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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
Case No. 7:23-CV-01368-BO

GARY LAYNE MCELHINEY, SR.,  
Plaintiff,  
v.  
UNITED STATES OF AMERICA,  
Defendant.

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VIDEOTAPED DEPOSITION OF GARY LAYNE MCELHINEY, SR.

VOLUME I

March 5, 2024

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VIDEOTAPED DEPOSITION OF GARY LAYNE MCELHINEY,  
SR. taken in the above-styled and numbered cause at the  
offices of Butler Snow, LLP, 150 3rd Avenue South, Suite  
1600, Nashville, Tennessee on March 5, 2024 commencing at  
8:59 a.m. before Gina Williams, Registered Professional  
Reporter, Certified Realtime Reporter, and Certified  
Realtime Captioner.

A P P E A R A N C E S

1  
2  
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21 By: CLARE ELIZONDO, ESQUIRE (via Zoom)

22  
23 VIDEOGRAPHER: JaaRome Williams  
24

25 QUOTATION MARKS ARE USED FOR CLARITY AND DO NOT  
NECESSARILY REFLECT A DIRECT QUOTE

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1           VIDEOGRAPHER: This begins media number 1 in the  
2 videotaped deposition of Gary Layne McElhiney, Sr.  
3 taking place in Nashville, Tennessee in the matter of  
4 McElhiney v. United States of America in the United  
5 States District Court for the Eastern District of North  
6 Carolina, Case No. 7:23-CV-01368-BO.

7           Today's date is March 5, 2024, and the time is  
8 8:59 a.m.

9           My name is JaaRome Williams with Golkow.

10          Would counsel please introduce themselves for the  
11 record.

12          MS. MIRSKY: Good morning, Mr. McElhiney. My  
13 name is Sara Mirsky. I represent the United States.

14          MR. BARR: Brian Barr on behalf of the Plaintiff.

15          MR. HEALY: Gerry Healy on behalf of Plaintiff.

16          MR. SALTAFORMAGGIO: Mike Saltaformaggio on  
17 behalf of the Plaintiff.

18          MR. COXWELL: Merrida Coxwell on behalf of the  
19 Plaintiff.

20          MR. HILL: Josh Hill on behalf of the Plaintiff.

21          MR. TURNER: Joseph Turner on behalf of the  
22 United States.

23          MS. MIRSKY: And Clare Elizondo is appearing by  
24 Zoom on behalf of the United States as well.

25                               - - - -

1 WHEREUPON,

2 GARY LAYNE MCELHINEY

3 was called as a witness and, after having been first duly  
4 sworn, was deposed and testified as follows:

5 EXAMINATION

6 BY MS. MIRSKY:

7 Q Good morning, Mr. McElhiney. This is a  
8 deposition that's being taken pursuant to Rule 30 of the  
9 Federal Rules of Civil Procedure in the Camp Lejeune water  
10 litigation.

11 My name is Sara Mirsky, as you know, and I  
12 represent the United States. I'm just going to go over a  
13 few ground rules so that we have a mutual understanding. If  
14 you have any questions as we go along, feel free to ask.

15 So please answer your -- any questions that I ask  
16 you to the best of your ability. This is not a memory test.

17 If you don't understand a question, please let me  
18 know, and I will rephrase it.

19 If you answer the question, then I will assume  
20 you understand the question.

21 Is that fair?

22 A Yes.

23 Q And for the record and for the court  
24 reporter, please say all your answers so that the court  
25 reporter can accurately transcribe them. If the answer is

1 yes or a no, please say "yes" or "no." The court reporter  
2 can't transcribe an "uh-huh" or shake of the head.

3 Does that make sense?

4 A Yes.

5 Q When answering the question --

6 Oh, I'm sorry.

7 Your attorney may make an objection to a  
8 question. Allow him to make the full objection for the  
9 record. Unless he instructs you not to answer the question,  
10 you may then provide the answer.

11 MS. MIRSKY: And for everyone's awareness  
12 according to the deposition protocol, all objections  
13 are saved except for form and foundation.

14 Is that everyone's understanding?

15 MR. BARR: Yep.

16 BY MS. MIRSKY:

17 Q If you need a break at any time, please let  
18 me know. We're happy to accommodate that. But if there's a  
19 question pending, I ask that you answer the question before  
20 taking a break.

21 Does that make sense?

22 A Yes.

23 Q Following the deposition you'll receive a  
24 transcript. You'll have the opportunity to read the  
25 transcript and sign to confirm that it correctly reflects

1 today's deposition proceedings.

2 MR. BARR: We'll be waiving reading and signing  
3 most likely, just FYI.

4 BY MS. MIRSKY:

5 Q Okay. Would you please state and spell  
6 your name for the record?

7 A My name is Gary Layne McElhiney. G-a-r-y  
8 L-a-y-n-e M-c-E-l-h-i-n-e-y.

9 Q What is your current address?

10 A 7126 Glenhaven Drive, Fairview, Tennessee  
11 37062.

12 Q Thank you. Have you ever been deposed  
13 before?

14 A No.

15 Q Are taking any medications today that may  
16 make it difficult for you to understand or answer my  
17 questions?

18 A No.

19 Q Is there any other reason that you might  
20 have difficulty recalling information today?

21 A No.

22 MS. MIRSKY: I'd like to mark for the record  
23 Exhibit 1.

24 (Exhibit 1 was marked for identification.)

25



1 BY MS. MIRSKY:

2 Q This is the deposition -- the deposition  
3 notice. You can take a second to look at it.

4 Do you recognize this document?

5 A Yes.

6 Q So you have seen your notice of deposition  
7 before?

8 A Yes.

9 Q Okay. You can put that to the side.

10 MR. BARR: Just put it over there close to her.

11 She'll be keeping track of all the exhibits.

12 BY MS. MIRSKY:

13 Q So I have a few questions about your  
14 preparation for this deposition, and that might include  
15 questions about meetings with your attorneys, but I do not  
16 want you to tell me anything specific that your attorney  
17 said or anything specific that you spoke about with your  
18 attorney. And if your attorney has any objections, he will  
19 say so.

20 So have you gone over the facts of this case in  
21 preparation for your deposition with your attorney?

22 A Yes.

23 Q Can you tell me your understanding of the  
24 facts of this case, please?

25 A The understanding I have is that we are

1 here to claim against Camp Lejeune contaminated water.

2 Q Okay. And are the attorneys represented in  
3 this room today all of your attorneys in this case?

4 A Yes.

5 Q How did you reach out to or find your  
6 attorneys in this matter?

7 MR. BARR: Object to form.

8 BY MS. MIRSKY:

9 Q You may answer.

10 MR. BARR: You can answer.

11 A Answer?

12 BY MS. MIRSKY:

13 Q Yes.

14 A I met my attorneys at the Marine Corps  
15 League Conference in South Carolina.

16 Q And when was that?

17 A March 2023.

18 Q And was there a presentation at that  
19 conference?

20 A No.

21 Q Were the attorneys there to speak about  
22 Camp Lejeune specifically?

23 MR. BARR: Object to form. You can answer.

24 A No.

25 Actually, they weren't part of the conference per

1 se. They were there when the conference was going on.

2 I met with the attorneys. They were standing  
3 around, and we talked, and that's how it came about I met  
4 the attorneys.

5 BY MS. MIRSKY:

6 Q And which attorneys specifically were there  
7 at that time?

8 A Jerry and Josh.

9 Q Okay. And did you approach them?

10 MR. BARR: Object to form. You can answer.

11 Unless I say, "Do not answer that question," then  
12 you can go ahead and answer after I state my objection.

13 A I think it was mutual.

14 BY MS. MIRSKY:

15 Q Okay. Did they have an area set up to  
16 speak with Marines?

17 A Yes.

18 Q Okay. And do you recall generally what you  
19 spoke about?

20 MR. BARR: Object to form. Don't answer that  
21 one.

22 BY MS. MIRSKY:

23 Q Did you sign an engagement letter with your  
24 attorneys at that time?

25 MR. BARR: Object to form. You can answer.

1           A       I don't understand what the letter is, what  
2 you're asking.

3 BY MS. MIRSKY:

4           Q       Okay. When you first met with your  
5 attorneys, did you sign any sort of agreement indicating  
6 that they would represent you at that time?

7           A       Not the first time.

8           Q       So when you ended that meeting, did you  
9 have an understanding that they were representing you after  
10 that initial conversation?

11          A       The initial conversation we just spoke  
12 briefly about the --

13          MR. BARR: Don't go into what y'all talked about.

14          A       Okay. We just spoke briefly, and later on  
15 I met with Jerry and Josh again, and then we signed the  
16 letter then.

17 BY MS. MIRSKY:

18          Q       And do you know when you signed the letter  
19 with Jay and Josh?

20          A       March 2023.

21          Q       Okay, thank you.

22                   Did you meet with any of your attorneys to  
23 prepare for today's deposition?

24          A       Yes.

25          Q       Which attorneys did you meet with?

1 A All of them.

2 Q When did you meet with these attorneys?

3 A Yesterday.

4 Q And where did you meet with them?

5 A Here in Nashville.

6 Q And how long was that meeting?

7 A Five to six hours.

8 Q Did you have any other meetings with your  
9 attorneys in preparation for this deposition?

10 A No, ma'am.

11 Q Okay. Did you speak with anyone besides  
12 your attorneys about this deposition?

13 A No.

14 Q And did you review any documents in  
15 preparation for this deposition?

16 A Such as?

17 Q Any documents was the initial question.

18 A Yes.

19 Q And what type of documents did you review?

20 A Just the -- my medical records. That's  
21 mainly it.

22 Q Were those the medical records that you  
23 provided to your attorneys in the course of this litigation?

24 MR. BARR: Object to form.

25 A Yes.

1 BY MS. MIRSKY:

2 Q Okay. And did you review any other  
3 documents?

4 A I do not believe so.

5 Q Did you review any documents related to  
6 your claim before your attorney filed this lawsuit?

7 MR. BARR: Object to form.

8 A I don't understand.

9 BY MS. MIRSKY:

10 Q Before your lawsuit was filed in this  
11 matter, did you review any records or documents that relate  
12 to the subject matter of this lawsuit?

13 MR. BARR: Object to form.

14 A No.

15 MS. MIRSKY: Okay. I'll introduce Exhibit 2.  
16 (Exhibit 2 was marked for identification.)

17 BY MS. MIRSKY:

18 Q Have you seen this document before?

19 A Yes.

20 Q Do you understand that it is the United  
21 States' request for production that was issued to the  
22 Plaintiffs in this matter?

23 MR. BARR: Object to form.

24 A Yes.

25

1 BY MS. MIRSKY:

2 Q Did you search for documents to be produced  
3 in response to these requests?

4 A Yes.

5 Q Where did you search?

6 A My garage.

7 Q Okay. And why did you search in your  
8 garage?

9 A Because I kept all of my documents  
10 throughout my career in the Marines.

11 Q Understood. Do you have them in hard copy  
12 in your garage?

13 A I do.

14 Q And are they filed in any particular  
15 manner?

16 A Not -- not in order. I just have them  
17 stored in my footlocker.

18 Q Did you make a selection of the documents  
19 that you have in your garage to be produced in this  
20 litigation?

21 MR. BARR: Object to form.

22 A Yes.

23 BY MS. MIRSKY:

24 Q And how did you make that selection?

25 A Because I served from such a long time that

1 I went all the way up through the '90s, and I did not  
2 produce anything from the '90s.

3 Q And why did you make a cutoff in the 1990s?

4 A I did not think that it had any bearing on  
5 this case.

6 Q Okay. Did anyone help you with the search  
7 through the documents in your garage?

8 A No.

9 Q Did you also search through any records on  
10 your computer?

11 A Yes.

12 Q And what records did you search for on your  
13 computer?

14 A My medical records.

15 Q What type of medical records do you keep on  
16 your computer?

17 A VA.

18 Q Did you make a selection of the records  
19 stored on your computer to be produced in this matter?

20 A I just downloaded my medical file.

21 Q And then turned it over to your attorney?

22 A Yes. Yes.

23 Q Okay. So you did not then pick and choose  
24 which documents went to your attorney?

25 MR. BARR: Object to form.



1 A No.

2 MR. BARR: Go ahead.

3 A No.

4 BY MS. MIRSKY:

5 Q Okay. Did you search through your phone?

6 A No.

7 Q Did you search specifically for  
8 photographs?

9 A I didn't search for photographs. I have  
10 photographs, but I didn't search for any.

11 Q Did you produce the photographs that you  
12 found --

13 Let me reask that.

14 Are the photographs that you have in your  
15 footlocker?

16 A Yes.

17 Q And did you produce those to your attorney?

18 A Yes.

19 Q What about any notes or diaries that you  
20 took or that you kept while you were in the Marines?

21 A No.

22 Q You did not search for those?

23 A No.

24 I didn't have any notes or diaries.

25 Q Okay. Do you have any communications with

1 anyone else regarding your time at Camp Lejeune?

2 MR. BARR: Object to form.

3 A Yes.

4 BY MS. MIRSKY:

5 Q Are those letters, emails?

6 MR. BARR: Object to form.

7 A I think I may misunderstand your question.

8 You asked if I have talked to anyone?

9 Is that --

10 BY MS. MIRSKY:

11 Q Let me rephrase the question. It was  
12 unclear.

13 Did you write letters or emails to anyone about  
14 your time at Camp Lejeune?

15 MR. BARR: Object to form.

16 You can answer to the extent it doesn't call for  
17 communications with lawyers.

18 BY MS. MIRSKY:

19 Q Yes.

20 A No.

21 Q Okay. Have you sent any text messages to  
22 any other individuals, aside from your attorneys, regarding  
23 your time at Camp Lejeune?

24 A No.

25 Q Have you posted to social media in any way

1 with respect to Camp Lejeune?

2 A No.

3 Q And are you planning to search in any other  
4 locations for additional sources of documents?

5 A No, I'm not.

6 MS. MIRSKY: Okay, thank you.

7 The next exhibit, Exhibit 3.

8 (Exhibit 3 was marked for identification.)

9 MR. BARR: Which one are we marking?

10 MS. MIRSKY: The one Mr. McElhiney has. This  
11 is 3.

12 MR. BARR: No, no. I was just looking for it on  
13 the document. There it is.

14 BY MS. MIRSKY:

15 Q Do you recognize this document?

16 A Yes, ma'am.

17 Q Can you tell me what it is?

18 A Yes.

19 This is the Short-Form Complaint that we filled  
20 out marking the times at Camp Lejeune and what the complaint  
21 is.

22 Q And did you fill this out yourself?

23 A Yes.

24 Q Did you have any assistance filling this  
25 out?

1 A I filled it out and sent to my attorney.

2 Q Okay. And to your understanding --

3 And you can take a minute to look at it if you  
4 like.

5 -- does this represent your best understanding of  
6 the information provided herein?

7 A Yes.

8 MR. BARR: Object to form.

9 BY MS. MIRSKY:

10 Q Okay. On page 2 at the bottom in box  
11 number 18 it asks, "Did Plaintiff at any time live or work  
12 in any of the following areas? Check all that apply."

13 And you have checked Hadnot Point, Mainside  
14 Barracks, and on the next page Tarawa Terrace.

15 Is that correct?

16 A It is.

17 Q Is that your best understanding of the  
18 areas in which you lived or worked at Camp Lejeune?

19 A Yes.

20 Q Okay. And on page 3 when it asks to  
21 identify the illnesses or conditions the Plaintiff suffered  
22 as a result of exposure to contaminated water at Camp  
23 Lejeune, multiple myeloma is checked with an approximate  
24 date of onset of April 2016, and on the next page  
25 Parkinson's disease is checked with an onset date of

1 February 2016.

2 Is this reflecting your understanding of the  
3 relevant information?

4 A Yes.

5 MS. MIRSKY: Let's move on to the next exhibit,  
6 Exhibit 4.

7 (Exhibit 4 was marked for identification.)

8 BY MS. MIRSKY:

9 Q Do you recognize this document, Mr.  
10 McElhiney?

11 A Yes, ma'am.

12 Q Can you tell me what it is?

13 A This is the DPP form that I filled out.

14 Q That's right. The Discovery Pool Profile  
15 form, for the record?

16 A Yes.

17 Q Okay. On page 4, question --

18 Oh, excuse me.

19 Before I ask specifics, did you fill this out  
20 yourself?

21 A Yes.

22 Q Did you have any assistance in filling this  
23 form out?

24 A No.

25 Q And so to the best of your recollection,

1 does this provide your best understanding of the information  
2 provided herein?

3 A Yes, ma'am.

4 Q Okay. On page 4, question 31, "Is/was  
5 Plaintiff a Tri-Care beneficiary?"

6 And you've checked "Yes."

7 Is that correct?

8 A Yes.

9 Q On page 6, question 43, "What diseases or  
10 injuries does the Claimant assert are related to exposure to  
11 water at Camp Lejeune? Choose all that apply."

12 You've selected, Parkinson's disease and multiple  
13 myeloma; is that correct?

14 A Yes.

15 Q Okay. And does this represent all of the  
16 claims then that you-- or all of the alleged injuries that  
17 you are bringing claim under in this litigation?

18 MR. BARR: Object to form.

19 A Yes.

20 BY MS. MIRSKY:

21 Q Okay. Question 44, "I am completing this  
22 section as it relates to multiple myeloma. When was the  
23 Plaintiff first diagnosed?"

24 It says, "March 22, 2016."

25 Is that correct?

1 A Yes.

2 Q And on the Short-Form Complaint on page 3  
3 it says, "April 2016."

4 Can you explain the small discrepancy?

5 A Yes.

6 The March 22, 2016 is when my physician, Dr.  
7 Huffnagle, actually told me that I had cancer, and she was  
8 referring to the MGUS.

9 And on April of 2016 is when I actually -- the  
10 paperwork that my physician gave me, I turned it over to the  
11 VA, and VA got me into hematology.

12 Q Understood. Okay, thank you.

13 On the next page of the DPPF, page number 7,  
14 number 44, "I am completing this section as it relates to  
15 Parkinson's disease."

16 Number 46, "When was Plaintiff first diagnosed  
17 with this injury?"

18 You wrote "7/10/2018;" is that correct?

19 A Yes, ma'am.

20 Q So if you could compare that to page 4 of  
21 the Short-Form Complaint, please, where you wrote  
22 "February 2016," can you explain that discrepancy, please?

23 A Yes.

24 MR. BARR: Object to form in that the questions  
25 are asking different questions.

1 BY MS. MIRSKY:

2 Q Okay. Can you explain your understanding  
3 as to why there are different dates for each, please?

4 MR. BARR: You can attempt, but read the  
5 questions that each one is asking.

6 A Yes.

7 On July 10, 2018 is when I was actually diagnosed  
8 with Parkinson's -- is when Dr. Huffnagle diagnosed me that  
9 I had Parkinson's. February 2016 is when the onset of  
10 Parkinson's began.

11 And my physician, Dr. Huffnagle at that time, was  
12 trying to --

13 I had not been diagnosed at that time, but she  
14 was recognizing that I had the onset of Parkinson's.

15 BY MS. MIRSKY:

16 Q Okay. And can you describe in  
17 February 2016 what the symptoms were that you're referring  
18 to?

19 A Yes.

20 In 2016 it began with the off-balance. Walking  
21 down hallways, I felt like I was drunk. I was terribly  
22 off-balance.

23 I was having neuropathy, and I had EMG at that  
24 time that showed that I had neuropathy in the lower  
25 extremities and the hands, and so I was having a lot of bone



1 pain in all of my joints.

2 Then I started with the loss of smell, couldn't  
3 really taste. My toes started curling. And also at that  
4 time it was just strange things just were going on that she  
5 knew something different. And so that was the beginning of  
6 it.

7 Q Okay. Okay, thank you.

8 Turning back to the DPPF --

9 MR. BARR: Exhibit 4, for the record.

10 MS. MIRSKY: Yes, Exhibit 4, for the record.

11 BY MS. MIRSKY:

12 Q On page 8, it's asking for a list of all  
13 treating physicians. This is question 50.

14 "List of all treating physicians, name of medical  
15 group and city, state where treatment was received at in  
16 table below."

17 And the first entry is Dr. Vera Huffnagle, who I  
18 think you just referenced; is that correct?

19 A Yes, ma'am.

20 Q And is she your primary physician for  
21 Parkinson's disease?

22 A No.

23 Q Who would that be?

24 A Dr. Koons.

25 Q Is that at the bottom of the page, Dr.

1 Heather C. Koons?

2 A Yes.

3 Q Who is Dr. Huffnagle?

4 A Dr. Huffnagle is a neurologist with the  
5 Dickson Medical Association in Dickson, Tennessee.

6 Q Where does Dr. Koons work?

7 A At the VA.

8 Q In between those two, is Dr. Benjamin  
9 Tillman listed?

10 A Yes.

11 Q And who is he?

12 A Dr. Tillman --

13 Dr. Huffnagle also diagnosed me with the cancer  
14 myeloma, and she referred me to the VA hematology, and Dr.  
15 Tillman was the first hematologist that I met with in the VA  
16 system.

17 Q Understood. Have you met with other  
18 hematologists since seeing Dr. Tillman?

19 A Yes, simply because the VA changes doctors  
20 quite regularly. And so I've seen, and I don't -- I can't  
21 remember their name, but I saw I believe three different  
22 hematologists in the VA system. So Dr. Tillman was the  
23 first.

24 MS. MIRSKY: Okay, thank you.

25 And we might request, after the deposition, for a

1 list of additional physicians.

2 MR. BARR: To the extent he remembers it.

3 MS. MIRSKY: Yes.

4 BY MS. MIRSKY:

5 Q Then on the next page is Dr. Huffnagle  
6 again.

7 Are there any other physicians that have provided  
8 you care with respect to Parkinson's disease that you can  
9 recall?

10 A Yes.

11 I cannot recall their name right now, but I'm  
12 seeing a cardiologist for my heart due to --

13 Actually, I'm seeing two. I'm seeing a  
14 cardiologist for my heart, irregular heartbeats, then I'm  
15 seeing a specialist for Parkinson's that deal with the heart  
16 for the low blood pressure.

17 Q Okay. We'll ask your attorney afterwards  
18 to provide those names.

19 Are there any other physicians that are relevant  
20 to your Parkinson's disease or your multiple myeloma?

21 MR. BARR: Object to form.

22 BY MS. MIRSKY:

23 Q That you haven't yet listed?

24 A Dr. Salome is my primary care in the VA,  
25 and she's the one that -- whenever I saw Dr. Huffnagle and

1 she gave me my medical prescriptions, my primary care at VA,  
2 Dr. Nicole Salome, I do my follow-ups with her as well, and  
3 she fills my prescriptions.

4 Q And how long have you been seeing that  
5 doctor as your primary care physician?

6 A Dr. Huffnagle --  
7 I mean Dr. Salome, probably ten years.

8 Q Okay, thank you.

9 And Exhibit 4, question 52, "Please select all  
10 the areas on base in which Plaintiff lived."

11 You selected Tarawa Terrace, Hadnot Point,  
12 Montford Point and Rifle Range.

13 Is it your understanding that this is the  
14 complete list of places where you lived while on Camp  
15 Lejeune?

16 A There's one I left off, and that's just  
17 because I did not remember. I simply didn't remember. It  
18 was New River Air Station.

19 Q Okay, thank you.

20 On page 11 question 66, "Was the Plaintiff ever  
21 exposed to agent orange?"

22 You selected "No;" is that correct?

23 A Yes.

24 Q You did serve in Vietnam for a time as part  
25 of your Marine Corps service; is that correct?

1           A       I served in the time of the Vietnam War.  
2           I did not serve in Vietnam.

3           Q       Okay. And so that is your understanding  
4           that you were never exposed to agent orange?

5           That is correct?

6           A       Yes, I was -- never did, no.

7           Q       Okay. Question 68, "Other than time spent  
8           residing at Camp Lejeune, was the Plaintiff ever employed in  
9           any of the following occupations?"

10          You've selected, "None of the above."

11          I understand that for a time in the 2000s you  
12          worked as a general contractor; is that correct?

13          A       That's correct.

14          Q       And did you work with paint as part of that  
15          job?

16          A       No.

17          Q       I also understand that you were a truck  
18          driver for a period in the 2000s -- or the 2010s; is that  
19          correct?

20          A       Yes.

21          Q       And did you work with any metal degreasers  
22          during that time?

23          A       No.

24          Q       Did you come into contact with oil and gas  
25          during that time?

1           A       Diesel fuel when I was filling up the  
2 truck.

3           Q       And how often would you fill up a truck in  
4 a given week?

5           A       That's hard to answer.

6                   Depends on where I was driving.

7                   It would be hard for me to answer that question.

8           Q       Okay. Do you remember ever encountering a  
9 significant spill of any diesel fuel while you were fueling  
10 a truck?

11           MR. BARR: Object to form.

12           A       No.

13 BY MS. MIRSKY:

14           Q       You can answer.

15           A       No.

16           Q       Okay. On page 13, please, question 86,  
17 "Has the Plaintiff ever filed a disability claim with a  
18 state agency for the injuries identified in the Short-Form  
19 Complaint?"

20                   You checked, "Yes."

21                   And 87A, "Name of the agency where the claim was  
22 filed?"

23                   You wrote, "The Social Security Administration,"  
24 is that correct?

25           A       Yes.

1 Q And 87E, "Amount received in disability?"  
2 You wrote, "\$1,640," is that correct?

3 A Yes.

4 Q And is that a monthly payment or a lump sum  
5 payment that you received from the Social Security  
6 Administration?

7 A Monthly.

8 Q Do you know when that --

9 Excuse me. Strike that.

10 Do you recall when that began?

11 A I can't recall when it began.

12 Q Okay, thank you.

13 You can put this to the side.

14 Mr. McElhiney, how far is your house in Fairview  
15 from the office here, approximately?

16 A 31 miles.

17 Q And how did you get here today?

18 A My wife brought me.

19 Q By car?

20 A Yes.

21 Q Okay. Do you travel for medical  
22 appointments?

23 A I do, yes.

24 Q Approximately how many times a month do you  
25 travel for medical appointments?

1 A Two times.

2 Q And does your wife go with you to those  
3 appointments?

4 A Yes.

5 Q Are you able to drive unassisted?

6 A No.

7 Q Okay. Have you traveled for vacation in  
8 the last year?

9 A Yes.

10 Q Where did you go?

11 A Europe.

12 Q And how did you get there?

13 A Ship.

14 Q How long was the --

15 Was it a cruise?

16 A It was a cruise.

17 Q How long was the cruise?

18 A One month.

19 Q And are you aware that any trial in this  
20 case will take place in North Carolina?

21 A Yes.

22 Q Do you anticipate that you will be able to  
23 travel to North Carolina to testify?

24 A Yes.

25 Q Okay. What is your birth date?



1 A 10 November 1954.

2 Q Where were you born?

3 A Nashville, Tennessee.

4 Q And did you grow up in Nashville?

5 A No.

6 I grew up in Fairview, Tennessee.

7 Q Did you grow up in the suburbs or in a more  
8 rural area?

9 A I was in a rural area.

10 Q Did you grow up on a farm?

11 A I did.

12 Q And what types of activities did you engage  
13 in on the farm as a kid?

14 A Well, we had a pig farm, so I helped my dad  
15 raise pigs. We had horses as well.

16 Q Did you grow any crops or vegetables?

17 A We had a small garden, and we raised corn.

18 Q Did you work with fertilizer on the farm?

19 A No.

20 Q Herbicide?

21 A No.

22 Q And did you live on the same farm until you  
23 left your parents' residence?

24 A No, not on that farm. I lived on a farm.  
25 I sold that farm, bought another farm.

1 Q Okay. So for your whole childhood you  
2 lived on a farm?

3 A Yes.

4 Q And what is your mother's full name?

5 A Sara Jean McElhiney.

6 Q Did she have a maiden name?

7 A Yes, Cox.

8 Q Is your mother alive?

9 A Deceased.

10 Q When did she pass away?

11 A I don't know the exact year.

12 20 -- let's see.

13 2010.

14 Q What was the cause of her death?

15 A She had a stroke.

16 Q Did she have any other health issues?

17 MR. BARR: Object to form.

18 BY MS. MIRSKY:

19 Q You can answer.

20 A No, not that I know of.

21 Q Did she have any mental or neurological  
22 disorders while she was alive?

23 MR. BARR: Object to form.

24 A No.

25 MR. BARR: You can answer.

1 Just give me a second to state the objection.

2 THE WITNESS: Oh, yes.

3 A No.

4 BY MS. MIRSKY:

5 Q And did she have Parkinson's disease that  
6 you're aware of?

7 MR. BARR: Object to form.

8 A No. I'm sorry.

9 MR. BARR: That's okay.

10 BY MS. MIRSKY:

11 Q It's okay.

12 Multiple myeloma?

13 Did she have multiple myeloma?

14 A No.

15 MR. BARR: Object to form.

16 BY MS. MIRSKY:

17 Q Do you know the cause of death for your  
18 mother's parents?

19 A No.

20 Q To your knowledge, is there any history of  
21 Parkinson's disease on your mother's side of the family?

22 A No.

23 Q To your knowledge, is there any history of  
24 multiple myeloma on your mother's side of the family?

25 A No.

1 Q What is your father's full name?

2 A Clark Eugene McElhiney.

3 Q And is he alive?

4 A No, deceased.

5 Q When did he pass away?

6 A 1991.

7 Q What was the cause of his death?

8 A Lung cancer.

9 Q And how old was he when he was diagnosed  
10 with lung cancer, if you know?

11 A 1990.

12 Q Did he have any other health issues while  
13 he was alive, to the best of your knowledge?

14 MR. BARR: Object to form.

15 A No.

16 BY MS. MIRSKY:

17 Q Did he smoke cigarettes or otherwise use  
18 tobacco?

19 A Yes.

20 Q Are you aware what his smoking history was?

21 A No.

22 Q Would you say that he was a regular smoker?

23 MR. BARR: Object to form.

24 A Yes.

25

1 BY MS. MIRSKY:

2 Q Did he have any mental or neurological  
3 disorders?

4 MR. BARR: Object to form.

5 A No.

6 BY MS. MIRSKY:

7 Q Do you know what the cause of death for  
8 your father's parents were?

9 A No.

10 Q And to your knowledge, is there any history  
11 of Parkinson's disease on your father's side of the family?

12 A No.

13 Q To your knowledge, is there any history of  
14 multiple myeloma on your father's side of the family?

15 A No.

16 Q Do you have any brothers or sisters?

17 A Yes.

18 Q How many brothers do you have?

19 A Four.

20 Q And how many sisters do you have?

21 A One.

22 Q Are they all biological siblings?

23 A Yes.

24 Q And can you please --

25 We'll go through each one at a time.

1                   Could you please give me the name of one brother  
2 to start with, please?

3                   A       Richard.

4                   Q       Is that Richard McElhiney?

5                   A       Yes.

6                   Q       Where does he live?

7                   A       Oregon state.

8                   Q       Do you know which town or city,  
9 approximately?

10                  A       Jefferson City.

11                  Q       And what is his date of birth?

12                  A       January 2nd. I don't know what year.

13                  Q       Do you know approximately how old he is  
14 now?

15                  A       Seventy-five.

16                  Q       Okay. Does he have any health issues that  
17 you're aware of?

18                  MR. BARR: Object to form.

19                  A       No.

20 BY MS. MIRSKY:

21                  Q       Does he have any children?

22                  A       We're not a close family.

23                  I don't know.

24                  Q       Understood. And next brother?

25                  A       Robert.

1 Q Robert McElhiney?

2 A Yes.

3 Q And do you know approximately how old he  
4 is?

5 A Seventy-three.

6 Q And do you know where he lives?

7 A I do not.

8 Q Are you aware of any health issues that he  
9 may have?

10 MR. BARR: Object to form.

11 A No.

12 BY MS. MIRSKY:

13 Q And the name of your third brother, please?

14 A Larry.

15 Q McElhiney?

16 A McElhiney, yes.

17 Q And do you know approximately how old he  
18 is?

19 A Seventy-two.

20 Q Do you know where he lives?

21 A I do.

22 Q Where does he live?

23 A Bon Aqua, Tennessee.

24 Q And do you have a closer relationship with  
25 Larry?

1 A Nope.

2 Q Are you aware of whether he has any health  
3 issues?

4 MR. BARR: Object to form.

5 A No.

6 BY MS. MIRSKY:

7 Q And your fourth brother's name, please?

8 A Mark.

9 Q McElhiney?

10 A McElhiney, yes.

11 Q McElhiney.

12 Do you know approximately how old he is?

13 A Sixty-six.

14 Q Do you know where he lives?

15 A Yes.

16 Q Where does he live?

17 A Bon Aqua, Tennessee.

18 Q And do you know whether he has any health  
19 issues?

20 MR. BARR: Object to form. Go ahead.

21 A Yes.

22 BY MS. MIRSKY:

23 Q What are his health issues?

24 A He's in a wheelchair paralyzed from the  
25 waist down.



1 Q And do you know --

2 A The cause was an auto accident.

3 Q Are you aware of any other health issues  
4 that he may have?

5 MR. BARR: Object to form.

6 A No.

7 BY MS. MIRSKY:

8 Q And your sister's name, please?

9 A Donna.

10 Q Is her last name McElhiney?

11 A It's Kelly.

12 Q And approximately how old is she?

13 A Donna is 55.

14 Q Do you know where she lives?

15 A Yes.

16 Q Where does she live?

17 A Bon Aqua.

18 Q And are you aware of any health issues that  
19 she may have?

20 A No --

21 MR. BARR: Object to form.

22 A No.

23 BY MS. MIRSKY:

24 Q Okay. What is the highest level of  
25 education that you've received?

1 A Associate degree.

2 Q Where did you get that degree from?

3 A Austin Peay University.

4 Q And when did you receive that degree?

5 A 1990.

6 Q Okay. And what was the focus of the  
7 associate's degree?

8 A Applied science.

9 Q And can you tell me a bit about what your  
10 field of study involved?

11 A Construction technology.

12 Q And why did you pursue that degree?

13 A I was interested.

14 Q Okay. Have you taken any technical  
15 training?

16 A Time frame?

17 Q Since leaving the Marines, have you  
18 received any technical training?

19 A No.

20 Q Did you receive any technical training  
21 through the military?

22 A Yes.

23 Q And when did you receive this training, if  
24 you can recall?

25 A 19 -- 1975, '76.

1 Q And what was the focus of this training?

2 A Mechanic.

3 Q Where did you receive this training?

4 A Montford Point, now Camp Johnson, North  
5 Carolina.

6 Q Have you received any other certifications  
7 or specialized degrees?

8 A I had a general contractor's license.

9 Q Okay. And when did you receive that?

10 A 2001.

11 Q How long have you lived at your home in  
12 Fairview?

13 A Since 1997.

14 Q Does anyone live there with you?

15 A My wife.

16 Q And do you own or rent the home?

17 A Own.

18 Q Before 1997 where did you live?

19 A Smiths, Alabama.

20 Q And approximately how long did you live at  
21 that address?

22 A Approximately 10 months.

23 Q Did you live with your wife at this  
24 address?

25 A Yes.

1 Q And did you own or rent that home?

2 A Rent.

3 Q And prior to Smiths, Alabama, where did you  
4 live?

5 A Jacksonville, North Carolina.

6 Q And how long did you live there?

7 A Off and on since 1972.

8 Q And is that because of your time in the  
9 Marines?

10 A Yes.

11 Q Did your wife live in that home while you  
12 were in the Marines?

13 A I lived in Jacksonville since 1972. I did  
14 not have my house until 1984. I'm sorry.

15 Q Okay. So in 1984 did you buy a house in  
16 Jacksonville?

17 A Yes.

18 Q And did your wife then live in the house in  
19 Jacksonville from 1984 onward while you were in the Marines?

20 A Yes.

21 Q What is your Social Security number?

22 A 410-96-3796.

23 Q And do you have a driver's license?

24 A Yes.

25 Q What state is your driver's license issued

1 in?

2 A Tennessee.

3 Q And do you know your driver's license  
4 number?

5 A No.

6 MS. MIRSKY: Okay. We may ask for that later.

7 MR. BARR: You can submit the request.

8 BY MS. MIRSKY:

9 Q And you mentioned that you're married;  
10 correct?

11 A Yes.

12 Q And what is your wife's full name?

13 A Simone Marie McElhiney.

14 Q Does she have a maiden name?

15 A She does.

16 Q And what is that?

17 A I can spell it.

18 Q Okay.

19 A Here we go. D-e-s-g-r-o-e-i-l-l-i-e-r-s.

20 Q Thank you. Impressed you can spell that.

21 Don't ask me to repeat it.

22 When did you get married?

23 A 14 May 1982.

24 Q And how old were you when you got married?

25 A Twenty-five.

1 Q And other than your marriage to Simone,  
2 were you married previously?

3 A Yes.

4 Q And what was the name of your former wife?

5 A Patricia.

6 Q And her last name?

7 A Corlew.

8 Q Is it C-o-r-l-e-w?

9 A Yes.

10 Q And when did you get married to Patricia?

11 A 1974, September.

12 Q When were you divorced from Patricia?

13 A I can't remember the exact date. 1980.

14 Q Do you have any children?

15 A I do.

16 Q How many children do you have?

17 A Five.

18 Q What are their names?

19 A Vicky.

20 Q Is it Vicky McElhiney?

21 A Vicky Marie Davidson.

22 Q Okay. And how old is Vicky?

23 A Forty-seven.

24 Q And is she your biological child?

25 A Yes.

1 Q And where does Vicky live?

2 A Chapel Hill, North Carolina.

3 Q What is her occupation?

4 A School teacher.

5 Q Is she married?

6 A No.

7 Q And does Vicky have any health issues that  
8 you're aware of?

9 MR. BARR: Object to form.

10 A No.

11 BY MS. MIRSKY:

12 Q Does Vicky have any children?

13 A Yes.

14 Q How many children does she have?

15 A Three.

16 Q And are you aware whether they have any  
17 health issues?

18 MR. BARR: Object to form.

19 A No.

20 BY MS. MIRSKY:

21 Q The name of your second child, please?

22 A Kerry.

23 Q Is that C --

24 A K-e --

25 Q And what is her last name?

1 A Davidson.

2 Q How old is Kerry?

3 A Forty-one.

4 Q Is she your biological child?

5 A Yes.

6 Q Where does she live?

7 A Columbia, South Carolina.

8 Q What is her occupation?

9 A She's a major in the Army.

10 Q Is she married?

11 A No.

12 Q And does she have any health issues that  
13 you're aware of?

14 MR. BARR: Object to form.

15 A No.

16 BY MS. MIRSKY:

17 Q Does she have any children?

18 A Yes.

19 Q How many children does she have?

20 A One.

21 Q And does that child have any health issues  
22 that you're aware of?

23 MR. BARR: Object to form.

24 A No.

25



1 BY MS. MIRSKY:

2 Q And the name of your third child, please?

3 A Kim.

4 Q K-i-m?

5 A K-i-m.

6 Q And Kim's last name?

7 A Davidson.

8 Q Is she your biological child?

9 A Yes.

10 Q Approximately how old is --

11 A Same as Kerry. They're twins.

12 Q And what is her occupation?

13 A She owns her business, healthcare  
14 insurance -- healthcare insurance.

15 Q Where does she live?

16 A Southwick, Massachusetts.

17 Q Is she married?

18 A No.

19 Q And are you aware of any health issues that  
20 she has?

21 MR. BARR: Object to form.

22 A No.

23 BY MS. MIRSKY:

24 Q Does she have any children?

25 A Yes.

1 Q How many children does she have?

2 A One.

3 Q And does that child have any health issues  
4 that you're aware of?

5 MR. BARR: Object to form.

6 A No.

7 BY MS. MIRSKY:

8 Q The name of your fourth child?

9 A Gary, the same as me. He's Jr.

10 Q Got it.

11 Approximately how old is he?

12 A Forty.

13 Q And where does he live?

14 A Fairview, Tennessee.

15 Q What is his occupation?

16 A Supervisor of waste management.

17 Q Is he married?

18 A Yes.

19 Q Does Gary have any health issues that  
20 you're aware of?

21 MR. BARR: Object to form.

22 A No.

23 BY MS. MIRSKY:

24 Q Excuse me.

25 Does he have any children?

1 A Yes.

2 Q How many children does he have?

3 A Five.

4 Q And do they have any health issues that  
5 you're aware of?

6 MR. BARR: Object to form.

7 A No.

8 BY MS. MIRSKY:

9 Q And fifth child?

10 A Bridget.

11 Q Is that McElhiney?

12 A Edwards.

13 Q And how old is Bridget?

14 A Thirty-eight.

15 Q Where does she live?

16 A Dickson, Tennessee.

17 Q What is her occupation?

18 A Housewife.

19 Q Is she married?

20 A Yes.

21 Q Does she have any health issues that you're  
22 aware of?

23 MR. BARR: Object to form.

24 A No.

25

1 BY MS. MIRSKY:

2 Q And does she have any children?

3 A Yes.

4 Q How many children does she have?

5 A Seven.

6 Q And do they have any health issues that  
7 you're aware of?

8 MR. BARR: Object to form.

9 A No.

10 BY MS. MIRSKY:

11 Q Would you say that you have a good  
12 relationship with your children overall?

13 A Yes.

14 Q Do you see them regularly?

15 A No.

16 Q Are you in contact with them with any  
17 regularity?

18 A Yes.

19 Q Do you want to take a break now?

20 MR. BARR: It's up to you.

21 MS. MIRSKY: Do you want to take a break now?

22 THE WITNESS: Sure, yes.

23 VIDEOGRAPHER: We're going off the record. The  
24 time is 9:52 a.m.

25 (Recess was taken.)

1                   VIDEOGRAPHER: This is the start of media  
2                   number 2. We're now back on the record. The time is  
3                   10:01 a.m.

4 BY MS. MIRSKY:

5                   Q       Mr. McElhiney, let's move into your  
6                   military service.

7                   Which branch of the military have you served in?

8                   A       Marines.

9                   Q       And did you enter service as active duty,  
10                  Reserve, National Guard?

11                  A       Active duty.

12                  Q       When did you start your service with the  
13                  Marines?

14                  A       April 1972.

15                  Q       Did you request any waivers to enter  
16                  military service?

17                  A       No.

18                  Q       And when did you complete your service in  
19                  this branch?

20                  A       September 1995.

21                  Q       Generally speaking, where were you located  
22                  during your service?

23                  A       Camp Lejeune, Japan, Birmingham, Alabama,  
24                  Greensboro, North Carolina.

25                  Q       What is the highest military pay grade that

1 you achieved?

2 A E9.

3 Q And what is the highest military rank that  
4 you achieved?

5 A E9.

6 Q What was your occupation in the Marines?

7 A Motor transport maintenance chief.

8 Q What were your typical job assignments?

9 A My typical job assignment was running  
10 maintenance shops, supervising maintenance shops, make sure  
11 that equipment got in for repairs, got back out to the  
12 units, and manage shops.

13 Q And what kind of vehicles were you  
14 overseeing the repair and management?

15 A Trucks, Humvees, jeeps trailers, refuelers,  
16 water containers.

17 Q Okay. And can you describe the refuelers?

18 A Refuelers, just trucks that had a  
19 4,000-gallon tank on the back.

20 Q And what kind of maintenance was performed  
21 on the refuelers?

22 A Just typical maintenance, the brakes,  
23 clutches, tires, safety checks.

24 Q And what about the water tanks?

25 A The water tanks the same, brakes, clutch,

1 lights, make sure that the vehicle was operational.

2 Q And approximately how large were the water  
3 tanks that you worked on?

4 A 4,000-gallon, 400-gallon, even had  
5 1,200 gallons.

6 Q Do you know what type of use these water  
7 tanks -- or what these water tanks were used for?

8 A Potable water.

9 Q And do you know where they would transport  
10 water from and to, generally speaking?

11 A Yes.

12 You'd transport the water from water points to  
13 their destinations out in the field for water for the  
14 troops, chow halls, showers.

15 Q Okay. And were these water tanks used at  
16 Camp Lejeune?

17 A Yes.

18 Q And do you know what the water source was  
19 for these tanks?

20 A Yes.

21 Q Can you please tell me?

22 A I know of two water points. One was south  
23 by Courthouse Bay, and the other one was at the fuel depo in  
24 the industrial area.

25 Q And --

1           A       It was across the street from the fuel  
2 depo.

3           Q       Okay. And do you know where within Camp  
4 Lejeune these water tanks would go?

5           A       Yes.

6                    We would take them out to the different LZs,  
7 landing zones, where the men would be out training.

8           MS. MIRSKY: And before we continue --  
9 Strike that.

10                   To help with this discussion, I have Exhibit 5,  
11 which I pulled from a website.

12                   (Exhibit 5 was marked for identification.)

13           MR. BARR: Where does this come from?

14           MS. MIRSKY: A Marine website.

15           MR. BARR: Do you know which one?

16           MS. MIRSKY: No, I'm sorry. I can provide it to  
17 you after.

18                   And then Exhibit 6 --

19                   And I apologize. I could not get this to print  
20 with the Bates number, but I can provide it to you  
21 afterwards.

22           MR. BARR: Okay.

23                   (Exhibit 6 was marked for identification.)

24 BY MS. MIRSKY:

25           Q       So can I borrow this? I'll give you a pen.



1       Whichever map is more legible to you is fine.

2                    Could you please mark with Ws where the water  
3       tanks would be filled from on the map, please?

4                    MR. BARR: Object to form.

5                    A       Where they --

6                    The question, please?

7       BY MS. MIRSKY:

8                    Q       Can you mark the two locations that you  
9       were just discussing regarding where the water tanks would  
10      be filled?

11                   A       Yes.

12                   Q       Thank you. You can keep that.

13                    And do you have an understanding on this map of  
14      where the water tanks would go generally?

15                   A       Yes.

16                   Q       Can you tell me the locations based on  
17      what's written on this map?

18                   A       It would go --

19                    Golly.

20                    Here where they were all marked --

21                    There's different LZs, and they would go to the  
22      LZ, like LZ Bluebird, LZ Albatross. They would go different  
23      locations because this is where the Marines typically do the  
24      field maneuvers.

25                    So there's no names here for you, but I can show

1 you.

2 Q You can circle it and write --

3 Is it "LC" or "LZ"?

4 A "LZ."

5 Q You can just put a circle to the best of  
6 your ability.

7 Okay, thank you.

8 And would the tanks be brought elsewhere on base?

9 A Yes.

10 Q Can you tell me where else they were  
11 brought generally?

12 A It's hard to answer that question simply  
13 because Marine -- this is a training base, and Marines were  
14 stationed throughout the base out in the fields.

15 We took water everywhere, wherever the troops  
16 were, so it would be hard for me to sit here and tell you  
17 one location because it was actually all over the base.

18 Q Okay, understood. And would you  
19 specifically drive these water tanks to different locations?

20 A Yes.

21 Q Go ahead.

22 A Could I ask for clarification for  
23 something?

24 Q Sure.

25 A You asked me what my job was, and I told

1 you it was motor transport maintenance chief. And then you  
2 asked me what kind of maintenance I would do, and then what  
3 you're asking for was in my younger years when I was a truck  
4 driver. So there was two different fields. One was a truck  
5 driving MOS. One's a mechanic MOS.

6 So when I was a truck driver, I would deliver --  
7 Excuse me.

8 Q Sure.

9 A -- I would deliver the water when I was a  
10 young troop.

11 Once I became a maintenance supervisor, all I did  
12 was do maintenance in shops. I would never deliver water no  
13 more after that.

14 So there's two separate MOSs, and you're asking  
15 me questions of two separate MOSs, and I just need to  
16 clarify that.

17 Q Understood. And let's go through this  
18 chronologically so we can be on the same page --

19 A Yes.

20 Q -- what you're discussing.

21 So hang onto those maps to the extent we need to  
22 reference them again, and then I believe this is 7,  
23 Exhibit 7 and Exhibit 8.

24 (Exhibit 7 was marked for identification.)

25 (Exhibit 8 was marked for identification.)

1 BY MS. MIRSKY:

2 Q And I just have a couple other questions  
3 before we get into the specifics here.

4 What type of discharge did you receive?

5 A Honorable.

6 Q And were you ever disciplined while in  
7 service?

8 A I can't say for sure, but I think I got a  
9 page 11 in the early '70s for misuse of the military  
10 vehicle.

11 Q And in Exhibit 7, can you turn to the last  
12 page, please? It's Bates stamped \_3225.

13 Does this look familiar?

14 A Yes.

15 Q Is this your understanding of what you were  
16 referring to?

17 A Yes.

18 Q And it says on April 30, 1973 wrongfully  
19 appropriated a van-type truck of a value of about \$3,178,  
20 the property of the United States Marine Corps, and that  
21 there was a forfeiture of \$75 per month for a period of one  
22 month.

23 Does that --

24 Does that refresh your recollection?

25 A Yes.

1 Q Okay. And what were the events that led to  
2 this?

3 A This event happened in Morehead City, North  
4 Carolina. This is where we load and offload ships, and we  
5 had --

6 Not "we."

7 I was part of a working party to load and unload.  
8 I was also the driver of this van. I took the van to  
9 McDonald's.

10 Q Okay. And did you return the van  
11 afterwards?

12 A I didn't steal it. I just wrongfully  
13 appropriated it. We just used the van to go to McDonald's  
14 and come back.

15 Q It's been adjudicated. It's okay.

16 Understood. Thank you.

17 Okay. If you could go back to the first page of  
18 Exhibit 7.

19 Can you describe what this document is, please?

20 A Yes.

21 This is the page in the record book that lists  
22 everywhere we've been -- where I've been.

23 Q During your time --

24 A During my time on active duty.

25 Q And the first two entries refer to Paris

1 Island. I believe that's what "P-a-r-i-s I-s" refers to.

2 Is that your understanding?

3 A Yes, ma'am.

4 Q And can you please tell me where Paris  
5 Island is?

6 A South Carolina.

7 Q Why did you go to Paris Island?

8 A This is boot camp.

9 Q And can you tell me what you did during  
10 boot camp generally?

11 A I went through basic training for 16 weeks  
12 to learn about the Marine Corps and get in shape to do my  
13 job.

14 Q Understood. And this reflects that you  
15 were there beginning April 5, 1972.

16 And the third entry lists on, I believe it's  
17 July 29, 1972.

18 Does "C-A-M-L-E-J, N-C" represent Camp Lejeune,  
19 North Carolina to you?

20 A Yes.

21 Q And can you please explain to me what the  
22 information in the organization box means there?

23 A Sure.

24 Once I --

25 Once I checked into Camp Lejeune, I was sent to

1 Service Company Headquarters Battalion 2nd Marine Division,  
2 and I was there up until '72 -- September of '72.

3 That's where I got my motor vehicle license and  
4 got checked into the 2nd Marine Division.

5 Q And between July 29, 1972 and September 7,  
6 1972, do you recall where you were living on base at that  
7 time?

8 A Yes, ma'am.

9 Q And where was that?

10 A Hadnot Point.

11 Q And on either Exhibits 5 or 6, can you  
12 point to where you were living?

13 A Approximately this location.

14 Q Okay. Can you just write a "1" next to it.

15 A "1"?

16 Q Yeah. Okay.

17 And do you recall where on Hadnot Point you were  
18 living at that time?

19 A Yes. I was living --

20 Actually, I can tell you this barracks number.

21 It's 327.

22 Q And can you describe the barracks for me?

23 A It was a brick H-shape 4-squad bay.

24 Q What is a squad bay?

25 A A squad bay is an open room where

1 approximately 30 to 40 men would live.

2 Q So does that mean there were 30 to 40 men  
3 living in one -- or had their beds in one open area?

4 A One open area, yes.

5 Q Okay. And during that time what was your  
6 day-to-day activity like?

7 A Day-to-day activities would be would get  
8 up, go to the chow hall, eat, take showers in the morning.  
9 That's where we did our personal hygiene, brush your teeth,  
10 shave, get ready for daily routine.

11 After we ate at the chow hall, we'd march down to  
12 the industrial area and work on the jeeps and trucks to get  
13 them ready to go out in the field if they needed to go out  
14 in the field, then go back to chow, go back to the barracks  
15 and secure for the day and take our showers and end our day.

16 Q Okay. And so --

17 And this is just for the period from July 29,  
18 1972 through September 7, 1972; is that correct?

19 A That's correct.

20 MS. MIRSKY: Okay. Just a second.

21 Again, I apologize. I could not get these to  
22 print with the Bates number, but these have been  
23 produced.

24 MR. BARR: And you'll provide that?

25 MS. MIRSKY: Yes, I will.



1 MR. BARR: Which one of these is which exhibit?

2 MS. MIRSKY: Exhibit 9 is the industrial area,  
3 and Exhibit 10 is the regimental area.

4 MR. BARR: Thank you.

5 (Exhibit 9 was marked for identification.)

6 (Exhibit 10 was marked for identification.)

7 BY MS. MIRSKY:

8 Q Mr. McElhiney, on Exhibit 10 do you see the  
9 barracks where you lived during that time?

10 A Yes.

11 Q Can you please circle it on the map?

12 And so I see --

13 MR. BARR: For the record, can we get him to  
14 identified which building that is?

15 THE WITNESS: 327.

16 BY MS. MIRSKY:

17 Q And you said that you would walk from your  
18 barrack to the chow hall.

19 Can you --

20 A Excuse me. I marked the wrong one.

21 Q That's okay.

22 A I just had to --

23 Q You can cross it out.

24 A Okay.

25 Q I know the numbers are small.

1 A Actually, it's not on this map.

2 Q It's not on this map?

3 A No.

4 Q Okay. Would you say that the barracks was  
5 in this general vicinity where you originally marked, or  
6 it's south?

7 A It would be south.

8 Q Okay, understood. Is the chow hall that  
9 you referenced on this map?

10 A No, ma'am.

11 Q That would also be south?

12 A Yes.

13 Q Okay. On Exhibit 9, which is the  
14 industrial area, is the area where you would do mechanical  
15 training that you referenced, is that on this map?

16 A It has been --

17 It's just been --

18 It's been so long, I could never identify exactly  
19 which building it is.

20 It would probably be on this map, but I could  
21 never tell you exactly which one it is.

22 Q Do you recognize the general area?

23 A The area would be basically --

24 This is where the motor pools were basically kept  
25 for the division, but I can't -- I can't tell you which one

1 belonged to us.

2 Q Could you circle the general area?

3 You can underline it if that would be easier.

4 MR. BARR: Or you can ask me to do it.

5 THE WITNESS: Would you mind? I'm sorry.

6 MR. BARR: No, you're okay. Just tell me where  
7 to circle.

8 THE WITNESS: Just right here, these buildings  
9 right here.

10 MR. BARR: This area right here?

11 THE WITNESS: Yes, sir.

12 MR. BARR: Going up to there?

13 THE WITNESS: Yes, sir, then back. It's just a  
14 block. Thanks.

15 BY MS. MIRSKY:

16 Q And during this training period --

17 Strike that.

18 Do you know what water buffaloes are?

19 A Yes.

20 Q And can you tell me for the record what a  
21 water buffalo is?

22 A Water buffalo, actual nomenclature, is M149  
23 water tank. It's a 400-gallon steel water tank that's  
24 mounted on a 1-1/2 ton chassis that's pulled behind trucks.

25 Q Okay. And would it be appropriate to call

1 this time period your MOS training?

2 MR. BARR: Object to form.

3 Which time period?

4 BY MS. MIRSKY:

5 Q The time between July 29, 1972 and  
6 September 7, 1972.

7 BY MS. MIRSKY:

8 Q You can answer.

9 A Yes.

10 Q Okay. So during your MOS training, did you  
11 use water buffaloes?

12 A Yes.

13 Q How often did you use them in a given week?

14 A When you say "use," do you mean me  
15 personally use them or I fill them up --

16 This is when I was training to be a truck driver.  
17 I would take, fill up the water buffaloes with the truck,  
18 and I would take the loaded water tank to the field --

19 Q Okay.

20 A -- for the Marines.

21 Q Did you personally drink from water in the  
22 water buffaloes?

23 A Yes.

24 Q And so how many times a week approximately?

25 A I would say two to three times a week I

1 would drink -- actually drink from a water buffalo.

2 Q And do you know where the water buffaloes  
3 were filled?

4 A Yes, in this area would be filling up at  
5 the -- it was filled up in the industrial park.

6 Q In Hadnot Point?

7 A Hadnot Point, yes.

8 Q Did you personally fill up the water  
9 buffaloes at that time?

10 A Yes.

11 Q Okay. And during your MOS training, did  
12 you ever train in the field?

13 A Yes.

14 Q How frequently?

15 A It was only a two month, three months.  
16 So I believe I went to field like twice, three  
17 times.

18 Q Over the entire course of your training?

19 A Only for the MOS training.

20 Q Right.

21 A Yeah, the three months.

22 Q Okay.

23 A Yes.

24 Q Okay. And in those two to three times, how  
25 long did you spend in the field each time approximately?

1           A       Ten days.

2           Q       And do you know where your field training  
3 took place during this time?

4           A       It took place all over. I could never tell  
5 you one exact LZ, and actually I could never remember which  
6 LZs we went to.

7                   Every time we went out to the field, we would go  
8 in support of an infantry battalion so I just -- they gave  
9 me the map, and I just went there. I could never remember  
10 which LZ I went to back then.

11          Q       Okay. What types of activities did you  
12 perform while you were in the field?

13          A       I did the same activities as an  
14 infantryman. I trained out in the field how to do -- set up  
15 perimeters. We fired weapons, stood guard duty, mess duty  
16 in the field. We did field showers.

17                   So everything we did, we stayed in the field.  
18 For whatever amount of time we were told we were going to be  
19 there, we stayed in the field.

20          Q       Okay. And did you use water buffaloes  
21 while you were in the field?

22          A       Yes. That's all we had as far as water so  
23 our days would -- we got our drinking water. That's how we  
24 filled up our canteens and our 5-gallon water cans, and we  
25 did our personal hygiene such as brushing our teeth. We did

1 our field bathing out of our helmets out of the water from  
2 the water buffaloes. Our food in the chow hall, we did have  
3 hot chow sometimes out there. It was cooked from the water  
4 from the water buffaloes. And there was a battalion of men.  
5 They would bring a water truck -- 1,200-gallon water truck  
6 out so the mess halls would have water to cook the field  
7 mess.

8 Q And when you were in the field, do you know  
9 approximately how much water you would drink in a given day?

10 A Really and truly I would say I drank,  
11 because of our activities, I would drink at least a gallon,  
12 two gallons of water a day. That was just drinking. That  
13 wasn't bathing. That was actually drinking.

14 Q How many showers would you take a day?

15 A Out in the field it wouldn't be daily. It  
16 would be approximately two showers the whole duration that  
17 we were in the field for 10 days, but we would take our  
18 helmets and get the water out of the water buffalo, and that  
19 would be our bathtub, so to speak. So we'd bathe out of our  
20 helmets.

21 Q And how many times over a 10-day period  
22 would you use the helmets to bathe?

23 A At least twice.

24 Q And how many times a day did you brush your  
25 teeth when you were in the field?

1           A       As many times as possible. I'd say two.

2           Q       Okay. And would you say that that was  
3 consistent each time you went to the field over the course  
4 of the MOS training?

5           A       Yes.

6           Q       And when you were not in the field during  
7 your MOS training and you were in the barracks in Hadnot  
8 Point, how many showers a day would you take in the  
9 barracks?

10          A       A minimum daily, I'd take one shower a day.  
11 We did PT three times a week. So every time we  
12 did PT, I would do showers at that time as well after we got  
13 through PT.

14                 So, in other words, if we did PT --

15                 That's physical training.

16                 In the evening --

17                 I would take a shower in the morning, then take a  
18 shower in the evening after we got through with physical  
19 training. Or if we did physical fitness in the morning, I  
20 would do shower after physical fitness, then shower at  
21 night.

22                 So you would say two times, three, that would be  
23 a minimum, but I showered every day.

24          Q       Okay. And can you describe how the  
25 bathrooms were laid out in those barracks, please?



1           A        Sure.  It was each floor --

2                    It was two-story barracks.

3                    -- had one, I guess you would call it a public  
4 shower.  Approximately ten men take a shower in one shower  
5 room at a time.

6           Q        And how close to the bathroom was your  
7 sleeping quarters?

8           A        They were all about the same.  I -- 30 feet  
9 once you went down the hallway.

10          Q        And how long were the showers that you  
11 typically took?

12          A        As long as possible.  No, that's not a good  
13 answer.

14                    I would say 15 minutes.

15          Q        Okay.  Was there a ventilation system in  
16 the bathroom?

17          A        Yes.

18          Q        What was the ventilation system?

19          A        Typically it would be one fan to pull the  
20 steam out of the shower, but these were old rundown  
21 barracks, and most of the time they didn't work, but that's  
22 just how it was back then.

23          Q        Do --

24                    Did you have a window in the bathroom?

25          A        No.

1 Q And when you went to have your meals in the  
2 chow hall, did you drink water with your meals?

3 A Yes.

4 Q And how much water would you have?

5 A I would --

6 Q Per meal?

7 A Probably two glasses.

8 Q And did you drink anything else during your  
9 meals?

10 A In the mornings I would typically drink  
11 milk, but most of the time water.

12 Q Okay. And how many times a day did you  
13 brush your teeth when you were in your MOS training in the  
14 barracks?

15 A Two times.

16 Q And let's move on to the next line, which  
17 begins September 7, 1972.

18 Is that correct?

19 A Yes.

20 Q And can you explain what you were doing  
21 between, it appears to be only one day from September 7,  
22 1972 to September 8, 1972.

23 A Yeah, I had --

24 That's when I was transferred from MOS training  
25 to an infantry battalion.

1 Q What was your infantry battalion?

2 A 2nd Battalion 6th Marines.

3 Q And what was your job within that  
4 battalion?

5 A My primary MOS was truck driver.

6 Q And how long were you in that --

7 How many of these lines would you say encompass  
8 that particular period of your position within the Marines?

9 A I'm sorry?

10 Q So there are a lot of different entries  
11 here, and I'm wondering whether there's consistency between  
12 them so that we can talk about a longer time period.

13 A Okay. Yes, I was in 2nd Battalion 6th  
14 Marines throughout that whole time frame.

15 Q So does that go through January 31, 1973?

16 A It goes all the way down to 1974 on  
17 January 31.

18 Q I see.

19 Okay. And during that time period, were you  
20 living in the same barracks in Hadnot Point?

21 A No.

22 I was transferred to --

23 When I transferred to 2nd Battalion 6th Marines,  
24 I had to move to their barracks.

25 Q Where was that located?

1           A       It was Hadnot Point, and I don't remember  
2 the barracks number.

3           Q       Okay. Can you recall the layout of the  
4 barracks there?

5           A       Yes.

6                    It was the same as when I was in headquarters  
7 battalion. It was H-shaped barracks, two-story, four open  
8 squad bays.

9           Q       And was there any distinction in the  
10 bathrooms between your barracks previously during MOS  
11 training and this barracks?

12          A       No. They were identical.

13          Q       Was there any change in the amount of water  
14 that you drank during that time?

15          A       Yes, absolutely, because now I'm in an  
16 infantry battalion, and we were training. We were infantry  
17 battalion, so we -- physical fitness increased, our  
18 workloads increased, so consumed a lot more water, more  
19 showers during the time I was with 6th Marines.

20                    I had one month where I had to stay in mess duty,  
21 so I worked in the scullery in the chow -- the --

22                    I washed pots and pans in the chow hall, and that  
23 was for 30 days.

24                    So when you're with the infantry battalion,  
25 you're constantly PT'ing in rain, sleet or snow. We worked

1 all the time, so we were continually consuming water, and  
2 showers increased just for personal hygiene because when you  
3 get that many men in a barracks, personal hygiene is a must  
4 if you want to stay an organized fighting unit.

5 Q Understood. So can you describe then what  
6 a typical day would look like during this time period, aside  
7 from the 30 days that you were working in the chow hall?

8 A Sure.

9 Our days typically started at 5 a.m. I'd get up,  
10 do our showers and then clean our barracks. When we  
11 cleaned, we had to mop the floors. Everything has to be  
12 cleaned.

13 And then we'd go to chow. The chow hall was  
14 there in the battalion area, so we'd go eat chow. After  
15 chow, then we'd form up. Me, I --

16 After chow we would be marched to the industrial  
17 area to work on our vehicles, which were jeeps and trailers.  
18 That's all infantry battalion had. So we worked in -- we  
19 kept our typical Marine Corps stuff. We had to keep our  
20 vehicles spotless, so we were always on the wash rack  
21 washing our vehicles.

22 And then by end of the day it's time to march  
23 back to the barracks, get ready for physical fitness. So  
24 we'd do our 3-mile runs and get back, and that would end our  
25 day, and that would be like 18 -- 6 p.m. at night.

1 Q Understood. And would you say that you  
2 took a 15-minute shower each morning on these types of days?

3 A On the days that we trained and all, we  
4 stayed in the showers as long as possible, and as long as we  
5 had hot water.

6 It's hard to put a time frame, but I would say no  
7 longer than 20 minutes.

8 Q Okay. And during this time would you say  
9 that you would drink a glass or two of water at each meal as  
10 well?

11 A Yes.

12 Q Did you have coffee also?

13 A No. I was not a coffee drinker at that  
14 time.

15 Q Okay. And approximately how many times a  
16 week would you mop the floors in the barracks?

17 A Daily.

18 Q And approximately how much water would you  
19 drink when you were working on the jeeps and other vehicles?

20 A Oh, being down in the motor pool, we had,  
21 what you call, a drinking fountain. So we were constantly  
22 drinking water out of the fountain.

23 We didn't have bottled --

24 Bottled water wasn't around at that time. So  
25 anytime you were thirsty, we would fill up our canteens and

1 just drink out of that. A canteen was a quart. So  
2 typically you'd drink two to three quarts a day in the motor  
3 pool.

4 Q Okay. And then would you drink water while  
5 you were doing physical fitness or other physical training?

6 A Absolutely.

7 Q And about how much water would you drink  
8 during that time?

9 A Depends on what you were doing.

10 I mean, I've drank up to --

11 I have drank up to a gallon.

12 When you're humping --

13 Let me --

14 When you're marching with all your combat gear  
15 and all, you have to replenish your bodily fluids. So I  
16 would -- we would just drink the water as we march. And  
17 we'd go on 30-mile force marches. So we'd have a truck  
18 pulling the water bull behind us, and our corpsmen would  
19 fill up a 5-gallon water bucket and bring it to us.

20 So I would say up to a gallon when we were up on  
21 a 30-mile force march.

22 Q And did you say --

23 Could you describe where those marches you would  
24 travel throughout Camp Lejeune?

25 A Okay. This is 258 --

1 Not on this one.

2 Q I think it's there at the bottom.

3 A It's really hard on these maps.

4 Yes, we would start off at Hadnot Point, and  
5 there's a road that actually goes up by the water line, and  
6 we would go up --

7 It's not to scale.

8 -- and go through the French Creek area and then  
9 come up 258 here by the ammo dump 15 miles out, 15 miles  
10 back in, unless we humped out -- marched out and did field  
11 maneuvers and then marched back.

12 It depends what the battalion commander had laid  
13 out for us.

14 Q And do you know approximately how many  
15 times you did these 30-mile marches during this period  
16 between September 8, 1972 and January 31, 1974?

17 A I'd say four.

18 Q And you referenced that sometimes you would  
19 stay in the field down there.

20 How many times did you do the 15-mile march down  
21 and then stay in the field before returning?

22 A With the infantry outfit, I would say four  
23 with the marches. We marched four times. So the majority  
24 of the time you march out 15 miles bivouac, and then after a  
25 couple days you march back.



1 I was with the infantry battalion, so we'd go to  
2 the field quite regularly for two to three days of bivouac.

3 Q Do you have any recollection during this  
4 time how often you went to the field independent of the  
5 30-mile marches?

6 A No, ma'am, I could never --

7 No.

8 Q Was it less than five?

9 MR. BARR: Object to form. Go ahead.

10 A No. It would be more than five.

11 BY MS. MIRSKY:

12 Q Was it more than ten?

13 MR. BARR: Object to form.

14 A I just --

15 I can't remember simply because I was with --

16 I was with an infantry --

17 This is such a long time ago, I can't give you a  
18 number. I wish I could, but I can't.

19 BY MS. MIRSKY:

20 Q I understand. This isn't a memory test.

21 It's to the best of your recollection. I know this was a  
22 long time ago.

23 And when you would spend time in the field, was  
24 your water consumption and use there similar to your time  
25 during MOS training?

1           A       No.

2                   When we were out in the field, our water  
3 consumption is much higher simply because you're  
4 continuously moving 24 hours. And when you're wearing all  
5 that gear, you have to replenish the fluids that you're  
6 losing.

7                   So any unit out in the field, your water  
8 consumption is always much higher.

9           Q       Would you say that it was analogous to your  
10 water consumption in the field when you were doing MOS  
11 training?

12           A       No, simply because when I was doing MOS  
13 training it was all about learning to be a truck driver,  
14 learning the basics of infantry.

15                   But when you're with an infantry battalion, even  
16 though my MOS was truck driver, every marine is a rifleman,  
17 so therefore whatever the rifle companies would do, we were  
18 used as augmentation. And so we just didn't sit back next  
19 to the trucks. We worked just like the infantry guys did.

20                   So whatever they consumed, I consumed.

21           Q       Okay. And so during this time period with  
22 the infantry when you were in the field, can you approximate  
23 how much water you would drink in a day?

24           A       In a day, no less than a gallon.

25                   How much more, it depends on what the weather

1 conditions are because we went to the field in the winter  
2 and summer. In the summer you consume more.

3 So it's hard to say, but I can tell you I filled  
4 up my canteens I know four times a day, and that's just for  
5 drinking. That's not for brushing the teeth or your  
6 personal hygiene.

7 We got that water directly out of the water bull  
8 and was right there for that.

9 Q When you say "water bull," are you  
10 referring to the water buffalo, just for clarity?

11 A Yes. I'm sorry.

12 Q No, that's okay.

13 So during your time with the infantry when you  
14 were in the field, would you use your helmet for bathing  
15 once a day as well?

16 A Yes, in the morning and in the evening.

17 In the mornings for sure when we start our  
18 activity. And like I said, sometimes we trained 24 hours,  
19 but we always, you know, tried to stay as clean as possible.

20 So, yes, we always used our helmets to wash.

21 Q Would you brush your teeth once a day or  
22 twice a day when you were in the field?

23 A Yes, or more, simply, and we'd use our  
24 canteen cup and canteen to do that to shave and brush your  
25 teeth.

1           Q       Understood. So then looking back at  
2 Exhibit 7, there's the entry on January 31, 1974, but a  
3 couple lines up there's an entry from February 9, 1973  
4 through February 30, I think that should be 1973, and it  
5 says, "Classified Confidential."

6                   Were you on Camp Lejeune during that time period;  
7 can you recall?

8           A       I would be on Camp Lejeune, yes, I would be  
9 there. I was just reading this. I don't know what that is  
10 but, yes, I was at Lejeune in February 1973.

11           Q       Okay. And next to the entry on January 31,  
12 1973, February -- excuse me -- July 31, 1973 and January 31,  
13 1974 under "Reason" it says, "Semi - Ann."

14                   Do you know what that signifies?

15           A       Yes, ma'am.

16           Q       Can you please tell me?

17           A       Yes.

18                   That's semiannual markings for pro and cons, our  
19 proficiency and conduct marks to the right there.

20           Q       Understood. So that doesn't indicate a  
21 change in your responsibilities or activities at that time?

22           A       No.

23           Q       In the entry for July 31, 1973, it says in  
24 the organization box, "FPO New York."

25                   Do you know what that signifies?

1 A Yes, ma'am.

2 Q Can you please tell me?

3 A Yes.

4 We were on a Mediterranean cruise. We were doing  
5 our six-month cruise at that time.

6 Q Can you explain what that means?

7 A Yes.

8 This is all the field training we were talking  
9 about. This is where we take our field training. We go --  
10 Our battalion went aboard ship -- five ships, and we would  
11 do a Mid-Atlantic cruise and go into the Mediterranean, and  
12 we would do training over in Europe.

13 Q And so does that mean that from July 31,  
14 1973 to January 31, 1974 you were overseas?

15 A We came back '74. Where it says  
16 January 31, 1974, we were already back. That date reflects  
17 my proficiency and conduct marks to the right.

18 We went on the cruise in May -- May time frame,  
19 1973, and we arrived back in the States November, December  
20 time frame in 1973, six months.

21 Q Okay. But before and after that you were  
22 stationed at Camp Lejeune?

23 A Yes, ma'am.

24 Q During that time -- time frame, okay.

25 And do you recall specifically where you went

1 during those six months?

2 A Basically, yes.

3 Q Can you please tell me generally?

4 A Yes, Spain, Greece, Turkey, France, Italy,  
5 Israel.

6 Q And did you remain on a ship the entire  
7 time that you were overseas, or would you go on land as  
8 well?

9 A We did not stay aboard ship. No, we did  
10 not stay aboard ship.

11 We did amphibious assault training, and we  
12 trained with the other militaries in those countries.

13 Q And so can you remember what that training  
14 involved?

15 A Yes.

16 Q Could you tell me generally?

17 A Yes.

18 We would offload the ships with all of our gear,  
19 and we would -- we would do amphibious assault on the beach,  
20 and then we would set up bivouac areas, and we would join  
21 up -- if we were in France, we'd join up with the French  
22 troops, and we would do NATO exercises.

23 Q Okay. And during that time did you  
24 encounter any combat?

25 A No.

1 Q And after you returned to Camp Lejeune  
2 after that six-month period, do you recall where you were  
3 living at that point?

4 A We went back to the same barracks.

5 Q In Hadnot Point?

6 A In Hadnot Point.

7 Q Okay. So would that cover the  
8 November 1973 time frame --

9 Can you tell me when the next significant change  
10 was in your time at Camp Lejeune?

11 A It was August 1974 is when I left Camp  
12 Lejeune, and I went overseas to Japan.

13 Q Between November 1973 and August 1974, what  
14 were your general responsibilities?

15 A Same as it was before I went on the cruise.  
16 I was still a motor vehicle operator, truck driver, and I  
17 was still with the 6th Marines.

18 So we still did --

19 Once we came back, we just fell back into the  
20 training routine.

21 Q And was there any difference during that  
22 time like in your daily routine significantly?

23 A No, ma'am.

24 Q And was there any significant change in  
25 your water consumption during that time?

1 A No.

2 Q And do you recall between November 1973 and  
3 August 1974 how many times you went out to the field?

4 A I do not recall.

5 Q Do you know whether it was less than five?

6 A It would be more than five, again because  
7 we were an infantry battalion, but I can't -- I just can't  
8 recall.

9 Q Okay. And were you continuing to mop your  
10 barracks every day during that time?

11 A Oh, yes.

12 Q And cleaning the vehicles every day as  
13 well?

14 A Yes, ma'am.

15 Q Okay. And in August 1974, where did you  
16 deploy to?

17 You said Japan, but where specifically?

18 A Iwakuni.

19 Q And what was the purpose for your  
20 deployment there?

21 A It was a change of duty station. I was  
22 ordered there for 13 months, so I left the infantry  
23 battalion and went to air wing.

24 Q Okay. And can you describe your  
25 responsibilities when you were in Japan?



1 A Yes. I was a truck driver.

2 Q And what were your responsibilities as a  
3 truck driver?

4 A Well, actually I was out of the truck  
5 because I had already been promoted to corporal and  
6 sergeant, so I fell into the supervisory position.

7 So my job was to make sure that the vehicles were  
8 cleaned daily and my -- and the vehicles were -- when they  
9 were dispatched, they were sent out on time, when they were  
10 recovered that there was no problems with them.

11 Q Okay.

12 A All maintenance taken care of, or they'd be  
13 sent to the shop.

14 Q Understood. And you mentioned previously  
15 that you went to Vietnam during this time, although you were  
16 not --

17 Can you explain, was it during this time you had  
18 a mission in or near Vietnam?

19 MR. BARR: Object to form.

20 A No, I was only in during the Vietnam time  
21 frame.

22 BY MS. MIRSKY:

23 Q But you did not have any missions involving  
24 the Vietnam War?

25 A Hmm-mm.

1 Q Okay.

2 MR. BARR: Answer verbally on that.

3 THE WITNESS: Oh, I'm sorry.

4 A No.

5 BY MS. MIRSKY:

6 Q Okay. And then do you recall when you  
7 returned to Camp Lejeune?

8 A Yes. It was November 1975.

9 Q Okay. And that's last entry on this page  
10 that reflects that?

11 A Yes.

12 Q During your time in Japan, were you  
13 involved in any combat at all?

14 A No.

15 Q When you returned to Camp Lejeune, where  
16 did you live at that time?

17 A When I returned to Camp Lejeune, I went  
18 to -- I was stationed with Marine Corps base, and then I had  
19 base housing. I was married. I lived on 628 West Peleliu,  
20 Tarawa Terrace.

21 MS. MIRSKY: Next two exhibits.

22 (Exhibit 11 was marked for identification.)

23 (Exhibit 12 was marked for identification.)

24 MR. BARR: The one with all the writing is 12; is  
25 that right?

1 MS. MIRSKY: I believe so. The housing record  
2 Exhibit 11, yes.

3 BY MS. MIRSKY:

4 Q So on Exhibit 11 at the top, which is the  
5 record with the writing on it, at the top it says "Occupancy  
6 Housing Record," and the first occupant listed, is that your  
7 name?

8 A Yes.

9 Q And it has your rank as sergeant?

10 A Staff sergeant.

11 Q Staff sergeant. Excuse me.

12 And it lists from 10th of December 1975 to the  
13 24th October 1977; is that correct?

14 A Yes.

15 Q And at the bottom of this first card, so  
16 halfway down the page, it says "628 West Peleliu"?

17 A Peleliu.

18 Q Peleliu Drive.

19 Type it says, "Type: 2BR."

20 Does that mean two-bedroom?

21 A Yes.

22 Q And "Location: TT1."

23 Is it your understanding that means Tarawa  
24 Terrace I?

25 A Yes.

1 Q Okay. And then Exhibit 12 is a map of  
2 Tarawa Terrace. And are you able to locate on this map  
3 where your house was?

4 A It would be --

5 The number is so small but, yes, I believe I can  
6 pinpoint it.

7 Q Okay. And can you circle it on the map,  
8 just to the best of your understanding?

9 A I believe that's 628.

10 Q Okay.

11 MR. BARR: For the record, you're circling  
12 Building 628?

13 THE WITNESS: Yes, I think that is. I can't read  
14 it for sure.

15 BY MS. MIRSKY:

16 Q Okay, thank you.

17 You said that you were married at this time.

18 Was this during your marriage to Patricia or to  
19 Simone?

20 A Patricia.

21 Q And so you lived there with Patricia at  
22 that time?

23 A Yes.

24 Q And do you have any children at that time?

25 A Yes.

1 Q How many children did you have?

2 A One.

3 Q Okay. And can you describe the layout of  
4 the house?

5 A Describe the layout, it was --  
6 Yes, two-bedroom duplex, one story.

7 Q Okay. So two units in one duplex?

8 A Yes.

9 Q And how many bathrooms were there?

10 A One.

11 Q And was there a combination shower/bath?

12 A Yes.

13 Q And during this time period, what was your  
14 daily schedule like?

15 A I was permanent personnel at Marine Corps  
16 Base Camp Johnson. So in the mornings I'd get up --  
17 You're asking for my daily routine?

18 Q Yes, please.

19 A I'd get up, take a shower, shave, eat  
20 breakfast, then drive to Montford Point, Camp Johnson, and  
21 then I would go to training there or troop handler.

22 Are you asking for a particular --

23 You're just asking for time frame of this?

24 I was --

25 I was stationed at Camp Johnson for four months.

1 I was there just to --

2 This is when I was changing MOSs from 3531 truck  
3 driver to mechanic. So I worked at the motor pool as a  
4 mechanic just doing basic mechanic items like changing  
5 lightbulbs, tighten mirrors, brake job type issues for the  
6 first four months, and then I started mechanic school.

7 Q Okay. So for those first four months you  
8 would get up and take a shower.

9 How long were your showers approximately during  
10 that time?

11 A 15, 20 minutes.

12 Q And was there ventilation in the bathroom?

13 A I don't recall.

14 Q Was there a window?

15 A I don't recall.

16 Q Okay. And how many times a day would you  
17 brush your teeth during that time?

18 A Minimum, twice.

19 Q And during that four-month time period,  
20 were you doing any physical training or time in the field?

21 A No time in the field.

22 But again, throughout my whole career we PT'd  
23 three times a day -- I mean three times a week, okay,  
24 Monday, Wednesday, Friday. That's throughout my whole  
25 career.

1           So to answer your question, yes, we did physical  
2 training three times a week at schools.

3           Q       Okay. And on the days you didn't have  
4 physical training, do you know approximately how much water  
5 you drank a day?

6           A       I still, because I was a big water drinker,  
7 I would drink at least two quarters to a gallon a day.

8           Q       And on days when you did have physical  
9 training, do you know approximately how much water you drank  
10 those days?

11          A       Minimum of a gallon, but depending on what  
12 time of year, I'd drink as much as I can. I was a big water  
13 drinker.

14          Q       Okay. And when you were working on Camp  
15 Johnson, where would you get drinking water from?

16          A       The water fountain.

17          Q       And was there any other supply of water up  
18 in Camp Johnson?

19          A       No.

20          Q       Did you use water buffaloes during this  
21 four-month period?

22          A       No.

23          Q       You mentioned that --

24               Excuse me.

25               Would you clean vehicles when you were working

1 with cars -- excuse me -- with vehicles during this time  
2 period?

3 A Yes.

4 We had wash racks then. We'd pull the vehicles  
5 up on the wash rack and hose it down with water hoses,  
6 actually fire hoses, and that's how we washed our vehicles.

7 Q And approximately how many times a week  
8 would you do that?

9 A We'd do that daily because there at the  
10 mechanic schools, all mechanics had to get driver's licenses  
11 so they would be out driving in the field on tank trails and  
12 all. So when they brought the vehicles in, we would clean  
13 them and get them ready for the next day.

14 Q And after that four-month period, you said  
15 that you then went to school?

16 A Yes.

17 Q Can you please describe what that course  
18 was?

19 A Yes.

20 It was the automotive --

21 It was the advanced automotive maintenance  
22 course.

23 Q And where was that held?

24 A That was held all over Camp Johnson.

25 Q Okay. So during that time period, were you



1 living in the same house in Tarawa Terrace, but going to  
2 school in Camp Johnson?

3 A Yes.

4 Q And how would you --  
5 How would you get there?

6 A I would drive vehicle.

7 Q A personal vehicle?

8 A Personal, yes.

9 Q And is this --  
10 Is that also true when you were living in Tarawa  
11 Terrace for the prior four months?

12 Would you drive a personal vehicle up to Camp  
13 Johnson?

14 A Yes.

15 Q Okay. And can you describe what your daily  
16 routine was when you were in that course?

17 A Sure.

18 My daily routine, we had -- we'd have classwork.  
19 And when I say "classwork," we would take --

20 It depends where we were at in that course.

21 We would do the paper -- the bookwork, for  
22 example, tearing down an engine and rebuilding it. So we'd  
23 do our classwork, and then we would go into the engine bay,  
24 tear down the engine and see how it worked and all, and then  
25 throughout the course we would put it back together.

1 Q And during this coursework, did you work  
2 with degreasers at all?

3 A No, because these were engines in schools.  
4 They were already clean.

5 So we did not disassemble the engine and then go  
6 put them in degreasers, clean them, just to put them back  
7 together. We just --

8 Our goal was to learn how to take it apart and  
9 how it functioned, put it back together, and make it  
10 function.

11 Q Did you use degreasers during your other  
12 times at Camp Lejeune working as a mechanic?

13 A Actually, I did not.

14 Well, I can't say 100 percent, no, I did not  
15 because occasionally I would help a mechanic, and I would  
16 show him how to do something, but I wasn't that involved in  
17 degreasers or anything like that.

18 Q Do you recall what the names of the  
19 degreasers that were being used at any point when you were  
20 working at Camp Lejeune?

21 A I do not recall because when supply would  
22 bring it, it would come in a 55-gallon drum, and was put out  
23 on a lube rack. So I could never give you the name of it.

24 Everything we dealt with, it wasn't by name. It  
25 was by NSN. So I could never tell you.

1 Q And do you recall how those 55-gallon drums  
2 were stored on the lube rack?

3 A Yes. They would be laid on their side.

4 Q And how would the degreaser be poured out?  
5 Would it be --

6 Strike that.

7 Would the degreaser be poured out in a smaller  
8 container for individual use?

9 A Let me back up on that.

10 On our degreasers, I got that confused with oil.

11 Our degreasers, the base had a contracted company  
12 that would come and take away the degreaser and refill them  
13 because all of our tanks were temporary tanks.

14 So there was a company that came and picked up  
15 the degreaser and put in fresh degreasers.

16 Q So what type of container was the degreaser  
17 stored in?

18 A When they brought it, it would be in a  
19 55-gallon drum, and the degreaser part, the part that  
20 actually worked, set on top of that drum.

21 Q Can you clarify what you mean by that?

22 A 55-gallon drum. 55-gallon barrel.

23 Q What's the part that would sit on top of  
24 it?

25 A There's --

1                   When you use the degreaser to clean the parts,  
2                   it's like a sink, but it would be metal that had a pump that  
3                   would pump the degreaser up inside of that -- the sink, and  
4                   then the degreaser runs back into the drum.

5                   Q           Okay. And did you --

6                               Was your testimony correct that you did not use  
7                   the degreaser frequently --

8                   A           I did not --

9                   Q           -- or were you referring to the oil  
10                  previously?

11                  A           I did not use degreaser frequently.

12                  Q           Can you give an approximation for how often  
13                  you used it?

14                  MR. BARR: Object to form.

15                  A           No, I can't simply because I was a shop  
16                  supervisor and, you know, when the --

17                               The only time I would really be involved or touch  
18                  a degreaser is if a mechanic had a question about a part,  
19                  and the part was sitting in that degreaser.

20                               I couldn't ever give you the answer on that. It  
21                  would be hard to answer that simply because I was the shop  
22                  chief, and then I had a floor chief who would do that for  
23                  me.

24                  BY MS. MIRSKY:

25                  Q           When you encountered degreaser, did you

1 wear gloves or any other protective gear?

2 A Yes.

3 Whenever I did --

4 Whenever we touched it, we wore rubber gloves,  
5 and then we also wore our glasses, safety glasses.

6 Q Okay. And is that true prior to when you  
7 were shop chief when you were in training?

8 A When I was in training --

9 When I was doing my --

10 When we were training, we didn't even have  
11 solvents in the engine base because all we did was tear them  
12 down, put them back together. There would be no need of  
13 having degreasers there. This was a school environment.

14 So prior to me going to the school, I never  
15 actually worked in the shop. I just changed lightbulbs,  
16 wiper blades, preparing me to go to mechanic school.

17 Q Understood. Okay, thank you.

18 So when you were taking these classes, did you  
19 participate in physical training three times a week as well?

20 A As a student, no.

21 Q Okay. And just confirm, do you recall what  
22 the dates of the school -- of the classes were?

23 A No, ma'am, I can't recall the dates.

24 Q Okay. Do you know whether that is  
25 reflected on page 2 of your record?

1 MR. BARR: Exhibit 7?

2 MS. MIRSKY: Yes.

3 BY MS. MIRSKY:

4 Q Is it -- is it in the top line of the  
5 remarks on the page ending in Bates number \_3208, April 4,  
6 1976 extended --

7 Is that extended enlistment for a period of six  
8 months?

9 A Yes. I had to extend for six months.

10 Q But that doesn't reflect the time when you  
11 were taking these courses?

12 A No, ma'am.

13 Q Okay. When you were living in the house in  
14 Tarawa Terrace, did you have any meals in the chow hall?

15 A Yes. I would eat the noon meal in the chow  
16 hall.

17 Q And is that Monday through Friday?

18 A Yes.

19 Q Was that consistent every week?

20 A Every day --

21 Yes, every week when I was in school.

22 Q Okay. And do you recall approximately when  
23 the school ended?

24 A I think it would be August 1977.

25 Q Okay.

1           A       I'm sorry. I can't remember the dates of  
2 schools.

3           Q       That's okay.

4                   And it says in the "Remarks" column underneath  
5 this large box 10/21/77.

6                   Were you transferred to Birmingham, Alabama at  
7 that point?

8           A       Yes.

9           Q       So from the time period of when you  
10 returned from Japan to October 21, 1977, were you living in  
11 the house in Tarawa Terrace that whole time?

12          A       Yes.

13          Q       And --

14          A       -- we moved in.

15                   Yes, we moved in in December '75, and whenever I  
16 detached, yeah, October 1977.

17          Q       '77.

18                   And when you completed school, did you then  
19 change jobs?

20          A       When I completed school, yes, I picked up a  
21 different MOS, which still stayed motor transport  
22 maintenance, but I was a 3529 motor transport maintenance  
23 chief.

24                   So I went from truck driver to 3522 mechanic to  
25 go to school. Then I picked up staff sergeant school and

1 became a 3529.

2 Q And what was your daily routine like once  
3 you became the mechanic chief?

4 A In Birmingham, Alabama I was I&I staff,  
5 which was inspector instructor, so my daily routine changes  
6 all the --

7 I dealt strictly -- strictly with the Marine  
8 Corps Reserve, and they only drill two days out of the  
9 month. So two days out of the month I would actually work  
10 in the motor pool to teach their drivers how to drive and  
11 teach mechanics -- they would actually do the work to get  
12 their equipment ready for the next following month. It was  
13 an artillery battery.

14 So in between those other days I wasn't in motor  
15 pool, I was doing military funerals and military parades. I  
16 was in Birmingham, Alabama representing the Marine Corps.

17 Q Understood. When did you return --

18 Where did you go after you completed your time in  
19 Alabama?

20 A I returned back to Camp Johnson, and I  
21 again became permanent personnel at the Marine Corps base,  
22 and I was filling in the billet of a 9916, which was troop  
23 handler.

24 So I was -- for that two years that I was there  
25 at Johnson, I strictly dealt with troops. I wasn't involved



1 in no motor transport activity whatsoever.

2 Q Do you recall when you returned to Camp  
3 Lejeune after leaving Alabama?

4 A I'd like to say, ma'am, I don't know the  
5 exact date.

6 So I think it was July of '80 -- 1980.

7 Q And where did you live when you returned to  
8 Camp Lejeune after being in Alabama?

9 A I lived in town. At first I lived in  
10 Jacksonville, North Carolina.

11 I had applied for base housing, so we lived  
12 temporarily out in town during that time frame. Then I got  
13 base housing in New River Air Station. That was only for  
14 four months, and I got a divorce.

15 So we only stayed in base housing there four  
16 months, then I moved back out into Jacksonville, North  
17 Carolina.

18 Q So when you were living in Jacksonville,  
19 North Carolina the first time, what was your daily routine  
20 like at that point?

21 A On base or living out in town?

22 Q Both.

23 A Okay. Living on --

24 Excuse me.

25 Q That's okay. We've been going for over an

1 hour.

2 Do you want to take a break?

3 A Yes, please.

4 MS. MIRSKY: Okay, that's fine.

5 VIDEOGRAPHER: We're going off the record. The  
6 time is 11:19 a.m.

7 (Recess was taken.)

8 VIDEOGRAPHER: This is the start of media  
9 number 3. We're now back on the record. The time is  
10 11:34 a.m.

11 BY MS. MIRSKY:

12 Q Just a couple of things from our last bit  
13 of conversation.

14 When you were in Alabama, is it correct that you  
15 traveled to the field with motor pools occasionally?

16 A Yes, ma'am.

17 Q And was there artillery involved in those  
18 exercises?

19 A Yes.

20 Q And approximately how many times did those  
21 exercises take place?

22 A Once a year.

23 Q So did you participate in one of those  
24 activities?

25 A Yes.

1 Q Yes, okay.

2 And can you describe what the drills involved?

3 A The drills were monthly. They were two  
4 days, which would be a Saturday and Sunday, and when the --

5 It was an artillery battery. We had two of them.

6 The artillery guys would work on the guns. They  
7 would clean the guns. My job was to teach the mechanics --  
8 it was to teach the truck drivers how to do convoys, be  
9 safe. And at the same time I had a shop chief that worked  
10 for me. He'd make sure that the reserve were performing  
11 the maintenance on their trucks, and I would go in as the  
12 maintenance chief, make sure all the paperworks were correct  
13 as far as work orders, parts ordered.

14 Q Okay. So as part of these exercises, were  
15 you near -- was there any firing of the artillery during  
16 these exercises?

17 A No, ma'am, I was not --

18 Oh, there was firing of the guns, but I was not  
19 involved.

20 Q Okay. So you were not near where that  
21 activity was taking place?

22 A I was in the area, but my only concern was  
23 making sure that the motor pool personnel, everything they  
24 were doing was safe because they only do this twice a month,  
25 so my attention was on safety with the motor pool.

1 Q Switching gears, when you were living in  
2 the housing in Tarawa Terrace, I note you mentioned that you  
3 would have the noon meals in the chow hall.

4 Were your other meals at home primarily?

5 A Oh, yes.

6 Q And who would cook those meals?

7 A My wife.

8 Q Okay.

9 A Ex-wife.

10 Q Okay, understood.

11 And did you assist with the preparation of those  
12 meals?

13 A No.

14 Q Did you clean up afterwards?

15 A No.

16 Q Was there a dishwasher?

17 A No.

18 Q So all of the dishes were hand washed?

19 A Yes.

20 Q And I know that you mentioned a couple of  
21 years prior you did, I believe you said a 30-day stint in  
22 the chow hall?

23 A Yes.

24 Q Can you describe what your work was at that  
25 time?

1           A       In the chow hall?

2           Q       Yes, please.

3           A       Well, every marine had to do 30 days in the  
4 chow hall when they first come in. My job was to scrub the  
5 pots and pans and to make sure the area was clean in the  
6 back, which included mopping, sweeping, but I mainly washed  
7 the pots and pans.

8           Q       And how many times a day would you wash the  
9 pots and pans?

10          A       It was continuous because it takes a lot to  
11 feed 1,600 guys. So when they finished breakfast, the cooks  
12 start cooking. So as they messed up the pots, I had to  
13 clean them.

14          Q       Understood. And how many times a day would  
15 you mop the chow hall?

16          A       I'd only keep the area that I was working  
17 in clean and mopped, make sure that the floor is always dry.

18          Q       Okay. Okay, understood.

19                 So right before the break we were talking about  
20 when you were living in Greensboro and coming on base during  
21 the day; correct?

22                 MR. BARR: Jacksonville I think you mean.

23                 BY MS. MIRSKY:

24           Q       Sorry, yes. Thank you.

25                 Is that correct?

1 A Yes.

2 Q And can you describe at that time what your  
3 daily routine was like?

4 A On base or when I lived --  
5 Do you want me to describe what my routine was  
6 when I was living out in town or on base?

7 Q Let's start when you were living out on  
8 town, just what was your daily schedule like?

9 A Well, I went to work as a -- at Camp  
10 Johnson at that time, I was a 9916, which was troop handler,  
11 so I basically worked seven days a week at Camp Johnson.

12 I'd get home in the evenings and take my shower  
13 and eat and get ready for the next morning, then I'd get up  
14 the next morning. It was like being a drill instructor,  
15 actually. I'd get up the next morning at 0500. At 5 a.m.  
16 I'm waking everyone up and getting them ready to go to  
17 school.

18 Q And so would you do all of your showering  
19 at that time at your off-base house?

20 A No. I would do showers in the morning to  
21 go to work --

22 Well, it depends on what time of year because of  
23 PT. So if I was PT'ing in the morning, I would PT -- I  
24 would take my shower after PT in the morning on base, and  
25 then I would shower at night when I got home.

1           If it was in the wintertime, we'd PT in the  
2           afternoon, and so I would shower at home in the morning,  
3           then I would shower on base afterwards.

4           Q       So during that four-month period, you would  
5           shower on base approximately once a day?

6           A       Yes.

7           Q       And that was seven days a week?

8           A       Yes.

9           Q       And what showers would you use during that  
10          time on base?

11          A       In the barracks.

12          Q       In the barracks?

13          A       In the barracks.

14          Q       And what was the setup of the shower in the  
15          barracks?

16          A       The barracks there were older than the ones  
17          at Lejeune, and they were just a cinderblock building with  
18          two open squad bays, had two classes per building with the  
19          bathroom showers in the middle, one-story.

20          Q       And approximately how many showers were  
21          there?

22          A       Six per barracks -- per the whole building.

23          Q       Okay.

24          A       So we had two classes, which was  
25          basically --

1                   It was enough for 60 guys. 60 guys would share  
2 the shower.

3                   Q       And approximately how long were the showers  
4 that you were taking at Camp Johnson at that point?

5                   A       10 to 15 minutes.

6                   Q       Was there ventilation in the --

7                   A       No.

8                   Q       Was there a window; do you recall?

9                   A       No.

10                  Q       Okay. After that four-month period, you  
11 moved back on base; is that correct?

12                  A       Yes, New River Air Station.

13                  Q       And can you recall where the --  
14 Was that an individual house?

15                  A       It was an individual house.

16                  Q       Can you recall what the layout of that  
17 house was?

18                  A       I cannot.

19                  Q       Do you know how many bedrooms there were?

20                  A       It had three bedrooms. Of course I had  
21 three daughters at that time, so it was a three-bedroom, one  
22 bath, kitchen, living room.

23                  Q       What was the bathroom like in that house?

24                  A       Just a shower and tub, toilet and sink.

25                  Q       And during that time would you -- were you



1 still going up to Camp Johnson every day to do the same kind  
2 of troop training?

3 A Yes.

4 Q And seven days a week?

5 A Yes.

6 Q And would you take a shower at your home  
7 then before going to Camp Johnson or at night?

8 A It would be the same routine as if I was  
9 actually living in Jacksonville. So nothing changed, just  
10 the location. But I didn't work seven days a week for three  
11 years solid. So basically I did work seven days a week --  
12 it's hard to explain -- but I didn't do that for three  
13 continuous years. Sometimes I'd work seven, seven, then  
14 six. It's just I need to make that clear, if that's okay.

15 I'm sorry.

16 Q I understand, yeah. No, that's okay.

17 It wasn't a consistent schedule necessarily is  
18 what you're saying?

19 A Right.

20 Q And do you recall the address of where you  
21 were living on base at that point?

22 A I do not. It was only -- actually lived  
23 there such a short amount of time because that's where I got  
24 my divorce and all. So after a month or two there, she went  
25 and did her thing, and I just moved back to Jacksonville.

1 So I didn't stay in that house long.

2 Q Okay, understood. While you were in that  
3 house, would you eat your morning and evening meals there?

4 A I basically just ate one meal.

5 It depends on what my schedule was as far as  
6 being a troop handler.

7 So it would be hard to tell you I ate every  
8 breakfast there or something because with my being a troop  
9 handler, my job was the troops.

10 Q And would you eat your midday meal on Camp  
11 Johnson?

12 A I would, yes.

13 Q Okay. And when you were in this position,  
14 about how much water did you drink a day?

15 A Drank --

16 Again, water was there in water fountains, but we  
17 drank our canteens because the water fountain would be in  
18 different buildings.

19 So I'd drink two to three canteens per day, so  
20 that would be three quarts.

21 Q And when you moved back to Jacksonville,  
22 would you -- was it a similar routine to what you had  
23 previously on Camp Johnson?

24 A Yes, ma'am.

25 Q Okay. And after your divorce when you ate

1 meals off base, would you prepare them yourself, or would  
2 you go to a restaurant?

3 A During my divorce and all just it was  
4 easier to eat all three meals on base. So I'd eat at the  
5 chow hall on Camp Johnson.

6 Q So approximately how long of a time period  
7 was that?

8 A I think two years.

9 Q Okay.

10 A One and a half year.

11 Q Right, after you moved back to  
12 Jacksonville?

13 A Yes.

14 Q Okay, understood. And was this time at  
15 Camp Lejeune continuous until you went to Greensboro, North  
16 Carolina?

17 A Yes, ma'am.

18 Q And do you recall when you left for  
19 Greensboro, North Carolina approximately?

20 A I was transferred in August, 1982.

21 Q Why were you transferred?

22 A Again, I was transferred to the I&I staff  
23 in Greensboro, which was a communication battalion, and I  
24 was there to train the Reserves and also do same as  
25 Birmingham, funeral details, parades, you know, the Marines

1 visibility out in the community.

2 Q And what was your general schedule like  
3 when you were --

4 A Schedule was from six to five in the  
5 evening because we didn't have a base. It was just Reserves  
6 center. I would work two days a month with the Reserves on  
7 the operations of a motor transport, and then the other 28  
8 days, 29 days we'd be doing funeral details and all.

9 Q And when did you --  
10 Where did you go after you were in Greensboro?

11 A I was sent back to Iwakuni, Japan.

12 Q And when was that?

13 A That was July 31, 1985.

14 Q Okay. And what was the reason for that  
15 transfer?

16 A Go to the Marine Corps. That was my --  
17 My time was up. So basically every two years, as  
18 you see, I was transferred overseas. So it was time for me  
19 to go back overseas.

20 Q What were your responsibilities when you  
21 were in Japan?

22 A I was motor transport maintenance chief  
23 and, being a squadron, oversaw all of the repairs of the  
24 ground support equipment.

25 Q Okay. So it was similar to your -- some of

1 your responsibilities on Camp --

2 A Yes, but I had --

3 Actually, I was more of administrative at that  
4 point so I had all shop chiefs --

5 I had maintenance chiefs working underneath me.  
6 I was the senior maintenance chief, so I was overseeing the  
7 repairs of motor transport engineer, all of the ground  
8 support, equipment that supported 1st Marine Air Wing in  
9 Iwakuni.

10 Q Okay, understood. And were you in Japan  
11 until August 28, 1986?

12 A Yes, August 28, 1986.

13 Q And where did you go at that point?

14 A I went to --

15 I checked in at 2nd FSSG at Camp Lejeune, North  
16 Carolina.

17 Q What is the "FSSG"?

18 A Forced Service Support Group.

19 Q What does that mean?

20 A We support all of the 2nd Marine Division  
21 at Camp Lejeune.

22 Q What kind of support?

23 A We would supply everything from vehicles.  
24 We would --

25 This particular unit was 8th Comm, Communication.

1 So whenever the division deployed, 8th Comm would be the  
2 main source of communication to communicate from where the  
3 division was back to real world like Camp Lejeune, Camp  
4 Pendleton or Headquarters Marine Corps.

5 Q What were your specific responsibilities  
6 during that time?

7 A My job was the -- again, I was the --  
8 This title never changes throughout the rest of  
9 my career. I was motor transport maintenance chief, and so  
10 I was again administrative, and I had maintenance chiefs of  
11 lower rank running the shops and the motor pools.

12 Q Okay. And where did you live during this  
13 time?

14 A I lived in Jacksonville.

15 Q Okay. So not on base?

16 A Not on base.

17 Q So after you left for Japan the last  
18 time --

19 No, excuse me.

20 After you left for Greensboro, did you live on  
21 base again after that point?

22 A In Japan?

23 Q Sorry. After you left Camp Lejeune to go  
24 to Japan in 1982, did you live on base at Camp Lejeune again  
25 after that time?

1 A I lived in town.

2 Q You lived in town?

3 A I lived in Jacksonville.

4 Q So you didn't live on base at Camp Lejeune  
5 after 1982?

6 A That's correct.

7 Q Okay. And at that point in 1986 when you  
8 returned to Camp Lejeune, can you describe generally what  
9 your daily routine was?

10 A Yes. Being with 8th Comm Battalion, we  
11 trained a lot out in the field for.

12 Communication. Excuse me. Sorry.

13 Q That's okay.

14 A Being a communication battalion, we stayed  
15 in the field quite a bit because we always had to have the  
16 radios going and people learning how to do communications.

17 So our daily routine was mainly field duty. We  
18 showered, ate. It was just like living in a barracks, but  
19 we were out in the field.

20 Q And can you recall where those field  
21 locations were?

22 A 8th Comm Battalion was mainly at TLC  
23 Bluebird.

24 THE WITNESS: I can't --

25 MR. BARR: We need to break.

1 VIDEOPHOTOGRAPHER: Going off the record. The time is  
2 11:52 a.m.

3 (Recess was taken.)

4 VIDEOPHOTOGRAPHER: This is the start of media  
5 number 4. We're now back on the record. The time is  
6 12:59 p.m.

7 BY MS. MIRSKY:

8 Q Mr. McElhiney, good afternoon. So when we  
9 left off, we were discussing the remainder of your time at  
10 Camp Lejeune after you returned from Japan in 1986.

11 And is it correct that from that point forward  
12 you did not live on base at any other point at Camp Lejeune?

13 MR. BARR: Object to form.

14 A Yes, that's correct.

15 BY MS. MIRSKY:

16 Q Okay. And were your responsibilities at  
17 Camp Lejeune when you were in the FSSG similar to --

18 Sorry. Let me start that over again.

19 You described your somewhat administrative duties  
20 in the FSSG prior to the break.

21 Were your responsibilities within the FSSG  
22 similar for the duration of your time at Camp Lejeune?

23 A Yes.

24 Q Okay. And were you -- were you at Camp  
25 Lejeune for the remainder of your time in the Marines after



1 1986?

2 A Yes.

3 Q I just have a question on the top of the  
4 number -- the page with the number at the bottom ending in  
5 \_3211. It references "S Fran."

6 Does that stand for San Francisco; do you know?

7 A Yes. I did go on a small deployment.

8 Well, actually it was four -- three-month  
9 deployment of CSSD-29 in 1994.

10 Q Other than that, do you have any  
11 recollection of leaving Camp Lejeune?

12 A No, I never left after that.

13 Q Okay. While you were at Camp Lejeune, did  
14 you have any hobbies that you participated in on a regular  
15 basis?

16 A Yes.

17 Q What were those?

18 A Scuba diving.

19 Q And where would you practice scuba diving?

20 A In the Atlantic Ocean, Morehead City or off  
21 of Onslow Beach.

22 Q And how often would you go scuba diving?

23 A Twice monthly.

24 Q Any other hobbies?

25 A No.

1 Q Would you participate in any athletic  
2 events?

3 A Yes.

4 Q What sort?

5 A We'd play team softball, that's mainly it,  
6 or go bowling.

7 Q Okay. Did you work in any gardens while  
8 you were at Camp Lejeune?

9 A No.

10 Q And have you had any contact with the media  
11 about any alleged exposure to contaminated water at Camp  
12 Lejeune?

13 A No.

14 Q Have you been contacted by the media on  
15 this topic?

16 A No.

17 Q Have you had any contact with anyone else  
18 aside from your attorneys regarding the alleged exposure  
19 that we've been discussing?

20 A Yes.

21 Q Who would that be?

22 A My sister, Donna, and my daughter, Kerry.

23 Q And I'm sorry, just one second. Would you  
24 mind handing me that pen?

25 A I'm sorry.

1 Q And how was the discussion with Donna  
2 initiated?

3 A Oh, it was just a general conversation  
4 because we were just talking about -- actually, we were  
5 talking about the postcards that we were getting in the mail  
6 about the contaminated water that was sent by the government  
7 to us. And whenever I had that conversation, I just told  
8 her I wasn't interested, and we just threw the card away.

9 But as far as what's going on right now, no one.

10 Q Okay. And when did you receive those  
11 postcards?

12 A 2000 is -- 2001. I'm sorry.

13 Q And what about with your daughter, Kerry?

14 A It was the same issue. She had asked me  
15 about the contaminated water. She was part of the divorce  
16 breakup thing, and she was with her mom, and I hadn't seen  
17 her. We went 30-something years never seeing each other.  
18 So while we were talking, she brought up the conversation.  
19 She brought up Camp Lejeune water. And since we were just  
20 meeting each other again, she was wanting to know if there  
21 was any issues from the Camp Lejeune water and all.

22 And at that time, this was in the 2010 time  
23 frame, there really wasn't no issues at that time. So  
24 really I haven't talked to anyone about it since that time.

25 Q Okay. And are the postcards that you

1 referenced getting around 2001 the first time that you were  
2 made aware of any potential water issues related to Camp  
3 Lejeune?

4 A Yes, ma'am.

5 Q Do you believe that you have any other  
6 documents in your control related to your exposure to water  
7 at Camp Lejeune?

8 A I don't believe I have any.

9 Q Do you have any other facts that we haven't  
10 discussed here today that you believe relate to your  
11 exposure to water at Camp Lejeune?

12 MR. BARR: Object to form.

13 A No.

14 BY MS. MIRSKY:

15 Q And who do you believe would be a person  
16 that would be knowledgeable about your time at Camp Lejeune?

17 MR. BARR: Object to form.

18 A I really don't understand the question.

19 BY MS. MIRSKY:

20 Q Is there anyone that you --

21 Strike that. Let me start again.

22 Are there any persons that you could identify who  
23 would be knowledgeable about the time that you spent at Camp  
24 Lejeune?

25 A I do have a friend that's a master sergeant

1 that lives in Pennsylvania. We served basically the same  
2 time. We were a mirror image in where we went. We just had  
3 different MOSSs.

4 Q And what is his name?

5 A Tom Wren.

6 Q Can you spell his last name, please?

7 A W-r-e-n.

8 Q And have you been in contact with Sergeant  
9 Wren regarding the alleged contamination at Camp Lejeune?

10 A Yes.

11 Q And what have those contacts entailed?

12 A Well, we talked about because mine and his  
13 careers were a mirror image. We put in the same amount of  
14 time in the Marines Corps. He has -- he's had his leg  
15 amputated and stuff. We've talked because we both were  
16 going to retire at Lejeune, and we talked about -- we  
17 listened to the news. We hate the commercials. We think  
18 it's insulting. We talked about the water and what kind of  
19 effects, you know, that it's having on people.

20 Q And do you know whether Sergeant Wren has  
21 filed a claim related to water?

22 A I don't want to talk about Tom Wren unless  
23 I have to.

24 MR. BARR: You can answer yes or no.

25 A Yes.

1 BY MS. MIRSKY:

2 Q Okay. And do you have any knowledge  
3 regarding his claim?

4 MR. BARR: Object to form.

5 A No.

6 MR. BARR: If you know.

7 A No.

8 BY MS. MIRSKY:

9 Q No, okay.

10 Do you know whether he's filed a lawsuit  
11 regarding the water at Camp Lejeune?

12 A No, I don't.

13 Q Okay. And during your time with the  
14 Marines, were you involved in any combat?

15 A In 1994, but that was our last deployment  
16 with Haiti. We were there on the removal of Cedras in  
17 Haiti. That was the only time.

18 Q And can you describe generally what  
19 happened during that time?

20 A Yes. We were sent to Haiti to remove  
21 Cedras from office if he didn't leave, and at the last  
22 second he decided to leave. So being in the Marines at Camp  
23 Haitia -- Camp Haitia, Haiti, we got into a few skirmishes.  
24 The infantry battalion that I supported got into the  
25 skirmishes.

1 Q And were there any explosions that you  
2 encountered?

3 A I did not because I was the maintenance  
4 chief of the whole CSSD-29, so I was behind the line.

5 Q Understood. If you could turn to Exhibit  
6 8. I'll help you find it if you need. Yes, that whole  
7 stapled.

8 A Okay.

9 Q Yes. As you said, the first page, is it  
10 correct that this is your DD214?

11 A Yes.

12 Q Can you explain what that is, please?

13 A This is my certificate for release from  
14 active duty.

15 MS. MIRSKY: And I'm going to enter into  
16 evidence -- this is Exhibit 13.

17 (Exhibit 13 was marked for identification.)

18 BY MS. MIRSKY:

19 Q I apologize this is printed without Bates  
20 numbers, but this is from the production that we made on  
21 February 29.

22 Can you confirm that this is -- that this is a  
23 copy of your DD214 as well?

24 A Yes.

25 Q Okay. Back on Exhibit 8 on the second page

1 and on the third page there's writing in the margin and what  
2 appears to be a photocopy of a Post It note over part of it.

3 Do you recognize this handwriting?

4 A Yes, ma'am.

5 Q Whose handwriting is this?

6 A It's mine.

7 Q And do you recall why you made these  
8 notations?

9 A Yes.

10 Q Can you tell me, please?

11 A Yes. As Gerry and I were talking --

12 MR. BARR: Don't go into conversations you've had  
13 with counsel. Just be careful. You can answer the  
14 question, but don't go into conversations you've had  
15 with counsel.

16 THE WITNESS: Gotcha, understand.

17 A Would you mind asking the question again?

18 BY MS. MIRSKY:

19 Q Sure. Do you recall why you made these  
20 notations?

21 A Yes.

22 Q And can you tell me why?

23 A Yes. I broke it down by the time frames  
24 that I was at Camp Lejeune.

25 Q Okay. And on the next page ending in \_790,



1 there's a notation -- there's also a notation. I believe it  
2 says "Camp Johnson" at the top and "French Creek" at the  
3 bottom.

4 What do these represent?

5 What do these words represent?

6 A These were, I wrote down when -- the area  
7 that these units were in.

8 Q So this doesn't reflect where you lived,  
9 does it?

10 A No.

11 Q It reflects where you were working  
12 primarily?

13 A Yes.

14 Q Okay. And so does this indicate that  
15 during the time when you were with the FSSG, you were  
16 working primarily in French Creek?

17 A Yes.

18 Q And to confirm, that was the time when you  
19 were mostly employed with administrative responsibilities at  
20 that point?

21 A Yes. And also at that time frame I worked  
22 as well with the commanding general's office, which was on  
23 Hadnot Point, so I was back and forth.

24 Q How would you get from one location to the  
25 other?

1           A       I would drive my vehicle.

2           MS. MIRSKY:   Okay, understood.   Thank you.   You  
3           can put those records to the side for now.

4                   (Exhibit 14 was marked for identification.)

5   BY MS. MIRSKY:

6           Q       Exhibit 14, Mr. McElhiney, do you recognize  
7           this document?

8           A       Yes.

9           Q       And can you please describe what it is?

10          A       This is the document that I submitted for  
11          requesting Social Security disability.

12          Q       Can you please turn to the page where the  
13          number at the bottom is \_3860?

14          A       Yes.

15          Q       Okay.   So your end date of service with the  
16          Marines was September 30, 1995; is that correct?

17          A       That's correct.

18          Q       Do the jobs listed in section 2 on this  
19          page accurately reflect your job history following that  
20          time?

21          A       Yes.

22          Q       Do you recall what your job was between  
23          September 1995 and September 1997?

24          A       1995 to 1997 is when I worked in Alabama.

25          Q       Okay.

1 A Smiths, Alabama.

2 Q What were you doing in Smiths?

3 A I was maintenance supervisor for a plastic  
4 injection company, which made 5-gallon buckets.

5 Q And what were your responsibilities at that  
6 job?

7 A My job was to make sure that the  
8 maintenance crews had the molds for the machines ready, and  
9 they changed the molds, and I was just over the maintenance  
10 of the whole building.

11 Q Okay. And do you recall what your salary  
12 was in that job?

13 A \$36,000.

14 Q Per year?

15 A Per year, yes.

16 Q Okay. And you then went to work at the  
17 Belle Meade Plantation; is that correct?

18 A That's correct.

19 Q Where is that located?

20 A Here in Nashville.

21 Q And you worked there from September 1997 to  
22 April 2000; is that correct?

23 A That's correct.

24 Q If you look at the next page, it lists as  
25 the description for the job, "I was responsible for upkeep

1 of the museum and scheduling employees to give tours. I was  
2 also responsible for managing gift shop money and daily bank  
3 deposits."

4 Is that correct?

5 A Yes.

6 Q And it states that you worked ten hours per  
7 day and five days per week; is that correct?

8 A Yes.

9 Q And is it correct that your salary then was  
10 \$1,100 every other week?

11 A Yes.

12 Q Okay. On the next page it states that you  
13 were self-employed, and for the description of the job, "I  
14 was a home remodeler and handyman, basic home repair,  
15 replaced rotted wood, paint, cleaned gutters, installed  
16 appliances for Lowe's."

17 Is that correct?

18 A Yes.

19 Q Is that a correct description of your work  
20 at that time?

21 A Yes.

22 Q And is that the time when you had your  
23 general contractor's license?

24 A Yes.

25 Q And is it correct that your average rate of

1 pay was \$500 per week --

2 A Yes.

3 Q -- at that point?

4 Sorry. To go back to your job in Smiths,  
5 Alabama, why did you leave that job?

6 A I had -- when I took the job, I was just  
7 retiring. The agreement of going to work with this company  
8 was, I wanted to live in Tennessee. And so the company  
9 said, hey, if you go to the Alabama plant first, if you will  
10 work there a year or two, we can find a maintenance  
11 supervisor, then we'll transfer you to Tennessee.

12 And on the tenth month I asked them if I was  
13 transferring, and they told me no, and I told them bye.

14 Q Okay. So you worked there for ten months?

15 A Mm-hmm.

16 Q So then that would have been from  
17 September 1995 to July 1996?

18 A Yes.

19 Q And so where did you work between then and  
20 when you started at the Belle Meade Plantation?

21 A I had a part-time job there in Fairview.  
22 There was just no work, so I had a part-time job in Fairview  
23 at the -- it was an electrical company where they did  
24 electrical windings, and I worked there at night part time  
25 until I could find a job.

1 Q And what were your responsibilities at that  
2 job?

3 A Just winding machines, make sure the  
4 machines ran.

5 Q Okay. And why did you leave your job at  
6 the Belle Meade Plantation?

7 A Belle Meade Plantation, it was -- it got  
8 boring. I liked it there, but it wasn't what I really  
9 wanted to do in life.

10 Q Understood. And so you were self-employed  
11 as a general contractor from April 2000 to October 2010.

12 Why did you stop being a general contractor at  
13 that time?

14 A The economy crashed, and there was no more  
15 building. People were not buying material from Lowe's, so  
16 it was pretty much self-inflicted from the country. The  
17 economy crashed, so there was no more work in the  
18 contracting business.

19 Q Understood. In this application you write  
20 that you worked with paint.

21 What was the extent of your paint work in this  
22 job?

23 A If I installed like a window and I took the  
24 trim down and I put that piece of trim up, I would just do  
25 touchup paint.

1 Q So was it anything beyond touchup paint?

2 A No. No.

3 Q And then on the next page for your work as  
4 a truck driver you wrote for the description, "I was an  
5 over-the-road truck driver and trainer. I trained future  
6 drivers."

7 Is that description correct?

8 A It is correct.

9 Q So were you simultaneously driving trucks  
10 and training other drivers?

11 A Yes.

12 Q And what would you say was the split  
13 between the two?

14 A The difference was, the company would get  
15 new drivers from driving school, and I would get the driver  
16 that had hardly no experience, and I would teach them how to  
17 drive trucks and be safe.

18 So starting off I did most of the driving, but  
19 after the first week, because normally it takes six weeks,  
20 the next five weeks they primarily would do all their  
21 driving, and then my job is to make sure everything was safe  
22 and then make sure all the logbooks, everything was in  
23 Federal Government regulations.

24 Q And was this for HO Wolding?

25 A It was.

1 Q Okay. And how far a distance would you  
2 typically drive either by yourself or with the person you  
3 were training?

4 A I was cross-country. So as far as mileage  
5 goes, I would pick up in Wisconsin, drive to California and  
6 then go to New York. I just drove all over.

7 Q Okay. And according to this application,  
8 you stopped in this job in January 2016; is that correct?

9 A Yes, ma'am, that's correct.

10 Q And is it correct that you received \$750  
11 per week in this job?

12 A Yes.

13 Q And in any of these jobs, did you receive  
14 health insurance?

15 A No.

16 Q Did you receive a pension?

17 A No.

18 Q Did you have a 401K?

19 A No.

20 Q Why did you stop working in 2016?

21 A I was truck driving, and it just got too  
22 painful for me to drive a truck. I liked the job, but  
23 coming toward the end in 2014/2015 time frame, it was just  
24 getting -- I was getting to the point that every bone --  
25 every joint in my body was hurting, the neuropathy in my



1 hands and my feet, and I just could not stand the jarring of  
2 the truck no longer, and it was just I felt like it was  
3 making my situation worse as far as health-wise.

4 Q And have you worked at all since  
5 January 2016?

6 A No.

7 Q If you go to the third page of this exhibit  
8 ending \_3850, section B, information about your illnesses,  
9 injuries or conditions, this is your handwriting; is that  
10 correct?

11 A Yes.

12 Q So you've listed "Paralysis of cranial  
13 nerve on right side of face, which caused severe pain and  
14 headaches."

15 Is that correct?

16 A Yes.

17 Q "Paralysis of sciatic nerve in the lower  
18 extremities, both left and right side. Cannot sit, bend or  
19 prolonged standing."

20 Is that correct?

21 A Yes.

22 Q Oh, I'm sorry. "Prolonged standing for any  
23 length of time less than 15 minutes."

24 Apologies.

25 Is that correct?

1 A Yes.

2 Q Number 3, is that "Intervertebral disk  
3 syndrome"?

4 A Yes.

5 Q And number 4, "Adjustment disorder with  
6 anxiety and depressed mood caused by constant pain from all  
7 of the above."

8 Is that correct?

9 A Yes.

10 Q And do those representations accurately  
11 reflect the reasons why you stopped working in 2016?

12 MR. BARR: Object to form.

13 A Yes.

14 BY MS. MIRSKY:

15 Q If you go to the page ending \_3866 on the  
16 bottom, \_3866, it states, "List all the physical or mental  
17 conditions, including emotional or learning problems, that  
18 limit your ability to work. If you have cancer, please  
19 include the stage and type. List each condition  
20 separately."

21 And you have listed, "Paralysis of fifth cranial  
22 nerve, eczema, knee condition, tinnitus, paralysis of  
23 sciatic nerve right side, paralysis of sciatic nerve left  
24 side and intervertebral disk syndrome."

25 Is that correct?

1 A Yes.

2 Q So do you believe that is an accurate  
3 representation in 2016 as to why you stopped working?

4 A Yes.

5 MR. BARR: Object to form.

6 BY MS. MIRSKY:

7 Q Before these conditions arose, at what age  
8 were you planning to retire from the workforce altogether?

9 A I did not have an end date on when I was  
10 going to retire. I was just going to work until it was no  
11 longer fun, but I've had no end date.

12 Q Okay. And before these conditions were you  
13 planning to work part time or full time before fully  
14 retiring?

15 A I'm sorry. I don't understand.

16 Q Did you anticipate working full time up  
17 until the time of your retirement?

18 A Yes.

19 Q Okay. And what are your sources of income  
20 currently?

21 A My military retirement, VA disability and  
22 Social Security.

23 (Exhibit 15 was marked for identification.)

24 BY MS. MIRSKY:

25 Q Do you recognize this document, Mr.

1 McElhiney?

2 A Yes.

3 Q Can you tell me what it is?

4 A Yes. This is my ratings from the VA from  
5 1995 to present.

6 Q Okay. And there is a chart on the first  
7 page that lists your combined rating evaluations starting  
8 with 1995 and going through May 2020.

9 Do these accurately reflect your understanding of  
10 your rating evaluations through the VA?

11 A Yes.

12 Q Okay. And beginning on the next page,  
13 there is a chart that reflects the total VA benefit that you  
14 have received on a monthly basis since December 1, 1999; is  
15 that correct?

16 A Yes.

17 Q And you can take a second to look at this  
18 and let me know whether you think this is an accurate  
19 representation of that information.

20 A Yes.

21 Q Has there been any increase in your VA  
22 benefit amounts since 2021 when this letter was sent, if you  
23 know?

24 A Cost of living increase.

25 Q Okay. Are you aware of what your total

1 monthly VA benefit is at this point?

2 A Not exactly.

3 Q Okay. Are you aware of what your monthly  
4 Social Security payments are at that point?

5 A Yes.

6 Q And what is that?

7 A \$2,200.

8 Q Okay. And do you know what your military  
9 benefit payments are at this point?

10 A Not exactly.

11 Q Okay. Do you have an estimate?

12 A \$2,460 maybe, but I'm not for sure.

13 Q Okay. And do you receive health insurance  
14 through the military?

15 A Yes.

16 Q Okay. Are you claiming any out-of-pocket  
17 medical expenses as part of your lawsuit?

18 A No.

19 Q Okay. And in any of the jobs that we  
20 discussed, were you exposed to any chemicals or solvents?

21 A No.

22 Q Did you ever file a Workers' Compensation  
23 claim in relation to any of these jobs that we've discussed?

24 A No.

25 Q Are you making a claim in this lawsuit for

1 an impairment of your earning capacity?

2 MR. BARR: Object to form.

3 A Would you mind asking that again?

4 BY MS. MIRSKY:

5 Q Sure. Are you making a claim in this  
6 lawsuit for an impact on your ability to work and earn  
7 wages?

8 A Yes.

9 Q And does that relate to a loss of past  
10 earnings?

11 A Yes.

12 Q Does that also relate to a loss of future  
13 earnings?

14 A Yes.

15 Q And does that relate to any other  
16 job-related monetary losses?

17 MR. BARR: Object to form.

18 A I don't know how to answer that.

19 No.

20 I really don't understand the question, so yeah.

21 BY MS. MIRSKY:

22 Q Okay. Let's take it one piece at a time.

23 What is your understanding of the specific cause  
24 of your monetary loss for past earnings --

25 A Past earnings?

1 Q -- as it relates to the potentially  
2 contaminated water at Camp Lejeune?

3 A Forgive me. For some reason I just don't  
4 understand what you're asking.

5 Q Let me try and phrase it a different way.  
6 Can you explain how your alleged illnesses related to the  
7 water at Camp Lejeune impacted your past earnings?

8 A Yes.

9 Q Does that make sense?

10 A Yes, I understand now. Yes, in 2016 --  
11 Well, back up to 2015 whenever I had to just give  
12 up truck driving because of the chronic pain. Everything  
13 from 2016 to fast forward to now, I haven't been able to do  
14 really anything.

15 So what do I mean by that?

16 I can't cut my grass. I can't repair my home.  
17 My wife has to do basically everything for me. As far as  
18 using my hand, I can't even put this microphone on. Going  
19 out, I can't use a ATM machine. I can't use a keyboard,  
20 pick up silverware. It's embarrassing to go to a  
21 restaurant.

22 So there's so much I can no longer do simply  
23 because of everything that I have, what this has cost me. I  
24 just can't -- I can't smell. I can't even taste food. It  
25 just tastes like just bland old cereal. I can't breathe.

1 It's not -- I've got something in my throat when I try and  
2 talk to you. I can't exhale. I feel like I'm choking to  
3 death through this whole thing.

4 My speech, because I can't breathe, it screws up  
5 my speech. I have no balance, so my wife has to go with me,  
6 or if I'm walking somewhere alone long distance, I have to  
7 use a walking stick, wear a brace on my foot that picks my  
8 foot up so I can step up on the sidewalk or my ankles don't  
9 roll in.

10 My wife and I -- with everything that's going on,  
11 my wife and I can't even have sexual relations. It's been  
12 seven years.

13 So everything that's all of a sudden appeared  
14 since 2016 has stole my life. It's robbery.

15 It's a hard thing to answer, but it's harder  
16 living it. I think I just covered it all.

17 Q Thank you. As a follow-up, and we can get  
18 into some more specifics shortly, but are you able to  
19 distinguish between the problems related to your sciatic  
20 nerves and other back and knee injuries from the other  
21 symptoms that you are attributing to Parkinson's?

22 MR. BARR: Object to form.

23 A Yes.

24 BY MS. MIRSKY:

25 Q And what is that difference?



1           A       With the lower back and the sciatic, it's  
2 located in one area. With the Parkinson's, it's throughout  
3 the whole body. It's in every joint. It's so painful.

4           When you think about your sciatica, your lower  
5 back, it's only right there in your back, and then it may  
6 transmit down your legs. But this stuff is in my hands, it  
7 affects my hands, I can't grip, and that's all -- it's in my  
8 shoulders, my elbows.

9           You know, it's a big difference in what you feel  
10 with Parkinson's than what's going on with your back.

11          Q       Okay. And so at the time that you filled  
12 out this form in 2016 and you stopped working in 2016, at  
13 that time is there a reason that you were attributing the  
14 issues to sciatic paralysis and intervertebral disk  
15 syndrome?

16          MR. BARR: Object to form.

17          A       2016 was possibly the worst year of my life  
18 as far as medical goes. I hurt all over, couldn't move,  
19 couldn't get up, couldn't sit down, couldn't lay down.

20          You know, I already knew I had back problems.  
21 And then when I started seeing Dr. Huffnagle, she started  
22 doing the research. I did so many back injections, it just  
23 simply wasn't working.

24          Dr. --

25          This is how it all finally started coming into

1 play. Dr. Huffnagle was sort of leaning that I was  
2 diabetic, so she did some deep blood testing, and that's  
3 when the cancer showed up. That was 2016. So that showed  
4 up, but what showed up --

5 What didn't show up was diabetes. She goes,  
6 we've got something else going on, and it took from 2016 to  
7 2018 for her to make that diagnosis simply because the first  
8 thing went was my -- was my balance, and then things just  
9 started diminishing, my smell, taste. My toes started  
10 curling, hands hurting. It just hurt all over.

11 It took from 2016 to 2017 all the way through  
12 there, and in 2018 --

13 She did an EMG the first time in 2017 -- 2016,  
14 then she did it again in 2018. And the results of the EMG,  
15 she finally caught it as Parkinson's.

16 So it wasn't an immediate thing. It was two  
17 years of pain.

18 Q Okay. And let's see. You've mentioned  
19 that you no longer cut the grass at your house.

20 Do you hire someone to do that?

21 A My grandson.

22 Q Okay.

23 MR. HEALY: Can we take a break?

24 VIDEOGRAPHER: Going off the record. The time is

25 1:43 p.m.

1 (Recess was taken.)

2 VIDEOGRAPHER: This is the start of media  
3 number 5. We're now back on the record. The time is  
4 2:07 p.m.

5 BY MS. MIRSKY:

6 Q Okay. Mr. McElhiney, your counsel and  
7 representatives of the Department of Justice have spoken,  
8 and we're just going to ask a few more questions for today  
9 and then break for the day and reconvene at another time.

10 Do you understand that?

11 A Yes.

12 Q And are you okay with that?

13 A Yes.

14 Q Okay, that's fine. And we'll work out the  
15 logistics and figure out a way to get it done, but we're  
16 hoping to do it the week of March 18, but your attorneys  
17 will be in touch after we confer further.

18 Is that okay with you?

19 A Yes.

20 Q Okay. So the last topic I want to cover  
21 for today is the elective option offer.

22 Do you know that a settlement offer was extended  
23 to you under the Elective Option program for Camp Lejeune  
24 Justice Act claims?

25 MR. BARR: Before he answers, I just want to

1 state a general objection. We object to this entire  
2 line of inquiry on the EO offer. We don't believe that  
3 it's proper at all, and it's primarily to harass the  
4 witness and to interfere between the relationship  
5 between the witness and lawyers.

6 It's the lawyers' job to explain all of this to  
7 our client. We live up to our obligations, and we  
8 believe this is completely inappropriate.

9 MS. MIRSKY: Understood, and I will not be asking  
10 you any questions about your communications with your  
11 attorneys as it relates to this.

12 And so with that said, would you mind reading  
13 back the question?

14 (Last question was read back.)

15 A Yes.

16 BY MS. MIRSKY:

17 Q And do you know what the Elective Option  
18 program is?

19 A Yes.

20 Q How did you learn about this program?

21 MR. BARR: Objection. You can answer to the  
22 extent it does not call for communications with your  
23 lawyers.

24 A Heard about it on the news, and I read  
25 about it.

1 BY MS. MIRSKY:

2 Q And what did you hear about it on the news?

3 A I heard that the DOJ was going to be  
4 offering the veterans settlements to speed up the issues  
5 with the Camp Lejeune water.

6 Q And did you read anything different or  
7 additional in any of the written reports that you read?

8 A No.

9 Q Okay. Do you know the amount of your EO  
10 offer?

11 A Yes.

12 Q And how much is that?

13 A \$400,000.

14 Q Okay. And when did you first learn of the  
15 EO offer?

16 A A week ago. Maybe a week ago.

17 Q Okay. And not based on communications with  
18 your attorneys, do you have an understanding that the EO  
19 offer is a guaranteed payment?

20 MR. BARR: Objection to form. I'm going to  
21 instruct him not to answer. You're asking him to come  
22 to legal conclusions.

23 BY MS. MIRSKY:

24 Q Are you going to follow that instruction?

25 A Yes.

1 Q Through any of the publicly available  
2 reports that you either watched or read, did you see a  
3 discussion as to the fact that the EO offer is a guaranteed  
4 payment?

5 MR. BARR: Object to form.

6 BY MS. MIRSKY:

7 Q You can answer.

8 MR. BARR: If you know, you can answer.

9 A Ask it again. I'm sorry.

10 BY MS. MIRSKY:

11 Q In any of the news reports that you saw or  
12 read, did you learn that the EO offer is a guaranteed  
13 payment?

14 A No.

15 MR. BARR: Object to form.

16 BY MS. MIRSKY:

17 Q Okay. Do you understand that --

18 And this is again just from what you've seen and  
19 what you've read.

20 -- that recovery outside of the Elective Option  
21 by this lawsuit in Federal Court is not guaranteed?

22 MR. BARR: Objection to form. Counsel, this is  
23 what I was talking about. You're really starting to  
24 interfere --

25 This is our job to instruct him. It's completely

1           inappropriate, and you're harassing the witness at this  
2           point.

3                     This has no relevance to this lawsuit whatsoever,  
4           none, period, zero, zilch. It's not even discoverable.

5           MS. MIRSKY: I disagree.

6           MR. BARR: This does not meet the base threshold  
7           of being discoverable. It has no relevance to  
8           anything, and it's just harassing the witness.

9                     You're asking him to interpret and make decisions  
10          on what's guaranteed, what's not guaranteed.

11                    Are you going to get into offsets next and ask  
12          him to interpret the statute?

13                    It's inappropriate.

14           MS. MIRSKY: I'm asking him what his  
15          understanding is from publicly available materials,  
16          which the witness has indicated he's read and seen.

17                    And relevancy for a fact witness deposition is  
18          not a basis to instruct a witness not to answer.

19           MR. BARR: No, but it has to be discoverable. It  
20          has to have a relevance --

21                    Yes, it does. You can't just ask him something  
22          out of right field. You can't.

23           MS. MIRSKY: Whether --

24           MR. BARR: It's just harassment at that point.

25           MS. MIRSKY: I disagree. The contours of the

1 lawsuit itself is relevant to discovery related to how  
2 the lawsuit may proceed.

3 MR. BARR: So are y'all going to allow this to be  
4 admissible in court, the fact that y'all have made him  
5 an offer?

6 MS. MIRSKY: I can't make that representation.

7 MR. BARR: Right, because it's not admissible,  
8 and you know it, under the rules.

9 MS. MIRSKY: That is not a reason for him not to  
10 answer this question.

11 MR. BARR: Go ahead.

12 MS. MIRSKY: Can you read the question back,  
13 please?

14 (Last question was read back.)

15 MR. BARR: Object to form.

16 A I really don't know how to answer it but,  
17 no, I just don't know how to answer it.

18 BY MS. MIRSKY:

19 Q That's okay.

20 A Okay.

21 Q Thank you. And do you understand that  
22 recovery through this lawsuit requires proof that the  
23 contaminated water was at least as likely as not the cause  
24 of your claimed illnesses and injuries?

25 MR. BARR: Objection to form, calls for a legal



1 conclusion.

2 A I just don't know how to answer the  
3 questions. I just don't understand the questions. I just  
4 don't know how to answer them.

5 BY MS. MIRSKY:

6 Q That's okay. If your answer is that you  
7 don't know, then that's okay.

8 A Okay. I don't know.

9 Q And do you understand that the litigation  
10 process may require accounting for your individual level of  
11 exposure that may have led to your illnesses?

12 MR. BARR: Object to form, calls for a legal  
13 conclusion.

14 A I don't know.

15 BY MS. MIRSKY:

16 Q Okay. Do you understand that recovery in  
17 the litigation will be subject to offsets or reduced by your  
18 VA disability, Medicare, Medicaid award?

19 MR. BARR: Object to form, misstates the record  
20 and calls for legal conclusion.

21 A I don't know.

22 BY MS. MIRSKY:

23 Q Do you understand, again from the reports  
24 that you've read and the news that you've watched, that the  
25 Elective Option offer is not subject to an offset?

1                   MR. BARR: Object to form, calls for a legal  
2                   conclusion.

3                   A           No.

4 BY MS. MIRSKY:

5                   Q           And from the reports that you've read and  
6                   the news that you've watched, do you understand that under  
7                   the Elective Option that attorneys' fees cannot exceed  
8                   25 percent of the EO offer?

9                   MR. BARR: Objection to form, calls for a legal  
10                  conclusion.

11                  A           No.

12 BY MS. MIRSKY:

13                  Q           Okay. Before we wrap for today, are there  
14                  any answers that you've given thus far to my questions that  
15                  you wish to change?

16                         In other words, are there any recollections that  
17                  you've had since answering a specific question that you  
18                  would like to put on the record, or a change to any answer?

19                  A           No.

20                  Q           Okay. And is there any information that I  
21                  asked about that you could not recall when I asked it, but  
22                  now you may have additional information that you'd like to  
23                  put on the record?

24                  A           No.

25                  Q           Okay. Is there anything else that you

1 would like to add at this point?

2 MR. BARR: Object to form.

3 A I've really -- I'm not going to accept that  
4 offer. To me, what I've read was insulting to me, sort of a  
5 slap in my face I feel, and I'm not going to accept that  
6 offer.

7 BY MS. MIRSKY:

8 Q Okay. Is there anything else that you'd  
9 like to add related to anything that we've discussed today?

10 MR. BARR: Object to form.

11 A No.

12 MS. MIRSKY: Okay. Thank you for your time and  
13 your patience today. Your counsel will be in touch,  
14 unless are you going to ask any --

15 MR. BARR: I'll do my follow-ups when you're  
16 done.

17 MS. MIRSKY: At the end, okay. Thank you very  
18 much.

19 THE WITNESS: Thank you.

20 VIDEOGRAPHER: This is the end of the deposition.  
21 We're going off the record. The time is 2:17 p.m.

22 (Whereupon, the deposition was adjourned at  
23 2:17 p.m.)  
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CERTIFICATE

I, Gina Williams, Registered Professional Court Reporter, do certify that the above deposition was reported by me and that the foregoing transcript is a true and accurate record to the best of my knowledge, skills, and ability.

I further certify that I am not an employee of counsel or any of the parties, nor a relative or employee of any attorney or counsel connected with the action, nor financially interested in the action.

Subscribed and sworn to before me when taken this 5th day of March, 2024.

<%3138,Signature%>

\_\_\_\_\_  
GINA WILLIAMS, LCR #730

Expiration Date: 6/30/2025

<b>&amp;</b>	<b>11:19</b> 106:6	<b>1973</b> 60:18	133:17 140:5,8
<b>&amp; 2:7</b>	<b>11:34</b> 106:10	75:15 84:3,4	<b>1996</b> 133:17
<b>0</b>	<b>11:52</b> 120:2	84:10,12,12,23	<b>1997</b> 43:13,18
<b>0000000788</b>	<b>12</b> 3:23 90:23	85:14,19,20	130:23,24
3:19	90:24 92:1	87:8,13 88:2	131:21
<b>0000003207</b>	<b>1227</b> 2:13	<b>1974</b> 46:11	<b>1999</b> 140:14
3:16	<b>127</b> 4:3	75:16 80:16	<b>1:43</b> 146:25
<b>0000003848</b> 4:5	<b>12:59</b> 120:6	84:2,13 85:14	<b>1st</b> 117:8
<b>0000004161</b> 4:7	<b>13</b> 4:3 30:16	85:16 87:11,13	<b>2</b>
<b>01368</b> 1:3 3:16	88:22 127:16	88:3,15	<b>2</b> 3:9 14:15,16
3:19 4:5,7 5:6	127:17	<b>1975</b> 42:25	20:10 53:2
<b>0500</b> 110:15	<b>130</b> 4:4	90:8 91:12	101:25 130:18
<b>1</b>	<b>139</b> 4:6	<b>1976</b> 102:6	<b>2,200</b> 141:7
<b>1</b> 3:7 5:1 8:23	<b>14</b> 3:9 4:4	<b>1977</b> 91:13	<b>2,460</b> 141:12
8:24 63:14,15	45:23 130:4,6	102:24 103:10	<b>20</b> 2:10 34:12
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<b>1,100</b> 132:10	78:2 80:9,9,20	<b>1980</b> 46:13	<b>2000</b> 123:12
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<b>1,600</b> 109:11	112:5 137:23	<b>1982</b> 45:23	<b>2000s</b> 29:11,18
<b>1,640</b> 31:2	139:23	115:20 118:24	<b>2001</b> 43:10
<b>1-1/2</b> 67:24	<b>150</b> 1:19	119:5	123:12 124:1
<b>10</b> 3:21 24:7	<b>16</b> 62:11	<b>1984</b> 44:14,15	<b>20044</b> 2:18
33:1 43:22	<b>1600</b> 1:20	44:19	<b>2010</b> 34:13
65:3,6,8 71:17	<b>165</b> 4:7	<b>1985</b> 116:13	123:22 134:11
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