15 dispensers, milk dispenser, and what we always  
16 called bug juice, basically water with Kool-Aid  
17 mixed into it so there would be different  
18 flavors. But it was just all water with a  
19 generic Kool-Aid in it, and we drank a lot of  
20 it, yes.

21          Q.    Did you drink water -- how many  
22 glasses of water would you drink at a given  
23 meal?

24          A.    At least two or three, depending  
25 on the meal.

1 Q. Then in addition to that, would  
2 you drink coffee?

3 A. Yes. Every marine does.

4 Q. Okay. And then in addition to  
5 that, when you're in between meals, would you  
6 drink water?

7 A. All day -- water and coffee all  
8 day long.

9 Q. Then the place you lived in Camp  
10 Lejeune, was that Hadnot Point?

11 A. That whole area was called Hadnot  
12 Point. We referred to it as Mainside.

13 Q. Okay. And at times you were in  
14 the Mainside Barracks?

15 A. That's where we lived.

16 Q. That's where you lived. And  
17 Hadnot Point would include French Creek?

18 A. Yes, that's correct.

19 Q. And then did you work in that same  
20 area?

21 A. Yes.

22 Q. Could you walk to where you worked  
23 from your barracks?

24 A. Exactly. None of us had cars.

25 Q. So during the day when you weren't

1 in meals, were you still drinking water?

2 A. Sure. Depending on your day, if  
3 you were at work, your assigned specialty, mine  
4 was communications, you're drinking water and  
5 coffee all day long. If you had an off day and  
6 -- for example, I played baseball, baseball  
7 team. We would drink a cooler full of water,  
8 when you're working out in North Carolina in the  
9 summer playing baseball, yeah.

10 Off time we would be at the pool,  
11 we'd spend the day at the pool, drink -- yes, to  
12 answer your question, we were drinking water all  
13 day long. There were very few soda machines  
14 around. And we weren't going to spend the money  
15 on soda, so we would all drink water.

16 Q. Was money tight?

17 A. Extremely. 1979 when you went  
18 into the Marine Corps as an E-1, a private, to  
19 the best of my recollection I made \$120 a month.  
20 We were paid twice -- twice a month, so you got  
21 a \$60 paycheck.

22 Q. Silly question, but was there  
23 bottled around that time?

24 A. There weren't bottles.

25 Q. And that's all right.

1           A.    You could buy gallon jugs of like  
2   spring water.

3           Q.    But you were drinking tap water?

4           A.    It -- everybody drank tap water,  
5   yes.

6           Q.    Okay.  You mentioned the swimming  
7   pools.  Where were the swimming -- where was the  
8   swimming pool you were allowed to go in?

9           A.    Tarawa Terrace.  That was the big  
10   pool.

11          Q.    And so would you go to Tarawa  
12   Terrace to go to the swimming pool?

13          A.    Yes, especially in the summertime.  
14   The squad bays -- the wooden squad bays were not  
15   air-conditioned, so it got extremely warm in  
16   there.  One whole wall was all windows, so we'd  
17   open all the windows -- they were the  
18   old-fashioned up and down windows with screens  
19   in them.  In the winter you'd freeze because the  
20   wind would blow right in between the windows.  
21   But in the summer we'd open all the windows --  
22   we had fans.  Everybody had like a box fan that  
23   you would aim at your rack to try to move some  
24   air at night.  But it still got very  
25   uncomfortably warm in the squad bay, so --

1 Q. Okay. So --

2 A. -- at the end of your day,  
3 workday, you'd take a shower to cool down. But  
4 your off time, yeah, we'd hit the pool.

5 Q. Okay. When you'd hit the pool at  
6 Tarawa Terrace, would you go there at times on a  
7 Saturday and Sunday and stay in there all day?

8 A. Oh, absolutely. Absolutely. Take  
9 -- take something to eat, take lunch. One of  
10 the guys I served with had a pickup truck, so  
11 we'd pick up a bunch of beer, take that with us,  
12 hang out at the pool all day, have lunch.  
13 You're drinking water all day long, drinking  
14 beer all day long. Someplace to go.

15 Q. Could also do that on a weekday?  
16 Like in the summer when the days are long, would  
17 you go there after a workday?

18 A. Absolutely. With my job working  
19 communications, I worked shift work, so we would  
20 work days or evenings or nights. So if you're  
21 on the day shift, after work you can hit the  
22 pool. If you're on nights, you have all day to  
23 hit the pool. So you finish your shift at 8:00  
24 in the morning, go hit the pool, find a chaise  
25 lounge, you go to sleep, take a nap. It's a lot

1 cooler there than it was in the squad bay.

2 Q. When you were at the pool were  
3 there times when you would stand in the pool  
4 literally for hours?

5 MR. WALTHALL: Objection. You can go  
6 ahead and answer.

7 A. We would. Just hang out at the  
8 pool, hang out at the ledge. I'm sure everybody  
9 in this room -- you're at the swimming pool, you  
10 put your elbows on the ledge, put your drink in  
11 front of you on the deck of the pool, and hang  
12 out in the water and talk. You stay in the  
13 water all day. North Carolina in the summer  
14 gets incredibly hot.

15 Q. Would you tell us what mess duty  
16 is.

17 A. Mess duty is a job every marine,  
18 E-3 and below, has the enjoyment of doing. You  
19 have to work in the chow hall. People whose  
20 occupational specialty are cooks don't do the  
21 grunt work. They prepare food. Marines on mess  
22 duty scrub the floors, clean the tables, scrub  
23 the garbage cans, wash the pots and pans, empty  
24 the steam tray, clean that out, refill it with  
25 water, get the steam going, put the clean trays



1 in the steam table, clean the monster pots that  
2 are used to prepare all the food. You have to  
3 do all the grunt work.

4 Q. Does all that involve water, being  
5 around water?

6 A. All of it. Cleaning the garbage  
7 cans, in between each meal the garbage cans were  
8 outside, and there was a hose with incredibly  
9 hot water. The hose is red with a fire nozzle  
10 on the end. And you wash out the trash cans,  
11 like steam clean them, to get them all the way  
12 clean.

13 All the pots, it's hot water. All  
14 the dishes, you're running the dishwasher  
15 machine. You're drenched all day, you're in  
16 steam, and it's hot.

17 Q. There's big pots and pans in  
18 there?

19 A. Pots big enough to get in. These  
20 are huge, where someone's using something that  
21 looks like an oar to mix the food. The pots are  
22 probably four feet tall and four feet across.  
23 These are huge pots. And they're on spindles so  
24 you can -- you can twist it to empty it. But  
25 that's what food is prepared in, massive

1 amounts. So it's guys on mess duty who are  
2 responsible for cleaning all this, three times a  
3 day.

4 Q. Okay.

5 A. After every meal everything gets  
6 cleaned. The food service guys, the cooks, all  
7 leave. They go to take a nap. Guys on mess  
8 duty clean everything there, everything gets put  
9 away, and then the food service guys come back  
10 to do the next meal. You do that three times a  
11 day.

12 Q. Okay. Is mess duty also sometimes  
13 called KP?

14 A. Yes.

15 Q. What is KP?

16 A. Same thing as mess duty, kitchen  
17 patrol.

18 Q. Okay. Tell us about the steam  
19 tables that all your food was served on.

20 A. It was a long -- describe it. A  
21 long countertop. On one side were metal rails  
22 that you put your tray on and you worked your  
23 way down -- down one side with your tray, and  
24 you would stop in front -- across from a food  
25 service guy. And in front of him would be the

1 steam table with a large metal container that  
2 held the food being kept hot, and that's the  
3 person that would serve it to you. You didn't  
4 help yourself. That portion of the chow line  
5 was not self-serve.

6                   So I'll give you an example.  
7 Breakfast in the morning, scrambled eggs would  
8 be served, sausage, bacon, oatmeal, grits.  
9 Going down the line you would be served that.  
10 At the end of the chow line would be fruits,  
11 vegetables, that type of thing. This whole --  
12 the hot side of the chow line was all kept warm  
13 with steam.

14                   Q. Okay. So steam would be coming  
15 out of where it's warming?

16                   A. Yes, a lot.

17                   Q. Okay. And then that -- you would  
18 encounter that every meal?

19                   A. Yes.

20                   Q. In addition, when you're doing  
21 mess duty or KP, would you have -- be involved  
22 in breaking that down and setting it up?

23                   A. Yes, and having to scrub it out to  
24 be sure it's clean. All water has minerals,  
25 contaminants, in it, whatever, so you had to

1 empty it between every meal, scrub it down,  
2 close it again and then refill it, and then turn  
3 the heaters on to get the steam going again.

4 Same thing with the cooking area  
5 with the large pots. Depending on what they  
6 were making, the cooks would tell you, okay, we  
7 need these two filled with hot water, so you  
8 fill those and get steam going, if they were  
9 making pasta or something that you needed  
10 boiling water for.

11 Again, in between meals, every  
12 meal, the entire chow hall floor, the deck, is  
13 mopped, all the tables are wiped down and  
14 cleaned. We used warm water. The floor, the  
15 deck, in the food prep area was mopped,  
16 squeegeed dry, and cleaned. So you're in water  
17 all day.

18 Q. Okay. And so you would be  
19 assigned to that mess duty several weeks a year?

20 A. Yes.

21 Q. And in addition to that -- well,  
22 strike that. New question.

23 Was there a particular day of the  
24 week that you had to clean your barracks?

25 A. Traditionally Friday was something

1 we called field day. In the squad bay  
2 everything in it was removed, taken outside.  
3 All the wall lockers, foot lockers, the racks,  
4 the bunk beds, everything is taken outside. So  
5 there's one giant open room.

6 All the walls are scrubbed down.  
7 The deck is scrubbed. Scrub brushes, hands and  
8 knees, buckets of soapy water, you get down on  
9 the deck and you scrub the deck. When that's  
10 done, you go -- you follow that with mops. You  
11 go over it and you mop it. Then you go over it  
12 with a dry mop and you dry it or squeegee it.  
13 Depending on the decks, sometimes you had to use  
14 a buffer to polish the deck.

15 After that stage, then everything  
16 that's coming back in the room is cleaned, wiped  
17 down, before it's brought back. So all the wall  
18 lockers, all the foot lockers are wiped down.  
19 All the racks are wiped down. Wet -- all this  
20 is with wet towels. And you wipe everything  
21 down so there is no dust.

22 Q. So is this all using water?

23 A. Yes, soapy water, and then clean  
24 water. You want to be sure that the room is  
25 absolutely clean, because if anything is found

1 -- is dirty, everybody stays all weekend and you  
2 clean that room over and over the entire  
3 weekend.

4                   Obviously it's done to motivate  
5 you. And the company first sergeant, who does  
6 the inspection, is stuck on base rechecking that  
7 room all weekend, so he's not happy with you.  
8 So you want to be sure that room is inspection  
9 ready, which means operating room clean. That  
10 includes the head, the bathroom. The rain room,  
11 the shower, is scrubbed. The ceiling, the  
12 walls, and the deck are all scrubbed to prevent  
13 mold and mildew.

14                   The commodes are scrubbed and  
15 cleaned. The sinks, the floor, everything is  
16 immaculate. So when inspection goes, the room  
17 is inspection ready.

18                   Q. How does -- what is the Marine  
19 Corps' attitude about something being dirty  
20 rather than clean?

21                   MR. WALTHALL: Objection, form.

22                   A. In the Marine Corps dirty and lazy  
23 are synonymous. If you're lazy, you're going to  
24 be dirty. And if you're dirty, it's because  
25 you're lazy. Neither is acceptable in the

1 Marine Corps. You will do things the Marine  
2 Corps way. It's not Burger King; you can't have  
3 this your way. You're going to do it the way  
4 you're taught, right down how to make the rack,  
5 your bed. The bottom sheet is 12 inches. The  
6 top sheet is folded back to six inches for a  
7 total of 18 inches of length. They'll come  
8 through with an 18-inch ruler and check. If  
9 it's not 18 inches, they take the whole rack and  
10 flip it. You fail. So there's very little room  
11 given to you in Marine Corps. It's done that  
12 way.

13 Q. All right. So let's go to the  
14 showers. So when you -- describe the room with  
15 the showers and whether all the faucets would be  
16 on.

17 A. It's just one -- similar to I  
18 would guess high school college gym. It's one  
19 big open room. There's 20, 25 shower heads that  
20 go all the way around the room. The controls  
21 are on the wall. Whoever is up first in the  
22 morning would go around, turn all the shower  
23 heads -- hot shower heads on to get their shower  
24 good and steamy. Takes a few minutes for the  
25 hot water to kick and then -- you basically use

1 it like a steam room in the shower, so --  
2 especially in the winter because you're  
3 freezing.

4 So you go in there and take a hot  
5 shower and it's nice and steamy, you get warm.  
6 While you're in the shower, you brush your  
7 teeth, you shave. You do everything in the  
8 shower. So when you get out of the shower you  
9 -- especially, again, in the winter, you towel  
10 off real quick and get dressed. It's chilly in  
11 the squad bay.

12 Q. Do you -- did you ever take more  
13 than one shower a day?

14 A. Absolutely. Wintertime -- well,  
15 everybody first thing in the morning would take  
16 a shower. You square yourself away before you  
17 put on clean uniform and go to work. Nobody got  
18 up and didn't shower, put on a uniform and --  
19 no. You take a shower every morning. There's a  
20 term for someone who doesn't.

21 And then at the end of the day, if  
22 you've been freezing all day, you can't wait to  
23 get back and take another hot shower, get in the  
24 squad bay, and the steam's going and it feels  
25 great at the end of the day.



1 Q. How long were these showers?

2 A. It's up to the person. We would  
3 acquire the metal folding chairs from various  
4 places and stick them in the rain room. So if  
5 you wanted to, you could go in there and sit,  
6 and the steam was awesome.

7 Summertime it was cool showers.  
8 Again, you're living in a room that gets  
9 uncomfortably hot. So first thing in the  
10 morning, take a shower. At the end of the day,  
11 especially before you hit the rack, you take a  
12 cool shower so you weren't laying in bed  
13 sweating trying to sleep. It's uncomfortable.

14 Q. Tell the jury -- you mentioned the  
15 room rain room. What would you call the rain  
16 room?

17 A. That was the room that we showered  
18 in was -- we just nicknamed -- everybody called  
19 it the rain room.

20 Q. And these -- strike that. New  
21 question.

22 When you went into the field can  
23 you -- would you also use something called water  
24 buffaloes?

25 A. Yes.

1           Q.    Can you describe what a water  
2 buffalo is.

3           A.    Water buffalo is a trailer, a  
4 tanker trailer that holds water.  It's hitched  
5 up behind a six-by, which is a large Marine  
6 Corps vehicle that has 10 wheels on it but six  
7 of them are powered.  That's why it's called a  
8 six-by.

9                         In the back of the six-by, you  
10 load all the equipment you're taking to the  
11 field with you.  Hitched to the back of the  
12 six-by is a water buffalo.  It's a tanker  
13 trailer.  And we would use a hose and a potable  
14 water spigot outside of the squad bay, the  
15 barracks, to fill those before you leave.

16           Q.    Okay.  And that would be the  
17 Mainside Barracks, which would be in Hadnot  
18 Point?

19           A.    Yes.  That's the water you take  
20 with you.  Otherwise, you're not going to have  
21 any.

22           Q.    And how big are those water  
23 buffaloes?

24           A.    They're large.  It's -- I would  
25 have to guess, several hundred gallons.  It's --

1 it's round-shaped. I would say they were about  
2 20 feet long, eight feet tall, eight feet wide.  
3 Whatever amount of water that would hold. A  
4 lot. And, again, that's the only water you  
5 have. That's it.

6 Q. What would you do in the field  
7 with that water?

8 A. Everything that you need water  
9 for. Example, you always made sure you had a  
10 five-gallon clean metal trash can, because you  
11 would fill it with water, put it on a field  
12 stove, a gas torch looking thing, to get the  
13 water hot. And find a couple socks, fill them  
14 with coffee grounds, and you'd make -- somebody  
15 stand there dipping the socks in the water until  
16 you have coffee.

17 You used it to wash. You used it  
18 to drink. And you go easy going through that  
19 water. It's all you have. Marine Corps goes to  
20 the field to prepare to go to war. So you try  
21 to make that as realistic as possible. So a  
22 unit goes to the field, and you have one water  
23 buffalo, and you're assigned to be in the field  
24 for 15 days, you better make it last.

25 Q. Do you use that water buffalo for

1 showering in the field?

2 A. Water guys bring in water  
3 buffaloes and they set up field showers if  
4 you're going to be in the field longer than a  
5 week, ten days. Typically, if you're out for a  
6 week, you don't shower.

7 Q. And that -- the shower they set up  
8 out there, do they heat that water?

9 A. They do. It's a very large squad  
10 tent, larger than this room, and all around the  
11 perimeter are pipes with shower heads. And they  
12 put wooden pallets down on the ground so you're  
13 not walking in mud. And all around the room are  
14 shower heads. And, again, somebody goes around  
15 to turn them all on, and you walk in there --  
16 before you walk in the tent, you strip naked.  
17 All of your dirty clothes go in a pile. You  
18 take a shower, you go out the other end, and at  
19 the other end is clean underwear, t-shirt,  
20 socks, camo pants, camo jacket, and you put on a  
21 clean uniform.

22 Q. So -- new question.

23 Would you use water to wash things  
24 like trucks when you're in the Marines?

25 A. Every time you return from the

1 field, everything goes to a wash rack, which is  
2 a large paved area. And each side of the paved  
3 area is sloped slightly downward. And in the  
4 middle the length of this parking area is a  
5 metal grate to collect the water. And large  
6 hoses are pulled out and everything gets  
7 cleaned, thoroughly cleaned, scrubbed.

8 The six-bys, the Jeeps, the  
9 ambulances, the weapons carriers, the ammo  
10 carriers, get scrubbed down, soap, water, tires,  
11 rims, wheels, it gets scrubbed. And then they  
12 get inspected. They have to be totally clean  
13 before they get put away. All of your gear,  
14 tents. Anything you take to the field, when you  
15 return, it's immaculate.

16 Q. Would you eat food made with the  
17 water there at Camp Lejeune?

18 A. Constantly. It's the only place  
19 the water came from.

20 Q. The heat, was the heat water  
21 created by water?

22 A. Yes, sir, it was.

23 MR. WALTHALL: Objection.

24 MR. DAVIS: I'll have a new question.

25 Q. (By Mr. Davis) What was the

1 method of heat when you were there at Camp  
2 Lejeune?

3 A. Onboard Camp Lejeune was a large  
4 steam plant. That steam plant used natural gas  
5 to heat water to steam. And throughout the  
6 base, going over all the roads, all the streets,  
7 above your head, were pipes, metal pipes three  
8 feet in diameter, and they ran all over the  
9 base, and those pipes had steam. And the steam  
10 plant provided steam to heat every building  
11 onboard Camp Lejeune by steam heat.

12 Q. And what would be in, like, for  
13 example, your barracks that would have the heat  
14 come out of it?

15 A. Radiators.

16 Q. Radiators?

17 A. Yes.

18 Q. So did radiators involve water?

19 A. Yes. Radiant heat are filled with  
20 hot water so it makes -- it makes them emit  
21 heat. Not all of them were sealed. So at times  
22 you'd have one that's leaking and it's blowing  
23 steam up. So until somebody came to fix it, it  
24 was just blowing steam everywhere.

25 Q. So I want to ask you, how often

1 during a given day would you be exposed to water  
2 when you're a marine at Camp Lejeune?

3 MR. WALTHALL: Objection. Go ahead.  
4 You can answer.

5 A. I don't believe that there's ever  
6 a time when you're at Lejeune when you're not  
7 exposed to water in some form. The rooms are  
8 heated by steam. You're wearing clothing that's  
9 washed in the water. You get up in the morning,  
10 you shower and shave with the water. You wash  
11 your hands.

12 Every meal you're drinking water.  
13 When you're at work you're drinking coffee and  
14 water. The food is made with the water. Your  
15 off duty hours, you're swimming in the pool with  
16 the water or you take a shower with the water or  
17 -- I've thought this through, and I don't think  
18 there's ever a time that you're not exposed in  
19 some form to the water. It's everywhere.

20 Q. So after you left Camp Lejeune --  
21 well, strike that. New question.

22 How long did you sign up to be a  
23 marine the first time?

24 A. My initial enlistment was four  
25 years. And at the -- nearing the end of my

1 initial enlistment, I decided to extend my  
2 enlistment for two years.

3 Q. And so those six years you're  
4 talking about, is that active duty?

5 A. Yes, sir.

6 Q. After your active duty, how long  
7 were you in the reserves?

8 A. Two years.

9 Q. Of that six years of active duty,  
10 how many years were spent at Camp Lejeune?

11 A. Five.

12 Q. So after you left the Marines,  
13 what was your next job?

14 A. Went to work at the Manatee  
15 County, Florida, Sheriff's Office as a deputy  
16 sheriff.

17 Q. And at that time, when you were a  
18 deputy sheriff in Florida, did you meet someone?  
19 Actually I'm going to strike that question. I'm  
20 going to give you a new question.

21 So you said you were a deputy  
22 sheriff in Florida. How long did you stay in  
23 Florida?

24 A. I was there for six years.

25 Q. Okay. At some point did you meet



1 someone important at a grocery store?

2 A. I did.

3 Q. Tell us who that was.

4 MR. WALTHALL: Objection. Go ahead.  
5 Go ahead and give your answer.

6 A. I met my wife at a grocery store.

7 Q. (By Mr. Davis) And, of course,  
8 when you first met her, you didn't know she was  
9 going to be your wife?

10 A. I did not -- actually I don't  
11 cook. I'm not good at it. I was in the frozen  
12 food section looking at the frozen food  
13 cabinets, whatever, and bumped into something.  
14 I looked up. Great place at that time to meet  
15 women. First thing you do is check the hands,  
16 no wedding ring. Next thing you check the cart,  
17 if it's filled with tofu and rice cakes, keep  
18 going. She had a bunch of frozen dinners, a  
19 12-pack of Diet Coke, and a bag of Doritos. I  
20 had a bunch of frozen dinners, a 12-pack of Dr.  
21 Pepper, and a bag of Doritos, and I thought,  
22 honey, where have you been?

23 We started talking. I learned  
24 that she had just moved into the area, and her  
25 things hadn't arrived yet, and so I asked her,

1 don't you cook? And she said, yes, I'm a very  
2 good cook. So all women think so. Tell you  
3 what, I can be an honest judge, I'll let you  
4 cook dinner for me and I'll tell you if you can  
5 cook or not. And she looked at me like I had  
6 lost my mind. And she said, yeah, right, okay.  
7 And she went her way.

8                   So I went up to the cash register  
9 to pay for everything. And I felt somebody tap  
10 my shoulder and I turned around and she said,  
11 here, piece a paper with a note, call me, with  
12 her phone number. That's how we met.

13                   Q. And what was her name?

14                   A. Linda.

15                   Q. So what did you become -- what was  
16 your profession that you ended up going into?

17                   A. While I was with the sheriff's  
18 office, one of the guys I played softball with  
19 with the sheriff's office had a brother who was  
20 in industrial sales. And following a game he  
21 commented that you're articulate, you're  
22 intelligent, you could do much better  
23 financially if you look into a sales occupation.

24                   So at the time I was making a  
25 blazing \$24,000 a year, big money. And we got

1 into a discussion, and he said, well, once  
2 you're in this role you can make \$1,000. And  
3 I'm like, man, I'm making 2,000, I can't make it  
4 on 1,000. He said no, no, no, a thousand a  
5 week. Sold. So I went from 24,000 to \$1,000 a  
6 week.

7 So he gave me a job. I went  
8 through training. Good company. In the  
9 industry they're known for their training  
10 processes. And just kept working on expanding  
11 my knowledge. And I spent the next 30, 35 years  
12 sales career selling heavy industrial equipment,  
13 pumps and valves.

14 Q. Okay. And when you got into that  
15 industry, eventually -- I don't want to go  
16 through everything, but did you become in charge  
17 of large regions as far as sales?

18 A. I did. Initially --

19 Q. Can you tell us some of your job  
20 titles.

21 A. Initially I started just with a  
22 small territory, sales territory, and that grew  
23 to a larger territory, half of a state. That  
24 grew to a regional territory. I had the central  
25 third of the United States.

1                   And eventually I was the vice  
2 president of sales for North America for an  
3 industrial pump company. I oversaw all sales  
4 functions. The board was in Germany. I would  
5 travel to Germany twice a year to report to the  
6 board what was happening in the U.S. All sales  
7 input, gross margin, SG&A, it was all my  
8 responsibility.

9                   From that position I went to a  
10 company called SafeRack, and I was their  
11 director of business development for the --  
12 North America. And that's the role I held when  
13 I was diagnosed with cancer.

14                   The first month after I was  
15 diagnosed, I tried to do both. I set up chemo  
16 every Friday so I could go through a chemo  
17 treatment, I'd have the weekend to recover, to  
18 get up Monday morning to make it to the airport,  
19 to travel all week, to make it home by Thursday  
20 night sometime, to go back Friday for another  
21 round of chemo.

22                   And I hung with that for about a  
23 month and I couldn't. I couldn't keep it up.  
24 And my boss, awesome guy, he's in the UK, flew  
25 to the U.S. And we met up for lunch and he

1 could see my physical appearance, I looked  
2 rough. Today I'm at 200 pounds. At that point  
3 I was about 170. And it showed.

4 And he said, you've got to stop,  
5 whatever's going on. So I told him about my  
6 diagnosis. And he said, look, it's time to  
7 retire. So I agreed. So at that point I  
8 retired and just tried to focus on my health.

9 Q. Did you want to stop working?

10 A. No.

11 Q. Did you like your job?

12 A. I loved it. I loved the people I  
13 worked with, the guys -- people -- guys and  
14 women I worked with in sales, going after sales  
15 contracts that were 5, 10, 20, 50 million  
16 dollars, working with my salespeople.

17 Sales is a science. It's not  
18 people who sell used cars. There's a --  
19 definitely a methodology to sales. And I  
20 enjoyed working with younger people and teaching  
21 them that so they were able to benefit  
22 financially from it. People were making more in  
23 bonuses than they were with their base salaries.  
24 And we did very, very well. I enjoyed it.

25 Q. Were the bonuses based upon sales?

1                   A.    Yes.  It was very hard to walk  
2    away.

3                   Q.    Well, and did you do it  
4    voluntarily, or were you forced by your illness,  
5    by your cancer?

6                   A.    Yeah, I had no choice.  Everyone  
7    in this room understands that your job is who  
8    you are.  It's what -- people say, what do you  
9    do?  They're referring to your occupation.  It  
10   gives you a reason to get up in the morning.  It  
11   gives you a reason to go.  And when that's taken  
12   away suddenly, it's -- it's hard to deal with.

13                          So was I forced to retire?  Yes,  
14   because of this.  I physically couldn't.  If I  
15   had kept going another couple weeks, I would  
16   have ended up in the hospital.  Because of the  
17   nausea, I couldn't eat, but I was still  
18   traveling and still keeping that pace.  In the  
19   matter of a couple weeks I had dropped 30  
20   pounds, so -- so...

21                   Q.    All right.  Let's go back and talk  
22    about how has -- before your diagnosis of  
23    cancer, at that time, how was rest of your life,  
24    your social life, your family life at that time?

25                   A.    I was extremely content with where

1 I was. I was married to the love of my life. I  
2 thought she was still, to me, very beautiful. I  
3 -- I've got two great kids who are like friends  
4 of mine. I coached little league. I was in Boy  
5 Scouts with them.

6 Our house was the hangout for all  
7 the kids. We had a basketball court in our  
8 backyard. Kids were always over. We were the  
9 safe house for the football team. That was the  
10 place to be was our house.

11 I had a great wife, great family,  
12 enjoyed my friends, playing golf, being active,  
13 had a good job, had what I thought was a solid  
14 financial plan to retire well.

15 Q. How long were you going to work?

16 A. I wanted to go until I was 70. I  
17 believed totally that I would at least make it  
18 to -- my grandfather hit 91. I thought I would  
19 at least make it to that. I was still healthy,  
20 in good shape. I still ran every day. I wanted  
21 to go until I was 70, which would have made  
22 Linda 62, to get right in line with Social  
23 Security, and we had prepared very well to  
24 retire.

25 So we had talked about keeping

1 this house, buying another house in Florida,  
2 specifically the west coast, Longboat Key, Anna  
3 Marie Island, buy another house there, and spend  
4 time at each home with the boys and the rest of  
5 our time travel. And we had a bucket list of  
6 things we wanted to do. I bought a motorhome.  
7 We were going to travel the U.S. together.

8 We wanted to go back to Europe.  
9 We had been there before and -- the two of us  
10 had seen, before we started with the kids, a lot  
11 of Europe. We wanted to go back. There were  
12 cruises we wanted to do. We looked forward to  
13 our grandkids, seeing our sons get married --  
14 get married first and then grandkids.

15 I was, to answer your question,  
16 very, very content with my life. I had what I  
17 wanted.

18 Q. How old were you when you were  
19 diagnosed with cancer?

20 A. 58 years old.

21 Q. Did it come as a shock?

22 A. It did.

23 Q. Can you explain how you found out?

24 A. I was blessed -- I still believe I  
25 was blessed that -- that it was caught. Got up



1 one morning, as always, grab a cup of coffee,  
2 use the boys room, and I peed dark. It was very  
3 discolored. And I thought, uh-oh, kidney  
4 stones, but it didn't hurt. Forget about it.

5 Next morning, do it again, get up,  
6 pee, even darker. Doesn't hurt, forget about  
7 it.

8 Third morning got up and it looked  
9 like I had poured Coke into the toilet,  
10 extremely dark. My wife looked in and she said,  
11 are you out of your mind, call the doctor, Dr.  
12 Talbert, Tim, I've known for years. Call him.

13 It doesn't hurt. It's got to be  
14 stones.

15 Shut up, call him.

16 I called him, told him what's  
17 going on. He said come in now, I can see you  
18 now.

19 Went in to see him, did a  
20 urinalysis, did blood work. Said he didn't like  
21 what he saw. My white count was through the  
22 floor, a lot of blood in the urine. He said, I  
23 don't like this, let's do a quick scan.

24 I said, I have to go.

25 He's like, look, take you 15

1 minutes. Go in and do a scan. They did it  
2 there. Got the scan done, great. He's going to  
3 call and say I have stones.

4 I went home, walked in the door.  
5 Linda said, Tim called, he wants you to go back.  
6 I just left. He said, go back.

7 Back in the car, go back to his  
8 office, walk in his office. What's going on?  
9 And he has exam rooms, but he took me into his  
10 office. What's going on? He said, sit down.

11 In his office he has a wingback  
12 chair. He shared with me later he calls it his  
13 cancer chair. He took me in his office, said  
14 sit down. I said, just tell me. He said, sit  
15 down.

16 I sat down. He put his hand  
17 against my chest so I couldn't fall out of the  
18 chair. And he said, there's no easy way to tell  
19 you this, you have cancer and it's advanced.

20 You hear those words, you can't  
21 describe what you feel. And I sincerely pray  
22 everyone in this room never experiences that,  
23 that you're told you have cancer. Your head  
24 spins, your stomach spins. Okay. In my case he  
25 said it's stage 3, I need to get you to a

1 specialist now. There's a urologist who  
2 specializes in oncology I want you to see. I've  
3 already called him. You need to get in to see  
4 him. That's Dr. Johnson. So that's when this  
5 journey started.

6 Q. Okay. So then you go to see Dr.  
7 Johnson. How soon are you actually doing  
8 chemotherapy after that?

9 A. A couple days. He -- it was  
10 aggressive. He didn't wait. We began with a --  
11 getting scoped.

12 Q. Can you describe the scope and  
13 what happens.

14 A. You're awake, there's no  
15 anesthesia, there's no novocaine. A tube is  
16 inserted into your penis, it's pushed up through  
17 your penis until it reaches the bladder. The  
18 doctor can look through an eyepiece and the tip  
19 of the scope lights up and he can see the inside  
20 of your bladder, so he scans what's going on.

21 And Dr. Johnson could see the  
22 tumor, so it's removed right then and there.  
23 With his scope he can cut the tumor out and  
24 remove it. So he did that.

25 And for the next eight weeks I

1 went through treatment. Every Friday a tube is  
2 inserted up your penis and your bladder is  
3 overfilled with chemo. And you have to wait one  
4 hour before you're allowed to drain it out.

5 So everyone is familiar with the  
6 feeling of really having to use the restroom.  
7 Well, it -- this -- your bladder is overfilled  
8 with chemo. It's stretched. So you have to  
9 hang for an hour until you can drain it off. So  
10 you go through that for eight weeks, and then  
11 you have four weeks off.

12 Q. When they drain it off, what do  
13 they have to put paper on you for?

14 A. It will burn you. Thank you.

15 Q. Can you explain it?

16 A. You have to sit down when you  
17 empty the chemo. Little boys have to use the  
18 toilet, sit down, and a paper cover-like thing  
19 goes over your thighs so it -- in case it  
20 splashes. Because if it gets on your skin it  
21 burns.

22 So you empty the chemo, you have  
23 four weeks off. At the end of the four weeks  
24 you go back and you get scoped again. In my  
25 case, every quarter, at the end of the four

1 weeks, there was more cancer than there was  
2 before. So the cancer's growing in the  
3 chemotherapy.

4                   And Dr. Johnson shared this was  
5 about as harsh as he could go with chemo. It's  
6 the type of cancer, it's extremely aggressive,  
7 we're doing what we can with chemotherapy and  
8 it's laughing at it, it's -- this is not  
9 working. I need to refer you to Dr. -- Dr. --  
10 I'm getting tired -- John Taylor at KU Med. So  
11 I went in to see Dr. Taylor. He had all of my  
12 medical records, films --

13                   Q. Can I stop you there. Before Dr.  
14 Taylor, you were talking about chemotherapy.  
15 Can you describe what it feels like to go  
16 through chemotherapy? You've gone through --  
17 strike that. New question.

18                   At this point you have gone  
19 through chemotherapy multiple times?

20                   A. I have.

21                   Q. Do you still have a port in you  
22 right now for chemotherapy?

23                   A. I do.

24                   Q. Can you point where it is?

25                   A. I still have a port. Do you want

1 to see it?

2 Q. I don't, but -- so --

3 A. It's right here. It runs from  
4 here, and it's what all of your meds get pumped  
5 through. There is a tube that goes up my neck  
6 into my jugular, down my jugular into my heart.  
7 So when the chemo is introduced here, the first  
8 place your body sees it is in your heart and  
9 it's pumped throughout your body. That's what  
10 the port is for.

11 Q. Okay. Now I'm going to ask this  
12 question. New question.

13 What does it feel like to have  
14 chemotherapy?

15 A. It's so difficult to describe it.  
16 I don't know -- I don't really mean this how it  
17 sounds, but to really understand you have to  
18 experience it. You are sick. You're incredibly  
19 nauseous. You can't eat. The smell of food  
20 will make you sick, violently sick, projectile  
21 vomit.

22 You are so weak that you lay there  
23 and you think my head itches and I want to  
24 scratch it, and you just don't have -- you can't  
25 even get that hand up to scratch your head. You

1 just -- you're beyond exhausted. You're just --  
2 you could sleep 22 hours a day. You're -- you  
3 are flat wiped out.

4 You start to lose weight because  
5 you can't eat. Your body hurts. Everything  
6 hurts. It's as sick as any of you have ever  
7 been times ten. It's -- it's -- I don't know  
8 how else to describe it.

9 Q. Okay. Let's go back. You said  
10 after you had gone through several rounds of  
11 chemotherapy then Dr. Johnson referred you to  
12 Dr. Taylor?

13 A. Correct. It was a year of therapy  
14 with Dr. Johnson. It wasn't working. He  
15 referred me to Dr. Taylor.

16 Q. And where was Dr. Taylor?

17 A. Dr. Taylor was at KU Med,  
18 University of Kansas Medical Center or --

19 Q. Yes. So what kind of doctor is  
20 he?

21 A. I had thought he was an  
22 oncologist, and he is. And I thought I was  
23 being referred for different treatment or  
24 something else we could do. My ex-wife Linda  
25 was with me. I found out afterwards Dr. Taylor

1 is a surgeon. He's not there to treat you.

2 He's there to cut it out.

3 So we sat down. He had all of my  
4 records. He had reviewed everything. And he  
5 let me know that we're at a point we have to  
6 choose. The strongest chemo available that was  
7 used by Dr. Johnson, it's not working. So I  
8 have a choice. We can keep doing what you're  
9 doing -- we're done with chemo, it's not  
10 working, so you're all done with that. Just go  
11 live your life, do what you're doing. I should  
12 say two years, but you're in good shape, you may  
13 go three, but you're going to be gone, this is  
14 going to kill you, or we take it out, your  
15 choice.

16 It's not much of a choice. Take  
17 it. That appointment was on a Monday. The  
18 following Wednesday I was in surgery.

19 Q. And when you say take it out, you  
20 mean take out your bladder?

21 A. Yes.

22 Q. Okay.

23 A. And Dr. Taylor shared that I had  
24 other areas where there was cancer exposure that  
25 most likely would go. Talking about that, he



1 said more than likely your prostate is going to  
2 go. And I -- as a guy, I know what that means,  
3 the inability to be intimate. It's -- you lose  
4 your prostate, there's no erectile dysfunction;  
5 there's nothing there, especially if the nerves  
6 go. So he said he would do the best he could do  
7 try to retain some of the nerves. And then  
8 going through surgery, he would determine what  
9 else was exposed to cancer cells.

10 Q. Okay. So let me start -- excuse  
11 me. I meant to say stop there. So new  
12 question.

13 So then the surgery is scheduled.  
14 How long did that surgery take and how did it  
15 go?

16 A. I was on the table for 11 and a  
17 half hours. We were about six hours into it,  
18 and Dr. Taylor came out to the waiting area, my  
19 family was there, my ex-wife, some friends. And  
20 he came out -- his scrubs were off. And he  
21 wanted to let Linda know that -- to prepare her  
22 that he did not think I was going to make it  
23 through the procedure. My blood pressure was 32  
24 over 16.

25 I was not responding to the meds

1 to get my pressure back up, so -- at that point  
2 I was wide open, I was filleted. I was cut from  
3 just above my sternum to my scrotum and I was  
4 open. So there was nothing they could do to  
5 stop at that point. So he said they were taking  
6 a break to see if my pressure would come back  
7 up, but he wanted to prepare her for what he  
8 believed was going to happen.

9 He went back in. She said about  
10 20 minutes later he came back out. Dr. Taylor  
11 is a Navy man, unfortunately, and he came back  
12 out and looked at my two sons and said, yeah,  
13 your old man's a jarhead because his pressure is  
14 coming back up and he's just stubborn as hell,  
15 we're going to keep going.

16 He went back in. Five and a half  
17 hours later he came back out and said, okay,  
18 he's done, he made it. That's how it went.

19 Q. And then after that, what all of  
20 your body parts did they have to remove during  
21 that surgery that had cancer in them?

22 A. I lost my bladder, my prostate,  
23 all the wires to my prostate, all the nerves  
24 went, all the lymph nodes in my waist, 18 inches  
25 of intestine, were all removed at that one

1 surgery. I was in KU Med for two months  
2 following surgery.

3                   When I woke up, I don't remember  
4 it, my kids were there, my ex-wife, friends.  
5 Dr. Taylor was standing at the foot of the bed.  
6 And my sons told me that -- I was coming out of  
7 anesthesia and looked down. I had 38 metal  
8 staples. The incision was fresh so I was still  
9 leaking. I had four drainage tubes coming out  
10 of my abdomen, a Foley catheter up my penis, two  
11 tubes coming out of my kidneys, all going into  
12 collection bags.

13                   And my sons have said I woke up  
14 and I looked down, and then looked at Dr. Taylor  
15 at the foot of the bed, and said, what the did  
16 you do to me? And my head went back down and I  
17 was back out for another two hours. I don't  
18 remember that, but -- that was the state I was  
19 in following surgery. And I was there for two  
20 months.

21                   Q.    So when you were in KU Medical  
22 Center for two months after that first cancer  
23 surgery, how long was it before you could even  
24 get out of the bed?

25                   A.    Five to six weeks. I couldn't.

1 They had to wait for everything to stabilize  
2 slowly. The tubes came out -- because I didn't  
3 have the bladder, the kidneys could not drain  
4 into a bladder I didn't have, so the kidney  
5 tubes were in. The intestinal -- section of the  
6 intestine they took out, that's why I had  
7 feeding tubes in and drainage tubes in.

8 So basically from -- for the most  
9 part, from the ribs down, nothing was working,  
10 so it was being bypassed. To be fed, to  
11 generate feces, to generate urine, it -- for a  
12 while it was shut down, until I healed enough  
13 that they started to bring things back online.

14 (Exhibit 7 was marked.)

15 Q. (By Mr. Davis) I'm going to hand  
16 you what's been marked Exhibit Number 7. I'm  
17 going to ask you to put that over there kind of  
18 where your water glass is.

19 (Off the record.)

20 A. There's a picture.

21 Q. (By Mr. Davis) Wait. Give me a  
22 second to ask a question. All right. New  
23 question.

24 Can you show -- tell us what  
25 Exhibit Number 7 shows.

1           A.    That is a photograph following the  
2    surgery when I was able to be up moving,  
3    walking.  At this point the drainage tubes had  
4    been removed, the staples had been removed.  
5    This is not too long before I went home.  This  
6    is where I was nearing getting ready to go home.

7           Q.    Can you see the scar?

8           A.    Vividly.

9           Q.    Okay.  And how far lower does that  
10   scar go?

11          A.    To the top of my scrotum.

12          Q.    Okay.  So it goes even lower than  
13   you can see in this photo?

14          A.    Substantially.

15          Q.    Okay.  And then you talked about  
16   some of those tubes being in you.  Do you see  
17   some stitches there where one of those tubes  
18   was?

19          A.    I don't believe so.  I can point  
20   out that I had a Foley catheter in my penis,  
21   which isn't shown.  I had a drainage tube here,  
22   here, here, here.  Up -- there's a mark you can  
23   still see.  There.  There was a tube here and  
24   here.  So I had the four tubes in my abdomen and  
25   then a tube coming from each kidney, because the

1 kidneys couldn't go into a bladder that wasn't  
2 there.

3                   And I'll point out Dr. Taylor is  
4 still my hero. You'll notice I do not have a  
5 stoma. A stoma is a plastic bag that's worn  
6 externally, and you have a permanent opening in  
7 the skin. Instead of a bladder inside, it's  
8 outside, and your body drains urine into this  
9 plastic bag that's on the outside of your body  
10 that sticks to you.

11                   I thank God Dr. Taylor did not --  
12 and I asked him before surgery, please, I don't  
13 want a stoma. He made a comment, jarhead, I  
14 gotcha, don't worry about it, I'm going build  
15 you a new bladder, I'm going to build it inside  
16 of you. He did. I can use a urinal today.  
17 Nobody knows. Other than the scar, you can't  
18 tell I've ever lost anything. That's because of  
19 Dr. Taylor -- I've been told since he's the only  
20 one who could have done that.

21                   I thought about going to MD  
22 Anderson in Texas. I spoke to them. They said,  
23 yeah, there's a doctor closer to you that we  
24 talk to all the time who is better than anybody  
25 we have here for this. His name is John Taylor.

1 That's my doc. So he built a bladder inside of  
2 me.

3 Q. Okay. Well, let's keep going  
4 here. How hard was it -- how was it to endure  
5 those two months in the hospital after your  
6 first surgery?

7 A. It's two months in a hospital.  
8 The pain I went through. They did everything  
9 they could to try to keep me medicated and  
10 comfortable, but the meds would wear off so I  
11 would have to wait until I could get more.

12 From what I remember I was on  
13 fentanyl, Dilaudid, and another one I don't  
14 remember, but they had a cocktail going to try  
15 to help me with the pain. But when you're cut  
16 through the abdominal muscles, any movement is  
17 excruciating. If you have to sneeze, pass gas,  
18 cough, as everybody is sitting here, as you move  
19 at all and you feel your -- just sitting here,  
20 move your abdominal muscles, the pain was  
21 unbelievable. So I tried just to be perfectly  
22 still. And you can't.

23 Your only option is to deal with  
24 it, just -- you have to live through it. Keep  
25 telling yourself this isn't going to last. Make

1 it through today. I didn't want to see a  
2 calendar. I had to get through today. And I  
3 was so blessed that the entire time I was in the  
4 hospital my ex-wife was there. I'd wake up, she  
5 was there. Go to sleep, she was there.

6 Q. At that time she was your wife?

7 A. Yes, she was.

8 Q. Okay. We'll talk about that in a  
9 bit.

10 A. She was.

11 Q. So next question -- I guess we can  
12 take that down now, if you'll give that to me.

13 A. Certainly.

14 Q. So did that surgery cure your  
15 cancer?

16 A. No. You're never cured of cancer.  
17 That's a fallacy. Once you have cancer, you  
18 have cancer. Through treatment you can get to  
19 the point where I am now, that the cancer is not  
20 detectable. I had a scan following my last  
21 round of chemo, and as of today no cancer is  
22 present. You can't see it.

23 That's why -- a tradition at KU  
24 Med is to ring the bell when you leave the  
25 cancer ward. No one ever says you're cured.



1 You have undetectable cancer and you ring the  
2 bell, and I did.

3 What they're waiting for is for it  
4 to come back, to be large enough to be able to  
5 be found, and that's what the scans are about,  
6 so --

7 Q. So do you have cancer in your body  
8 right now?

9 A. I do.

10 Q. Let's go back to this trail. Did  
11 you have to have another surgery?

12 A. I did.

13 Q. How many surgeries have you had  
14 total?

15 A. Four.

16 Q. Okay. So let's go to the next  
17 treatment you had after that first surgery.

18 A. I had -- got a picture. I had  
19 surgery on an inguinal muscle, which is  
20 basically a groin muscle, that part -- a piece  
21 of that had to come out.

22 Q. Because it had cancer?

23 A. Yes.

24 Q. Okay. So can you just tell us --  
25 without a photograph just show -- or how you --

1 actually describe it. New question.

2 Can you describe where the  
3 incision was and what had to be taken out to  
4 remove the cancer from your inguinal region.

5 A. A piece of muscle was removed and  
6 it looks like I had a cesarean section, a scar  
7 that goes right across, below my hips. You have  
8 the photograph.

9 Q. How long is that scar?

10 A. A foot, 12 inches.

11 Q. Okay.

12 A. 12 inches I would guess.

13 Q. All right. So during that surgery  
14 did you obviously have to go in the hospital?

15 A. Yes. That was another two weeks.

16 Q. And the -- what was the next  
17 surgery you had to have?

18 A. The same area.

19 Q. Okay. And what did they take out  
20 that time?

21 A. Another piece.

22 Q. Okay. And then did you have to  
23 have another surgery after that?

24 A. I did.

25 Q. What was that surgery to take out?

1           A.    April of this year I thought I had  
2 kidney stones, so I went to Saint Luke's South  
3 Hospital and -- with a pain, a kidney pain. So  
4 they did a scan and let me know that it's not  
5 stones blocking your ureter, it's cancer, you  
6 need to get back to KU Med.

7           I couldn't pass urine through my  
8 left kidney through the left ureter because they  
9 were both filled with cancer. Went back to KU  
10 Med, saw Dr. Taylor. Next surgery is to remove  
11 my left kidney, my left ureter, and my  
12 gallbladder.

13           So now I'm running on one kidney.  
14 And following that, I had a few weeks to rest  
15 up, and then I started with chemotherapy that I  
16 just finished in October.

17           Q.    So that -- April would have been  
18 about nine months ago, correct?

19           A.    Roughly, yeah.

20           Q.    And so in that surgery --  
21 obviously you were hospitalized?

22           A.    Yes.

23           Q.    Okay. And after that you just  
24 said that you had to have chemotherapy?

25           A.    Yes.

1                   Q.    So describe the chemotherapy  
2    course.

3                   A.    Dr. Taylor, who is an oncologist,  
4    and Dr. Parikh, who is a pathologist, we met, we  
5    talked about the type of cancer treatment. They  
6    both agreed that they are trying to get ahead of  
7    this, because it keeps coming back. So their  
8    treatment plan for me was to go through double  
9    dose of chemotherapy once a week, every Tuesday,  
10   a dose of chemo in the morning, take a break,  
11   another dose the same day in the afternoon. And  
12   they said that this would continue as long as I  
13   could hold up to it because it was going to be  
14   rough. So as sick as you get on chemotherapy, I  
15   was going through double dose.

16                            The people who go for chemo,  
17   loosely it's called the chemo club. Nobody knew  
18   how I was doing this, going through double  
19   doses. You see people, their hair is gone,  
20   everybody looks very sick, like Auschwitz, they  
21   look sick, and no one knew how I was going  
22   through doubles. I'm trying to beat cancer.

23                            So the doctors agreed, as long as  
24   my body would hold up, we would stick to this.  
25   And I wanted to quit a couple times but I did

1 not, and I made it all through 12 weeks doing  
2 double dose chemo. And now I'm here.

3 Q. So when did you -- when did it  
4 end, the double dose treatment?

5 A. End of October.

6 Q. So today is January 31st. So it  
7 ended about three months ago?

8 A. Yes.

9 Q. Are you still nauseous from it?

10 A. Yes.

11 Q. Describe how that chemotherapy you  
12 took, that double dose of chemotherapy you took,  
13 can still cause you to be nauseous all the way  
14 three months afterwards.

15 A. Doctors explain that it's -- it  
16 could take six months before side effects  
17 finally wear off. I'm much better than I was.  
18 The nausea is almost like being carsick at this  
19 point. It's not like it was before. So I am  
20 better every day. I try to stay positive. I  
21 have no interest in food. I can go all day  
22 gladly and not eat anything.

23 My total food consumption today is  
24 half of a cup of tomato soup. I kept it down  
25 for half an hour and I've already lost it. I've

1 already thrown that up.

2 Q. So let me ask you that. Did you  
3 have to vomit during this deposition today,  
4 during a break at the deposition?

5 A. I did.

6 Q. Keep going.

7 A. So I'm getting better. I feel as  
8 though I'm getting better.

9 Q. When you say getting better, you  
10 mean better with the nausea?

11 A. Slowly, yes. Not as nauseous as I  
12 was when I first finished -- first finished  
13 chemo, so it's -- that's gotten better.

14 Q. Let me ask you a different  
15 question. Do you eat with a metal spoon or a  
16 plastic spoon?

17 A. Plastic. I can't --

18 Q. Tell us why.

19 A. I can't put metal -- a metal  
20 utensil in my mouth. The chemotherapy was  
21 cisplatin, and it's platinum based. So right  
22 now I taste metal. I drink water, I taste  
23 metal. You put a metal utensil in your mouth,  
24 it's disgusting. So, yes, people on  
25 chemotherapy use plastic utensils.

1                   These are the side effects. It's  
2 -- chemotherapy is poison. It's harsh poison.  
3 The theory behind chemotherapy is they're going  
4 to kill cells, healthy cells. And they're --  
5 the doctors are hopeful that you're going to  
6 kill as many cancer cells as you're going to  
7 kill healthy cells, and you'll have more healthy  
8 cells than cancer cells, so at the end you're  
9 going to win. That's great, except the whole  
10 time you're on it, it's poison, and you feel it  
11 killing you. You feel it. It impacts your  
12 entire body. There isn't anything that you feel  
13 like, well, chemo doesn't affect this, nothing.  
14 If that answers your question.

15                   Q.    So -- we're about to take a break  
16 here in a second. Okay?

17                   A.    Please.

18                   Q.    I'm just going to ask one more  
19 question right now, which is -- well, actually  
20 let's take a break now.

21                   A.    Thank you.

22                   VIDEO TECHNICIAN: We are going off  
23 the record. The time now is 5:34 p.m.

24                   (Recess.)

25                   VIDEO TECHNICIAN: We are back on the

1 record. The time now is 5:48 p.m. Please  
2 proceed.

3 Q. (By Mr. Davis) Steve, we just  
4 took a break, correct?

5 A. Yes, sir.

6 Q. Before you said that your nausea  
7 is better now than it was when the chemotherapy  
8 ended three months ago, correct?

9 A. That's correct.

10 Q. And what happened just now on the  
11 break?

12 A. I was sick again. Vomit. We had  
13 lunch this afternoon. I had some tomato soup,  
14 that made me sick, so I lost -- I threw that up.  
15 And that was a few hours ago. And I was just  
16 nauseous again and threw up again.

17 Q. How many times have you thrown up  
18 in the last 24 hours?

19 A. Four times.

20 Q. And this is better than it was  
21 before as far as your nausea?

22 A. Oh, yes. When I finished chemo I  
23 could get -- I could throw up thinking about  
24 food. Somebody would talk about food. The TV  
25 is on and there's a hamburger cooking with the



1 grease. Yeah. It -- when you're on chemo  
2 you're nauseous all the time, like real  
3 nauseous, like anything will make you throw up.

4 Q. So you mentioned that you still  
5 have your port. Can you point out where your  
6 point is again?

7 A. It is here, sir.

8 Q. So you had chemotherapy that ended  
9 -- your double dose of the chemotherapy ended  
10 three months ago?

11 A. Yes, sir.

12 Q. Why is it that you still have a  
13 port in you?

14 A. I asked the doctors if we could  
15 remove it. They said no. My scan that I had  
16 right after chemo did not show any cancer  
17 present. But the doctors shared with me the  
18 success rate with cisplatin, even going double  
19 dose, is 15 percent. So the expectation is they  
20 left the port in because I'm going to need it  
21 again.

22 We're all hopeful that my scan on  
23 February 17th will show that there's no cancer  
24 present, but it's not expected. So right now I  
25 fully expect by the end of February to be back

1 on chemotherapy. Hope for the best, plan for  
2 the worst, so...

3 Q. So knowing you have that scan  
4 coming up to tell you whether or not you have --  
5 the extent to which your cancer has grown, how  
6 does that weigh on you emotionally and  
7 psychologically?

8 A. I don't know how to describe that.  
9 It's knowing that potentially the cancer is back  
10 and potentially someplace where it can't be  
11 removed. The method so far has been when it's  
12 -- cancer has appeared, they've gone after it by  
13 removing where the cancer was and then  
14 chemotherapy. But the concern is that when it  
15 reappears, depending on where it shows up, they  
16 can't remove it.

17 And if chemotherapy won't take  
18 care of it, as the doctors told me, they'll do  
19 everything they can to keep me comfortable. I  
20 think that's just a euphemism for I'm done and  
21 they'll do what they can.

22 That's what weighs on my mind when  
23 I think about that date. And I try very, very  
24 hard not to think about as you would try to  
25 forget that next Tuesday you have a root canal.

1 You don't want to think about it. You don't  
2 want to be reminded what the date is.

3 I try to make the most of every  
4 day and know that I may not have a whole bunch  
5 of some days left, so -- I just deal with it.  
6 That's what I do.

7 Q. Okay. So if the doctors told you  
8 that it had a -- cisplatin had a -- in your case  
9 has 15 percent chance of working, how much of a  
10 percentage chance does it have of not working?

11 A. They've put a positive spin on it.  
12 A 15 percent success rate obviously means an 85  
13 percent chance it's not going to work. So you  
14 try to -- with cancer you stay positive, you  
15 don't give in mentally, you don't stop fighting.

16 One of my heroes is Jim Valvano,  
17 coach of NC State, never give up, the Jimmy V  
18 Foundation to fight cancer, you don't quit.

19 I've gone through chemo and I've  
20 seen people come for the chemo club, and you can  
21 tell the ones who have given up. You can see  
22 it. And I guess it's a requirement to be a  
23 jarhead, I will not surrender, I'm not going to  
24 give up. To my last breath I won't give up.  
25 But it may not be up to me, so...

1           Q.    Let's talk about something  
2 different.  Lymphedema, can you explain what  
3 lymphedema is?

4           A.    Lymphedema is caused when  
5 someone's lymph nodes aren't functioning or they  
6 don't have them, and it's extreme swelling.  All  
7 of the lymph nodes in my waist have been -- my  
8 midsection have been removed.  So the by-product  
9 of that is usually legs, sometimes it's upper  
10 body, arms, but usually legs swell a lot.  Like  
11 one leg can be three times the size of the other  
12 leg.  Sometimes it's both legs.  You don't know.

13                   (Exhibit 8 was marked.)

14           Q.    (By Mr. Davis)  I'm going to show  
15 you what's been marked Exhibit Number 8.  Can  
16 you put that over there right next to you.  
17 Okay.

18           MR. DAVIS:  Can you get tight in  
19 there?  So new question.  You know what, can you  
20 straighten that out -- here, give it to me, I'll  
21 straighten it out.  No, I just -- I need to  
22 rearrange -- hand it to me and I'll do it.  It  
23 just didn't have it straight.  Now I got it  
24 straight.

25           THE DEPONENT:  There.  There, we're

1 good.

2 Q. (By Mr. Davis) So Exhibit  
3 Number 8, whose legs are those?

4 A. Those are mine.

5 Q. And which leg is larger in this  
6 photo?

7 A. In this photograph my right leg is  
8 considerably larger than the left. Usually I  
9 tend -- it's the left leg that swells more than  
10 the right. In this instance -- this was taken  
11 for the doc. He wanted to see how bad it's  
12 getting. This is my right leg that swelled.  
13 Sometimes it's both.

14 Q. And so when it swells like this,  
15 how does that make you feel physically?

16 A. It hurts. It feels as though  
17 someone has wrapped an ACE bandage around your  
18 leg way too tight. It's that feeling. You can  
19 feel the skin stretching more than it wants to  
20 stretch and -- I'll swell so much I can't get a  
21 shoe on. So I have slides, like the kids wear,  
22 that are extra large. It's the only thing I can  
23 get my feet into.

24 Q. And so what -- because of your  
25 cancer, what was removed that causes this?

1           A.    All the lymph nodes in my  
2 midsection. They've all been taken out.

3           Q.    Okay. And so in the morning when  
4 you wake up, how -- how might you have this  
5 edema that's the lymphedema?

6           A.    Usually from being flat all night  
7 the swelling subsides, it goes down, from  
8 sleeping. Depending on what I've done the  
9 previous day, the more active I was, sometimes  
10 I'll wake up in the morning and I have this kind  
11 of swelling. So I just have to slow down in the  
12 morning, get my feet up. I usually cheat. I  
13 turn around in bed and, where the headboard is,  
14 I put my feet up on the wall above the headboard  
15 so my feet are almost -- legs are almost  
16 vertical, and give that 20, 30 minutes, and you  
17 can feel the swelling going down a little bit.  
18 Otherwise, you deal with it. You just -- yeah,  
19 it hurts. Get on with your day.

20          Q.    And before this you talked about  
21 being active. What other kind of sports things  
22 did you do you when you --

23          A.    Loved to play golf. Was really  
24 getting into pickleball. I used to play tennis.  
25 Pickleball is a lot of fun.

1 Q. Did that create a social  
2 environment for you, too?

3 A. It did. I had a group of friends  
4 I played golf with, same group. I'm no longer  
5 part of.

6 Q. Now, how --

7 A. I belonged to a pickleball league  
8 and there were teams, and I'm no longer part of  
9 the team. Meeting up with friends to be active,  
10 to do things, I'm not really included in that  
11 anymore, so it's had a big impact. I just -- I  
12 liked being physically active, like all the  
13 time, just be outside, outdoors, working in the  
14 yard, gardening, home improvement projects.

15 Things that I liked to do, don't  
16 do anymore. I really don't do anything anymore.  
17 Stay home, read, watch TV. Find a movie to  
18 watch. Take a nap. I'll go days and not talk  
19 to somebody, not have any conversation with  
20 another person. That's where this has come.  
21 But I'm still here, so -- if that answers your  
22 question.

23 Q. It does. Thank you.

24 (Exhibits 9 and 10 were marked.)

25 Q. (By Mr. Davis) I've marked as

1 Exhibit Number 9 and 10, photographs of your  
2 hand. Number 9 is the big swollen hand and  
3 Number 10 is the --

4 A. Number 10 is my right hand.  
5 Number 9 is my left.

6 Q. Gotcha. I guess I could do it the  
7 other way around, just to make it make sense  
8 better. Okay. We're going to have to start  
9 this all over again once you get it in front of  
10 you.

11 A. Certainly. There you go.

12 Q. So new question. We're showing  
13 you Exhibits Number 9 and 10. And whose hands  
14 are those?

15 A. Those are my hands.

16 Q. And what do these two pictures  
17 show?

18 A. You can see my left hand is three  
19 or four times the size of my right hand. For  
20 some reason it seems as though my left side is  
21 the weak side with the lymphedema. The docs  
22 have described that your body will start to take  
23 over. When you lose lymph nodes, other lymph  
24 nodes will start to take over. But you'll have  
25 a strong side and a weak side.



1                   So typically my left leg blows up,  
2 my left hand, arm blows up. Sometimes it's  
3 both. You don't know. It's -- tomorrow morning  
4 I can wake up and my hands are just fine or they  
5 can look like this. You don't know. That's  
6 lymphedema.

7                   With my legs a side effect of  
8 lymphedema is aggravated sciatica. And if  
9 everybody has ever pulled a sciatic nerve, you  
10 know what it feels like, it's excruciating.  
11 Can't do anything about it. It's the pressure  
12 of the sciatica, the fluid puts on the sciatic  
13 nerve. Can't fix it. You deal with it. It  
14 hurts. Oh, well.

15                  Q.    So obviously -- well, I'll ask you  
16 this. You talked about the lymphedema and your  
17 legs hurting. How does it feel when you have  
18 lymphedema in your hands or other parts?

19                  A.    Same sensation. It feels as  
20 though you've been wrapped with an ACE bandage  
21 that's too tight. You feel the pressure. You  
22 feel like the skin being pulled. It's  
23 uncomfortable. It's -- it's not excruciating.  
24 It just -- it hurts. It feels like you're --  
25 you have something wrapped around you too tight,

1 and you can feel as though you're not getting  
2 the circulation you need. It just puts pressure  
3 on it. That's all. It hurts.

4 Q. I have to go back and ask you,  
5 some of the pain you have experienced going  
6 through this cancer surgeries, cancer treatment,  
7 tell us the level of pain you suffered after  
8 your surgeries for cancer.

9 A. It's varied. First surgery, you  
10 can't sugarcoat it. Pain was excruciating.  
11 You've been cut through your abdominal muscles,  
12 from your breast plate to your crotch. To move  
13 was excruciating. After the last surgery I lost  
14 a kidney, gallbladder. Same thing, they're  
15 going through your abdominal muscles. It  
16 affects everything. I mean, picture obviously  
17 going to the bathroom, passing gas, sneezing,  
18 whatever, think about those abdominal muscles.

19 The pain is excruciating, but you  
20 have to get through it. You can't give up. So  
21 I've gone through more pain with this than  
22 anything I've ever experienced, specific pain  
23 I've gone through, stories I could share,  
24 specific stories. I don't know if I want to.

25 But you have to keep in your mind

1 it's not going to last, you'll make it through.  
2 But there's no way to describe the pain. One to  
3 ten scale, you're at a 12, a 15. The nurses  
4 came in after my first surgery, where are you in  
5 the pain scale? And I would joke -- I've always  
6 been a wiseguy. How high does it go? Well,  
7 honey one to ten. 15? You can't give me enough  
8 Dilaudid or fentanyl to get this pain to back  
9 off. That's how bad it was. Can't describe it.

10 (Exhibit 11 was marked.)

11 Q. (By Mr. Davis) I'm going to show  
12 you what's been marked as Exhibit Number 11.  
13 I'm going wait for it to get up there and get  
14 him to zoom in on that.

15 Okay. We're zooming in on Exhibit  
16 Number 11. We talked about your lymphedema.

17 MR. WALTHALL: Grant?

18 MR. DAVIS: Yeah, hold on. I'll have  
19 to start over. Sorry about that.

20 Q. (By Mr. Davis) New question. We  
21 were talking about your lymphedema. What is  
22 this contraption in Exhibit Number 11 that's on  
23 your body?

24 A. This is for body compression.  
25 It's supposed to replace what the lymph nodes in

1 my midsection are supposed to do. You get into  
2 this thing, wrap it all up. It's Velcro so it  
3 gets tight. You turn it on and then it really  
4 gets tight, and it begins to squeeze fluid out  
5 of you. It starts at your feet and then your  
6 calves, and it works its way up your body, it's  
7 forcing the fluid out of you.

8                   So if you can possibly imagine  
9 somebody squeezing the heck out of you, hard,  
10 and it's forcing that fluid up. That's what is  
11 this thing does. And I'm supposed to use this  
12 between one and two hours a day. So that's what  
13 it looks like.

14                   You can possibly tell by the look  
15 on my face how comfortable this thing is. It  
16 hurts. But when you're done using it, it's  
17 pushed a lot of the fluids off your legs so you  
18 feel better for a few hours.

19                   Gravity sucks. The fluid is going  
20 to go right back down your legs again unless you  
21 just stay like this, and that becomes your life.  
22 You don't get up, you lay there, and you keep  
23 your legs elevated. That's your life.

24                   Q. New question. New topic.

25                   You talked about your wife had

1     been with you during the -- how you met her and  
2     how she was with you during the first surgery.  
3     What happened with your wife?

4             A.     Before I started this journey, for  
5     the previous two years, my wife Linda, her mom  
6     had cancer. She had lung cancer. And they put  
7     her on Keytruda, we got some extra time with  
8     her, but in the end she passed away.

9             For two years Linda was her  
10    primary caregiver. She was there every day  
11    trying to take care of her, making sure she had  
12    everything she needed. She had in-home health  
13    care. She lived at Tallgrass, a very nice  
14    community. But eventually she passed away.

15            We were with her mom when she  
16    died. We were holding her mom's hands. One  
17    month after the two-year journey Linda was on as  
18    her mom's primary caregiver, I was diagnosed  
19    with cancer. Surprise, you've got to go through  
20    it again.

21            So she was with me for that first  
22    surgery, the two months I spent at KU Med, my  
23    return trip to KU. And it was shortly after  
24    that that she let me know that she loved me but  
25    not the way a wife loves a husband; that she

1 couldn't go through this again, seeing something  
2 that she loved pass away from cancer, and the  
3 changes in our relationship.

4 Linda is 54. And as a couple we  
5 were still active, sexually active. That's gone  
6 from our relationship. A lot of things impacted  
7 where we ended up after I was diagnosed with  
8 cancer. And to be fair with her, I've never  
9 been angry with her. She didn't sign on for  
10 this. She didn't sign on to have to take care  
11 of me through cancer.

12 The two months I was at KU Med,  
13 every day I woke up, she was there; I fell  
14 asleep, she was there, every day. That's a lot  
15 to ask of someone.

16 During the night she would go  
17 home. We have two boys. So she would take care  
18 of laundry and prep food for the boys for the  
19 microwave, make meals, take care of herself, and  
20 then all day, every day, be at the hospital with  
21 me. And she worked from the hospital. Her  
22 company was gracious with that.

23 So my inability to -- to be  
24 intimate with her, everything that cancer brings  
25 with it, she decided she wanted out. So we

1 separated and we're divorced. And I attribute  
2 this -- that -- prior to my diagnosis, somebody  
3 asked me during break, what was it like before,  
4 and I said I had a great life, I had a -- lived  
5 in a beautiful home, great kids, beautiful wife,  
6 that was my girl, no money problems, did what we  
7 wanted.

8                   With the kids we had been to  
9 Hawaii and Europe and Spain, the Swiss Alps,  
10 Luxemburg, Lichtenstein, Lucerne in Switzerland,  
11 Hawaii, Italy for three weeks. We traveled the  
12 world. We had a great relationship. Life was  
13 good. Then this happened.

14                   I don't spite her for her  
15 decision. I'm sorry it happened. I'm sorry I'm  
16 where I'm at. But tears won't change it, I'm  
17 here. But that's -- that's what this caused me.  
18 The life I just described, that's gone. It's  
19 gone. My wife, my -- living with my kids, my  
20 career, my job, the income, the travel, my  
21 profession, my occupation, activities, my  
22 friends. Like I said, I go days and not hear  
23 from anybody. They're still friends, I suppose,  
24 but they're all couples.

25                   I don't hear from anybody anymore.

1 Guys don't call and ask if I want to play golf,  
2 pickleball. I don't hear from anybody. And I  
3 don't spite them, either. What are they going  
4 to do, come over and sit with me and watch me on  
5 the couch. You know, so this is my life. And I  
6 owe it to the Corps. This is where I am.

7 Q. I'm going to mark a new  
8 photograph. Before I do that, I want to ask one  
9 thing. Okay. New question.

10 So I know this is difficult to  
11 talk about. It's awkward. But because they  
12 took the prostate, like you said, and the  
13 wiring, describe your lack of sexual function.

14 A. When a prostate is removed from a  
15 male -- that's what basically regulates the  
16 penis for an erection. If there's an issue with  
17 the nerves, you have ED, erectile dysfunction.  
18 There's meds to help. If there are no -- if you  
19 don't have a prostate and there are no nerves,  
20 there's nothing to stimulate. I will never  
21 again be erect. I will never get orgasm. I  
22 never again have that ability.

23 That's never going to change. And  
24 for the rest of my life I have to accept the  
25 fact that's my situation and how will that



1 impact possibly a potential relationship in the  
2 future. I won't have one. We'll keep it real.

3 I'm not going to be very  
4 particularly attractive to another woman, not  
5 being able to fulfill that need. Especially  
6 with the incontinence that comes with having my  
7 bladder removed, I'm sure it's going to be very  
8 -- and I am very embarrassed to talk about this,  
9 but it's going to be very attractive to a woman  
10 that I'm getting ready for bed and I'm putting  
11 on Depends, I've got to wear Pampers, because I  
12 still leak. I can never control it.

13 The bladder I have has no nerves.  
14 I can't tell when I'm peeing. I don't know. So  
15 during my days, like today, every couple hours I  
16 visit the boys room, I don't know if I have to  
17 go or not. But I go anyway just to make sure I  
18 stay empty.

19 But you can't do that at night.  
20 So seven nights out of ten, I wake up wet.  
21 Without the Depends I would pee the bed. That's  
22 really going to be attractive to another woman,  
23 along with not being able to perform.

24 When you lose your prostate and  
25 all the wires, you also lose the urge. So in

1 that respect God is kind. You don't have any  
2 urge to hold somebody, snuggle, cuddle, be  
3 intimate. Naked pictures of women don't appeal  
4 to you. It's -- there's no urge, which is  
5 crushing for a guy. I've lost that. And I have  
6 to accept I'll never have it back.

7 Q. Let me ask you a question.

8 A. Yes.

9 Q. Do you miss the companionship?

10 A. Terribly.

11 Q. Would you want -- would you desire  
12 to have a partner in your life, companionship?

13 A. Absolutely, of course. I miss  
14 that feeling, like anybody would, of being in  
15 love. Hearing someone say I love you and I feel  
16 that way, knowing that you have a partner,  
17 versus now, I am alone.

18 I see my kids once every other  
19 week. I don't see anybody else. I'm on my own.  
20 I went through chemo by myself. Double dose  
21 chemo, I drove myself there, did double doses,  
22 and made it home alone to get myself back  
23 inside.

24 Before I went to chemo I'd set up  
25 couch, with a trash can next to the couch and a

1 couple bottles of water and a couple of hand  
2 towels. So when I made it home, I would hit the  
3 couch and that's where I'd stay for the next day  
4 or two to get through the sickness from the  
5 chemo. And I did it alone. And that's a lousy  
6 feeling to be by yourself to go through that.

7 I would love to have a companion  
8 in my life, but I'm trying to be realist and I  
9 don't see it happening. I don't know how much I  
10 would appeal to anybody. I -- not being active,  
11 sexually active, physically active, not getting  
12 out, not being outside, not moving, not -- maybe  
13 things will change in the future, but for now,  
14 to answer your question, Grant, I don't foresee  
15 somebody coming into my life.

16 (Exhibit 12 was marked.)

17 Q. I'm going to show you a  
18 photograph.

19 MR. DAVIS: Did I give you one  
20 already?

21 MR. WALTHALL: Yes, you did.

22 Q. (By Mr. Davis) If you can put  
23 that next to you there, get all of you in there.  
24 So tell us what Exhibit Number 12 -- who does  
25 that show?

1           A.    That's my youngest son Sean.  
2    That's a good memory.

3           Q.    Okay.  Where were you at?

4           A.    I was in KU Med.  This is  
5    following my first surgery, major surgery, Sean  
6    made Eagle Scout.  So in Boy Scouts there's  
7    something called a Court of Honor where you're  
8    presented with your Eagle award.  Only two  
9    percent of all kids that go into scouting make  
10   Eagle.  But 90 percent of all the astronauts in  
11   NASA were Eagle Scouts.  A number of presidents  
12   were Eagle Scouts.  A number of congressmen are  
13   Eagle Scouts.  So it's really a privilege to  
14   make that distinction for yourself.

15                    So while I was in the hospital,  
16   his court -- Eagle Court of Honor went.  When  
17   this went on, some -- one of the parents brought  
18   an iPad so I could watch his Eagle Court on the  
19   iPad, and people at Eagle Court could see me.  
20   So it was pretty touching that my image appeared  
21   at the Eagle Court.  And the people who attended  
22   stood up and applauded that I was able to watch  
23   it.  So I was able to see him make Eagle.

24                    And during that award ceremony, I  
25   said to him, Buddy, I'm so sorry I'm not there,

1 I'd give anything to be there. And he smiled  
2 and said don't worry about it. Okay, then it  
3 ended. He said don't worry about it, because he  
4 was on his way to see me. So a whole bunch of  
5 people came, that's what this photograph is.

6 The nurses came in and helped me  
7 tuck everything away so you couldn't see all the  
8 tubes and everything, all the collection bags  
9 they put underneath the blankets, so I could  
10 look that good. And he came in and that's --  
11 this is one of the pictures that is important to  
12 me. You can make something good out of  
13 something bad. That's what that was.

14 Q. So let's talk back and -- before  
15 you were diagnosed with cancer and gone through  
16 all we've been talking about. Before that  
17 describe your usual emotional state or mood.

18 A. I was a happy guy. I had what I  
19 wanted. I had two great kids. My oldest son, I  
20 was his little league coach. For both of the  
21 boys I was involved with Boy Scouts. Both of  
22 them are Eagle Scouts, as is their father.  
23 Married to the -- a girl I loved. Life was  
24 good. I don't know how else to put it.

25 I was happy with what I had, lived

1 a good life. Had no money problems. We came  
2 and went when we wanted. The house was paid  
3 for, the cars are paid for. Life was good. And  
4 then in the blink of an eye it all ended.

5 There's no -- I don't know what to  
6 say. It's like being in a car wreck and  
7 unexpectedly you're killed. Other than that,  
8 being diagnosed with cancer. It all ended. And  
9 I sit here today and look back and I try not to  
10 dwell on what I lost, because I lost everything,  
11 everything, and I'm still here.

12 The boys keep me going. And that  
13 -- actually, to be very honest for the jury,  
14 that's the only reason I'm still here testifying  
15 today is because I have two boys. Otherwise, I  
16 would have been done by now. I wouldn't stick  
17 around, not for this, to lose my wife, my home,  
18 my career, my friends, my health. I wouldn't  
19 stick around. I have two boys that I need to do  
20 everything I can to be here for, so that's why  
21 I'm here.

22 Q. You talked earlier about the  
23 doctors saying if they find cancer again that  
24 they're just going to give you palliative care  
25 or just try to make you comfortable. Do you

1 remember talking about that?

2 A. Yes.

3 Q. What is your understanding or how  
4 long do you see you living?

5 A. Tough question. For the people in  
6 this room or people on the jury, you have a  
7 pretty good idea how long you're going to be  
8 around. You think about your age now and how  
9 long you're going to be around. I don't have  
10 that luxury because I don't know.

11 February 17th I'm going to find  
12 out if the cancer's returned. Depending on  
13 that, I may be good for a while, I may not. I  
14 don't know.

15 In discussions, Grant, with you  
16 and the guys on my team, I've made it -- the  
17 comment that I hope to make it to Christmas.  
18 And that's sincere. I hope to see Christmas  
19 with my kids again. Because if things go bad on  
20 the 17th and it has returned, as aggressive as  
21 this cancer is, depending on where it shows, if  
22 it's inoperable, we're talking a couple months.  
23 So I don't know what else to say.

24 It's -- I -- again, this is  
25 another subject I try hard not to think about.

1 And there's too much in my life I try hard not  
2 to think about. Not living with my boys again,  
3 not living with my wife, not having a career,  
4 how much longer I'm going to live. I try not to  
5 dwell on those. I don't want to ruin today by  
6 thinking about that. I'm just happy for today.  
7 That's it.

8 Q. New question. Well, let me --  
9 So when you first found out about  
10 the toxic water at Camp Lejeune causing cancers,  
11 how did that affect you?

12 A. At first I couldn't believe it. I  
13 thought this has got to be another internet scam  
14 thing. This can't be real. And the more I  
15 learned about it, the more I came to know that  
16 it was real.

17 And from then until now, I can't  
18 help but struggle with -- we're talking Marine  
19 Corps. Marines live up to a standard, a code.  
20 It's not a punch line to a joke. It's -- you  
21 live your life by a code. And to think that  
22 someone was involved with the Corps that did  
23 this knowing this -- Marines don't leave another  
24 marine behind, Semper Fi, always faithful. Is  
25 all that a lie? Is all of it just a crock of



1 shit that -- what you believe as a marine and it  
2 means nothing because someone knew they were  
3 poisoning us and didn't tell us?

4                   What would have changed my life is  
5 just tell me. I would have been screened long  
6 before I was at stage 3 cancer. Just tell me.  
7 Everybody makes mistakes. And, again, you learn  
8 this in the Corps. If you fall in a hole, call  
9 me, I'll help you out of it, unless of course  
10 you dug the hole, then you find your own way  
11 out. Every marine's heard that. Just tell me  
12 you made the mistake. Don't hide it, don't lie  
13 about it. Not telling me is lying. And  
14 somebody lied to me, and it cost me everything.

15                   I don't know how I'm supposed to  
16 feel. There's no person to be angry with. I  
17 don't know. So much of my belief structure has  
18 just been trashed by all of this, that somebody  
19 knew. I'd like to say -- I'd like to think it  
20 was no one who is in the Corps, but I struggle  
21 with that. I think guys who wear stars knew.

22                   Q. How does that affect your  
23 emotional health?

24                   A. It's just another feeling of  
25 betrayal that this could have been prevented.

1 So how do you rationalize that? This -- maybe  
2 this might not have happened. I never thought  
3 I'd have cancer. I never thought I'd be in this  
4 situation.

5 Q. If you would have been told in the  
6 year 2000, let's say, that you were at increased  
7 for cancer, would you have been checked  
8 faithfully?

9 A. Absolutely, without any doubt.

10 Q. I know you're not a doctor, but do  
11 you or do you not know that catching cancer is  
12 very -- early is very important?

13 A. It's the most important thing is  
14 to get -- the earlier you catch it, the better  
15 your chances are. And by waiting until I was  
16 stage 3, on the verge of stage 4 -- that's why  
17 they didn't wait to remove it.

18 It kept coming back during the  
19 year I was under treatment. They kept taking  
20 the tumors out, but they were growing larger.  
21 So at the end of the year with Dr. Johnson, when  
22 he referred me to Dr. Taylor -- that's why Dr.  
23 Taylor doesn't treat it; he cuts it out. I met  
24 with him on a Monday. The following Wednesday I  
25 was on the table. He didn't wait. Because you

1 go to stage 4, you're done.

2 Dr. Taylor is a naval officer who  
3 was at Bethesda Naval Hospital in Washington  
4 D.C. for 25 years. One of his patients was  
5 William Christopher, Secretary of State. He was  
6 with him when he died and couldn't do anything  
7 to help him. He was at stage 4 bladder cancer.  
8 You can't stop it. At that point you're done.  
9 There's nothing to help you.

10 I was on the verge of stage 4.  
11 That's why he didn't wait. If someone had said  
12 you were exposed to this, get checked, of course  
13 I would. I would have gotten checked all the  
14 time and catch it at stage one as soon as it  
15 starts to develop. Don't give it time to grow  
16 and become more aggressive. If that answers  
17 your question.

18 Q. Um -- strike that. New question.  
19 Are you currently on  
20 antidepressants?

21 A. I am.

22 Q. Have you suffered depression since  
23 the time you were diagnosed with cancer and  
24 since the time that you found out about the Camp  
25 Lejeune water causing cancer?

1 A. Yes.

2 Q. What kind of antidepressants are  
3 you currently on?

4 A. I'm on two different prescribed  
5 medications. The specific drugs are in my  
6 medical records.

7 Q. Okay. Are you also on anxiety --  
8 have you -- over the course of this, have you  
9 been prescribed anxiety medication?

10 A. Yes.

11 Q. Over the course of this, have you  
12 seen a counselor to try to help you with your  
13 emotional issues?

14 A. Yes. I saw a counselor for about  
15 six months and just got to a point of accepting  
16 where I am. And I think that's -- that's how  
17 she helped me is relying on my faith and  
18 accepting where I am.

19 It doesn't help to be in denial.  
20 This is the hand I've been dealt. At first you  
21 get angry. You think this isn't going to happen  
22 to me. You go through all the different stages,  
23 or whatever they're called, phases, and she  
24 helped me get through that. And this is where I  
25 am, so -- I'm not seeing her any longer. There

1 isn't -- wasn't really any more she could do.

2 Q. Does -- new question. Strike  
3 that.

4 You just mentioned your faith. Do  
5 you have a church you regularly go to?

6 A. Yes. I haven't been lately, going  
7 through the chemo and -- prior to that I did as  
8 often as I physically could. I want to start  
9 going back again.

10 Q. So --

11 A. I heard something -- excuse me. I  
12 heard something a while ago that stuck with me  
13 that my pastor shared with me. Going to --  
14 going to church no more makes you a Christian  
15 than going to McDonald's makes you a hamburger.  
16 It's not the building that you're in; it's  
17 what's in your heart.

18 So I talk to Him all the time. Me  
19 and God, we're like this. We talk. I know He's  
20 there. In my life I'll share with the people in  
21 this room and the jury, that there are two  
22 things I'm absolutely positive about with no  
23 doubt positive. There is a God and I'm not him.  
24 I believe in Him, I trust Him. What's going to  
25 happen is going to happen.

1 I'd like to be around for a while.  
2 If that's not His plan, okay. He's let me be  
3 here this long. So I've had a good life, up  
4 until this.

5 Q. Do you still want more out of your  
6 life?

7 A. A little bit. I'd like to go  
8 another 30, 35 years, at least beat how long my  
9 grandfather was here at ninety-something. I'd  
10 like to do a little more traveling, around the  
11 world three or four times. I'd like to see my  
12 kids get married. I'd like to hold my  
13 grandkids.

14 There are a few things I'd like to  
15 say I'm looking forward to. But I don't dwell  
16 on that, either. I just hope for the best,  
17 prepare for the worst, so -- I take things --  
18 small victories, little wins. I made it through  
19 today, that's a win.

20 Q. When you were -- did you do PT  
21 every day when you were a marine at Camp  
22 Lejeune?

23 A. We all did, yes.

24 Q. So describe what PT is.

25 A. PT is physical training. You keep

1 yourself in shape. You're preparing for a PFT,  
2 physical fitness test. To pass that test, you  
3 have to do 20 pull-ups in two minutes, 80  
4 sit-ups in two minutes, 40 pushups in two  
5 minutes, and then run 18 -- or three miles in 18  
6 minutes or less, three six-minute miles back to  
7 back to back. You have to do that to pass the  
8 physical fitness test. If you don't pass it,  
9 you rerun that test every Friday for three  
10 months until you do pass it.

11 And by the way you're not off on  
12 Friday afternoon. You do this after work  
13 Friday. You stay there and you run the PFT  
14 every Friday, happy weekend.

15 So every marine wants to pass  
16 their PFT. To prepare for that you run all the  
17 time. There's a track that you know the  
18 distance to run your three miles. And along the  
19 way there's big pads on the ground, so you do  
20 your pushups, your sit-ups, and there's pull-up  
21 bars. So everybody goes -- that's where you go  
22 to work out. You do it all the time.

23 When I finished with active duty,  
24 until now, until I was diagnosed, I still  
25 enjoyed working out. I still liked to run.

1 It's kept me in shape. Since I was diagnosed, I  
2 don't do it anymore.

3 Q. So let me ask you this. I'm  
4 assuming after physical therapy, daily physical  
5 therapy, you'd be drinking a bunch of water at  
6 Camp Lejeune? Yes?

7 A. Yes.

8 Q. When you drank that water, did you  
9 have any idea you were getting poisoned?

10 A. No. And I would have said to  
11 anyone who claimed that back then I don't  
12 believe it, I don't believe the Corps would do  
13 that to me. I don't believe they would send me  
14 into a combat environment with blank rounds  
15 knowing it's going to kill my ass. I don't  
16 believe they're poisoning the water and they're  
17 going to let me get cancer. I don't believe it.  
18 But they did.

19 Q. With all you've gone through, your  
20 current cancer, everything you've talked about,  
21 has it taken away certain joys in your life?

22 A. It's taken all of them. Joy I had  
23 being with -- spending time with my wife, being  
24 intimate with my wife, living in the home where  
25 my boys live, the joy I got from my career, the



1 income I had, the activities I liked, my health,  
2 travel, everything. This has taken everything.  
3 We've covered this already and I hate to dwell  
4 on it. I'm still here for my two boys.

5 Q. Let me ask you --

6 A. I lost everything else.

7 Q. Are you able to enjoy food  
8 anymore?

9 A. No.

10 Q. Are you able to enjoy touch and  
11 sensual feelings anymore?

12 A. Not interested.

13 Q. Are you able to do active things,  
14 physical things, that you want to do?

15 A. No. No. Just -- I don't. I've  
16 tried. I'm hoping in the future, if my scans  
17 end up to be clean and if I'm able to get ahead  
18 of this where the cancer is in remission, I'd  
19 love to be able to think, okay, I will play golf  
20 again, I'll be active again. But we've covered  
21 this. I -- it's -- it's small victories, get  
22 through today. I'm not trying to think about  
23 everything I lost. It will drive you mad. I  
24 just get through today.

25 You asked me a minute ago what did

1 you lose. I lost everything. You can't let  
2 yourself dwell on that. No. I try not to. I  
3 try hard not to.

4 Q. Do you understand that by the time  
5 the jury sees this most likely you won't be  
6 alive?

7 A. I understand.

8 Q. What would you like to tell this  
9 jury about what you think they should know about  
10 all this has put you through from being exposed  
11 to Camp Lejeune water and the disease you had?

12 A. I'm not sure what to say if I were  
13 sitting with these people today and the people  
14 in this room. I don't know how you could sum up  
15 what you feel when you lose everything,  
16 everything we've talked about, including your  
17 life, because of a decision someone else made  
18 and they walk away.

19 Whoever made this decision killed  
20 thousands of Marines. A bunch of them were my  
21 friends. And whoever made this decision walked  
22 away.

23 I'd like the jury just to know my  
24 name is Steve Dunning and I'm one of them. And  
25 I wish it were different. But it's the way it's

1 gone, so...

2 Q. Over last couple years have you  
3 sat with other Marines that have been dying that  
4 you served with at Camp Lejeune from cancer?

5 A. I have. One in particular, I was  
6 there when he passed away, I was holding his  
7 hand. And he had wasted away to nothing.

8 Another good friend who is in Ohio, his wife  
9 told me he's down about 120 pounds.

10 It just -- it will eat away at you  
11 and make you suffer until finally you pass away.

12 Another very good friend who was  
13 diagnosed said he wasn't going to go this way.  
14 So he got everything ready on his dining room  
15 table. He had a number of business-size  
16 envelopes with people's names on it and he took  
17 care of all of his business, everything was laid  
18 out for everybody. He parked his Cadillac in  
19 the garage with a Cohiba cigar and bottle of  
20 Chivas and let it run.

21 And after a couple days when he  
22 didn't answer, his brother showed up and found  
23 him in the garage and he was gone. And they  
24 pulled the car out. The coroner came and took  
25 Pete away. And in the car -- in the ashtray was

1 a stub from a Cohiba cigar, \$50 dollar cigar, an  
2 empty bottle of Chivas. They put gas in the car  
3 to see if it would start, it started right up,  
4 and blasting on the stereo on repeat was Frank  
5 Sinatra My Way. That's how he went. That's how  
6 you do it. He wasn't going to stick around to  
7 go through all this. He didn't want it.

8 We're all going to end up at the  
9 same place. Can't be afraid of it. Everybody  
10 in this room, everybody on the jury, we're all  
11 going to eventually be there. Some of us go  
12 sooner than others. I don't want to, I'm not  
13 ready, but that's where we're going to go. And  
14 he was a friend who wasn't going to -- wasn't  
15 going to wait to put himself through this.

16 Other guys keep fighting. And I  
17 miss the guys who are already gone. And I think  
18 about the guys who are still here. And we all  
19 can say we wish this had gone differently, but  
20 here we are. I sit here today and I hope to see  
21 more tomorrows. That's it.

22 Q. Okay.

23 MR. DAVIS: We're going to take a  
24 break right now.

25 VIDEO TECHNICIAN: We are going off

1 the record and the time now is 6:40 p.m.

2 (Recess.)

3 VIDEO TECHNICIAN: We are back on the  
4 record. The time now is 6:48 p.m. please  
5 proceed.

6 Q. (By Mr. Davis) Steve, one last  
7 question.

8 A. Yes, sir.

9 Q. What has your doctor told you  
10 about your cancer and your prognosis?

11 A. I believe that they're doing  
12 everything they can for me. But he's made it  
13 pretty clear that I'm going to die from this  
14 cancer; I'm not going to die with it. This  
15 cancer is going to kill me. It's a matter of  
16 time, how much time I have left.

17 I hope to be able to testify in  
18 front of this jury in person. If I'm not able  
19 to do that, then I hope this record will speak  
20 for me, but -- I don't know. I do know for sure  
21 I have cancer, I'm fighting it, and I hope to  
22 win.

23 But in my heart I have no doubt  
24 this is a result of the time I spent at Camp  
25 Lejeune. And I just wish to God somebody had

1 told me. If I could -- if I could have one  
2 thing, that's what I would ask for, one thing,  
3 tell me. And they didn't. So here I am.

4 I've got two boys I wanted to see  
5 grow up, get married have kids. There's still a  
6 lot I want to do. Hell, I think I'm still a  
7 kid. But what's going to happen to me is going  
8 to happen. That's my fate. But I know it's  
9 from being at Lejeune. And I'll deal with that.  
10 If that answers your question.

11 Q. It does. And I'm going to ask one  
12 more. Has your doctor specifically told you  
13 when you asked that you will die from this  
14 cancer?

15 A. Yes. It's -- the specific type of  
16 cancer is buried in my medical records you guys  
17 have. There's a name for it. But it's highly  
18 aggressive. They're doing everything they can  
19 to get ahead of it, but it just keeps coming  
20 back. That was the purpose of double chemo, to  
21 try to get ahead of it. But they don't expect  
22 that's going to happen, so -- I'm grateful for  
23 -- to Dr. Taylor that he's always been honest  
24 with me, up front, blunt with me. He doesn't  
25 pull any punches, and I'm grateful for that,

1 that I know. Don't sugarcoat it.

2 Don't lie to me. By not telling  
3 me something, I consider that you're lying to  
4 me. If you know and you don't tell me, that's a  
5 lie. And that's what I feel Lejeune did to me;  
6 you lied to me and it's going to kill me.

7 And it didn't have to be. That's  
8 what is so hard to accept. I didn't have to be  
9 here. I didn't serve in a combat environment  
10 and eat a bullet. They killed me. Didn't have  
11 to. All of us. That's a decision somebody else  
12 made and we're paying the price.

13 I saw it with my other Marines who  
14 are paying the price, because somebody somewhere  
15 decided to do this. I hope for the guys that  
16 make it through this there's justice for them.  
17 We all deserve it. That's it.

18 MR. DAVIS: No more questions. Thank  
19 you, Steve, for your service and everything  
20 else.

21 THE DEPONENT: Yes, sir. Thank you  
22 all.

23 MR. WALTHALL: Thank you. I have no  
24 further questions.

25 VIDEO TECHNICIAN: This concludes the

1 deposition of Stephen Peter Dunning and the time  
2 now is 6:52 p.m.

3 (The deposition concluded at 6:52 p.m.)

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1 STATE OF \_\_\_\_\_)

2 COUNTY OF \_\_\_\_\_)

3 I, STEPHEN PETER DUNNING, do hereby  
4 certify:

5 That I have read the foregoing deposition;

6 That I have made such changes in form  
7 and/or substance to the within deposition as  
8 might be necessary to render the same true and  
9 correct;

10 That having made such changes thereon, I  
11 hereby subscribe my name to the deposition.

12 I declare under penalty of perjury that the  
13 foregoing is true and correct.

14

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16 Executed this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, at \_\_\_\_\_.

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19 Notary Public

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21 My commission expires:\_\_\_\_\_

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24 STEPHEN PETER DUNNING

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1 WITNESS ERRATA SHEET  
2 Witness Name: STEPHEN PETER DUNNING  
Case Name: STEPHEN DUNNING v. USA  
3 Date Taken: 01/31/2024  
4  
5 Page#\_\_\_\_\_ Line #\_\_\_\_\_  
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C E R T I F I C A T E

I, STACY L. DECKER, a Certified Court Reporter within and for the State of Missouri and Certified Shorthand Reporter within and for the State of Kansas, hereby certify that the within-named witness was first duly sworn to testify the truth, and that the testimony by said witness was given in response to the questions propounded, as herein set forth, was first taken in machine shorthand by me and afterwards reduced to writing under my direction and supervision, and is a true and correct record of the testimony given by the witness.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or relative or employee of such attorneys or counsel, or financially interested in the action.

WITNESS my hand and official seal at my office in said County and State, this 14th day of February, 2024.

  
\_\_\_\_\_  
STACY L. DECKER, CSR, CCR  
CCR No. 858  
State of Missouri