

May 23, 2016

Page 1

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

IN THE MATTER OF: )  
JOHNS MANVILLE, a Delaware )  
corporation, )  
 )  
Complainant, )  
 )  
vs ) PCB 14-3  
 )  
ILLINOIS DEPARTMENT OF )  
TRANSPORTATION, )  
 )  
Respondent. )

TRANSCRIPT FROM THE PROCEEDINGS

taken before HEARING OFFICER BRADLEY HALLORAN  
by LORI ANN ASAUSKAS, CSR, RPR, a notary public  
within and for the County of Cook and State of  
Illinois, in Room 9-034 at the James Thompson  
Center, 100 West Randolph Street, Chicago,  
Illinois, on the 23rd day of June 2016, A.D., at  
9:00 o'clock a.m.

L.A. Court Reporters, L.L.C.  
312-419-9292

May 23, 2016

Page 2

1 A P P E A R A N C E S:

2 ILLINOIS POLLUTION CONTROL BOARD,  
3 100 West Randolph Street  
4 Suite 11-500  
5 Chicago, Illinois 60601  
6 (312) 814-6983  
7 BY: MR. BRADLEY HALLORAN,

8 ILLINOIS POLLUTION CONTROL BOARD MEMBERS PRESENT:  
9 Ms. Jennifer A. Burke, Board Member

10 BRYAN CAVE, LLP,  
11 161 North Clark Street  
12 Suite 4300  
13 Chicago, Illinois 60601-3315  
14 (312) 602-5079  
15 susan.brice@bryancave.com  
16 lauren.caisman@bryancave.com  
17 BY: MS. SUSAN BRICE and  
18 MS. LAUREN J. CAISMAN,

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

Appeared on behalf of the Complainant;

15 OFFICE OF THE ATTORNEY GENERAL,  
16 STATE OF ILLINOIS  
17 69 West Washington Street  
18 Suite 1800  
19 Chicago, Illinois 60602  
20 (312) 814-3153  
21 emcginley@atg.state.il.us  
22 eolaughlin@atg.state.il.us  
23 BY: MR. EVAN J. MCGINLEY and  
24 MS. ELLEN F. O'LAUGHLIN,

Appeared on behalf of the Respondent.

May 23, 2016

Page 3

1 A P P E A R A N C E S: (Continued)

2

ALSO PRESENT:

3

Mr. Douglas G. Dorgan, Jr., Weaver Consultants Group

4

Mr. Mark Dougherty, IDOT

Mr. Tatsuji Ebihara, AECOM

5

Mr. Steven Gobelman, P.E., Andrews Engineering, Inc.

Mr. Jonathan Huff, Extern

6

Mr. Dan Robinson, Illinois Pollution Control Board

Mr. Mark Powell, Illinois Pollution Control Board

7

Mr. Brent A. Tracy, Johns Manville

Ms. Amy Zayez, Extern

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

I N D E X

PAGES

Introduction by Hearing Officer Halloran...	5 - 6
Cross-Examination of Steven Gobelman.....	6 - 259
Redirect Examination of Steven Gobelman....	260 - 309
Hearing Officer End-Of-Day Remarks.....	309 - 310
Court Reporter Certificate.....	311 - 311

(Complainant Exhibit 76 admitted into evidence and can be shown on Page 258 of the transcript.)

May 23, 2016

Page 5

1 HEARING OFFICER HALLORAN: Good  
2 morning, everyone. My name is Bradley Halloran.  
3 I'm a hearing officer with the Illinois Pollution  
4 Control Board.

5 We're here on a hearing regarding  
6 Johns Manville, Petitioner versus The Illinois  
7 Department of Transportation, Respondent. It's  
8 docketed as PCB 14-3. I had the wrong number in  
9 my order. I apologize.

10 In any event, this matter was  
11 continued on the record from May 25th. At that  
12 point, I think I announced it will be continued  
13 on record in Room 11-512. Obviously, we're in  
14 Room 9-31 and I posted notices that the room --  
15 the hearing has changed to this room, 9-31.

16 Again, it's June 23, 2016,  
17 approximately 9:00 a.m. Do we have any preliminary  
18 matters we need to take care of before we go on?  
19 I think Ms. Caisman was crossing Mr. Gobelman now.

20 MS. CAISMAN: Ms. Brice was.

21 HEARING OFFICER HALLORAN: Ms. Brice.

22 THE WITNESS: He thought you changed  
23 it up.

24 MS. BRICE: Sorry.

May 23, 2016

Page 6

1 HEARING OFFICER HALLORAN: And,  
2 you know, we can deal with some of the exhibit  
3 matters later. But in any event, there are no  
4 preliminary matters.

5 Mr. Gobelman, would you please --  
6 I think we're going to have you sit back there.

7 THE WITNESS: Okay.

8 HEARING OFFICER HALLORAN: And If  
9 you'll raise your hand, Lori will swear you in.

10 THE COURT REPORTER: Do you swear  
11 the testimony you're about to give will be the  
12 truth, the whole truth and nothing but the truth,  
13 so help you God?

14 MR. GOBELMAN: Yes.

15 (Witness sworn.)

16 WHEREUPON:

17 S T E V E N G O B E L M A N

18 called as a witness herein, having been first duly  
19 sworn, deposeth and saith as follows:

20 C R O S S - E X A M I N A T I O N (Continued)

21 by Ms. Brice

22 Q. Good morning, Mr. Gobelman.

23 A. Good morning.

24 Q. I have attempted to put together

May 23, 2016

Page 7

1 some of the documents I might be referring to --

2 A. Okay.

3 Q. -- in various binders. So I will --  
4 we can move faster and won't have to be looking  
5 through everything. So I've got that there.

6 A. I take it it's more than one binder?

7 Q. Yes, it is.

8 Okay. So if you could turn in  
9 your binder to Exhibit 8, I believe it's the first  
10 one.

11 A. Okay.

12 Q. This is your expert report, correct?

13 A. It's my rebuttal report, yes.

14 Q. It's the only report that you've put  
15 together for this case, correct?

16 A. Yes.

17 Q. And it contains what you call  
18 your -- referred to in your deposition as  
19 your sort of opinions; isn't that right?

20 A. They were my opinions based upon  
21 Mr. Dorgan's report.

22 Q. Okay. And the opinions contained  
23 in that report are underlined; isn't that true?

24 A. Yes.

May 23, 2016

Page 8

1 Q. And if something is not underlined,  
2 it is not one of your opinions you're offering;  
3 isn't that right?

4 MS. O'LAUGHLIN: Objection. It  
5 mischaracterizes his report. It speaks  
6 for itself. He can --

7 HEARING OFFICER HALLORAN: He  
8 can answer if he's able. Overruled.

9 BY THE WITNESS:

10 A. I wouldn't go that far.

11 BY MS. BRICE:

12 Q. Okay. If you could turn to your  
13 deposition, please, at Page 36. Sorry. I'm  
14 not sure if I have a copy of your deposition up  
15 there.

16 MR. MCGINLEY: Which exhibit is  
17 that?

18 MS. CAISMAN: 4C.

19 MS. BRICE: 4C. I don't think  
20 it's in there.

21 BY THE WITNESS:

22 A. Okay.

23 BY MS. BRICE:

24 Q. Are you there, Page 36? And I am



1 on Line 12. Do you see that?

2 A. Yes.

3 Q. And did I ask the following question  
4 and did you give the following answer?

5 "Question: So other than what is  
6 underlined, do you have other opinions in  
7 this report?"

8 "Answer: No."

9 A. Okay.

10 Q. Is that what you said?

11 A. Yes.

12 Q. And when I pressed you, you said  
13 that my opinions are what is in the report, didn't  
14 you?

15 A. Yes.

16 Q. On direct, you offered an opinion  
17 regarding how IDOT would have constructed the  
18 embankments located on Site 6; is that right?

19 A. I don't think that I thoroughly  
20 provided that opinion. It was sort of cut off.

21 Q. Okay. Specifically, you said that  
22 IDOT didn't place any fill material within the  
23 embankments on Site 6 where ACM has been found;  
24 is that right?

May 23, 2016

Page 10

1 A. Yes.

2 Q. And we discussed the Greenwood  
3 Avenue embankments in your deposition, didn't  
4 we?

5 A. Yes.

6 Q. Okay. And if you can turn  
7 to Exhibit 6 in your book, which is -- I'm  
8 looking at 6-28. Okay?

9 And I showed you Mr. Dorgan's  
10 Figure 5 from his initial expert report that you  
11 were rebutting, which is here at Exhibit 6-28,  
12 correct?

13 A. I would assume that you're saying  
14 this is the same figure that's in the report.  
15 Okay.

16 Q. And it shows, does it not, Stations  
17 12 through 7 along Greenwood?

18 A. Yes.

19 Q. And it also shows that Bypass Road A  
20 or Detour Road A is intersecting Greenwood to the  
21 east of Station 7; does it not?

22 A. Yes.

23 Q. It also shows a number of borings  
24 where asbestos-containing material was found

1 along the Greenwood Avenue embankment; is that  
2 right?

3 A. Yes.

4 Q. And in his report, and I'm turning  
5 to 6-17 of Mr. Dorgan's report, so same exhibit,  
6 Page 17, Mr. Dorgan explained this figure and  
7 he said, quote, when you compare the engineering  
8 drawings used by IDOT for...the Greenwood Avenue  
9 with the location of Transite and ACM, it is  
10 clear that the Transite and ACM is located in  
11 areas that were excavated and filled by IDOT  
12 as part of the construction. This is demonstrated  
13 most clearly on Figure 5. It also refers to  
14 Figure 4.

15 And then says, Figure 5, which  
16 demonstrates the occurrence of asbestos within  
17 soil samples collected from fill materials placed  
18 by IDOT, the Transite and ACM were found on  
19 Site 3 and Site 6 within fill materials placed by  
20 IDOT above the predominant Site 3 and Site 6  
21 elevation prior to IDOT construction or in areas  
22 where IDOT excavated and removed unsuitable  
23 materials.

24 Do you see that?

1 A. Yes.

2 Q. Okay. And your report was intended  
3 to rebut this report, Exhibit 6, correct?

4 A. Yes.

5 Q. And when we discussed this part  
6 of Mr. Dorgan's report in your deposition, you  
7 didn't dispute the accuracy of Figure 5 or  
8 what Mr. Dorgan was presenting with respect  
9 to Figure 5, did you?

10 A. With respect to Figure 5, yes.

11 Q. Sorry. You did dispute it or you  
12 did not?

13 A. Did not.

14 Q. In fact, you said you didn't  
15 dispute the accuracy of any of these figures  
16 attached to Mr. Dorgan's report; isn't that  
17 correct?

18 A. Correct.

19 Q. You actually said you agreed that  
20 Figure 5 was showing that ACM was found within  
21 the area that was filled by IDOT's contractor,  
22 the area between the unsuitable material and the  
23 final grade line, right?

24 A. I don't believe I ever said that.

May 23, 2016

Page 13

1 Q. Okay. Turn to Page 187 of your  
2 deposition, please, or C. I'm at Line 2. I  
3 asked the following question:

4 "Question: And does this figure,  
5 and we are talking about Figure 5 here,  
6 not show that there is asbestos-containing  
7 material within the area that was filled  
8 by IDOT's contractor so the area between  
9 the unsuitable material and the final grade  
10 line?"

11 "Answer: Yes. I think the analytical  
12 results show that there was asbestos-containing  
13 material found in those borings."

14 Do you see that?

15 A. Yes, uh-huh.

16 Q. And this Figure 5 is not just  
17 showing Transite, is it? If you note on the  
18 legend, it says visual --

19 A. Correct.

20 Q. I'm sorry?

21 A. Yes, correct.

22 Q. And it's not even just showing visual  
23 ACM, is it?

24 A. Yeah, correct.

1 Q. And why do you say that?

2 A. Well, it talks about visual was noted  
3 as well as via the ELM.

4 Q. So it's showing ACM fibers detected  
5 via polarized microscopy, correct?

6 A. Yes.

7 Q. And you told me in your deposition  
8 that you weren't planning to rebut any other  
9 aspect of Mr. Dorgan's report other than what  
10 was stated in Exhibit 8, didn't you?

11 A. I don't know if I said it that way.

12 Q. Okay. Turn to Page 44, please, of  
13 your deposition and I'm on Line 3. And I asked:

14 "Question: Okay. With respect  
15 to Mr. Dorgan's report, are there other  
16 aspects of his report that you do rebut  
17 that are not contained in what we call  
18 Exhibit 1?"

19 And that was your rebuttal  
20 report at that point in the deposition.

21 "Answer: This is the only, as  
22 you term, rebutting that I have."

23 Do you see that?

24 MS. O'LAUGHLIN: I'd like to

May 23, 2016

Page 15

1 register an objection here as far as  
2 the use of the deposition as impeaching.

3 This is not impeaching material.

4 His testimony is not  
5 contradicted by this and she's just  
6 reading -- Johns Manville is just  
7 reading the deposition into the record.

8 Deposition is proper for  
9 impeachment if it directly contradicts  
10 his testimony and this is not directly  
11 contradictory.

12 HEARING OFFICER HALLORAN: Okay.  
13 Ms. Brice?

14 MS. BRICE: I completely disagree.

15 HEARING OFFICER HALLORAN: Well,  
16 I kind of disagree too. Overruled. You  
17 may continue.

18 BY THE WITNESS:

19 A. Is there a question? I don't remember  
20 if there was a question before that.

21 BY MR. BRICE:

22 Q. No, we're back.

23 Okay. Exhibit 8 doesn't talk  
24 about stations at all, does it, your report,

1 Exhibit 8?

2 A. Exhibit 8?

3 Q. Your expert report.

4 A. Say that again.

5 Q. Sure. Exhibit 8, your expert report,  
6 doesn't talk about stations, does it?

7 A. Yes. I do agree I did not use the  
8 word "station."

9 Q. But you don't discuss station  
10 locations at all in your deposition, do you, in  
11 your Exhibit 8 -- I'm sorry -- do you?

12 A. I did not use the word "station."

13 Q. Okay. But you don't discuss station  
14 locations or where things are with respect to  
15 certain stations in your report, did you?

16 A. Well, I didn't use the term "station"  
17 then. I didn't use it.

18 Q. And this report doesn't discuss the  
19 location of fill material along Greenwood Avenue  
20 or within Site 6, does it?

21 A. Could you repeat that question again?  
22 Sorry.

23 Q. Sure. It doesn't discuss the location  
24 of fill material along Greenwood Avenue or within



1 Site 6, does it?

2 A. I don't believe I used those terms,  
3 yeah.

4 Q. Well, using those terms is  
5 different than talking about that topic. So did  
6 you specifically address that topic in your  
7 deposition -- in your Exhibit 8? I'm sorry.

8 A. I don't believe I ever referred to  
9 Site 6.

10 Q. You also offered an opinion that  
11 the JM parking lot was raised up off the ground  
12 based on a photo from the late 1950s, right?  
13 This was in your direct. Do you recall that?

14 MS. O'LAUGHLIN: Objection,  
15 mischaracterizes his testimony.

16 HEARING OFFICER HALLORAN: Okay.  
17 Ms. Brice?

18 MS. BRICE: Sure. I'm willing  
19 to impeach if necessary.

20 HEARING OFFICER HALLORAN: Yeah.  
21 You know, overruled. You can follow-up on  
22 redirect.

23 MR. MCGINLEY: Sure.

24 HEARING OFFICER HALLORAN: Thank

1           you. You may proceed.

2       BY MS. BRICE:

3           Q.       Okay. In direct, I believe you  
4       offered an opinion that the JM parking lot was  
5       raised up off the ground based in part on a  
6       photo from the late 1950s; is that right?

7           A.       I'm not sure of that, if I said  
8       that.

9           Q.       Okay. Let's turn to your direct  
10      on May 25th. I'm at Page 130.

11                   HEARING OFFICER HALLORAN: What  
12      page was that? I'm sorry.

13                   MS. BRICE: Page 130.

14                   HEARING OFFICER HALLORAN: Thank  
15      you.

16      BY THE WITNESS:

17           A.       Okay.

18      BY MS. BRICE:

19           Q.       Okay. And I believe you said,  
20      "Well, the area of Site 3 contains the existing --  
21      the parking lot that was in place at the time and  
22      it shows to me that the parking lot is elevated  
23      based upon this part here and the rest of this  
24      area. To me, it is a lower elevation than the

May 23, 2016

Page 19

1 parking lot. I don't know exactly how far this  
2 photograph takes exactly Site 3 or how far to the  
3 northern portion of the photo of Site 3 would go  
4 based upon -- it's hard to see any landmarks."

5 A. What line were you on? You just told  
6 me the Page 130, not the line.

7 Q. I'm sorry. Eighteen. I apologize.

8 A. Okay.

9 Q. "Question: Would fill need to  
10 have been added to raise the site so a  
11 parking lot could be built?"

12 "Answer: Based upon historical  
13 photographs, yes. It would have to be  
14 material added to bring the parking lot  
15 area up to the grade of the existing  
16 roadway on Greenwood Avenue."

17 Do you see that?

18 A. Yes.

19 Q. Okay. And we were talking about  
20 Exhibit 52, were we not, which is the 1950s  
21 photograph of the parking lot, which is this  
22 exhibit here?

23 A. Oh, okay. Yes.

24 Q. And you didn't mention this photo

1 in your expert report, correct, Exhibit 52?

2 A. No.

3 Q. In fact, you stated that you hadn't  
4 even seen Exhibit 52 until I showed it to you in  
5 your deposition?

6 A. Correct.

7 Q. So you couldn't have relied on it  
8 when you wrote your expert report, correct?

9 A. Correct.

10 Q. And I'll represent for the record  
11 that Exhibit 52 was produced in December of 2014  
12 and your report was written on May 25 -- May 29,  
13 2015, correct?

14 A. If that's the date that's on it.

15 Q. Okay. And that's six months later  
16 than the date that I said this photo was produced,  
17 right?

18 A. I guess. I've never -- I never saw  
19 that photo.

20 Q. Okay. And when I asked you about  
21 this photo in your deposition, you didn't mention  
22 that it appeared that the parking lot was raised  
23 up, did you?

24 MR. MCGINLEY: Objection. I

May 23, 2016

Page 21

1 believe -- I'll withdrawal the objection.

2 Never mind.

3 BY THE WITNESS:

4 A. I don't remember what I said in my  
5 deposition about that.

6 BY MS. BRICE:

7 Q. Okay. If you could, go to 201 of 4C.

8 A. Okay.

9 Q. Okay. And this is a little hard  
10 to follow, but I'll -- I'll try. I am on Page  
11 201 at Line 19 and I say: Xxx

12 "Question: Here, I'm taking  
13 the late 1950s photo, and this is a  
14 photo that's from the Johns Manville --  
15 it's a picture of the picture that is  
16 on the wall in Johns Manville's corporate  
17 headquarters in Denver. And if we need  
18 to bring it to trial, we'll bring it to  
19 trial. Do you see this demarcated area  
20 that I'm talking about in this 1959  
21 photo? So you've got this, sort of,  
22 white square outline, right?"

23 "Answer: Yes."

24 "Question: Okay. And then

May 23, 2016

Page 22

1           there's other, sort of, lines of white  
2           sort of going through the site that look  
3           like it's telling the cars where to park.  
4           Would you agree with that?"

5                         "Answer: Yes."

6                         "Question: Okay. So taking this  
7           photo, how does this change, in your mind,  
8           from what you're seeing in this '59 through  
9           the '67 and the '71?"

10                        Then there was a discussion  
11           of which photos we were talking about. Then  
12           if you jump down to 203, and I don't think I'm  
13           misrepresenting anything here, it's just additional  
14           information on Line 8.

15                        "Question: Okay. So when  
16           we're talking about the difference  
17           between the '67 and '70 photo again,  
18           can you explain what your point was?"

19                        "Answer: That there -- it  
20           appeared by 1970 that the parking  
21           lot was no longer being used because  
22           it appears, based upon the area, there  
23           are a lot of cars parked there, but  
24           there are no cars parked in that parking

1 lot. So it was -- either had already  
2 vacated and not being used, maybe because  
3 of the perceived of construction project  
4 that's going to occur in a couple years,  
5 you know, or just nobody decided to park  
6 there."

7 Sorry. Give me a second.

8 MS. O'LAUGHLIN: Objection. This  
9 is not impeaching.

10 HEARING OFFICER HALLORAN: Overruled.

11 BY MS. BRICE:

12 Q. Okay. Let's look at Exhibit 8  
13 at Page 8 of your expert report. There, you have  
14 an underlined opinion. It says, "Any materials  
15 on the surface of the parking lot including the  
16 Transite pipe used as curb bumpers would have  
17 been cleared in accordance of Article 201.01 of  
18 the standard specifications because this material  
19 would have been in the way and removed from the  
20 construction project as with any other obstruction."

21 Do you see that?

22 A. Yes.

23 Q. And when I asked where the concrete  
24 Transite pipe would have been taken after it was

May 23, 2016

Page 24

1 cleared from the project, you said that you had  
2 no idea where the material was taken to; is that  
3 correct?

4 A. Correct.

5 Q. In fact, you said it was very  
6 unlikely that the contractor would have taken  
7 the concrete Transite pipe, crushed it and then  
8 used it in the construction of the embankments,  
9 correct?

10 A. I'm not sure if I said that in that  
11 way.

12 Q. Okay. Let's turn to Page 77 of your  
13 deposition, please, Line 5. And I asked:

14 "Question: Okay. If there  
15 was Transite pipe at the time of  
16 construction, are you saying that  
17 it's impossible that he would have  
18 broken up that pipe, set it to the  
19 side, and then used it in the  
20 construction of the embankments?"

21 "Answer: I'm saying it's  
22 very unlikely that he would have  
23 crushed it and used it in the  
24 embankment."



1 Do you see that?

2 A. Yes.

3 Q. You even said that in your opinion  
4 the contractor would never have used the concrete  
5 Transite pipe at any point in the project, didn't  
6 you?

7 MS. O'LAUGHLIN: Objection,  
8 mischaracterizes his testimony and vague  
9 to the term use of the word project.

10 MS. BRICE: The Amstutz Project.

11 HEARING OFFICER HALLORAN: That's  
12 overruled. You may answer.

13 BY THE WITNESS:

14 A. I'm not sure I said it that way.

15 BY MS. BRICE:

16 Q. Okay. Now, take a look at Page 76,  
17 Exhibit 4C, Line 10.

18 "Question: And it's your  
19 opinion that it's completely impossible  
20 that the contractor would have taken  
21 the Transite pipe on top of the parking  
22 lot, broke it up and set it to the side  
23 and used it later?"

24 "Answer: No, because he would

1           have wanted to clear the property of the  
2           material and the parking lot was considered  
3           stable enough and they didn't want to  
4           disturb it. So it would seem very illogical  
5           for the contractor to run pipe on top of  
6           it and crush, which would damage  
7           the parking lot and make it unstable.  
8           So any material that they would put,  
9           they're going to have to remove anyway.  
10          So the contractor would have cleared  
11          the material like any other material,  
12          trees and shrubs, to clear the material  
13          out."

14                            Do you see that?

15           A.        Yes.

16           Q.        And again, this is one of those  
17          opinions that you were 100 percent certain of,  
18          right?

19           A.        I don't know if I would characterize  
20          it that way.

21           Q.        Okay. Well, I think when we  
22          discussed earlier at the very beginning of your  
23          cross-examination you had testified that your  
24          opinions -- all of your opinions were reached

1 to 100 percent degree of certainty. Do you recall  
2 that?

3 A. Yeah. I consider that would be a  
4 reasonable degree of scientific certainty, yes.

5 Q. 100 percent certainty?

6 A. Same thing.

7 Q. A reasonable degree of scientific  
8 certainty and 100 percent certainty are the same  
9 thing?

10 A. Uh-huh. In my mind, they were.

11 Q. Okay. Now, what you're saying is  
12 that if the contractor had encountered concrete  
13 Transite pipes he would have used them in  
14 embankments on the project, right?

15 A. I don't think I characterized it  
16 that way.

17 Q. Okay. But you've said that he would  
18 use the material in -- you said he wouldn't have  
19 used it on the Greenwood Avenue embankment, but  
20 he could have used them on other embankments, is  
21 that what you said?

22 A. I still don't believe I used that --  
23 that language.

24 Q. Well, what language did you use?

May 23, 2016

Page 28

1           A.        I don't recall off the top of the  
2 my head. Just tell me what I said. If you want  
3 to, point me to what I said.

4           Q.        Okay. What is your opinion then  
5 about that? If he had encountered concrete  
6 Transite pipes, what would he have done with  
7 them?

8           A.        I believe he could have used them  
9 in the larger embankment areas.

10          Q.        Okay. So your opinion now is that  
11 he could have used them, but he did not?

12          A.        You're asking me for my opinion.  
13 I've said he could have used them. He could  
14 have taken them off the site or he could have  
15 used them.

16          Q.        Okay. We'll come back to that  
17 later.

18                    On Exhibit 8, Page 9, you say,  
19 it's my opinion that other years, the installation  
20 and maintenance of these lines would have disturbed  
21 the existing conditions and potential asbestos  
22 material could have been buried when these  
23 underground utility lines were installed or during  
24 maintenance. And here, this is an opinion about

1 utilities; correct?

2 A. Where are we at on Page 9?

3 Q. Page 9.

4 A. Where at on Page 9?

5 Q. Underlined, I think, it is my opinion.

6 A. There's two underlines.

7 Q. Okay. Well, one of them says it is  
8 my opinion then.

9 A. Okay.

10 Q. Okay. Do you see that?

11 A. Yes. I see a line that begins in my  
12 opinion.

13 Q. Did I just read it accurately?

14 A. I was trying to find where you were.  
15 I wasn't able to see where you were reading.

16 Q. I'm sorry. Well, I'll represent  
17 that that was a direct quote. This opinion here  
18 on 08-9 that's underlined isn't an opinion about  
19 how asbestos-containing material was buried at  
20 Sites 3 and 6 in the first place, right?

21 A. Could you repeat that? I'm not sure  
22 I understand your question.

23 Q. Yes. Sure. It is not an opinion  
24 about how asbestos-containing material became

1 buried on Sites 3 and 6 in the first place, right?

2 A. No. I don't think that's what that  
3 is.

4 Q. Okay. Well, I believe you said many  
5 times that you weren't offering an opinion on how  
6 ACM became buried in the first place, did you or  
7 did you not say that in your deposition?

8 A. I believe in this I state that  
9 in my opinion that over the years that the  
10 installation and maintenance of utility lines  
11 would have disturbed the existing additions  
12 and that potential asbestos-containing material  
13 could have been buried when they were working  
14 on those underground utility lines.

15 Q. Okay. Let's take a look at this.  
16 The question was you said many times that you  
17 weren't offering an opinion on how the  
18 asbestos-containing material became buried  
19 on Sites 3 or 6 in the first place, didn't  
20 you?

21 A. I don't think I said that.

22 Q. Okay. Let's look at Page 66 of  
23 your deposition at Line 6, which is Exhibit 4C  
24 and then I said:

May 23, 2016

Page 31

1                   "Question: Right, but I want  
2                   to know what your opinion is. How did  
3                   it get there? How did the asbestos on  
4                   Sites 3 and 6 that's buried on Sites 3  
5                   and 6 get there? Are you offering an  
6                   opinion on that or not?"

7                   "Answer: I believe the only  
8                   opinion that's in my report had to do  
9                   with utilities and their being installed  
10                  through asbestos-containing material  
11                  and being maintained in asbestos-containing  
12                  material."

13                  "Question: Okay. But are you  
14                  saying that's that how it got there or  
15                  that's a possibility?"

16                  "Answer: I'm saying that those  
17                  materials was there and the installation  
18                  of utilities would have potentially moved  
19                  that to a different horizon from which  
20                  it was originally in."

21                                Do you see that?

22                  A.            Yes.

23                  Q.            And I think you also said that the  
24                  act of excavation would have possibly buried

1 asbestos-containing materials deeper, is that  
2 correct?

3 A. Yes, yes.

4 Q. But this wasn't the testimony you  
5 offered on direct as far as I can tell; is that  
6 right?

7 A. I'm not sure how you're pulling  
8 pieces together.

9 Q. Okay. Well, on direct, were you  
10 offering an opinion as that the utilities caused  
11 the asbestos-containing material to be buried in  
12 the first place on Site 3 and Site 6, the work  
13 associated with installation and maintenance of  
14 utilities? Was that the opinion you were offering?

15 A. No.

16 Q. Okay. Why don't you clarify?

17 A. I don't believe I was making any  
18 opinion on the origin of the asbestos-containing  
19 material that was on Sites 3 and 6.

20 Q. Okay. But a moment ago, you said  
21 that you were offering an opinion on that?

22 A. No. I believe I was stating -- my  
23 opinion was how the asbestos-containing material  
24 that was there could have been distributed



1 throughout the excavation of horizon.

2 Q. Okay. So to clarify -- I now think  
3 I understand where you are.

4 One side question; in preparing  
5 your report, I understand the only people at IDOT  
6 that you spoke to were IDOT's chief counsel and  
7 Tim Kell; is that right?

8 A. I don't believe so.

9 Q. Okay. Well, then let's turn to  
10 Page 21 of your deposition and actually let's  
11 go to Page 22 and this is at Line 11 and we're  
12 talking about the preparation of your report.  
13 And I said:

14 "Question: Who did you talk  
15 to at IDOT?"

16 "Answer: The chief counsel."

17 "Question: And who else?"

18 "Answer: Attorney General's Office."

19 "Question: Anyone else?"

20 "Answer: Well, I think the initial  
21 meeting we had prior to me being considered  
22 an expert, we talked to people from our Bureau  
23 of Construction. I think Tim Kell was there."

24 Do you see that?

1 A. Yes.

2 Q. Okay. Are you now saying you spoke  
3 to someone else?

4 A. No. I'm saying that I didn't speak  
5 to these people in regards to my report. It was  
6 prior to me being considered to being an expert.

7 Q. Okay. So you didn't speak to  
8 anybody with respect to the preparation of your  
9 report at IDOT?

10 MS. O'LAUGHLIN: Objection,  
11 mischaracterizes his testimony, grossly  
12 mischaracterizes it.

13 HEARING OFFICER HALLORAN: And  
14 Ms. Brice?

15 MS. BRICE: Sure. I mean, I'm  
16 trying to understand who he spoke to in  
17 preparing his report, who he talked to  
18 to get his information from and I thought  
19 that I asked him those questions and  
20 apparently, he's got a different response.  
21 So I'm trying to figure out who he talked  
22 to at IDOT with respect to preparing his  
23 report.

24 HEARING OFFICER HALLORAN: Overruled.

May 23, 2016

Page 35

1           You may answer if you're able, Mr. Gobelman.

2   BY THE WITNESS:

3           A.       I believe I said the exact same thing  
4 I'm saying now. You asked me about who I talked to  
5 and I said this was prior to me being considered an  
6 expert, which is on Line 17 of Page 22 of Exhibit  
7 4C.

8                   MS. BRICE: That fine. I would  
9           move to strike as nonresponsive.

10 BY MS. BRICE:

11           Q.       The question is who did you speak  
12 to at IDOT with respect to preparing your expert  
13 report?

14           A.       I believe at that time I might  
15 have. I probably talked to Tim Kell and I talked  
16 to xxx Mike Brant because he had the old historic  
17 spec books.

18           Q.       Anyone else?

19           A.       I don't recall speaking to anybody  
20 else.

21           Q.       Who is Mike Brant?

22           A.       He is the section chief of  
23 preliminary -- no. What is the title of that?

24           A.       I can't remember what section his

May 23, 2016

Page 36

1 title is. He's the section manager in the Bureau  
2 Design of Environment.

3 Q. Okay. And you got historic drawings  
4 from him?

5 A. I got the historic 1971 spec book.

6 Q. Spec book. And I think that we  
7 established earlier that Exhibit 8, your expert  
8 report, was written in May of 2015, right?

9 A. Yes.

10 Q. Okay. And you were deposed in  
11 July of 2015?

12 A. If you say so.

13 Q. Okay. And between July of 2015  
14 and today, you never supplemented your expert  
15 report, did you?

16 A. No. I don't believe so.

17 Q. Okay. Now, I'm going to dig into  
18 some of the opinions that were contained in your  
19 expert report and I think that we established  
20 last time that these opinions are based upon  
21 your expertise and IDOT's historic methodology;  
22 is that right?

23 MS. O'LAUGHLIN: Objection,  
24 mischaracterizes his prior testimony

May 23, 2016

Page 37

1 and the foundation establishes his  
2 expertise. He never stated it was  
3 solely based on his --

4 HEARING OFFICER HALLORAN: I'm  
5 sorry. Could you speak up?

6 MS. O'LAUGHLIN: I apologize.  
7 He never stated it was based solely upon  
8 IDOT -- upon the premise of her question  
9 on historical practices.

10 BY MS. BRICE:

11 Q. If you could, turn to Page 66 of  
12 your deposition, please?

13 HEARING OFFICER HALLORAN: I'll  
14 reserve my ruling.

15 BY MS. BRICE:

16 Q. Actually, let's go to 65, Line 24.

17 "Question: Okay. So are you  
18 offering any opinion on how the asbestos  
19 that is currently buried on Sites 3 and 6  
20 became buried on Sites 3 and 6?"

21 "Answer: My opinions were based  
22 on the IDOT construction methodology and  
23 how IDOT did its work there."

24 Do you see that?

May 23, 2016

Page 38

1 A. Yes.

2 Q. And I believe you also said at  
3 one point that your opinions were based on how  
4 IDOT historic construction practices relate to  
5 the allegations in the complaint. Do you recall  
6 that?

7 MS. O'LAUGHLIN: Objection to  
8 the use of the term "historic." We  
9 haven't established that that was part  
10 of his testimony.

11 HEARING OFFICER HALLORAN: Okay.  
12 Ms. Brice?

13 MS. BRICE: He offered earlier  
14 that it was all about the 1970s and reading  
15 the historic construction drawings and we  
16 went back and forth on whether he had  
17 actually looked at the drawings from the  
18 1970s or not.

19 I'm sure that I could find  
20 discussions in the deposition about it. I  
21 know it's in my motion in limine.

22 MS. O'LAUGHLIN: It's the use  
23 of the word "historic" as a modifier  
24 of construction practices. He didn't

May 23, 2016

Page 39

1 state and testify it was based solely  
2 upon historic methodologies. That's a  
3 mischaracterization of his testimony.

4 I mean, she can ask the  
5 questions, but I'm just trying to have  
6 an accurate question.

7 HEARING OFFICER HALLORAN: You  
8 know, I understand where you're coming  
9 from.

10 You know, Ms. Brice, if you  
11 could rephrase or ask more particular  
12 questions. And again, Ms. O'Laughlin,  
13 you can follow-up on redirect to try to  
14 clean up, if necessary, or clarify.

15 Anyway, Ms. Brice?

16 MS. BRICE: Sure.

17 BY MS. BRICE:

18 Q. Okay. But you did testify that  
19 IDOT's construction -- that you were -- hold on.

20 Your opinions are based on  
21 how the IDOT construction -- I'm taking out  
22 historic, but I would maintain its historic --  
23 IDOT construction process relates to the  
24 allegations in this complaint; is that right?

1           A.       Well, I mean, I don't know if I  
2       ever used the words "allegations of this complaint."

3           Q.       Okay. But how it relates to all  
4       of this, which would be the allegations in the  
5       complaint?

6           A.       Yes.

7           Q.       And just so I'm clear, prior to  
8       getting involved in this matter, you can't be  
9       sure that you ever reviewed any IDOT construction  
10      plans from the '70s or '80s; is that right?

11          A.       I've reviewed lots of historical  
12      plans and they were in the '80s and they may  
13      have gone back as far as the early '70s. I think  
14      I said that.

15          Q.       Okay. But you can't be sure if  
16      you reviewed anything from the 1970s, isn't that  
17      what you said on direct?

18          A.       I said it's possible, but there may  
19      have been some in the early '70s.

20          Q.       Okay. Now, I want to talk about  
21      the difference between bid drawings and as-built  
22      drawings. On direct, you discussed two sets of  
23      plans for the projects; bid drawings and as-built  
24      drawings. Do you recall that?



May 23, 2016

Page 41

1 A. Yes, I think so.

2 Q. And when I took your deposition,  
3 you hadn't seen the as-built drawings I showed  
4 to you; isn't that right?

5 A. That's correct.

6 Q. And those as-built drawings are 21A,  
7 correct, Exhibit 21A?

8 A. Yes.

9 Q. Okay. And since you hadn't seen  
10 the as-built drawings at the time of your  
11 deposition, you didn't rely on the as-built  
12 drawings in rendering your opinions stated in  
13 your report; is that right?

14 A. That would be correct.

15 Q. You indicated that you had reviewed  
16 a different set of plans, right?

17 A. Yes.

18 Q. Okay. And I served you with  
19 a request to produce for your deposition in  
20 anticipation of your deposition, do you remember  
21 that?

22 A. I don't know if I received anything, I  
23 mean, I assume the Attorney General received  
24 something.

1 Q. Okay. Well, I had asked for -- to  
2 obtain from you all documents you or IDOT have  
3 sent, received or reviewed from anyone relating  
4 to this matter or your report. Do you have any  
5 recollection of that?

6 A. I never received any notice  
7 personally.

8 Q. Okay. And you didn't produce the  
9 bid drawings, which are 21B, which are the drawings  
10 that you had reviewed prior to the deposition;  
11 isn't that true?

12 A. I was not aware that there were  
13 two sets of documents. So I -- what was produced  
14 and provided was -- I assume that was it.

15 Q. And the set of plans -- let's just,  
16 for the record, be clear. 21B are the bid drawings,  
17 correct?

18 A. They were the plans that I received  
19 when I asked for a copy of the plans, yes.

20 Q. Okay. But I believe you referred to  
21 them as bid drawings?

22 A. Bid drawings, yes.

23 Q. Okay. And these were the ones you  
24 discussed on direct, right?

1 A. In this hearing?

2 Q. In this hearing, correct.

3 A. I don't know. I believe we referred  
4 back and forth from both of them.

5 Q. Okay. But when you were doing your  
6 testimony with Ms. O'Laughlin, you primarily  
7 discussed 21B as opposed to 21A; isn't that  
8 right?

9 A. Only because those documents were  
10 11-by-17 and they were a little easier to view.

11 Q. Right. But those documents are --  
12 21B is different from 21A; isn't that right?

13 A. Not necessarily. Probably 98  
14 percent of it is the same.

15 Q. Okay. But there are differences,  
16 aren't there?

17 A. Correct.

18 Q. Going back to your deposition, since  
19 I didn't have a copy of the plans that you reviewed,  
20 I asked you if there was anything different between  
21 the plans I was showing you the ones you had  
22 reviewed; isn't that right?

23 A. I don't recall.

24 Q. Okay. And I could take you there,

1 but I'll just jump. In response, you said the  
2 only difference is the plans that I was showing  
3 you had additional pages, 1213 to 1235, and  
4 the pay items quantities. Do you recall that?

5 A. Yes. Based upon the ten seconds  
6 that I had looked at your plans during the  
7 deposition, yes. I was just comparing the  
8 pages that were in my plans versus pages in  
9 your plan.

10 Q. Okay. But I didn't prevent you  
11 from taking additional time to look at the  
12 pages of the plans that I was providing to  
13 you, did I?

14 A. No.

15 Q. And you didn't explain to me, when  
16 I asked about the differences between the two  
17 sets of plans, that the plans you had reviewed  
18 were bid plans, did you?

19 A. I don't recall how that was addressed.

20 Q. Okay. And bid plans are the  
21 construction plans at the time the project was  
22 let out for bidding, right?

23 A. Yes.

24 Q. Okay. And the as-built plans or

1 the final plans that show what was actually built,  
2 correct?

3 A. I would disagree with that.

4 Q. Okay. Well, but they contained --  
5 let's see. But would you agree that the as-builts  
6 are more representative of what actually occurred  
7 on the project than the bid documents?

8 A. The as-builts provide locations of  
9 changes that feel that the residential engineer  
10 feels he needs to memorialize in the bid documents  
11 for future work.

12 Q. Okay. But would you agree with me  
13 that the as-builts are more representative of what  
14 actually occurred on the project than the bid  
15 documents?

16 A. Okay. I'll use your term. Sure.

17 Q. It was actually your term.

18 A. Okay.

19 Q. This is from your testimony on May  
20 25th.

21 A. Okay.

22 Q. And the as-builts contain notes  
23 provided by the resident engineer regarding  
24 changes made during the project, correct?

May 23, 2016

Page 46

1 A. Yes.

2 Q. Let's take a look at 21A -- the  
3 front page of 21A.

4 MS. BRICE: And for everyone  
5 in the room, I provided -- we provided  
6 a blown up set of these documents  
7 because they're so important and it's  
8 a lot easier to be able to look at  
9 them than the ones we previously  
10 had.

11 So I believe the hearing  
12 officer and the Board and opposing  
13 counsel and the witness all have a  
14 larger set.

15 HEARING OFFICER HALLORAN: So  
16 noted. Thank you.

17 BY THE WITNESS:

18 A. I don't believe I do.

19 BY MS. BRICE:

20 Q. Oh, I think you did. Sorry. I  
21 apologize. Here you go.

22 Okay. And first page of 21A,  
23 which is 21A-1, it says as built-in handwriting.

24 Do you see that?

May 23, 2016

Page 47

1 A. Yes.

2 Q. And then it says, "Built 1971 to  
3 1975, contractor Eric Bolander; resident engineer,  
4 Dean Mapes; built according to plans, changes  
5 shown in red." Do you see that?

6 A. Yes.

7 Q. And you haven't seen a copy with red  
8 changes, is that right?

9 A. Correct.

10 Q. And 21A has handwriting on it in  
11 various places. Do you recall that? Let me  
12 just direct you to 21A-8. Do you see 21A-8?

13 A. Yes.

14 Q. There is a plan -- a view of  
15 Greenwood Avenue Stations 7 through 12 plus  
16 ten, correct, down there on the bottom?

17 A. Yes.

18 Q. And you can see some handwriting  
19 on this document; isn't that correct?

20 A. Yes.

21 Q. After you received a copy of your  
22 deposition transcript, you didn't tell me that  
23 the as-builts I showed you, which are 21A, and  
24 the bid documents you relied on, 21B, were

1 actually different, did you?

2 A. Can you say that again?

3 Q. You didn't tell me later that the  
4 bid documents that you looked at and the as-builts  
5 that I had shown you were -- I'm sorry.

6 You didn't tell me that the  
7 documents you had looked at were not as-built  
8 documents, did you?

9 A. I'm not sure how -- I'm not sure.

10 Q. Okay. Well, let's do this. You  
11 didn't identify in your expert report, and you  
12 can look at your appendix, that you based your  
13 opinions on the bid plans and not the as-builts,  
14 did you? This is Exhibit 8. It's 8-18.

15 A. Yes.

16 Q. And 8-18 says you relied upon,  
17 quote, state of Illinois, Department of Public  
18 Works and Buildings, Division of Highways,  
19 Plans for Proposed Federal Aid Highway F.A.  
20 Route 42. Do you see that?

21 A. Yes.

22 Q. And this does not identify these  
23 plans as bid plans, does it?

24 A. No.



1 Q. And you never supplemented your  
2 report to rely on the as-builts, did you?

3 A. No.

4 Q. And this is why I'm a little bit  
5 confused because 21A, the as-builts, the one --  
6 documents that were attached to IDOT's 104(e)  
7 response. Were you aware of that?

8 A. I did not have a complete document  
9 of what was submitted in the 104(e).

10 Q. Okay. Did you request from the  
11 Attorney General's Office the 104(e) response?

12 A. I didn't specifically request it.

13 Q. Okay. But I thought you said that  
14 you actually looked at IDOT's file and the 104(e)  
15 response.

16 A. I looked at Randy Schick's file and  
17 the 104(e) response, yes.

18 Q. And it didn't contain the as-built  
19 plans in it, is that your testimony?

20 A. Yes.

21 Q. Okay. Let's look at Page 49 of  
22 your deposition. Here, we are talking about  
23 Randy Schick's file and it's Page 49, Lines 9  
24 through 13.

May 23, 2016

Page 50

1 A. What page was that again?

2 Q. Page 49. Let's start at Line 7  
3 and you say, "I do not have" -- are you there?

4 A. Yes. Sorry. Yes.

5 Q. You say: "Answer: I don't  
6 have a list of every document that was  
7 in that file."

8 "Question: Okay. Well, what  
9 do you recall being in the file?"

10 "Answer: I recall that there  
11 was information on the contract plans  
12 and the attachments associated with --  
13 that were provided in the 104(e)."

14 Do you see that?

15 A. Uh-huh.

16 Q. But you -- instead of relying on  
17 those documents, you went to District 1 to get  
18 a copy of the bid plans; is that right?

19 A. No.

20 Q. No. Okay. So I thought you did  
21 go to District 1 to get a copy of the bid plans?

22 A. No. I went to District 1 and asked  
23 them for a copy of the plans.

24 Q. And they gave you the bid plans?

1           A.       And the plans I got were the --  
2       which I assumed were the final version of the  
3       plans. I did not realize that there was a --  
4       two sets of plans laying out there.

5           Q.       So you didn't realize the plans  
6       you were looking at were bid plans?

7           A.       I did not realize the plans I  
8       looked at weren't bid plan -- weren't as-built  
9       plans.

10          Q.       Okay. But you knew they were  
11       bid plans?

12          A.       I knew that they were the plans  
13       that they used to build this project, yes.

14          Q.       Okay. Did you ask the Attorney  
15       General's Office or anyone for a copy of the  
16       as-built plans that had the handwriting on it?

17          A.       I did not know that there was a  
18       second -- like I said, I did not know at the  
19       time that there was a second set that had  
20       handwritten notes on it as-builts.

21          Q.       Okay. But isn't it customary  
22       that the as-built plans have handwriting on  
23       them?

24          A.       It is customary that if there

May 23, 2016

Page 52

1 are as-built plans that they would have handwriting  
2 on them, yes.

3 Q. You just assumed there weren't any  
4 as-built plans?

5 A. I assumed that the plans that I got  
6 would be the only plans that existed.

7 Q. You didn't ask anyone to be sure that  
8 that was the case?

9 A. They were the same set of plans that  
10 I provided Randy Schick in the 104(e) when he asked  
11 me to find some -- to find the plans.

12 Q. You pro- -- since there was no  
13 handwriting, you assumed that any changes between  
14 the bid and the as-builts, that there were no  
15 changes; is that right?

16 A. I don't know if I would say that.

17 Q. Okay. But you didn't have any  
18 document that showed you the changes in the plans?

19 A. Not all construction plans write  
20 changes in the system. A lot of those changes  
21 are also maintained through change orders that  
22 are done.

23 Q. Okay. But with respect to the  
24 ones that have the handwriting on it, you assumed

1 that the plans are accurate as to what was  
2 actually built?

3 A. No. I assumed that there were  
4 no changes that the resident engineer wrote on  
5 them.

6 Q. Okay. But wouldn't you agree  
7 that there are sometimes changes to the plans  
8 that are not depicted in change orders?

9 A. Yes.

10 Q. And the as-built plans are retained  
11 by IDOT for certain reasons such as they are part  
12 of the record at the end of the project, right?

13 A. A set of plans is kept as far as  
14 historical record.

15 Q. Okay. And those are typically the  
16 as-built plans?

17 A. They're not necessarily always marked  
18 as-built. There's a set of plans that is -- was  
19 used as part of the record.

20 Q. Okay. And the as-builts come in  
21 handy when a new project comes along involving  
22 the same stretch of road; right?

23 A. Historical plans are useful when  
24 you continue to do a project later down the

1 road, yes.

2 Q. Okay. And IDOT keeps the as-builts  
3 in case there are disputes or claims about a  
4 project later in time, right?

5 A. They keep the plans and the other  
6 documentations regarding the project or historical  
7 reports for any issues that may arise.

8 Q. Including any disputes or claims,  
9 right?

10 A. Well, a lot of claims are resolved  
11 before construction is finalized.

12 Q. Okay. But that wasn't the question.  
13 The question is that IDOT keeps as-builts in case  
14 there are any disputes or claims about the project  
15 later in time?

16 A. They -- they keep a second set. They  
17 keep a historical record of plans and change orders  
18 for historical records for any number of reasons.

19 Q. Okay. Take a look at Page 20 of your  
20 deposition, Line 21, please.

21 A. Yes.

22 Q. "Question: And why does IDOT  
23 retain historical as-built drawings for  
24 road and bridge construction?"

May 23, 2016

Page 55

1                   "Answer: We retain those  
2 things so that the next project that comes  
3 along can start the design process after  
4 based on the previous job that was done."

5                   "Question: And why else?"

6                   "Answer: Well, if there's any  
7 disputes, claims, that may have occurred  
8 through whether it's a contractor and stuff,  
9 then they can use that information too."

10                   Did you say that?

11                   A.        Yes.

12                   Q.        Do you recall when I was asking you  
13 about the as-builts, there was a page I was missing.  
14 It was Sheet 17? Do you remember anything along  
15 those lines?

16                   A.        I remember you -- there was a page  
17 missing, yes.

18                   Q.        Okay. So I will represent for the  
19 record that there was a page missing from the  
20 as-built drawings, which is Sheet 17 and you then  
21 later produced to me 21B, which has the Bid Sheet  
22 17?

23                   A.        Uh-huh.

24                   Q.        Correct?

May 23, 2016

Page 56

1 A. Yes. I assume 17 was in there.

2 Q. Yes, 17B of the bid drawings, but  
3 there was no 21 -- 21A, Sheet 17, and you haven't  
4 seen a Sheet 17 for the as-builts, have you?

5 A. No. I don't believe so.

6 Q. And all you have seen is the Sheet 17  
7 of the bid drawings, right?

8 A. I believe so.

9 Q. Okay. And Sheet 17, if we can turn  
10 to it on 21B, and it is 21B-20. Do you see that?

11 A. Not yet.

12 Q. Okay. Are you there?

13 A. Yes.

14 Q. And this Sheet 17 is actually  
15 depicting the area of Greenwood Avenue that we  
16 are talking about in this case; isn't that true?

17 A. Yes.

18 Q. Okay. It is also depicting two --  
19 if you go up on the page, the orientation is  
20 slightly odd, but if you go up on the page, which  
21 is actually south in reality, you see what was to  
22 be Site 3, correct?

23 You see the north -- sorry.

24 This is complicated and I apologize. If you were



May 23, 2016

Page 57

1 to go -- okay. Do you see where it says drive 20  
2 feet across?

3 A. Yes.

4 Q. Okay. That is part of what would  
5 be Site 3; isn't that right?

6 MS. O'LAUGHLIN: Objection, lack  
7 of foundation. The document speaks -- I  
8 mean, it -- he needs to look at it.

9 HEARING OFFICER HALLORAN: He  
10 can answer if he is able. Thank you. You  
11 may proceed.

12 BY THE WITNESS:

13 A. Site 3 is to the left of the  
14 stationing along Greenwood Avenue, yes.

15 BY MS. BRICE:

16 Q. To the left. Sorry.

17 A. Well, when you -- when you look at  
18 construction plans, you look as if you're standing  
19 looking up stationing so that you orient yourself  
20 to the left or the right of the station that's  
21 along the center line.

22 So if I'm standing on Station 8,  
23 I'm looking at Station 9. Therefore, Site 3 is to  
24 my left.

May 23, 2016

Page 58

1 Q. Okay. Great. And Site 6 is also --  
2 part of Site 6 is also depicted upon -- on this  
3 Sheet 17; isn't that right?

4 A. No.

5 Q. No? Well, Greenwood Avenue -- the  
6 shoulders of Greenwood Avenue are part of Site 6;  
7 isn't that right?

8 A. Yes.

9 MS. O'LAUGHLIN: Objection, vague  
10 to what Site 6 is. I think -- I believe  
11 there's a mischaracterization on what --

12 MS. BRICE: Sure. And I'm not  
13 trying to mischaracterize it.

14 MS. O'LAUGHLIN: Right.

15 MS. BRICE: I probably wasn't  
16 being accurate enough.

17 BY MS. BRICE:

18 Q. Site 6 is not shown exactly on this  
19 photo, I agree, but the area where Site 6 is now  
20 currently located is depicted on this Sheet 17,  
21 correct?

22 A. I don't think that necessarily  
23 characterized what this plan says.

24 Q. Well, the record -- the document

May 23, 2016

Page 59

1 speaks for itself.

2 A. Yes.

3 Q. Now, I want to switch gears and  
4 talk about an opinion that was in your -- you  
5 talked about in your deposition and you say that  
6 JM used fill material containing asbestos-containing  
7 material to build the former parking lot; is that  
8 right?

9 A. I believe so.

10 Q. But you said this wasn't in an  
11 opinion. You said it was a fact from the ELM  
12 report from 1999; isn't that right?

13 A. I would have to look at my -- see  
14 how I actually worded it.

15 Q. Okay. Let's turn to Page 70 of  
16 your deposition, please. I'm at Line 12. You  
17 say:

18 "Answer: I'm not saying  
19 anything regarding what caused the  
20 asbestos on Sites 3 and 6 other than  
21 what was factually found in the  
22 records of the reports written."

23 "Question: Okay. So you're  
24 just reciting what the records said?"

May 23, 2016

Page 60

1                   "Answer: I would assume that  
2           a report that is written for Johns Manville  
3           would be accurate."

4                   Do you see that?

5           A.       Yes.

6           Q.       Okay. But on direct you had -- you  
7           offer an opinion about this, right?

8           A.       I don't recall.

9           Q.       Okay. You talked about -- well, you  
10          have an opinion on this, right?

11          A.       I believe the report states that  
12          the parking lot was made with asbestos-containing  
13          material.

14          Q.       On direct, you talked about Exhibit  
15          52. Remember, we went back and looked at that a  
16          little while ago?

17          A.       Uh-huh.

18          Q.       And how you -- you know, it talked  
19          about it shows the parking lot being built up,  
20          correct?

21          A.       Yes.

22          Q.       Okay. But again, you hadn't seen  
23          this photograph when you provided your expert  
24          report, right?

1 A. No.

2 Q. Okay. And you've not spoken to  
3 anyone involved in the construction of the parking  
4 lot obviously, right?

5 A. Correct.

6 Q. Can't tell us how much fill JM  
7 allegedly used to build the parking lot, can you?

8 A. No.

9 Q. Or whether this hypothetical fill  
10 containing ACM was scattered about or uniform  
11 within the parking lot, right?

12 A. No. I don't believe I characterized  
13 anything about how the parking lot was made.

14 Q. Well, you can't tell us whether this  
15 alleged fill that you believe was placed there was  
16 scattered about or uniform in how it was placed,  
17 right?

18 A. Correct.

19 Q. Okay. Or even if it was simply  
20 placed on top of the parking lot, as discussed in  
21 the record, or if it was buried, can you?

22 A. I'm not sure what you're referring  
23 to then.

24 Q. Okay. Well, I'm talking about the

May 23, 2016

Page 62

1 concrete Transite pipe. So, you know, you had  
2 alleged that that concrete Transite pipe was used  
3 as fill material to build the parking lot?

4 MS. O'LAUGHLIN: Objection,  
5 mischaracterizes his testimony, the  
6 difference between Transite pipe and  
7 ACM. He said ACM, not Transite pipe.

8 MS. BRICE: Okay. Fine.

9 HEARING OFFICER HALLORAN: It's  
10 sustained.

11 BY MS. BRICE:

12 Q. You can't tell us whether the ACM  
13 was placed on top of the parking lot or was buried,  
14 right?

15 A. Correct.

16 Q. And isn't it true that you only relied  
17 on one piece of evidence to arrive at the conclusion  
18 in your report that JM built the parking lot with  
19 ACM fill?

20 A. I don't think that characterizes it  
21 correctly.

22 Q. Okay. We'll go there in a second.

23 I believe you said that the  
24 one piece of evidence is a statement in a 1999

1 environmental report prepared by ELM Consultants,  
2 which is Exhibit 57. So let's take a look at your  
3 deposition at Page 173.

4 A. Okay.

5 Q. And I'm at Line 7. Okay?

6 A. Okay.

7 Q. "Question: So other than this  
8 statement here in the ELM report, do you  
9 have any other evidence that Johns Manville  
10 constructed a parking lot on Site 3 that  
11 contained asbestos-containing materials  
12 other than Transite pipe on top of the  
13 parking lot?

14 "Answer: I lost you again. Could  
15 you do that again?"

16 "Question: Can you read that back?"

17 "Answer: I have no other evidence."

18 Do you see that?

19 A. Yes.

20 Q. Let's take a look at that statement.  
21 If you could, turn to Exhibit 57 in the ELM report.  
22 I believe it's in your binder and 57-11.

23 A. Okay.

24 Q. Okay. It says, "According to Johns

May 23, 2016

Page 64

1 Manville, the parking lot was constructed with  
2 materials containing asbestos-containing materials."

3 Do you see that?

4 A. Yes.

5 Q. And that's the statement you were  
6 referring to, correct?

7 A. Yes.

8 Q. And on direct, this statement -- wait  
9 a minute.

10 You interpreted this statement  
11 to mean that JM filled in the area beneath the  
12 parking lot with all sorts of ACM, right?

13 A. I used this to state that the  
14 contractor who did this report said that they  
15 used asbestos-containing material to build a  
16 parking lot.

17 Q. Okay. But you didn't do anything  
18 to confirm the accuracy of that statement, did  
19 you?

20 A. No. I believe that it was  
21 supplemented by the analytical results that were  
22 done also. It showed --

23 Q. Well, on Page 175 of your deposition,  
24 Page 175, Line 1 -- are you there?



May 23, 2016

Page 65

1 A. Yes.

2 Q. I asked you:

3 "Question: Did you do anything  
4 to confirm the accuracy of this statement  
5 in the ELM report?"

6 "Answer: No, I did not."

7 Do you see that?

8 A. Yes.

9 Q. Okay. And you didn't reach out to  
10 anyone at ELM to figure out what they intended by  
11 that sentence, did you?

12 A. No.

13 Q. And you didn't think that the  
14 statement at Exhibit 57-11 was referring to  
15 the concrete Transite pipe bumpers that were  
16 placed on top of the parking lot, right?

17 A. I believe the -- it states that  
18 ACM was used to construct the parking lot.

19 Q. Right. But you didn't think that  
20 it was referring to the concrete Transite pipe  
21 bumpers that had actually been placed on top of  
22 the parking lot?

23 A. I believe it was referring to all  
24 asbestos-containing material.

1 Q. And that's your interpretation?

2 A. That's -- that's how it reads.

3 Q. Okay. Let's look at the same  
4 document and let's turn to Exhibit 57-16.

5 A. Okay.

6 Q. Okay. And this is the same document,  
7 correct, the same ELM report?

8 A. Yes.

9 Q. And this is the Section 3.2.3  
10 Site 3 description and it says down near the  
11 bottom, "This property is currently owned by  
12 Commonwealth Edison and was formerly utilized  
13 as a parking area for the former JM administration  
14 building. Historical aerial photographs  
15 indicate that pipes were used in the parking  
16 area to aid in determining parking spaces.  
17 Additionally, various other potential ACM was  
18 identified on the site according to photographs."

19 Do you see that?

20 A. Yes.

21 Q. Okay. Does it say anything in there  
22 about fill material?

23 A. No.

24 Q. Okay. And did you read that sentence

1 when you were preparing your report?

2 A. Yes.

3 Q. Okay. But you didn't think it was  
4 important to include in your report?

5 A. I don't believe it conflicted with  
6 the original statement earlier in the report.

7 Q. Have you read the deposition of  
8 Denny Clinton that was taken in October 2015  
9 that discusses what was intended by the sentence  
10 you're relying on, the "according to JM" sentence?

11 A. I can't remember off the top of  
12 my head whether I had or had not reviewed it.

13 Q. Okay. Were you aware that  
14 Mr. Clinton gave a deposition where he discussed  
15 what was intended by that statement?

16 A. I don't know everybody who was  
17 deposed with this case in depositions.

18 Q. All right. But as you sit here  
19 today, you don't know whether or not you read  
20 Mr. Clinton's deposition?

21 A. No. I would say I can't remember.

22 Q. Okay. You can't remember if you've  
23 read his deposition. Well, since you're offering  
24 opinion on this "according to JM" sentence and

May 23, 2016

Page 68

1 Mr. Clinton offered a deposition, Mr. Clinton  
2 testified in a deposition about what was intended  
3 by that sentence, don't you think it would be  
4 important to take a look at Mr. Clinton's  
5 deposition in order to understand what was  
6 intended by that sentence and get the full  
7 range of information?

8 A. I wasn't involved with the deposition  
9 of Mr. Clinton.

10 Q. Okay. But wouldn't it have been a  
11 good idea to read his deposition?

12 A. If I known that it existed, yes.

13 Q. Let's take a look at what Mr. Clinton  
14 has to say and we are going to go to Exhibit 4D.  
15 Okay? I'm at Page 49.

16 A. You said 4?

17 Q. 4D. Is that in there? It would be  
18 at 4 and then a --

19 A. I don't have 4.

20 Q. It's probably in the next binder.  
21 Here you go.

22 A. Oh, 4, yes.

23 Q. Is it there? Great.

24 Okay. Exhibit 4D at Page 49.

May 23, 2016

Page 69

1 A. Okay.

2 Q. And Mr. Clinton was asked:

3 "Question: Do you recall about  
4 any discussions that you -- you say you  
5 never told ELM that the parking was  
6 constructed with ACM. How are you able  
7 to recall that during the course of your  
8 conversation with Mr. Dorgan back in 2015?"

9 "Answer: Because the construction  
10 use of the Transite pipe has always been  
11 the understanding. Transite pipe only  
12 has always been my understanding related  
13 to the construction of the Site 3 parking  
14 lot. I've never had any other information  
15 made available to me that would dispute  
16 that or add to that."

17 Don't you think that would  
18 have been important to read that in rendering  
19 your opinion?

20 A. I don't see that on Page 49.

21 Q. On Line 16?

22 A. Oh, are you talking about on Page 49  
23 or Exhibit 49?

24 Q. Page 49, 4D. Sorry.

May 23, 2016

Page 70

1           A.        Are you talking about 4D, Page 49  
2    or Page 48 of the deposition?

3           Q.        Exhibit 4D, Page 49, which is where  
4    you are Line 18. Hold on one second. We might  
5    have the wrong page. One second. I apologize.

6                    MS. BRICE: Do you have Clinton's  
7    dep? It would be around 48 and 49.

8    BY MS. BRICE:

9           Q.        Do you mind if I look at that?

10          A.        It's your book.

11          Q.        Thank you. Here we go. It's 4D,  
12    Page 50, which is Page 49. Sorry. So I was  
13    reading this here at Line 17. Why don't you read  
14    that to yourself and then answer.

15          A.        Okay.

16          Q.        Okay. Do you think it would have  
17    been important to read this deposition and have  
18    that understanding in rendering your opinion  
19    about what was intended by the statement in this  
20    report?

21          A.        Well, you have a compound sentence.  
22    So the answer to the first part would be yes, I  
23    would say that it would always be important to  
24    read other information, but I don't necessarily

May 23, 2016

Page 71

1 think it changes the information that was in  
2 the ELM report because all he's referring to  
3 is Transite pipe and the ELM report talked  
4 about construction of the material of  
5 asbestos-containing material, which may or may  
6 not include Transite pipe.

7 Q. Okay. Well, take a look at Page 48,  
8 which is probably 49 in your book.

9 A. What exhibit number are we going to?

10 Q. Same thing, same exhibit.

11 A. Page, exhibit number?

12 Q. 4D?

13 A. Uh-huh.

14 Q. Page 49. 4D-49.

15 A. Okay.

16 Q. Do you see that?

17 A. Yes.

18 Q. Line 22.

19 A. Okay.

20 Q. Does that start with "If you look  
21 at"?

22 A. Yes.

23 Q. Okay. It says there, "if you look  
24 at the" -- this is Mr. Clinton. This is my

May 23, 2016

Page 72

1 question.

2 "Question: If you look at the  
3 next sentence after the discussion about  
4 Transite pipe, it says, it is his  
5 understanding, and by that, we assume  
6 that we're referring to you, Mr. Clinton,  
7 your understanding that the only ACM  
8 associated with the construction of the  
9 parking lot is the aforementioned concrete  
10 pipe, the Transite pipe. Is that an  
11 accurate characterization of what you  
12 said during the July 2015 conference call?"

13 "Answer: Yes."

14 "Question: Would you disagree  
15 with that in any way, that characterization?"

16 "Answer: No."

17 "Question: So you would completely  
18 100 percent adopt that characterization, is  
19 that correct?"

20 "Answer: Yes."

21 Do you see that?

22 A. Yes.

23 Q. Would that have been important to  
24 consider?



May 23, 2016

Page 73

1           A.       It would be information to consider,  
2    yes.

3           Q.       And did you hear Mr. Clinton testify  
4    earlier in this case?

5           A.       Yes.

6           Q.       Okay.  And he testified consistent  
7    with what I just read in his deposition, didn't  
8    he?

9           A.       I frankly don't remember what he  
10   said or didn't say.

11          Q.       Okay.  So I want to understand --  
12   one second.

13                   MS. BRICE:  Does anyone want to  
14   take a break?

15                   HEARING OFFICER HALLORAN:  No,  
16   because we have limited time.  You know,  
17   I want you to get through your cross.

18                   MS. BRICE:  Just to the bathroom.

19                   MS. O'LAUGHLIN:  Yes.

20                   HEARING OFFICER HALLORAN:  You're  
21   going on three hours for cross-examination.  
22   How much longer do you have?

23                   MS. BRICE:  I -- I have a bit.

24                   HEARING OFFICER HALLORAN:  Okay.

May 23, 2016

Page 74

1 Well, we'll go a bit.

2 MS. O'LAUGHLIN: Can we have just  
3 like a two-minute bathroom break? Can I  
4 please?

5 HEARING OFFICER HALLORAN: Okay.  
6 Sure.

7 MS. O'LAUGHLIN: I'm sorry.

8 HEARING OFFICER HALLORAN: This is  
9 wrapping up by tomorrow.

10 MS. BRICE: Yes. Understood. I  
11 mean, he was on the stand for a day on  
12 direct.

13 (Whereupon, after a short  
14 break was had, the following  
15 proceedings were held  
16 accordingly.)

17 HEARING OFFICER HALLORAN: We're  
18 back on the record.

19 BY MS. BRICE:

20 Q. All right. Mr. Gobelman, I just  
21 want to talk a little bit about again this opinion  
22 about JM used ACM fill to construct the parking lot.  
23 It seemed to me that, you know, that was predicated  
24 on a couple of different things.

May 23, 2016

Page 75

1 First, your assumption that  
2 the fill material was actually needed to create  
3 the parking lot, right?

4 A. Yes.

5 Q. Okay. And you also reached the  
6 opinion that ACM was used as the fill material,  
7 right?

8 A. No.

9 Q. Okay. Well, didn't you just say  
10 that ACM was used as part of the fill material  
11 for the parking lot?

12 A. No. I said it was used in the  
13 construction of the -- within the parking lot  
14 fill material.

15 Q. I'm not sure I understand the  
16 distinction.

17 A. Well, the statement you gave me  
18 made it sound like the parking lot was made with  
19 100 percent ACM. I'm just saying that ACM was  
20 part of the construction material.

21 Q. Okay. So earlier a couple weeks  
22 ago, we went through an offer of proof on a few  
23 things and I did a discussion about your opinion  
24 about the low lying marsh and the parking lot was,

May 23, 2016

Page 76

1 you know, marshy, you know, at one point and  
2 then that it was dry. Do you remember that  
3 discussion?

4 A. I remember a discussion about that.

5 Q. Okay. So we are, I think, in  
6 agreement that we're going to incorporate that  
7 portion of the cross in the prior -- and I can  
8 elaborate the pages for you later -- taken a  
9 couple of weeks ago as part of this cross that  
10 goes to the point about the assumption that there  
11 needed to be fill to create the parking lot?

12 HEARING OFFICER HALLORAN: I'm  
13 fine with that if IDOT is fine that. So,  
14 yes. Thank you.

15 BY THE WITNESS:

16 A. Except I didn't use the word dry. I  
17 said it was not wet.

18 BY MS. BRICE:

19 Q. Okay. Well, let's look at Exhibit  
20 8-14 of your report, please.

21 A. Okay.

22 Q. Okay. There is a sentence, is there  
23 not, that "JM is creating a level and dry parking  
24 area where the JM employees would have had to add

1 fill to this area in order to create a parking area  
2 base."

3 Do you see that?

4 A. What paragraph are you on so I don't  
5 have to look in every word in every paragraph?

6 Q. I don't have it in front of me. One  
7 second. It' the top -- at the very top of the page,  
8 "Johns Manville, in creating a level and dry parking  
9 area, for the Johns Manville employees would have to  
10 add fill material to the area in order to create a  
11 parking area base."

12 Do you see that?

13 A. Yes.

14 Q. Okay. And that's in your report,  
15 right?

16 A. Yes.

17 Q. Okay. Now, let's look again at  
18 Exhibit 21A. All right. I think that's in the  
19 first book. These are the as-built drawings  
20 and IDOT prepared these, right?

21 A. Yes.

22 Q. And approved them in September 1970.  
23 Over on the right, you will see that.

24 A. I see that, but that's not how you're

May 23, 2016

Page 78

1 characterizing it.

2 Q. IDOT approved of the drawings in  
3 at least September of 1970. There might be other  
4 dates on there, but in September of 1970, there  
5 was some approval; is that correct?

6 A. There was an approval of the plans  
7 that were going to go to bid, yes.

8 Q. In September of 1970?

9 A. There was a signature in September of  
10 '70.

11 Q. Okay. Let's unfortunately take a  
12 look at Page 96 of your deposition.

13 HEARING OFFICER HALLORAN: Ms. Brice,  
14 Page 96 --

15 MS. BRICE: Yes.

16 HEARING OFFICER HALLORAN: -- of his  
17 dep?

18 MS. BRICE: Oh, Page 97 of the  
19 deposition. Sorry. Line 4.

20 BY MS. BRICE:

21 Q. I apologize. Move up to Page 96  
22 just to get the whole thing. Line 16 says:

23 "Question: Okay. And over here  
24 on the far right of the front page" --

May 23, 2016

Page 79

1 A. I'm not there yet.

2 Q. Sorry. I'm just trying to speed  
3 it up.

4 A. I'm just trying to find what book  
5 I'm in.

6 MS. CAISMAN: That one.

7 BY THE WITNESS:

8 A. Page 96. Yes.

9 BY MS. BRICE:

10 Q. And I say:

11 "Question: Okay. And I say  
12 and over here on the far right of the  
13 front page, you have 'approved' and then  
14 you've got -- it might be hard to see --"

15 "Answer: Right."

16 "Question: -- and you can look  
17 at my copy, but it says 9/9/70, and there  
18 is a whole list of people."

19 "Answer: Correct."

20 "Question: What is that signifying?"

21 "Answer: Those are the -- sort  
22 of like the -- I'll use an environmental  
23 term -- chain of custody of the plans  
24 approving it to be able to go to letting."

1 Do you see that?

2 A. Yes.

3 Q. Okay. And in order to prepare these  
4 drawings, IDOT needed to do work at the project  
5 site beforehand, right?

6 A. On the project, yes.

7 Q. Okay. IDOT needed to do soil borings,  
8 right?

9 A. On the project, yes.

10 Q. Well, with respect to the project  
11 in order to approve the plans, they needed to take  
12 some soil borings; right?

13 A. Yeah. On the project, yeah.

14 Q. And they also had to do some  
15 surveying, correct?

16 A. Yes.

17 Q. And that surveying would have  
18 included Site 3 -- work on Site 3; isn't that  
19 right?

20 A. Yes. I would assume that the  
21 surveying included everything that they had in  
22 the plans, yes.

23 Q. I'd like to look at the 1970 aerial  
24 photo, which is 54S. This photo shows the white



1 lines demarcating parking lot, right?

2 A. It shows a remanence of the  
3 former parking lot, yeah.

4 Q. Okay. But it shows the white  
5 lines demarcating parking lot; isn't that right?

6 A. There's -- there's white there,  
7 yes.

8 Q. And those are lines that had  
9 demarcation the parking lot, right?

10 A. They demarc an area there yes.

11 Q. And I believe you said that this was a  
12 vacant parking lot in your report?

13 A. Yes.

14 Q. Okay. And you thought this was a  
15 working day, right?

16 A. Yeah.

17 Q. But the park lot was used by folks  
18 in the administration building, right?

19 A. I assume it would be used by anybody  
20 who needed to park there.

21 Q. Okay. Well, I think we read in  
22 Exhibit 57 it talked about the folks in the  
23 administration building. Do you recall that?

24 A. I know that it refers that the

1 administrative people used that parking lot,  
2 yes.

3 Q. So it's possible that the  
4 administrative folks didn't work on weekends,  
5 but the plant people did; isn't that true?

6 A. I do not believe that 6/11 of 1970  
7 is a weekend.

8 Q. Oh, you went back and checked it?

9 A. I did during the last hearing.

10 Q. Oh, okay. So the June 11, 1970,  
11 aerial photo was taken only three months before  
12 the IDOT plans were approved, right?

13 A. Yes.

14 Q. Okay. And it was taken after IDOT  
15 had begun to do surveying work and soil boring  
16 work associated with the project, right?

17 A. I would assume that that work had  
18 already been completed.

19 Q. Okay. Let's switch gears. We're  
20 going to talk about the 104(e) response.

21 In your report, you discuss IDOT's  
22 104(e) response. Take a look at Exhibit 60 in Book  
23 2.

24 A. Okay.

May 23, 2016

Page 83

1 Q. And you were -- and this is IDOT's  
2 104(e) response, correct?

3 A. A portion of it, yes.

4 Q. A portion of it. So it just doesn't  
5 have the exhibits, right?

6 A. I assume that's what's missing out of  
7 it, yes.

8 Q. And you were actually involved in  
9 the preparation of this response; isn't that right?

10 A. In some of the response, yes.

11 Q. And you testified that Mr. Schick,  
12 who was in charge of the response, asked you for  
13 some aerial photos; is that right?

14 A. Yes.

15 Q. And you said on direct that you  
16 weren't sure if these aerial photos were in stereo  
17 or not. Do you remember now one way or another?

18 A. I would only assume that I would  
19 have obtained stereo sets because that's what I  
20 always grab -- that's what I always get.

21 Q. And would you have looked at them at  
22 that time?

23 A. If I had the stereo sets, I would  
24 have looked at them, but I don't recall specifically

May 23, 2016

Page 84

1 whether or not I actually did.

2 Q. Okay. But you're not identified  
3 in IDOT's -- you're not identified in the 104(e)  
4 as someone who participated in responding to the  
5 104(e), are you?

6 A. My name is not mentioned.

7 Q. And the aerial photos you found  
8 weren't part of IDOT's 104(e) response, were  
9 they?

10 A. I don't recall whether it was or  
11 wasn't.

12 Q. Okay. Take a look at Exhibit 58,  
13 please. This is the 104(e) request. I'm looking  
14 at Exhibit 58, Page 5.

15 A. Okay.

16 Q. And there is a question about  
17 identify -- this is number five. "Identify the  
18 acts or omission of any person other than your  
19 employees, contractors or agents that may have  
20 caused the release or threat of release of  
21 hazardous substances."

22 Do you see that?

23 A. Yes.

24 Q. If you go back to Exhibit 60, take

1 a look at IDOT's response. It's at 60-4.

2 A. Okay.

3 Q. And it says, "The department has  
4 no knowledge of such acts or omissions."

5 Do you see that?

6 A. Yes.

7 Q. But I thought you told me that IDOT  
8 didn't have a belief as to whether or not it was  
9 responsible for asbestos contamination when 104(e)  
10 was submitted?

11 A. I don't recall how I stated it.

12 Q. Okay. Take a look at your deposition  
13 on Page 30, please.

14 A. Okay.

15 Q. Line 4:

16 "Question: What was your  
17 understanding of IDOT's belief regarding  
18 whether or not it was responsible for  
19 asbestos contamination at the site when  
20 it presented US EPA with its 104(e)  
21 response?"

22 There is an objection and  
23 the witness says:

24 "Answer: I don't believe we

May 23, 2016

Page 86

1 had any belief."

2 Do you see that?

3 A. Yes.

4 Q. If that's true, then IDOT had  
5 little doubt that it could be responsible,  
6 right?

7 A. I don't believe we had an opinion  
8 one way or the other.

9 Q. Okay. But they said on 60-4 that  
10 it has no knowledge of such acts or omissions;  
11 isn't that true?

12 A. Correct.

13 Q. In your report on Page 08-11, you  
14 are discussing --

15 A. Okay.

16 Q. -- you are discussing Mr. Mapes,  
17 correct?

18 You say, "Mr. Mapes recalled  
19 dealing with asbestos pipe during the project, the  
20 project meaning the entire construction project, not  
21 just Johns Manville parking lot on Site 3 and Site  
22 6."

23 A. I was using the wrong page number.

24 Q. Are you at 08-11 now?

May 23, 2016

Page 87

1 A. Now, I'm 08-11. I was on Page 11.

2 Q. Sorry. Do you see that?

3 A. Yes.

4 Q. Okay. And when you were talking  
5 about this, you were referring back to what  
6 Mr. Mapes had conveyed to Mr. Schick in his  
7 response to the 104(e) response, correct?

8 A. Yes.

9 Q. Okay. And there was -- and I  
10 don't need to read it again, but if you take  
11 a look at Exhibit 58-14, there's an answer  
12 to question No. 10, I believe, that discusses  
13 Mr. Mapes.

14 Do you see that?

15 A. You're referring to the document?

16 Q. I'm referring to Exhibit 58-14, the  
17 answer to number ten.

18 A. Exhibit 58-14, there is a picture  
19 of a map.

20 Q. I'm sorry. 60. Exhibit 58 --  
21 Exhibit 60, answer to number ten, 60-4.

22 A. I'm on Exhibit 60 now?

23 Q. Yes. Sorry?

24 A. 60-4?

1 Q. Yes.

2 A. Okay.

3 Q. Okay. It says, second sentence,  
4 the words retired engineer -- resident engineer,  
5 Duane Mapes, for the construction project, during  
6 a telephone call with J. Randall Schick, assistant  
7 chief counsel, in October of 2000, recalled  
8 dealing an asbestos pipe during the project and  
9 burying some of it. As the department does not  
10 have information about where ACM was located at  
11 the start of the project and where it's alleged  
12 to have been disposed, he was unable to ask  
13 Mr. Mapes to provide more information. The  
14 department has no further information responsive  
15 to this question.

16 Do you see that?

17 A. Yes.

18 Q. And on -- and then you said you were  
19 interpreting that on Exhibit 08-11 that the project,  
20 meaning the entire construction project, not just  
21 the Johns Manville parking lot, right?

22 A. Correct.

23 Q. Okay. And just to clarify the parking  
24 lot was not on Site 6, right?



1           A.       Site 6 and Site 3 abut each other.  
2       How that line is drawn on the map and whether it  
3       touches the parking lot, I'm not -- I'm not sure.

4           Q.       You say in your report the entire  
5       construction project, but those words aren't  
6       stated in IDOT's actual response to question ten,  
7       are they?

8           A.       No. It talks about the start of  
9       the project and where the project ends.

10          Q.       And You never spoke to Mr. Mapes,  
11       right?

12          A.       No.

13          Q.       And you didn't speak to Mr. Schick  
14       about his conversation with Mr. Mapes?

15          A.       I don't recall if I did or didn't.

16          Q.       Okay. Well, in your deposition,  
17       you stated that you had not.

18          A.       Okay.

19          Q.       You had no role in responding to  
20       question ten, right?

21          A.       I did not play a role in writing that  
22       answer to that question.

23          Q.       Okay. In your deposition you said  
24       you had no role in that. Do you dispute that now?

1 A. No.

2 Q. So you don't know exactly what  
3 Mr. Mapes meant, do you?

4 A. I believe he meant how it's  
5 characterized in that paragraph.

6 Q. Okay. But you're interpreting what  
7 Mr. Mapes meant simply from the context in which  
8 it was written?

9 A. Yes.

10 Q. Okay. Let's go back to 58 and let's  
11 look at the question. So we are going to 58-6.  
12 Okay.

13 A. Okay.

14 Q. "Question: Described all  
15 arrangements from the transportation,  
16 movement or placement of ACM that was  
17 in situ at area concern number three  
18 that the Illinois Department of  
19 Transportation carried out in the  
20 construction," et cetera.

21 Do you see that?

22 A. Uh-huh.

23 Q. So the question is about area of  
24 concern number three, right?

May 23, 2016

Page 91

1           A.       And that is the question that they  
2   are asking.

3           Q.       Right.  At one point, you said that  
4   Mr. Mapes was talking about possibly asbestos  
5   cement under-drains that could have been used as  
6   part of the project.  Do you recall that?

7           A.       I don't recall using it in the way  
8   you are referring to it.

9           Q.       Okay.  Do you generally recall a  
10  discussion along those lines?

11          A.       I believe there was a discussion about  
12  other asbestos-containing material, whether it's  
13  approved by the IDOT spec.

14          Q.       Okay.  Asbestos cement under-drains  
15  was not something that you talked about?

16          A.       I think we talked about asbestos  
17  cement pipe that is approved in the spec book  
18  that can be used for under-drains and storm sewers  
19  and a whole host of things at that time.

20          Q.       Okay.  But you don't have any  
21  evidence that the contractor that encountered  
22  existing asbestos-containing pipe doing the  
23  work on Sites 3 or 6, do you?

24          A.       At that particular time we wouldn't --

1 nothing would have been noted that anything would  
2 have contained asbestos.

3 Q. Okay. But that's not the question.  
4 The question is you don't have any evidence that  
5 he actually encountered existing asbestos pipe  
6 during the work on Sites 3 or 6?

7 A. There was no evidence that he  
8 encountered any asbestos material.

9 Q. Okay. Now, I'd like to talk about --  
10 if you go to your opinion about utilities, which is  
11 on Exhibit 8-9.

12 A. Okay.

13 Q. You say on 8-9 that "a number of  
14 utilities were in conflict and had to be adjusted  
15 at the start of the project."

16 Do you see that?

17 A. Yes.

18 Q. Okay. And you were referring, I  
19 believe, if you turn to Exhibit 25 to this exhibit.  
20 If you look at your reference, it refers to this  
21 Exhibit 25. Is this the exhibit that you were  
22 referring to?

23 A. Yes. I believe it is.

24 Q. Okay. And this document discusses a

May 23, 2016

Page 93

1 number of utilities that needed to be relocated as  
2 part of the Amstutz project, right?

3 A. Yes.

4 Q. Okay. And some of these relocations  
5 were done under a separate contract, right, not with  
6 Bolander?

7 A. I think that mischaracterizes this.

8 Q. Okay. Here we go. Let's look at  
9 25-2, City of Waukegan, same document, 25-2. For  
10 example, city of Waukegan, it says, "Proposed detour  
11 roads likely cross existing water and sewer lines.  
12 These may be relocated under separate contract."

13 Do you see that?

14 A. Yes.

15 Q. So is it true that some of these were  
16 relocated under a separate contract based upon this  
17 document?

18 A. It says may.

19 Q. Okay. But do you have any reason to  
20 dispute that that did not happen?

21 A. I have not seen any contracts that  
22 relate to the relocation. So I can't state one  
23 way or another --

24 Q. Okay. Well, I'll repre- --

May 23, 2016

Page 94

1           A.       -- whether or not it was a separate  
2 contract.

3           Q.       I'll represent for the record that  
4 I -- we discussed this earlier and I had requested  
5 from Mr. McGinley all documents related to these  
6 contracts and he indicated in a letter that was  
7 entered when Mr. Tracy was on the stand that those  
8 documents and those contracts were destroyed in  
9 some sort of a flood back in the 1970s, as I  
10 recall.

11          A.       Okay.

12          Q.       Do you remember anything along those  
13 lines?

14          A.       I remember a discussion about flood  
15 destroying records, but not knowing what was being  
16 rendered as --

17          Q.       Okay. But do you have any reason  
18 to dispute that that would have been done under  
19 a separate contract based on what this document  
20 says?

21          A.       For -- in regards to that, yes, it  
22 could have been done under a separate contract.

23          Q.       Thank you. You haven't looked at  
24 any records regarding utility installation,

May 23, 2016

Page 95

1 removal or maintenance on Sites 3 or 6, have  
2 you?

3 A. Can you repeat that?

4 Q. Sure. This opinion is about  
5 installation of utilities and maintenance of  
6 utilities and how that would affect ACM within  
7 the horizon, I believe is the word that you  
8 used a little while ago; is that accurate?

9 A. Yes.

10 Q. Okay. But you have not reviewed  
11 any records regarding installation or removal  
12 of or maintenance of utilities on Sites 3 or 6,  
13 have you?

14 A. Correct.

15 Q. So you don't know if any maintenance  
16 work was done on Sites 3 or 6 utilities between  
17 1977 and today; right?

18 A. Correct.

19 Q. Now, I'd like to turn to the  
20 question of what happened to the concrete  
21 Transite pipes that JM placed on its former  
22 parking lot.

23 I'd like to just first  
24 establish something important. You don't know

1 what actually happened to those concrete Transite  
2 pipes, do you?

3 A. Correct.

4 Q. And I believe we went over this  
5 earlier. You testified that you thought it was  
6 very unlikely that the contractor would have  
7 taken the concrete Transite pipes, crushed it  
8 and then used it in the construction of the  
9 embankments and we read that part of your  
10 deposition?

11 A. Well, I think that's sort of  
12 mischaracterizes the context of the discussion  
13 of the word embankments.

14 Q. All right. But you are not  
15 disputing that you said that in your deposition,  
16 are you?

17 A. No.

18 Q. You said previously that the  
19 contractor didn't take the Transite pipe, break  
20 it up and put it in embankments for the road  
21 Sites 3 or 6 based upon the sequence of the  
22 project. Do you recall that?

23 A. Yes.

24 Q. Okay. And in your report you opined



May 23, 2016

Page 97

1 that, quote -- I'm on -- well, no material from  
2 Site 3 would have been used in embankment because  
3 of sequencing. Do you recall that? I think it's  
4 Page 11.

5 A. I'm not sure if that's characterized  
6 correctly.

7 Q. Okay. Page 11?

8 A. Page 11 of what?

9 Q. Your report, expert report, 08. Okay.  
10 It is on 08-13. Do you see that?

11 A. Yes. I see it. I'm on Page 08-13.

12 Q. And I think you're right. You didn't  
13 say exactly that. You said, "No material from  
14 Site 3 could have been used in the embankment for  
15 Greenwood Avenue or Sand because the roads were  
16 still open at the time the detours are completed  
17 and there was no embankments being built at that  
18 time."

19 Do you see that?

20 MS. O'LAUGHLIN: Objection. I'm  
21 sorry. Where are you?

22 MS. BRICE: Sure. 08-13.

23 MS. O'LAUGHLIN: Where?

24 MS. BRICE: Second paragraph.

1 BY MS. BRICE:

2 Q. Do you see that? Sir?

3 A. Yeah. I'm reading. I'm just looking  
4 at that paragraph. Can I have a moment?

5 Q. Sure.

6 A. Okay. Yes. That's what I said.

7 Q. And when we discussed this in your  
8 deposition, you explained this by saying that  
9 material from Site 3 wouldn't be used on the  
10 embankment because there was no excess cut  
11 from the construction of the detour roads to go  
12 into the embankments. Rather, all the cut material  
13 that was coming off the detour roads was going  
14 into the detour roads. Do you recall that?

15 A. I think that's correct.

16 Q. But you also said at one point that  
17 this was actually excess cut from the detour  
18 roads and that was going to be used as fill in  
19 the embankment. Do you recall saying that?

20 A. I'm not sure.

21 Q. Take a look at Page 146 of your  
22 deposition, please. I'm on Line 6. I asked the  
23 question:

24 "Question: So the cut material

May 23, 2016

Page 99

1 can be placed in the right-of-way  
2 and stay there for a long time?"

3 "Answer: The cut material  
4 would have been utilized as part of  
5 a construction project."

6 Oh, sorry. I'm looking at the  
7 wrong thing. Six. Okay. Sorry. On ten.

8 A. Ten what?

9 Q. Line 10. Sorry.

10 A. Line 10 of Page 146?

11 Q. Page 146. Yes.

12 A. Which one is the deposition?

13 Q. 4C.

14 A. Okay.

15 Q. "Question: But they could  
16 have done the cut -- the excess cut  
17 material on Detour Road A could have  
18 been placed right outside the road  
19 within the right-of-way and then used  
20 later, right?"

21 "Answer: No. They would have  
22 to use -- they would use that material  
23 to build embankment. They needed fill  
24 and that's what the cut material was

May 23, 2016

Page 100

1           used for."

2                           Do you see that?

3           A.       Yes.

4           Q.       Okay.  And to me, your opinion that  
5 the access cut from Detour Road A will be used  
6 to fill the embankment seems right.  So let's talk  
7 about it.

8                           At 08-7 on your -- in your --

9           A.       08-7?

10          Q.       08-7 is -- your expert report is 08.

11          A.       Okay.

12          Q.       So we're on Page 7 of your expert  
13 report.  Okay?

14          A.       Okay.

15          Q.       Okay.  And I am at the second full  
16 paragraph.  Okay?

17          A.       Okay.

18          Q.       And you indicate on Detour Road A  
19 there is 5, 148 yards that needs to be cut, right?

20          A.       I believe -- if you're there, that's  
21 the third full paragraph.

22          Q.       Fine.  Third full paragraph.

23          A.       I'm just trying to be accurate.

24          Q.       I'm sorry.  I was thinking it was

1 a run over from the last paragraph.

2 Okay. Do you see where I'm

3 talking about?

4 A. Yes.

5 Q. Okay. And then 1,102 cubic yards

6 that needs to be filled; is that right?

7 A. Yes.

8 Q. Okay. So we have an access cut,  
9 as you point out, of 4,046 cubic yards of soil.

10 Do you see that?

11 A. Yes.

12 Q. And you say in your report right  
13 here that this material would have been removed  
14 and most likely used in the construction of  
15 Detour Roads B and C.

16 Do you see that?

17 A. Yes.

18 Q. Okay. But there's a document in  
19 the record indicating that Detour Road C needed  
20 to be done first, isn't that right, in order to  
21 avoid a conflict? A conflict could be avoided  
22 if Detour Road C was done first?

23 A. No.

24 Q. Okay. That's on page -- that's

1 Exhibit 25-1. We were just looking at it.

2 Okay. Are you there?

3 A. Yes.

4 Q. It says, "Commonwealth Edison, no  
5 immediate conflict if Bolander starts with Detour  
6 Road C."

7 Do you see that?

8 A. Yes.

9 Q. Okay. So let's assume that Detour  
10 Road C was completed first. And Detour Road C  
11 is across Greenwood Avenue to the north on the  
12 JM -- partially on the JM property, right?

13 A. I don't believe so.

14 Q. No? You don't know where Detour  
15 Road C is?

16 A. Well, I know where Detour Road C is,  
17 but I don't think -- I don't necessarily believe  
18 that it touches -- that it's on JM's property.

19 Q. Well, it's to the north, right? Can  
20 we at least agree on that? It's across Greenwood?

21 A. It's -- it's on the western end of  
22 Greenwood on the north end of it.

23 Q. On the north side --

24 A. North side, yes.

1 Q. -- across Greenwood from where  
2 Site 3 is located?

3 A. No. I don't believe so.

4 Q. Okay. Fine. Let's use an exhibit.  
5 This is the 1970 aerial photo, Exhibit 54S, and  
6 site -- here's the parking lot area that we've  
7 been talking about, right?

8 A. Yes.

9 Q. And this is Site 3, right?

10 A. That's site --

11 Q. In here generally (indicating)?

12 A. Uh-huh.

13 Q. Where is Detour Road C?

14 A. I believe, and I can confirm by  
15 looking at the plans, I believe Detour Road C  
16 is over here someplace (indicating).

17 Q. Okay. But it's on the north side  
18 of Greenwood?

19 A. Yes. That's what I said, but I --  
20 you believe -- you stated that it was on or  
21 portions of on JM property.

22 Q. Well, the record will reflect what  
23 it -- where it is exactly.

24 Okay. So we just established

1 we had an extra cut 4,046 cubic yards and you  
2 said the cut will be used to fill the other  
3 detour roads. So if Detour Road A is done, let's  
4 see what's needed -- so we did Detour Road C. We  
5 did that first. We did Detour Road A and we've  
6 got the 4,046 cubic yards. Let's see what's  
7 needed on Detour Road B. So if you would, look  
8 at Exhibit 21A-24.

9 A. 21?

10 Q. 21A-24.

11 A. Okay.

12 Q. All right. And what do we have for  
13 Detour Road B? How much cut is there needed and  
14 how much fill?

15 A. It appears to show that the cut  
16 is maybe 526 cubic yards and the fill is 1,407  
17 cubic yards.

18 Q. Okay. So that generates generally  
19 a need for 881 cubic yards of net fill?

20 A. I would assume your math is correct.

21 Q. Okay. So let's take 4,046 minus  
22 881 and that's 3,165 yards of surplus cut, correct,  
23 assuming the math is correct?

24 A. Okay.



May 23, 2016

Page 105

1 Q. And that surplus cut needed to  
2 be staged somewhere to be used later, right?

3 A. Under your hypothesis, yes.

4 Q. And let's go back to your report at  
5 Exhibit 8-13.

6 A. Okay.

7 Q. Okay. And you say, "Part of building  
8 the embankment, all detour roads had to be  
9 completed. Once the roads were completed, then  
10 Greenwood Avenue could be closed and construction  
11 began by removing the roadway and building the  
12 embankment."

13 Do you see that?

14 A. Yes.

15 Q. Okay. And this is part of the  
16 sequencing, correct?

17 A. As outlined in the plans, yes.

18 Q. Okay. And you said it was impossible  
19 for the contractor to deviate from the sequencing;  
20 isn't that right?

21 A. As the sequencing existed, yes, he  
22 could not deviate from the sequencing.

23 Q. Okay. And the closest embankment to  
24 where Detour Road A crosses the parking lot area,

1 is the embankment on the south side of Greenwood,  
2 right?

3 A. Would you say that again?

4 Q. Sure. The closest embankment to  
5 where Detour Road A crosses the parking lot area  
6 is the embankment on the south side of Greenwood?

7 A. It would be the eastern -- the  
8 closet embankment is the eastern side of Greenwood.

9 Q. The left side of Greenwood is the  
10 way that you're talking if you're looking up  
11 stationing?

12 A. I don't think it would be necessarily  
13 a distinction of something -- that something is  
14 going to do one versus the other. It's the closest  
15 embankment is the eastern side of -- along Greenwood  
16 Avenue.

17 Q. In your report, you say that the  
18 Transite pipes would have been crushed and  
19 scattered throughout the site because the  
20 contractor wouldn't have taken any action, that  
21 it would potentially damage the stability of  
22 the parking lot.

23 Do you remember that?

24 A. Yes.

1 Q. And so he would have left the  
2 parking lot in place, is that your position?

3 A. I believe at the time he could  
4 have left it in place, yes.

5 Q. And you also testified that you  
6 believe that Detour Road A was actually built  
7 on top of the existing parking lot and that  
8 the parking lot was not removed by IDOT.

9 Do you remember that?

10 A. Yes, I said that.

11 Q. Let's look again at the aerial  
12 photo from the 1970s, this one right here  
13 that we've got, 54S, and we talked about --  
14 earlier, you said there's a vacant parking lot  
15 here, correct?

16 A. Yes.

17 Q. Okay. Now, I'd like to look at  
18 the 1972 aerial photo, which is 53B.

19 Do you see that?

20 A. Yes. Okay. Yes.

21 Q. The parking lot is not there any  
22 longer, is it?

23 A. As it existed in 1970, correct.

24 Q. Well, the -- there -- you cannot

1 make out the parking lot in that aerial photo,  
2 can you?

3 A. As it existed in 1970, can I make  
4 out the parking lot -- what the remanence of the  
5 parking lot was, yes.

6 Q. Okay. Let's look at your trial  
7 testimony May 25, Page 191.

8 MS. O'LAUGHLIN: Objection. I --  
9 is it proper to cite previous testimony?  
10 I mean, we have the record. I mean --

11 MS. BRICE: It's a prior  
12 inconsistent statement.

13 HEARING OFFICER HALLORAN: I agree.  
14 Overruled.

15 BY MS. BRICE:

16 Q. May 25, Page 191.

17 A. What am I looking at?

18 MS. CAISMAN: Spiral binder.

19 BY MS. BRICE:

20 Q. It's the spiral binder.

21 Okay. And I believe -- I was  
22 asking -- you were describing the parking lot  
23 and you say on Page 191:

24 "Answer: I don't have the

May 23, 2016

Page 109

1 line number at my fingertips. At this  
2 time you cannot make out the parking  
3 lot. It could have been roughly in  
4 this area."

5 Do you see that?

6 A. Yes.

7 Q. And we're talking about the 1972  
8 aerial at that point in time, right?

9 A. I guess. I don't know. I mean,  
10 it doesn't state there what it is, but I'm assuming  
11 somewhere previously, it must state it.

12 Q. If you don't mind -- okay. Do you  
13 see here on Page 190?

14 A. Yes.

15 Q. It says:

16 "Question: If you can move next  
17 to the aerial photo of 1972," at Line 11?

18 A. Uh-huh. Fine. Okay.

19 Q. Okay. So we were talking about that  
20 photo, weren't we?

21 A. Okay. Yes.

22 MS. O'LAUGHLIN: Objection. She  
23 was referencing 53B. This is 54Q.

24 MS. BRICE: It's the same document.

1           It's the same photo. There are just multiple  
2           because you produced copies and we produced  
3           copies.

4                           HEARING OFFICER HALLORAN: The  
5           record will so reflect. You may continue.

6 BY MS. BRICE:

7           Q.           Okay. Let's talk about this opinion  
8           anyhow. Previously, you said that this opinion  
9           that the parking lot was not removed was based  
10          upon your belief of what was described in the  
11          1973 change order. Do you remember that?

12          A.           I don't recall off the top of my  
13          head right now, no.

14          Q.           Okay. Well, you talked about a  
15          1973 change order at length in your deposition  
16          and in your report about that you said that  
17          there was a typo in this 1973 change order.

18          A.           Okay.

19          Q.           Do you recall what --

20          A.           Okay.

21          Q.           -- I'm talking about?

22          A.           Yes.

23          Q.           Okay. And you said that this change  
24          order indicates that the parking lot on Site 3

May 23, 2016

Page 111

1 had a cover on it that was thick enough to support  
2 Detour Road A, right?

3 A. At that time yes.

4 Q. What do you mean by "at that time"?

5 A. That's what I stated at that time.

6 Q. Wait. That's what you stated, yes,  
7 at that time meaning in your report?

8 A. In my deposition, I would guess.  
9 That's what you're talking about.

10 Q. Okay. And so IDOT just built Detour  
11 Road A on top of the parking lot, that's your  
12 opinion, correct?

13 MS. O'LAUGHLIN: Objection,  
14 vague.

15 HEARING OFFICER HALLORAN: Sustained.  
16 Rephrase.

17 BY MS. BRICE:

18 Q. Okay. Let's just -- I will  
19 represent that if you look at Page 08-12 of  
20 your report, it says, "At the time the road was  
21 constructed, the parking lots was determined to  
22 be suitable to supporting the detour road and  
23 left in place."

24 Do you see that?

1 A. 08-12?

2 Q. Yes.

3 A. Yes.

4 Q. Okay. And we were just talking  
5 about you believed that there was a cover on  
6 the parking lot and in your mind, that was sort  
7 of asphaltic material?

8 A. At that time, yes.

9 Q. "At that time," again, I'm not  
10 understanding what you're meaning.

11 A. Well, I believe at that time that  
12 I had made a mistake and in evaluating that to --  
13 because the quality of document were poor, that  
14 I had assumed that that was a typo between A and  
15 B and upon further reflection, I believe I was  
16 incorrect in that statement.

17 Q. Okay. So you're changing your  
18 testimony?

19 MS. O'LAUGHLIN: Objection.

20 That mischaracterizes -- if you could  
21 reference the testimony? We've gone  
22 from the trial transcript and the  
23 deposition testimony. If you could --

24 HEARING OFFICER HALLORAN: Correct.



1 I mean, granted this is kind of an anomaly  
2 because usually hearings like this, they're  
3 protracted and you use the transcript. It's  
4 already been produced. So just be a little  
5 more specific, please. Thank you.

6 MS. BRICE: Sure. Okay.

7 BY MS. BRICE:

8 Q. Okay. Let's figure out the best  
9 place to look at this. 08-7.

10 A. 08-7.

11 Q. There's a whole opinion, Site 3  
12 parking lot removal.

13 A. Uh-huh.

14 Q. It says, based upon the record,  
15 Johns Manville's parking lot was never removed  
16 in order to construct Detour A Road. Authorization  
17 for contract changes, blah, blah, blah --

18 A. Uh-huh.

19 Q. -- 1973 indicated a deduction of  
20 2,644 square yards of stabilized based coarse  
21 nine inches. The justification for this change  
22 was that the deduction nine-inch stabilized base  
23 course is for areas where the job condition  
24 required the use of a variable thickness.

May 23, 2016

Page 114

1                   Then it goes on and then he  
2    says, authorization 14 referred to Detour B  
3    crossing the Johns Manville parking lot. The  
4    document appears to contain a typo because  
5    Detour A crosses the Johns Manville parking lot  
6    and not Detour B. He goes on.

7                   In the deposition -- let's  
8    see.

9                   MS. O'LAUGHLIN: I would  
10   like to object to the extent that counsel  
11   is jumping in different parts of the  
12   report. I mean, the report speaks for  
13   itself and she's reading things, but  
14   it's often confusing. So I would just  
15   like to register that objection for the  
16   record.

17                  HEARING OFFICER HALLORAN: You  
18   know, I kind of agree. Is there any way  
19   you could make it less confusing? I  
20   realize --

21                  MS. BRICE: Well, I have to tell  
22   you the report was very confusing and so  
23   trying to tease out exactly what was intended  
24   by the report and all of the assumptions

May 23, 2016

Page 115

1 in the report was a very difficult task  
2 as it was then very difficult to write  
3 the motion in limine and to take the  
4 deposition and to do this.

5 So there are multiple layers  
6 to many of these different opinions and  
7 it's hard to figure out what they are and  
8 then once you come together, you're, like,  
9 okay. That's what you're trying to say.  
10 You're saying this. So I'm sorry it's  
11 so confusing, but I --

12 HEARING OFFICER HALLORAN: Just  
13 do your best. You are -- you may continue.

14 MS. BRICE: I'm trying.

15 HEARING OFFICER HALLORAN: Just --  
16 just be -- can you start to do more specific,  
17 more particularized as far as what you're  
18 referring to, but I understand.

19 MS. BRICE: I'm trying.

20 HEARING OFFICER HALLORAN: It's  
21 the nature of the beast.

22 MS. BRICE: And the reason I was  
23 being more specific was so we weren't losing  
24 so much time and I'm not meaning to

May 23, 2016

Page 116

1           misrepresent the record. The record is  
2           what it is.

3       BY MS. BRICE:

4           Q.       I mean, the whole gist of the  
5       opinion that was in the report and that was  
6       described was that -- I mean, you don't disagree  
7       with what you just said was that the parking  
8       lot was not removed? That's what you said in  
9       your report, right?

10          A.       Correct.

11          Q.       And that Detour Road A was built on  
12       top of the parking lot?

13          A.       Correct.

14          Q.       Okay. And now you're saying that you  
15       think that that's wrong?

16          A.       No.

17          Q.       No. What are you saying?

18          A.       I'm saying the reference that I  
19       used in regards to that was incorrect in using  
20       it in regards to the Detour Road A crossing the  
21       Site 3 parking lot.

22          Q.       Okay. But you still maintain that  
23       the premise that the parking lot wasn't removed  
24       and Detour Road A was built on top of the parking

May 23, 2016

Page 117

1 lot?

2 A. Yes.

3 Q. Okay. And what is your basis for  
4 that opinion, new opinion, I guess, since you --  
5 the only thing you referred to in your report,  
6 right, was this change order, isn't that correct?

7 MS. O'LAUGHLIN: Objection.

8 That mischaracterizes his testimony in  
9 this hearing and his current -- and his  
10 opinion.

11 MS. BRICE: It's cross-examination  
12 and I asked him about his report and I said  
13 the only thing in your report that you  
14 referred to was this change order, isn't  
15 that right?

16 HEARING OFFICER HALLORAN: I think  
17 it's a legitimate question. You can continue.

18 BY THE WITNESS:

19 A. In regards to that paragraph, I  
20 referenced that change order, yes.

21 BY MS. BRICE:

22 Q. Okay. And where else did you say  
23 that -- where else in your report do you state  
24 anything that supported that position specifically

1 that the parking lot was left in place and that  
2 Detour Road A was built on top of it?

3 Is there a statement anywhere  
4 else that is referenced to support that opinion?

5 A. I don't necessarily have a reference  
6 to any other documents that says whether or not  
7 the parking lot was removed or not.

8 Q. Okay. So in your report, the only  
9 thing that you referenced to support that opinion  
10 was this change order that you now believe you  
11 misinterpreted; is that correct?

12 A. The authorization was misinterpreted,  
13 yes.

14 Q. All right. And so now you have some  
15 other evidence that the parking lot was left in  
16 place and Detour Road A was constructed on top of  
17 it that you want to share with us?

18 A. I don't think I have any actual  
19 physical evidence other than what would be  
20 considered construction practices.

21 Q. Okay. And I believe you said in  
22 your mind that the parking lot was covered with  
23 some type of asphaltic material, right?

24 A. Yes. At that time I believe that

1 that would be my opinion at the time I thought  
2 there was asphaltic material.

3 Q. Okay. But now, you don't think  
4 there's asphaltic material?

5 A. I don't have an opinion. I have  
6 no information on what material was on top. That  
7 reference would also have been a part of November  
8 14th of '73 that talked about bituminous.

9 Q. And let's just go with your original  
10 opinion that the asphaltic material -- there's  
11 asphaltic material on top of the parking lot.  
12 Okay?

13 A. Okay.

14 Q. And JM has taken a lot of soil borings  
15 on this parking lot; isn't that right?

16 A. There were a lot of soil borings  
17 in the area of the former parking lot, yes.

18 Q. And none of those borings indicated  
19 the presence of asphaltic material, did they?

20 A. I don't believe anybody used the  
21 term asphaltic material.

22 Q. And if there had ever been any  
23 asphalt or similar based on top of the parking  
24 lot, isn't it true you would expect to see a

1 layer of asphalt or whatever that material was  
2 in the soil borings?

3 A. Not necessarily.

4 Q. Okay. Take a look at the deposition,  
5 Page 160, please. I'm at Line 20.

6 A. Is the deposition 4C?

7 Q. 4C, Line 20, please.

8 A. What page again?

9 Q. 160.

10 A. Okay.

11 Q. Okay. "Question: Okay. But  
12 if there were a base on top of the parking  
13 lot that wasn't removed, wouldn't you expect  
14 to find in the soil borings consistency of  
15 a certain type of material that it would  
16 have been comprised that base?"

17 "Answer: Yeah. I would say that  
18 you would expect to see something, depending  
19 on the amount of material that was left  
20 behind once it was all removed."

21 Do you see that?

22 A. Yes.

23 Q. Okay. Let's go back to this original  
24 point that the contractor wouldn't have crushed



May 23, 2016

Page 121

1 and scattered concrete Transite pipes throughout  
2 the site because he would not have wanted to damage  
3 the stability of the parking lot. Do you remember  
4 that?

5 A. Yes.

6 Q. Okay. If you can, take a look at  
7 this -- we just blew this up just for ease of  
8 purposes. It's the same document as 21A-23. If  
9 you can, take a look at that drawing, please.

10 On that drawing, the road only  
11 goes through the southwest portion of the parking  
12 lot, right, generally?

13 A. Yes. Well...

14 Q. Pardon?

15 A. What did you say, southwest?

16 Q. Yes.

17 A. No. Generally, it would be the  
18 southeast portion of the parking lot.

19 Q. Oh, okay. Sorry. My bad.

20 Assuming IDOT didn't remove the  
21 parking lot, the contractor could have just moved  
22 those pipes to the northwest section of the parking  
23 lot to crush them without disturbing the roadway,  
24 right?

May 23, 2016

Page 122

1 MS. O'LAUGHLIN: Objection,  
2 vague.

3 HEARING OFFICER HALLORAN: If  
4 he can answer, please do so. Overruled.

5 BY THE WITNESS:

6 A. He could have if he was on --  
7 within the construction limits and the  
8 right-of-way and had permission to do so.

9 BY MS. BRICE:

10 Q. But you didn't think that he would  
11 because he was going to have to remove the pipes  
12 from the project site anyway per the specifications,  
13 right?

14 A. If he was trying to use that as  
15 part of those -- the embankment in Site 6 and  
16 then Site 3, yes. I don't believe he would have  
17 done that.

18 Q. He would have done that?

19 A. Crushed the pipes there.

20 Q. But you thought he was going to  
21 have to remove the pipes, that was your whole  
22 justification in your deposition?

23 A. He had to remove them because  
24 they would be in the way, yes.

1 Q. Okay. But you said remove them from  
2 the site, didn't you?

3 A. I believe my reference is remove  
4 them from the site is to remove them from the  
5 project, off, off the site of the project.

6 Q. Right. But you testified, did you  
7 not, on direct that he could have used them in the  
8 embankments?

9 A. Yes. He could have used them in  
10 other portions of the embankments.

11 Q. And the Greenwood Avenue embankment  
12 was built after Detour Road A, right?

13 A. The Greenwood Avenue -- the entire  
14 Greenwood Avenue embankment, is that what you're  
15 referring to or Greenwood associated with Site 6?

16 Q. The eastern end. Yes, the one  
17 associated with Site 6.

18 A. It would have been -- that embankment  
19 would have been completed after --

20 Q. Detour Road A --

21 A. -- Detour Road A was in place.

22 Q. Thank you. Okay. I just want to  
23 think through this parking lot issue a little bit.

24 Let's assume you're right and that the parking

May 23, 2016

Page 124

1 lot was built with asbestos-containing material  
2 and IDOT never removed it. Okay? Okay?

3 A. Well, I'm not sure what you're  
4 talking about as far as in reference to the  
5 word "removed."

6 Q. Never removed the parking lot.

7 A. Okay. Thank you.

8 Q. The drawings show that IDOT  
9 installed pipes during Amstutz Project on Site  
10 3, don't they? We talked about it in your  
11 deposition.

12 A. I know, yes. I think there were  
13 pipes. I'm just trying to remember whether they  
14 were actually in Site 3 or outside of Site 3.

15 Q. I'll show it to you later. I'll  
16 represent they are in Site 3.

17 A. Okay.

18 Q. In order to install those pipes,  
19 IDOT would have had to cut through the parking  
20 lot, right?

21 A. They would have had to cut through  
22 the -- yeah, the parking lot that existed detour  
23 where the pipe was going to go, yes.

24 Q. Okay. And the drawings show that

May 23, 2016

Page 125

1 IDOT dug ditches on Site 3, right?

2 A. Yes. There were ditches.

3 Q. And some of those ditches were  
4 quite large, weren't they? By my estimate,  
5 looking at the drawings, some of them are  
6 actually 40 feet wide; is that accurate?

7 A. I -- there were ditches dug.

8 Q. Is there a reason to dispute  
9 that? And I can show it to you later.

10 A. Well, I didn't necessarily  
11 measure how large they there, but, yeah, there  
12 were large ditches.

13 Q. Okay. In order to dig those ditches,  
14 they would have had to cut through the parking lot,  
15 correct?

16 A. Yes.

17 Q. Now, let's assume you're wrong.

18 IDOT did remove the parking lot shown on the  
19 plans that you allege was elevated with fill  
20 material. As we've discussed, you didn't see  
21 that parking lot in the 1972 aerial, do you?

22 You cannot make that --

23 A. In existence as it was in 1970,  
24 no.

May 23, 2016

Page 126

1 Q. Okay. But we just read the  
2 transcript --

3 A. I know.

4 Q. -- and you said at this time you  
5 cannot make out the parking lot. It could have  
6 been roughly in this area. Did you say that?

7 A. Yes.

8 Q. Okay.

9 A. I believe that's what I'm saying  
10 now too.

11 Q. And you've testified by quite a  
12 bit IDOT wouldn't have done any work outside the  
13 construction limits, right?

14 A. No. I don't think so.

15 Q. No. Okay. Exhibit 8-13, I believe,  
16 says all work was to be conducted within the  
17 construction limits.

18 A. Yes.

19 Q. Okay. Is that somehow different  
20 than what I said? If it is, that's not what I  
21 intended.

22 You have testified that all  
23 work had to be done within the construction  
24 limits, right?

1 A. Yes.

2 Q. And you specifically said that  
3 in building Detour Road A, Bolander would have  
4 operated within the construction limits, right?

5 A. Yes.

6 Q. Okay. Take a look at your Exhibit  
7 164, which is in Book 2.

8 A. Is it Exhibit 164? Is that what  
9 you're saying?

10 Q. Yes. It's this one here that you  
11 did -- it's this one.

12 A. Okay.

13 Q. Based upon your exhibit, portions  
14 of the former JM parking lot on Site 3 are outside  
15 construction limits; isn't that correct? Here  
16 you go.

17 A. I had the wrong page. Say that again  
18 now.

19 Q. Portions of the parking lot are  
20 outside of the construction limits as depicted  
21 on your figure, right?

22 A. Yes.

23 HEARING OFFICER HALLORAN: Can  
24 we stop for a minute? I'm sorry.

May 23, 2016

Page 128

1 MS. O'LAUGHLIN: Yeah. I'm  
2 sorry. We're trying to find the exhibit.  
3 It's not in our binder. I think I found  
4 it somewhere else.

5 MS. BRICE: I apologize. Sorry.

6 HEARING OFFICER HALLORAN: No  
7 worries.

8 MS. CAISMAN: It's one of the  
9 IDOT -- it's your book.

10 MS. BRICE: Yes. It's your exhibit.

11 MS. O'LAUGHLIN: Oh, okay. Got it,  
12 got it, got it.

13 HEARING OFFICER HALLORAN: I think  
14 we can start again. Thanks.

15 MS. BRICE: Can you read back the  
16 question?

17 (Whereupon, the requested  
18 portion of the record was  
19 read accordingly.)

20 MS. BRICE: Okay. Thank  
21 you.

22 BY MS. BRICE:

23 Q. So if IDOT had removed that parking  
24 lot as part of the Amstutz Project, the one that



1 you had testified contained asphaltic type  
2 material on top of it, IDOT would have done  
3 work outside the construction limits; isn't  
4 that true?

5 A. If IDOT did work outside of --  
6 outside that area, yeah, they would be outside  
7 the limits of the construction limits, yes.

8 Q. Okay. In your deposition, you  
9 had a number of reasons why you thought the  
10 IDOT contractor wouldn't have buried concrete  
11 Transite pipes in the embankments.

12 The first reason was, and I'm  
13 just going to quote it, and we can show you your  
14 report if you have a problem with it, but I think  
15 you'll recollect it, "Any materials on the surface  
16 of the parking lot include the Transite pipe used  
17 as curb bumpers would have been cleared in  
18 accordance with Article 201.01 of the standard  
19 specification because this material would have  
20 been in the way and removed from the construction  
21 project as with any other obstruction."

22 Do you recall that?

23 A. Yes.

24 Q. Okay. And we agree that you think

1 concrete Transite pipes would have been treated  
2 as an instruction under the specifications?

3 A. Yes.

4 Q. Okay. And you also think that  
5 concrete Transite pipe would have been no  
6 different than regular concrete pipe under the  
7 specifications, right?

8 A. Yes.

9 Q. Okay. And I think you said that  
10 the specifications in Exhibit 19 should govern  
11 how IDOT treated concrete Transite pipes on top  
12 of the parking lot, right?

13 A. I don't know.

14 Q. Exhibit 19, let's take a look at  
15 the specifications. They should govern how to  
16 handle obstructions, right, which would include  
17 concrete Transite pipe. It's the second book.

18 A. Okay. Keeping them in the right  
19 order. What page?

20 Q. This is more a general question.  
21 You said in your deposition -- I asked you:

22 "Question: If you're trying  
23 to figure out how to handle obstructions  
24 on the project in the 1970s and you ran

May 23, 2016

Page 131

1           into obstructions, you know, would  
2           you look at the specification to  
3           determine how to dispose of them?"

4                       "Answer: I do not believe  
5           the specifications dictate what to  
6           do with them other than it needed  
7           to be removed."

8           A.        Yes.

9           Q.        Okay. And when you said,  
10          "removed," you thought that meant being taken  
11          off the site, right?

12          A.        Taken off the site relation to  
13          the site the contractor is working in.

14          Q.        Well, but you thought he would  
15          have wanted to dispose of them, right, because  
16          they weren't important? It was an obstruction  
17          to be cleared off the site, right?

18          A.        Would have had to remove them,  
19          those obstructions, in building the detour road,  
20          yes.

21          Q.        Right. And you didn't think that  
22          it was going to -- he was going to use them in  
23          any fashion? I'm going to go through it at  
24          length, but you had a number of reasons why he

May 23, 2016

Page 132

1 wouldn't have used the concrete Transite pipes  
2 on the project?

3 MS. O'LAUGHLIN: Objection. That  
4 mischaracterizes his prior testimony.

5 HEARING OFFICER HALLORAN: Ms. Brice?

6 MS. BRICE: I don't -- I disagree,  
7 but if he can answer.

8 HEARING OFFICER HALLORAN: If you  
9 could rephrase, please.

10 MS. BRICE: Sure.

11 BY MS. BRICE:

12 Q. Okay. Let me just jump over  
13 here. You said that the contractor would not  
14 bury any concrete Transite pipes in any embankments  
15 because the contractor had no financial incentive  
16 to crush and use the Transite pipes as part of  
17 their fill. Do you remember that?

18 A. Yes, vaguely.

19 Q. Okay. Well, it's on Page 11 of your  
20 report, Exhibit 08-13. Okay?

21 A. Okay.

22 Q. And that is because you believed  
23 once again based upon your expertise that the  
24 contractor was being paid to haul materials

1 off-site. Isn't that what you said?

2 A. He would have had the ability to  
3 get paid for certain materials that had to be  
4 hauled off.

5 Q. Okay. That's not what I asked.  
6 You said that the contractor was being paid to  
7 haul materials off-site. Therefore, he had no  
8 financial incentive to crush and use the pipes  
9 as part of this fill.

10 A. Okay.

11 Q. Okay. Do you recollect that? Just  
12 for the record, it's on Page 85 of the dep at 2-21  
13 and the answer is "He is getting paid to haul  
14 material off?"

15 A. I state that the contractor has  
16 no financial incentive to crush or use the  
17 Transite pipe as part of their fill and I state  
18 on that sheet 24 of the construction plan that  
19 it provides for the extent of the easement  
20 through Site 3 and within the easement, with  
21 the construction limit and within -- was the  
22 construction limit and within the construction  
23 of the detour road had to be constructed. All  
24 of the work was constructed within construction

1 limits.

2 Q. Okay.

3 A. There was no information regarding  
4 the volume of unstable, unsuitable material that  
5 would have been removed during the construction  
6 of Detour Road A.

7 Q. Okay. But my question was didn't  
8 you say that he had to -- he was getting paid  
9 to haul material off? That was part of your  
10 reason why he wouldn't have crushed and used  
11 the concrete in the embankment.

12 MS. O'LAUGHLIN: Objection. That  
13 mischaracterizes the deposition testimony  
14 the question that led to that state. I  
15 think you should read that into the record.

16 MS. BRICE: Okay. Sure.

17 BY MS. BRICE:

18 Q. "Question: And how do you  
19 determine the specifications as to the  
20 use of broken concrete that is found  
21 on the site or concrete that is found  
22 on the site?"

23 "Answer: It's representing  
24 that if the contractor wants to use

May 23, 2016

Page 135

1 concrete in this embankment, that is  
2 the method in which he has to do it.  
3 It has to be broken, embedded in soil,  
4 you know, no bigger than two feet and  
5 all that kind of stuff. It isn't  
6 telling the contractor that he has to  
7 use concrete in his embankment."

8 "Question: Okay. But he can?"

9 "Answer: And if he wants to  
10 use concrete in the embankment, he can."

11 "Question: And if he has to  
12 deal with surplus material and haul it  
13 off, doesn't he have to pay a fee under  
14 the specifications?"

15 "Answer: He is getting paid to  
16 haul the material off."

17 "Question: Are you sure about  
18 that?"

19 "Answer: I'm pretty sure."

20 Do you recall that?

21 A. Yes.

22 Q. Okay. But that's not true with  
23 respect to obstructions, is it?

24 A. It's not true as far as clearing,

1 yes.

2 Q. Okay. All right. In Section 201.10  
3 of the specifications, it says clearing will not  
4 be paid for separately, but shall be considered  
5 as incidental to the excavation required in the  
6 contract. I believe you also said in your report  
7 it was the contractor's responsibility to clear  
8 materials that are in the way, including material  
9 on top of the parking lot and remove them at his  
10 own expense. Do you see that?

11 A. Yes.

12 Q. Okay. So you're saying there that  
13 he was going to be penalized by removing things  
14 off the project. Isn't that what you're saying?

15 A. Not necessarily.

16 Q. But he's having to eat those costs  
17 if he's removing concrete Transite pipe from the  
18 project site?

19 A. I don't think that's what it's  
20 representing.

21 Q. Okay. Well, it says that he has to  
22 remove them at his own expense, does it? Doesn't  
23 it say that?

24 A. I believe if you further read it,



1 it's incidental to excavation. So I would have  
2 to assume that he knows what he needs to clear  
3 and he would have built that into his cost of  
4 excavation.

5 Q. Okay. But this is your exact words.  
6 It was the contractor's responsibility to clear  
7 materials that are in the way including material  
8 on top of the parking lot and remove them as his --  
9 at their own expense. You said that, didn't you?

10 A. If you're reading it from it, then I  
11 would assume so.

12 Q. Exhibit 8-11. So since he was not  
13 being paid to haul concrete Transite pipe off-site,  
14 then the contractor had an incentive to crush and  
15 bury the pipes, right?

16 A. He is not being paid separately to --  
17 it's part of clearing, yes.

18 Q. Sorry. I -- I'm not sure I understood  
19 that.

20 A. Well, the question you're asking is  
21 whether or not he's -- that he's eating this cost  
22 and I have -- I wasn't involved with him putting  
23 together his bid. Yes, if he's got to clear, he  
24 knows that clearing of material is at his own

1 expense and it's then incidental to the other  
2 pieces that he's doing so. So a contractor  
3 would then add the extra work into his other --  
4 the other pieces of the bid that he's getting  
5 paid for.

6 Q. But you just said you had absolutely  
7 no involvement in his preparation of his bid. So  
8 you have absolutely no idea with what you're stating  
9 has any assemblance of reality?

10 A. Only 20 years of dealing with this  
11 stuff with IDOT.

12 Q. Okay. But you weren't around at IDOT  
13 in the 1970s?

14 A. No.

15 Q. And you don't know Mr. Bolander?

16 A. No.

17 Q. And you don't know what Mr. Bolander  
18 did there?

19 A. Nope.

20 Q. And he was not getting paid to haul  
21 concrete Transite pipe off-site, was he?

22 A. He was not getting separately under  
23 a separate line.

24 Q. He was not getting paid in general

1 to haul concrete Transite pipes off site?

2 A. I can't say that.

3 Q. Okay. Well, point me to where it  
4 says that?

5 A. I'm saying he can't -- he is not  
6 getting paid for clearing of the materials to  
7 haul it off someplace else.

8 Q. Right. And so -- and the obstructions  
9 you have said would have been cleared?

10 A. Yes.

11 Q. Right? And so he's not being paid  
12 for clearing the concrete Transite pipe from the  
13 site?

14 A. As a separate line item, yes.

15 Q. Okay. But you can't tell me  
16 where he is being paid in any kind of line item  
17 specifically, can you?

18 A. No. Other than what the spec book  
19 says it's incidental to.

20 Q. Another reason you told me as to  
21 why the IDOT contract in the '70s would have  
22 buried concrete Transite pipes in the embankments  
23 was that it was illogical and you believed he  
24 wouldn't want to move the material twice. Do you

1 remember that?

2 A. Yes.

3 Q. Okay. And by moving it twice, you  
4 meant moving it once to place it in the embankment  
5 and again to take it off the project site. Isn't  
6 that what you said in your deposition?

7 A. I don't believe I used that  
8 terminology.

9 Q. Okay. I will just read from the  
10 deposition at Page 84, Line 9.

11 "Answer: He would not do  
12 that because that's not economical  
13 for his purpose. He would not place  
14 something that he's going to have to  
15 take time and material to crush and  
16 move that he's going to have to remove  
17 and get rid of again."

18 Do you see that?

19 A. Page 9, you said?

20 Q. Yes, 84-9.

21 A. Oh, 84.

22 Q. 4C.

23 A. Okay. All right. 4C, 84?

24 Q. Uh-huh.

1           A.       Yes.

2           Q.       Okay.  And when you look at the  
3 specifications, and I'm not going to go through  
4 it in extensive detail because we've talked  
5 about it in your deposition, et cetera, there's  
6 a section in there, right, 202.03 that governs  
7 the disposal of cleared materials, right?  Exhibit  
8 19.

9           A.       202.

10          Q.       202.03.

11          A.       Yeah.

12          Q.       Okay.  And it says, "Whenever  
13 possible, stones and boulders occurring within  
14 the right-of-way shall be placed in embankments  
15 in layers and compacted in accordance with 207.  
16 All stones, stumps, boulders, broken concrete  
17 and related material that cannot be placed in  
18 the embankment shall be disposed of at locations  
19 designated the engineer within the right-of-way  
20 in project sites on or adjacent to the right-of-way  
21 or in other locations outside of the right-of-way.  
22 Do you agree with that?

23          A.       Yes.

24          Q.       So he's not required to remove

1 obstructions from the project site, the contractor?

2 A. No, he's not.

3 Q. Right, he can bury them --

4 A. Do you want me to answer that or do  
5 you want to just interrupt me?

6 Q. Go right ahead.

7 A. Okay. No. He's not required to --  
8 there's no requirement that says he has to remove  
9 specifically concrete pipe.

10 Q. Okay. He can bury them in the  
11 embankment, right? We just read that?

12 A. He has options, yes.

13 Q. He can bury them inside of the  
14 right-of-way?

15 A. Yes.

16 Q. And he can bury them outside  
17 the right-of-way with the resident engineer's  
18 approval?

19 A. Correct.

20 Q. Okay. But on direct, you said  
21 that if concrete Transite pipes were encountered,  
22 the contractor would have used them on the project  
23 because they are valuable material. Do you remember  
24 that?

May 23, 2016

Page 143

1           A.       Yes.  They could have an economical  
2 value, yes.

3           Q.       Okay.  So that's different than  
4 what you had said in your report and in your  
5 deposition, right?

6           A.       I don't think it's necessarily that  
7 different.

8           Q.       Well, you said it was very unlikely  
9 that he would have crushed them and used them on  
10 the project and then we just discussed how it was  
11 a -- he was not getting paid to hold them offsite,  
12 he had to do them at his own expense, right?

13                   MS. O'LAUGHLIN:  Objection.  That  
14 mischaracterizes his testimony.

15                   HEARING OFFICER HALLORAN:  I  
16 agree.

17                   MS. BRICE:  Okay.  Sorry.  I'll  
18 withdraw.

19 BY MS. BRICE:

20           Q.       Okay.  But you -- okay.  I believe  
21 you said the contractor isn't going to want to  
22 remove the pipes and take them off-site someplace  
23 and discard them.  Do you remember that?

24           A.       Say that again.  Could you repeat

1 that?

2 Q. The contractor isn't going to  
3 want to remove these pipes and take them to an  
4 off-site place and to discard them. Do you  
5 see that?

6 A. I don't know where you're at.

7 Q. I'm sorry. Do you recall that?

8 A. At this point in time, I have no  
9 idea.

10 Q. Okay. I'll finish it and then  
11 I'll show you where it is. They have -- quote,  
12 they have some sort of valuing because the spec  
13 states that they can be used -- if they choose  
14 to, they can use concrete pipes in an embankment  
15 process as long as it's within certain criteria  
16 and meet -- and the embankment is not going to  
17 be endangered by specifications and can meet  
18 compactions.

19 MS. O'LAUGHLIN: Object- --

20 BY MS. BRICE:

21 Q. Do you remember saying anything  
22 like that?

23 HEARING OFFICER HALLORAN: Go

24 ahead, Ms. O'Laughlin.



1 MS. O'LAUGHLIN: Can we get a  
2 reference to --

3 MS. BRICE: Yes. I was -- I  
4 was going to do it right now; May 25th  
5 transcript, Page 162, Lines 4 through 17.

6 BY THE WITNESS:

7 A. What page again? I'm sorry.

8 BY MS. BRICE:

9 Q. Page 162.

10 A. Okay.

11 Q. Did you say that? So if the  
12 contractor isn't going to want, Lines 4 through 17,  
13 what I just read, is that in there?

14 A. Yes.

15 Q. Okay. And I believe you also said  
16 that it serves no purpose for the contractor to  
17 go the extra effort to take pipes off-site when  
18 he can use those someplace else in the project.

19 Do you recall that?

20 A. I believe so.

21 Q. Okay. So you seem to be saying that  
22 he would have buried the concrete Transite pipes  
23 on the project, he just didn't happen to bury them  
24 at the locations where JM has found them; is that

1 right?

2 A. Yes.

3 Q. You say he wouldn't have used the  
4 concrete Transite pipes to construct Detour Road  
5 A or on Site 3, right?

6 A. Yes.

7 Q. And that's because he wouldn't  
8 take the time to move the pipe over and crush  
9 it. It's easier for him to place the pipes in  
10 a place where he wouldn't have to move them  
11 twice; is that right?

12 A. I believe that's a possibility,  
13 yes.

14 Q. Okay. I think you say that on  
15 the May 25th transcript at 162?

16 A. All right.

17 MS. BRICE: Just to give  
18 Ms. O'Laughlin the reference, Page 162,  
19 Lines 23 through Page 163.

20 BY MS. BRICE:

21 Q. In order to use the pipes anywhere,  
22 however, we have to clear them out of the way  
23 first, right?

24 A. Yeah. He would have to move the

1 pipe out of his way.

2 Q. Okay. And then this would have  
3 to be done before he built Detour Road A, right?

4 A. Completed, yes.

5 Q. Okay. And in order to use them,  
6 he'd have to break them up, right?

7 A. At some point.

8 Q. Okay. And there was room in the  
9 parking lot area to do the breaking up of these  
10 pipes, wasn't there? We talked about that earlier.

11 A. There would be room, yes.

12 Q. And I think you said many times  
13 the contractor doesn't like to move things twice;  
14 right?

15 A. Correct.

16 Q. And I think you've also said in  
17 your own experience people use what's readily  
18 available, whatever's close to them to do  
19 construction of temporary type things?

20 A. Yes.

21 Q. You also said on direct that if  
22 the contractor had used concrete Transite pipes  
23 in the construction of the detour road, he would  
24 have been required to place it between three and

1 12 inches below the base course?

2 MS. O'LAUGHLIN: Objection.

3 This is -- it's -- I'm going to register  
4 an objection. It's getting out of hand.  
5 She's just reading prior testimony and  
6 asking questions. It's -- it's becoming  
7 a bit unfair and skewed. If she wants  
8 to impeach him with prior testimony, let's  
9 do that. It's -- you know, she's just  
10 dictating the testimony and it's not a  
11 proper direct. It's becoming quite  
12 skewed. If she's going to use --

13 HEARING OFFICER HALLORAN: Do  
14 you mean a proper direct or a proper  
15 cross?

16 MS. O'LAUGHLIN: Cross. Excuse  
17 me. It's not a proper cross. If she --  
18 you know, she has this whole transcript  
19 in front of her and she's just reading  
20 it and it's -- it's becoming unfair to  
21 the witness to respond to this language  
22 on the fly.

23 It's improper. It's  
24 prejudicial. If you want to show him

May 23, 2016

Page 149

1 prior testimony that you believe is  
2 inconsistent with his current testimony,  
3 do that, but to just to sit there and  
4 read prior transcripts and say you said  
5 this, you said that without having him  
6 go through and say, yes, I did say that,  
7 it's just -- I mean, what's the point?

8 MS. BRICE: Okay. First of  
9 all, I was just trying to expedite the  
10 process because the hearing officer had  
11 asked us to expedite things. It's not  
12 my fault that your witness has said  
13 contradictory things in his report, in  
14 deposition and in his testimony and  
15 has offered numerous contradictor  
16 opinions. If he hadn't been doing that,  
17 there would be no need for cross-examination  
18 and reading prior inconsistent testimony.

19 MS. O'LAUGHLIN: We obviously  
20 disagree.

21 MS. BRICE: Okay. Well, the  
22 record will reflect what it reflects.

23 HEARING OFFICER HALLORAN: How  
24 much more do we have to go, Ms. Brice?

1 MS. BRICE: I -- I don't -- you  
2 know, some, but I'm going to cut some of  
3 it out. I mean, I'm definitely through the  
4 bulk of it.

5 HEARING OFFICER HALLORAN: All  
6 right. I'm thinking of taking a lunch by  
7 no later than 12:15 or something. I've  
8 got a couple of conference calls at 12:30  
9 and 12:50 that I have to do.

10 So if you could wrap it up  
11 or at least, you know, stop it and  
12 continue it after lunch, whatever cross  
13 you think you may finish here.

14 MS. BRICE: Okay. Do you want  
15 to stop now or keep going?

16 HEARING OFFICER HALLORAN: Well,  
17 probably keep going because I only want to  
18 take an hour for lunch.

19 MS. BRICE: Right, right. We're  
20 fine with that.

21 HEARING OFFICER HALLORAN: Yeah.  
22 So if he could go another ten or 15 minutes  
23 or so and then find a good place to stop.

24 MS. BRICE: Okay. Sounds good.

1 BY MS. BRICE:

2 Q. Okay. You also explained that  
3 the contractor wouldn't have wasted the concrete  
4 Transite pipe on the roadway because he knew he  
5 was going to have to remove the roadway at the  
6 end of the project; is that right?

7 A. I'm not sure what you're referring  
8 to.

9 Q. Okay. If you want to look at your  
10 transcript on May 25th, Page 163, Line 11.

11 A. Yes.

12 Q. Okay. Why don't you read that  
13 answer to yourself.

14 A. Okay.

15 Q. Okay. Do you see that?

16 A. Yes.

17 Q. Okay. And here, you're talking  
18 about the concrete Transite pipe, correct, and  
19 what he would do with it, is that right? Would  
20 or would not do with it.

21 A. Okay.

22 Q. And here, it says so it would be a  
23 wasted effort to use a viable product that can  
24 be used in embankments if it meets certain criteria

1 in an area that is going to have to be removed  
2 and this area is going to be removed after all  
3 of the embankments are in place. Do you see  
4 that?

5 A. Yes, referring to Detour Road A.

6 Q. Right.

7 A. Not just a random roadway.

8 Q. Exactly. Okay. So we can speed  
9 this along, like, if you want to just correct  
10 and say roadway, not Detour Road A so we don't  
11 have to go through this whole laborious process  
12 of looking up the words.

13 A. Well, I don't know what you're --

14 Q. I mean the Detour Road A.

15 A. I have no idea when you say roadway  
16 what you're referring to. There were six different  
17 roads.

18 Q. Please just ask me to clarify. And  
19 then we won't have to --

20 A. That's what I did. I don't understand  
21 that.

22 Q. You could say which roadway. I mean,  
23 it would -- it would certainly expedite it.

24 MS. O'LAUGHLIN: Objection.



May 23, 2016

Page 153

1 MS. BRICE: I'm trying to --

2 HEARING OFFICER HALLORAN: I know,  
3 but I guess, number one, for the record, I  
4 never ordered the parties to expedite the  
5 hearing.

6 MS. BRICE: Sure.

7 HEARING OFFICER HALLORAN: Okay.  
8 I requested there is no reason this should  
9 take more than five days, five full days,  
10 I might add.

11 Number two, if Ms. O'Laughlin  
12 wants to object because of vague and there  
13 is a problem with the definitions or the  
14 terms, then I would ask her to do so and  
15 then we can do that. We haven't bantering  
16 back and forth. I understand what you're  
17 trying to do, but anyway, the objection is  
18 noted. So have we decided on --

19 MS. BRICE: Okay. Let me just  
20 ask the question.

21 HEARING OFFICER HALLORAN: Okay.

22 BY MS. BRICE:

23 Q. Okay. I believe you said the  
24 contractor wouldn't have wasted the concrete

1 Transite pipe on Detour Road A because he was  
2 going to have to remove that road at the end  
3 of the project; is that right?

4 A. Correct.

5 Q. Great. And that's based on your  
6 statement that the contractor was required to  
7 restore Site 3 at the end of the project to  
8 substantially the same condition in which it was  
9 found, right? That's in your report?

10 A. In regards to the report stating --  
11 talking about specifically Site 3, yes, but that's  
12 not what the contractor had to do as part of the  
13 construction plans.

14 Q. No, no. Understood, but I mean  
15 the point -- you're basically saying that he  
16 would have to restore Site 3 and remove Detour  
17 Road A so he wouldn't have wasted the concrete  
18 Transite pipe in the embankment; is that right?

19 A. He had to remove the detour road  
20 associated with the ComEd property and restore  
21 it to its original condition.

22 Q. Right. And, therefore, he wouldn't  
23 have wasted the valuable concrete Transite pipes  
24 in the detour road. He would have put them

1 somewhere else, isn't that what you said?

2 A. Yes. Or I would agree with that.

3 I don't know whether I said it or not.

4 Q. And when he was restoring Site 3  
5 to its condition in which it was found, he would  
6 have to remove whatever material he used to build  
7 the road?

8 A. I don't believe that represents what  
9 it was stating.

10 Q. This is a different question.

11 A. I know.

12 Q. Okay. You don't think he would  
13 have removed whatever material he used to build  
14 the road?

15 A. Your question makes -- implies  
16 that IDOT was going to -- and the word restore  
17 is going to restore it back to a parking lot  
18 and that was -- as it was at the point in time.  
19 There's no recollection of what the meaning of,  
20 you know, that he's going to restore the work  
21 to its same condition that it exists.

22 Q. Okay. Let me -- I think I can --  
23 and thank you for that clarification. I think  
24 I can fix this.

1                   If he built a road, right? He  
2 built a road; right?

3           A.       Uh-huh.

4           Q.       A detour road that we see in the  
5 aerial photos, right?

6           A.       Uh-huh.

7           Q.       At the end of the project, he  
8 obliterated that road and removed it; right?

9           A.       We removed the road, yes.

10          Q.       Okay. But there's a document that  
11 says he obliterated the detour roads, right?

12          A.       They used that term, yes.

13          Q.       Right?

14          A.       I'm not quite sure what the term  
15 means, but yes, they used that term.

16          Q.       Okay. So when he was restoring  
17 the site to whatever precondition -- let me  
18 strike that.

19                   He removed the road, right?

20          A.       Correct.

21          Q.       Okay. And the ComEd property needs  
22 to be restored to its original grade, right?

23          A.       It has been restored to a grade,  
24 yes.

1 Q. Original grade?

2 A. Right.

3 Q. So it must also mean using materials  
4 to fill in the ditches that he built, doesn't it?

5 A. No. I wouldn't agree with that.

6 Q. Well, take a look at 21A-72,  
7 21A-72. Actually, 21A-73. Sorry. Did you hear  
8 me? 21A-73. Do you see 21A-73?

9 A. Yes.

10 Q. Okay. This says cross-section  
11 Greenwood Avenue, stations ten through 12. Do  
12 you see that?

13 A. Yeah. It's sort of cut off, but  
14 there's ten through 12.

15 Q. Okay. And so there is a ditch  
16 depicted on -- to the left center line on the  
17 Greenwood Avenue cross-section; right?

18 A. Correct.

19 Q. Okay. And, for example, look at  
20 ten, if you will, station ten, and using the  
21 numbers on the bottom, you can calculate how  
22 big that ditch is at station ten, can't you,  
23 how wide it is?

24 A. Yes.

1 Q. And how wide is that about; 30,  
2 40 feet?

3 A. Okay. Forty, yeah. Forty feet.

4 Q. Okay. And you didn't see ditches --  
5 40-foot ditches when you were out there on this  
6 site, did you?

7 A. No.

8 Q. You didn't see 30-foot ditches, did  
9 you?

10 A. No.

11 Q. Okay. And if the contractor was  
12 requesting to restore the site to an appropriate  
13 condition, he would have to remove that culvert  
14 that he installed in the former parking lot area,  
15 wouldn't he?

16 MS. O'LAUGHLIN: Objection,  
17 misstates prior testimony.

18 HEARING OFFICER HALLORAN: Okay.  
19 Ms. Brice?

20 MS. BRICE: Sure.

21 BY MS. BRICE:

22 Q. Well, we discussed earlier, didn't  
23 we, on your earlier cross, I believe, the location  
24 of the culvert?

1 A. There were culverts installed yes.

2 Q. And these culverts were on Site 3,  
3 correct? One of them at least was on Site 3,  
4 right?

5 A. Okay.

6 Q. Well, you testified about it.

7 A. Well, you pointed them out to me,  
8 yes, and I assume they are on Site 3, yes.

9 Q. And that culvert went under the  
10 Detour Road A, right?

11 A. Yes.

12 Q. Okay. So in order to restore  
13 Site 3 to its original condition, they would  
14 have had to do work to return the area where  
15 they installed the culvert to the original grade,  
16 right?

17 A. Correct.

18 Q. And that would have required some  
19 fill material, wouldn't it?

20 A. Not necessarily.

21 Q. Okay. But it could have?

22 A. Depending on elevation in which  
23 they excavated to make sure that whole property --  
24 that Detour Road A crossed, meaning from Sand to

1 Greenwood, making sure that it all properly  
2 drains correctly and doesn't have standing  
3 water or create an issue, a drainage issue,  
4 they could have cut down to make sure that  
5 it all drains properly.

6                   There is nothing in the  
7 record that shows whether or not there was  
8 fill material put in there or not.

9           Q.        Okay. But when you install a  
10 culvert, you have to dig down a few feet below  
11 the grade, right?

12           A.        Depending they have it installed  
13 to a point that it allows drainage to flow. If  
14 it's under the road, yes.

15           Q.        Okay. And then if you have a 40-foot  
16 ditch, you know, if that ditch no longer exits, it  
17 had to be filled in at some point in time, correct?

18           A.        Well, it's only 40 feet wide. It  
19 isn't 40 feet deep.

20           Q.        Understood. But would have to be  
21 filled in, correct?

22           A.        Not necessarily.

23           Q.        But you didn't see it when you  
24 were out there?



May 23, 2016

Page 161

1           A.       Yes.  It doesn't mean it was filled  
2    in.

3           Q.       Okay.  You testified that this,  
4    you know, culvert -- the installation of the  
5    culvert caused all of this disturbance that  
6    you saw on aerial photo -- the 1972 aerial  
7    photo.  Do you recall that?

8           A.       I don't believe I testified to  
9    that.

10          Q.       Okay.  Well, we'll talk about that  
11   after lunch then.

12                   And just to establish this,  
13   you don't know what the condition of Site 3  
14   was at the end of the project, right?

15          A.       Correct.

16                   MS. BRICE:  Do you want to  
17   stop here?

18                   HEARING OFFICER HALLORAN:  That  
19   would be great.  Let's try to be back  
20   here no later than 1:15 so we can get  
21   started.  Thank you.

22

23

24

May 23, 2016

Page 162

1 (Whereupon, after a short  
2 break was had, the following  
3 proceedings were held  
4 accordingly.)

5 HEARING OFFICER HALLORAN: We're  
6 back on the record. Thank you for being very  
7 prompt.

8 And I was remiss this morning  
9 to not mention we have a Member Burke here  
10 with us today, we have Staff Attorney Daniel  
11 Robertson, we have Jonathan Huff and Amy Zayes  
12 here with us as well. I want to also thank  
13 Jonathan Huff for assisting on this case  
14 that we're doing today.

15 Secondly, I want to just -- I  
16 was reflecting back in the last three hours  
17 or so of cross and I think some of it I  
18 addressed in my June 21st order.

19 Secondly, I think a lot of  
20 it is probably more appropriately addressed  
21 in the post-hearing brief. I mean, there's  
22 no jury here and any alleged inconsistencies  
23 or whatever can be addressed in the brief.  
24 That's just my thought because otherwise,

May 23, 2016

Page 163

1           this could go on, you know, for a long  
2           time.

3                            Anyway, that's my thought  
4           while I was eating my bologna sandwich  
5           and taking two aspirin.

6                            MS. CAISMAN: The bologna  
7           doesn't help.

8                            HEARING OFFICER HALLORAN: Right.  
9           Well, that's where we are and if you want  
10          to continue with cross --

11                           MS. BRICE: No, I appreciate that.

12                           HEARING OFFICER HALLORAN: -- that's  
13          food for thought.

14                           MS. BRICE: I'll try and limit the  
15          impeaching.

16                           HEARING OFFICER HALLORAN: And I  
17          thank you.

18                           Mr. Gobelman, you're under  
19          oath.

20                           THE WITNESS: Okay.

21                           HEARING OFFICER HALLORAN: Thank  
22          you.

23          BY MS. BRICE:

24                  Q.       All right. Mr. Gobelman, I'd like

May 23, 2016

Page 164

1 to turn to this aerial photograph from 1971,  
2 Exhibit 53B, and I believe there was another  
3 exhibit number Ms. O'Laughlin referred  
4 to earlier because there's two copies of it.

5 Do you have this document  
6 in your direct testimony?

7 A. Yes. I believe it was mentioned.

8 Q. Okay. And I believe you said  
9 that you attributed the disturbance seen in  
10 that triangle area to the culvert work; is that  
11 accurate?

12 A. I don't necessarily think it's  
13 representative of what I was saying.

14 Q. Okay. Well, we are just going  
15 to for one second -- because I think this is a  
16 very important point -- go to your transcript  
17 of May 25th. I'm on Page 197.

18 Okay. So let me just back  
19 you up for one second. On 195 so that we get  
20 our bearings. And we're talking hear about  
21 a change order authorization number five dated  
22 October 19, 1972. Do you see that? It's at  
23 the bottom of the page.

24 A. Okay. Thank you. Yes.

May 23, 2016

Page 165

1 Q. Okay. And do you recall testifying  
2 about that change order and the need for the  
3 installation of culverts?

4 A. You showed me a document, yes.

5 Q. This was actually Ms. O'Laughlin  
6 that showed you the document.

7 A. Okay. Well, I just saw a document.  
8 So...

9 Q. Oh, okay. But do you remember  
10 talking about that?

11 A. Yes.

12 Q. Okay. And we're talking about  
13 this in the context also of this aerial photograph.  
14 If you turn to Page 196, Line 10, it says:

15 "Question: In this aerial  
16 photograph from '72, what is the date  
17 of this aerial photograph?"

18 Do you see that?

19 A. Yes.

20 Q. Okay. And so then move over to  
21 197, and the question is:

22 "Question: And would this  
23 change order explain darker area on  
24 Site 3?"

1                   And that is in reference to  
2     the aerial photograph; isn't that right?

3           A.       Yes.

4           Q.       Okay. And you said:

5                   "Answer: It would explain  
6     the disturbance area in that triangle  
7     area."

8                   Do you see that?

9           A.       Yes.

10          Q.       Thank you. Okay. Can you show me  
11     where on -- pardon me -- where on this aerial  
12     photograph the culvert was installed that you're  
13     opining about?

14          A.       Well, I wasn't. I believe this  
15     was in questions where we get into Mr. Dorgan's  
16     testimony regarding that area. So --

17          Q.       Well, didn't Ms. O'Laughlin --  
18     sorry.

19          A.       So I was only responding to piping  
20     and addressing that which was already brought up  
21     through Mr. Dorgan.

22          Q.       Sure. Understood. But didn't  
23     Ms. O'Laughlin ask you about the culvert and  
24     you attributed this work in the triangle area,

1 this disturbance, to the culvert work?

2 A. I would say that would be a  
3 possibility that that would be reflected upon  
4 the culvert work disturbance, yes.

5 Q. Can you show me where the culvert  
6 was located?

7 A. I can't necessarily show you there.  
8 I could look at it and compare it to as-builts  
9 that have been marked and related back up there.

10 Q. Okay. You're attributing this to  
11 the culvert work, but you can't tell me right  
12 now where the culvert was located, is that your  
13 testimony?

14 A. I'm attributing it that it was  
15 already testified that the disturbance in that  
16 area was identified to the culvert work. I did  
17 not then independently go and track down the  
18 culvert work and compare it to that area.

19 Q. Okay. I don't believe that  
20 Mr. Dorgan testified that that was attributed  
21 to the culvert work. I believe that was your  
22 testimony, but you -- just so we're clear,  
23 you can't tell me where the culvert is located  
24 on this photograph?

1           A.       It's not represented on that  
2     photograph, no.

3           Q.       Thank you. Okay. Let's talk  
4     about the embankments for a second. You said,  
5     did you not, that the contractor wouldn't have  
6     used the contract Transite pipes and the embankment  
7     along Site 6; is that right?

8           A.       Yes.

9           Q.       And in order to use concrete Transite  
10    pipes in any embankment, they would need to break  
11    them up first, right? I think we talked about that  
12    a little while ago?

13          A.       Okay.

14          Q.       Turn to Exhibit 19, please, which  
15    are the specifications. I believe that is in  
16    Exhibit Book 2.

17          A.       Which number again?

18          Q.       Exhibit 19, please.

19          A.       Okay.

20          Q.       Are you there?

21          A.       Yes.

22          Q.       Okay. 19-12 is where we are going.

23          A.       Okay.

24          Q.       Okay. I believe that this says,



1 does it not, that the breaking up of materials  
2 shall be done, "by means of bulldozers,  
3 blade grazers or other equipment approved by  
4 the engineer." Do you see that?

5 A. It would be simpler if you could  
6 point me to what paragraph you're referring to.

7 Q. I'm trying. Pardon me. 19-12.  
8 I apologize. Here we go. It's the second full  
9 paragraph on the right-hand side. Do you see  
10 that?

11 So far as practical, each  
12 layer of material shall extend the entire  
13 length and width of embankment. Do you see  
14 that?

15 A. Yes.

16 Q. So that's saying, is it not, that  
17 if they're going to break up concrete-type  
18 material, they need to do it with bulldozers,  
19 blade grazers or other equipment approved by  
20 the engineer?

21 A. Yes.

22 Q. Thank you. And if you can move  
23 up to the paragraph slightly above the one  
24 directly above as far as practical, it starts

1 with "pieces of concrete."

2 A. Uh-huh, yes.

3 Q. Okay. It says, "Pieces of  
4 concrete not exceeding two square feet for any  
5 area of surface and large rocks and boulders  
6 may be placed in fills without being broken  
7 up, provided they are well embedded and the  
8 interstices filled with smaller pieces or  
9 smaller material in a matter to give a density  
10 satisfactory to the engineer."

11 Do you see that?

12 A. Yes.

13 Q. And you testified earlier that  
14 Detour Road A access cut to be used in the  
15 embankments, right?

16 A. Yes.

17 Q. There happens to be small pieces  
18 of concrete Transite pipe located in that  
19 embankment on Site 6 in the northern portion  
20 of Site 3; isn't that correct?

21 A. I believe -- without looking at  
22 the information, I believe there were pieces  
23 of Transite pipe on the north end of Site 3  
24 and also the north and south end of Site 6.

1           Q.       Okay. And just so we've got our  
2 bearings, because earlier you were talking  
3 about left, right, east, west on Site 6, so  
4 when you're saying north and south, you're  
5 talking about Greenwood Avenue, the north  
6 side of Greenwood Avenue and the south side  
7 of Greenwood Avenue, correct?

8           A.       Correct.

9           Q.       And those are within that embankment  
10 area, correct?

11          A.       No.

12          Q.       Okay. We'll get to that. There's  
13 asbestos-containing material at the intersection  
14 of Detour Road A and the Greenwood embankment  
15 around stations five plus 50 to seven plus 40.  
16 If you want to pull out your Exhibit 164, that  
17 might be a useful tool.

18          A.       Okay.

19          Q.       Okay. So if this -- Exhibit 164  
20 is something that you put together, correct?

21          A.       Well, I took what was provided --  
22 what Mr. Dorgan provided and I just added to  
23 it.

24          Q.       Okay. But you put it together,

1 right?

2 A. I added to it and created it, yes.

3 Q. And you've intended to use it as a  
4 demonstrative, correct?

5 A. Yes.

6 Q. Okay. So if you could take a look  
7 at Figure 1 of Exhibit 164 and you've got up  
8 along the border between Site 3 and Site 6, you  
9 have a number of hexagons, 4S, 5S, 6S and I  
10 believe -- at least those. Do you see those?

11 A. Yes.

12 Q. Oh, and -- yes. And those are  
13 denoting concrete Transite pipe, right, based  
14 upon your log?

15 A. Based upon Mr. Dorgan's log, yes.

16 Q. Well, this is your log.

17 A. Well, yeah, but it --

18 Q. You made hexagons.

19 A. I think he had hexagons.

20 Q. Okay. It doesn't matter, but this  
21 is what you're representing; isn't that right?

22 A. I kept it on there, yes.

23 Q. Okay. And to the right, you've got 7S  
24 and 8S that you've added in, correct?

1 A. Correct.

2 Q. Okay. And you have that as  
3 detected asbestos, right? You have it as a  
4 big circle. It says, "detected asbestos."

5 A. And Transite pipe.

6 Q. Okay. So there was Transite pipe  
7 in 7S and 8S. Perfect.

8 A. Yes.

9 Q. Okay. So that's exactly where  
10 I'm going. So there is Transite pipe right here  
11 where Detour Road A intersects with Greenwood  
12 Avenue; isn't that correct? I mean, you've got  
13 two big circles, 7 and 8S.

14 A. There was asbestos-containing  
15 material in 7 and 8S.

16 Q. And you just said there was Transite  
17 pipe in 7 and 8S?

18 A. Along with other asbestos-containing  
19 materials, yes.

20 Q. Right. And that is at the  
21 intersection -- we're very, very close to the  
22 intersection of Detour Road A and Greenwood  
23 Avenue, correct?

24 A. Yeah.

May 23, 2016

Page 174

1 Q. Okay. And if you look directly  
2 above that 7S, what station is that?

3 A. On Greenwood Avenue --

4 Q. Yes.

5 A. -- it's station six plus 00.

6 Q. Okay. That's right.

7 A. Or some portion of five plus  
8 something.

9 Q. Five plus something, right?

10 A. Five plus 90 something.

11 Q. Right. So right there along  
12 Greenwood Avenue at station five plus something,  
13 right on the southern edge, we have  
14 asbestos-containing material including Transite,  
15 right?

16 A. Well, I mean, I would say the  
17 bordering represents that it's outside south of  
18 the intersection that's shaded. It's not --

19 Q. It's very --

20 A. It's not in the shaded.

21 Q. It's very close, correct?

22 A. Sure.

23 Q. Okay. Great. And if you go a  
24 little bit further to the right, we've got 8S,

1 correct, and that is actually probably at station  
2 five -- five what? Because it's less than five.

3 What is that?

4 A. It's probably 540 maybe.

5 Q. Okay. And that is depicting Transite  
6 and other ACM, correct?

7 A. Correct.

8 Q. All right. Let's go back --

9 A. I think it's just -- I take that  
10 back. I think it's just representing Transite.

11 Q. Okay. Well, that's not what you said  
12 a moment ago.

13 A. Well, I was -- we were talking about  
14 both borings. So, I mean, if you want to go  
15 one-by-one, we can go one-by-one, but you were  
16 talking about both borings.

17 Q. Okay. Perfect. So it's now your  
18 testimony that one doesn't have Transite in it?

19 A. No. I said it did have Transite.  
20 It just doesn't have other asbestos-containing  
21 material.

22 Q. Okay. Let's back up. 7S, what  
23 does 7S have in it?

24 A. 7S has roofing paper and roofing-type

1 materials. It has Transite pipe and at-depth, it  
2 has brake shoes.

3 Q. Okay. And what about 8S?

4 A. Well, 8S, at the surface, it has  
5 detected Transite pipe.

6 Q. Okay. They both have Transite pipe?

7 A. Yes. I didn't say anything different,  
8 yes.

9 Q. Okay. So we were talking about how  
10 the specifications discuss pieces of concrete not  
11 exceeding two square feet can be placed in the  
12 embankments as fill material. Do you recall that a  
13 moment ago?

14 A. Yes.

15 Q. Okay. The environmental investigation  
16 today haven't found any pieces of concrete Transite  
17 pipe greater than two square feet, have they?

18 A. I'm not sure.

19 Q. Okay. And they haven't found any  
20 Transite pipe buried more than three or four feet  
21 down, have they?

22 A. I'm not sure whether they -- how  
23 deep those borings went to see if they were  
24 detecting it.



May 23, 2016

Page 177

1 Q. Okay. But they haven't found any,  
2 have they?

3 A. If they didn't go down four feet,  
4 they wouldn't have detected it.

5 Q. Okay. But you don't have any  
6 evidence as you sit here today to tell me that  
7 they found asbestos deeper than three to four  
8 feet?

9 A. I'm not sure. I don't know if  
10 the borings went that deep.

11 MS. BRICE: Okay. But if  
12 you would please strike as nonresponsive.

13 BY MS. BRICE:

14 Q. If you could, please answer the  
15 question. You don't have any evidence that  
16 there was concrete Transite pipe buried more  
17 than three or four feet down anywhere on Site 3  
18 or Site 6?

19 A. I cannot have evidence if it  
20 doesn't exist.

21 Q. One second. How deep did the test  
22 pits go?

23 A. I don't recall off the top of my  
24 head.

1 Q. Couldn't have been more than four  
2 feet, right?

3 A. If it was in the report that it  
4 went more than four feet, it could have went  
5 more than four feet.

6 Q. How deep did the soil borings go?

7 A. I don't remember off the top of my  
8 head.

9 Q. But you put this together, correct?

10 A. As I stated earlier, I basically  
11 copied what Mr. Dorgan had and the only thing  
12 that I added to it was that I added where other  
13 asbestos-containing material was detected from  
14 the Arcadis report and added 7S and 8S boring  
15 locations and I also added the boring locations  
16 from one north -- 1N through 7N or 8N, I should  
17 say, on the north side of Greenwood Avenue.

18 Q. Okay. But you're -- through this  
19 document, you appear to be offering opinions  
20 about the distribution of ACM on Site 3 and Site  
21 6; isn't that correct?

22 A. Yes.

23 Q. Now, I'm going to offer an opinion  
24 that I consider to be new opinion on direct. It

1     seemed to me that you were saying that ACM on both  
2     the north side and the south side of Greenwood  
3     couldn't have been caused by IDOT because there  
4     was no fill required at certain stations along  
5     Greenwood, at least not more than a foot of fill;  
6     is that right? Is that accurate?

7             A.       I don't think that's accurately  
8     representing what I said.

9             Q.       Okay. Why don't you then refine  
10    that for me.

11            A.       Point me to what I said.

12            Q.       Well, I don't have -- happen to  
13    have that exactly. So why don't you just restate  
14    it. It's your opinion.

15            A.       Okay. What's the question then?

16            Q.       What was your opinion about where --  
17    you seem to be saying that ACM on both north side  
18    and south side of Greenwood couldn't have been  
19    caused by IDOT because there was no fill required  
20    at certain locations. Did you say that?

21            A.       No, I did not say that.

22            Q.       You didn't say that?

23            A.       No.

24            Q.       You said there was no unsuitable

May 23, 2016

Page 180

1 material removed at certain locations; is that  
2 correct?

3 A. I stated that there was a final  
4 construction balance that shows that a large  
5 percentage of unsuitable material that was  
6 expected to be excavated was not excavated.

7 Q. Okay. So it's not your opinion  
8 that unsuitable material was not removed from  
9 Stations 7, 8 and 9 along Greenwood?

10 A. My opinion would be that those  
11 areas would be more likely places where  
12 unsuitable material would not have to be  
13 removed.

14 Q. Okay. I don't recall any reason  
15 why that -- you explained that there would be  
16 more likely areas.

17 A. Well, if you look at the overall  
18 cross-section of the embankment of Greenwood  
19 and Sand, the existing Greenwood Avenue is  
20 pre-consolidated based upon the existing road.  
21 So now, you're going to add -- whether it's a  
22 20, 30, whatever the maximum height of the  
23 embankment is along Greenwood Avenue, it's going  
24 to further consolidate the unsuitable material

1 that's there.

2 But in the areas where the  
3 embankment comes down to grade, in those  
4 particular areas, the amount of new stress  
5 that's put upon the road isn't going to  
6 necessarily cause any additional consolidation  
7 of the unsuitable material because it's already  
8 preconsolidated to a certain state.

9 So if you were to have to  
10 remove -- if you were going to excavate and  
11 you had this access material, it's more likely  
12 that it would come out at the ends of embankments  
13 as opposed to in the middle of the embankments.

14 Q. Okay. Where is this stated in your  
15 expert report?

16 A. It isn't stated in my expert report.

17 Q. Did you discuss this at all in your  
18 deposition?

19 A. Well, I was asked about it in my  
20 deposition.

21 Q. And did you talk -- give that  
22 explanation on direct at all?

23 A. On direct what?

24 Q. Direct when Ms. O'Laughlin was asking

1 you questions?

2 A. I couldn't get --

3 Q. I don't recall anything about that.

4 A. Well, because I couldn't get there.

5 I believe there was an objection and then it sort  
6 of died there.

7 Q. Okay. But you didn't offer that  
8 opinion at all --

9 A. I offered part of that.

10 Q. -- on direct?

11 A. And then there was an objection  
12 and then it was -- waited until the briefings  
13 were done or whatever it was.

14 Q. Okay. But this is something new  
15 that you're offering for the first time right  
16 now?

17 A. This is something that you asked  
18 me to explain.

19 Q. Okay. But you never explained it  
20 in the context of this case; is that right?

21 MS. O'LAUGHLIN: Objection. It's  
22 badgering.

23 HEARING OFFICER HALLORAN: Yes.

24 I think it's asked and answered.

1 MS. O'LAUGHLIN: Yes. It's asked  
2 and answered.

3 HEARING OFFICER HALLORAN: I  
4 think you're beating it to death, Ms. Brice.  
5 You could move on.

6 BY MS. BRICE:

7 Q. Okay. Well, let's examine that.  
8 I believe you testified that IDOT didn't do any  
9 work along Greenwood east of Station 7. Do you  
10 remember that?

11 A. Yes.

12 Q. Okay. Is that still your belief?

13 A. Yes. The plans that the construction  
14 excavation associated with Greenwood Avenue ends  
15 at Station 7.00.

16 Q. Okay. And I'm not exactly sure  
17 what you're saying, but let me see if I've got  
18 this right. I thought you also believed that  
19 either there was no unsuitable material that  
20 needed to be removed at Stations 7 and 9 or  
21 that IDOT didn't remove any of the unsuitable  
22 material at these stations despite the fact  
23 that the as-built plans indicate unsuitable  
24 material at Stations 7 and 9.

May 23, 2016

Page 184

1           A.       Okay. You're confusing the definition  
2 of an as-built. The plans exist. The only  
3 thing that is changing is what notations are  
4 in it. Just because there's information in  
5 the plans that was part of the -- let's say  
6 for information only that says here are the  
7 areas of unsuitable material, when that comes  
8 over to the as-built, it isn't any guarantee  
9 that is what was removed. That's just the --  
10 plans exist. They're the same plans.

11                       The only difference is if the  
12 contractor or the RE goes in and marks certain  
13 locations, maybe added some elevations on inlets,  
14 took out some stuff, but the -- it isn't like he  
15 goes through and goes, well, I didn't use that  
16 page. I'm going to throw that out. I'm going  
17 to -- I'm not going to use this page and I'm  
18 going to throw that out.

19                       The plans exist throughout.  
20 So when you represent something that says in  
21 the as-built, well, it also said it in the  
22 document to begin with and that's still the  
23 same document. It has no representation of  
24 what the contractor did.



May 23, 2016

Page 185

1           Q.       Okay. But this was my question.  
2       My question was is it your opinion or isn't it  
3       your opinion that unsuitable material was not  
4       removed at Stations 7 through 9? I'm just not  
5       clear on that yet.

6           A.       My opinion is that the areas of  
7       deduction that they had to remove -- not pay  
8       for all the unsuitable material, the more likely  
9       sources of where that would have occurred at,  
10      would be at the ends of the embankments and  
11      those embankments for Greenwood Avenue basically  
12      really starts somewhere around 8, 8.50.

13          Q.       Okay.

14          A.       It doesn't go off to 7. There is  
15      not an embankment being -- it doesn't really  
16      occur until 9 difference between 9 and 10. Nine  
17      has a little bit of curving embankment, but it's  
18      not technically part of the embankment. It's  
19      part of the roadway at that point.

20          Q.       Okay. But you can't tell me for  
21      sure unsuitable material was not removed from  
22      Stations, I would say, 7, 8 and 9?

23          A.       No.

24          Q.       You can't tell me that?

1 A. No. That's why it's an opinion.

2 Q. And is this also 100 percent

3 certainty opinion?

4 A. I believe it's within a reasonable  
5 degree of scientific certainty.

6 Q. Which you think is 100 percent?

7 A. Yeah. Sure.

8 Q. Okay. Let's go to Station 7.

9 Take a look at Figure 5 of Mr. Dorgan's report,  
10 which is 06-28, if you will. It was in the first  
11 binder.

12 A. What figure?

13 Q. Figure 5.

14 A. Okay.

15 Q. Is this one of the figures that  
16 you used to base 164 off of, your Exhibit 164?

17 A. I don't believe so.

18 Q. Okay. Then let's take a look back  
19 at 164. You just said that there was no work  
20 done along Greenwood east of Station 7, right?

21 A. Hang on. Never mind. I was looking  
22 for 164. Could you repeat that, please?

23 Q. Sure. You just said that there was  
24 no work done along Greenwood east of Station 7,

1 right?

2 A. No. I did not say that.

3 Q. Okay. All right. Then I'm going  
4 to go -- okay. So let's go to your transcript  
5 of May 24th at Page 300.

6 A. What page?

7 Q. Page 300, please.

8 A. Yes.

9 Q. I'm at Line 5. You say:  
10 "Answer: There is no  
11 cross-section at station six because  
12 IDOT's work along Greenwood Avenue  
13 ends at Station 7."

14 Did you say that?

15 A. Yes.

16 Q. Okay. So let's look at your 164  
17 exhibit. All right? And we just talked about  
18 how Detour Road A is intersecting with Greenwood  
19 Avenue east of Station 7 along Greenwood; right?

20 A. Yes.

21 Q. And it actually goes down to five  
22 plus something or another, doesn't it, on your  
23 figure?

24 A. The detour road does, yes.

1 Q. Yes. But that's a detour road  
2 along Greenwood Avenue where it's intersecting  
3 with Greenwood, right?

4 A. Yes.

5 Q. So your statement that there was  
6 no work done along Greenwood east of Station 7  
7 is incorrect?

8 A. No.

9 Q. No. Okay.

10 A. I stated that the contract plan  
11 states that the work ends on Greenwood Avenue at  
12 Station 7 plus 00.

13 Q. Right, but this is your document,  
14 correct?

15 A. Yes.

16 Q. Okay.

17 A. There's nothing in contradiction.

18 Q. Okay. Well, let's take 21A-23,  
19 please, which is this demonstrative so you don't  
20 have to look it up. Okay?

21 A. Okay.

22 Q. And 21A-23 is a -- can you read  
23 what it is in the corner, what kind of document  
24 it is?

May 23, 2016

Page 189

1           A.       It's sheet 24 of 81 is the plan  
2 of profile of Detour Road A.

3           Q.       Okay. And take a look at the  
4 eastern limit of the easement for Detour Road  
5 A. Are you there?

6           A.       Okay.

7           Q.       Okay. And you see Station 7 is  
8 written on there -- sort of handwritten. Do you  
9 see?

10          A.       Yes.

11          Q.       Okay.

12          A.       Well, I don't believe it's  
13 handwritten.

14          Q.       Okay. Well, it's written on there,  
15 right?

16          A.       Yes.

17          Q.       And then the detour road intersects  
18 to the east of that; isn't that true?

19          A.       Correct.

20          Q.       And then look at station -- look down  
21 at the profile, if you will, on there?

22          A.       Okay.

23          Q.       Do you see that?

24          A.       Yes.

1 Q. And Stations 13, 14 and 15 on the  
2 profile?

3 A. Yes.

4 Q. Those are stations along Detour Road  
5 A, correct?

6 A. Correct.

7 Q. Okay. And those are stations that  
8 sort of intersect with Greenwood Avenue up in  
9 northeast portion of the photo or the drawing,  
10 right?

11 A. Yes.

12 Q. Okay. And there is fill required  
13 at each of those stations, isn't that true, 13, 14  
14 and 15?

15 A. Yes.

16 Q. Okay. So based upon this document,  
17 IDOT would have placed fill at those locations,  
18 13, 14 and 15, right?

19 A. Yes.

20 Q. Okay. And this fill has nothing  
21 to do with the need to remove unsuitable material  
22 or not remove unsuitable material because there  
23 is nothing on that profile that says there was  
24 unsuitable material at those locations, isn't

1 that right?

2 A. Correct.

3 Q. And let's take a look again back  
4 at this aerial photo, this 1972 aerial photo,  
5 that shows the intersection of Detour Road A  
6 with Greenwood right here (indicating), correct?

7 A. Yes.

8 Q. And why don't we hold that up?

9 Would you agree with me that  
10 this intersection looks to be wider than it's  
11 depicted on the drawings?

12 A. No.

13 Q. And would you agree that it looks  
14 like almost as if Detour Road A is coming over  
15 the top of Greenwood Avenue?

16 A. No.

17 Q. Okay. And that intersection needed  
18 to be completed obviously at the time that they  
19 built Detour Road A, right?

20 The intersection -- when they  
21 built Detour Road A, part of that was building  
22 the intersection between Greenwood and Detour  
23 Road A that's depicted on 21A-23, correct?

24 A. Yes. It had to connect to Greenwood

1 Avenue, yes.

2 Q. Can you take a look at 21A-8?

3 Actually, I think we have a blowup of this one too.

4 Yes. This is 21A-8.

5 A. Okay.

6 Q. And would you, for the record,  
7 please state what this photo or plan shows at  
8 the bottom?

9 A. It's the plan of Greenwood Avenue  
10 from Station 7 to Station 12 plus 10.

11 Q. Thank you. And there's some  
12 handwriting up here about a gravel driveway.  
13 Can you explain for the record where that's  
14 located?

15 A. It's between Station 7 and Station  
16 7 plus -- well, it looks like maybe 39 or 59.  
17 I'm not sure how it reads.

18 Q. Okay. And that is going to the --  
19 toward Site 3, correct, this gravel driveway that's  
20 depicted on there in handwriting?

21 A. I'm not sure whether it -- how it's  
22 oriented on this figure to Site 3.

23 Q. Okay. So here, the north is going to  
24 the south?



1 A. Uh-huh.

2 Q. So if this is south, wouldn't this  
3 gravel drive coming this direction be going  
4 towards the north the way that it's configured?  
5 It's going towards the south?

6 A. It's going towards the south, yes.

7 Q. And is -- do you remember seeing  
8 that gravel drive on your bid document plans?

9 A. I don't recall it off the top of  
10 my head.

11 Q. Let's look a little bit as the  
12 as-built plans and the need to remove unsuitable  
13 material. If you need to remove unsuitable  
14 material at a location, the contractor is going  
15 to dig down underneath the unsuitable material,  
16 remove it and then fill it back up to whatever  
17 the required grade is. Is that an accurate  
18 characterization?

19 A. He excavates out unsuitable material  
20 and places back the appropriate material that is  
21 required.

22 Q. Let's look at 21A-72, if you will,  
23 and that, I don't have in the blowup.

24 A. 21A what?

May 23, 2016

Page 194

1 Q. 72, please. And just for an example,  
2 let's take Station 8. Do you see Station 8 on this  
3 document?

4 A. Yes.

5 Q. Okay. And if you look over to  
6 the right, it might be hard to see. Elevate --  
7 well, you can -- actually, yeah, you can.

8 So do you see the elevation  
9 of 585? It sort of -- the word fill -- its right  
10 to the left of the word fill. Do you see that?  
11 It would probably be easier if we were working off  
12 of a larger drawing.

13 A. Oh, sorry.

14 Q. That's okay. Here we go. And right  
15 here is where I'm pointing to, the 585. Do you see  
16 that?

17 A. Yes.

18 Q. Okay. And that's an elevation,  
19 correct?

20 A. Yes.

21 Q. Okay. So this document here, 21A-72,  
22 is saying that unsuitable material was located at  
23 or slightly below 585 elevation at Station 8; is  
24 that right?

1 A. Say that again.

2 Q. Sure. This document is showing that  
3 unsuitable material was located at or maybe  
4 slightly below 585 at Station 8.

5 A. I think that's not a correct way  
6 of representing it.

7 Q. Okay. Well, it's -- there's Xs  
8 or there's marks on there that are denoting  
9 unsuitable material, correct?

10 A. Correct.

11 Q. Okay. And then there's a statement,  
12 "remove unsuitable material equals 140," right?

13 Do you see that?

14 A. Yes.

15 Q. Okay. And so right there at  
16 the bottom of 585, maybe not all of it is unsuitable  
17 material, but there's a portion of  
18 it that's unsuitable material or around 585 or  
19 slightly below there; is that accurate?

20 A. In essence, it's telling me the  
21 contractor has to excavate down to the elevation  
22 of 585.

23 Q. Right. And then he is going to  
24 fill it back up to -- I think it says 588.53. Do

1 you see that? Grade line?

2 A. Yeah. I'm seeing it. I'm just  
3 looking at the -- yeah. There's a station  
4 marking that number, correct.

5 Q. Okay. So if you move down to 585  
6 and come back up to 588.53, there's 3.53 noted  
7 on this document at Station 8; isn't that right?

8 A. There was what again? You sort of --

9 Q. 3.53 feet of fill.

10 A. No.

11 Q. Okay. Well, you just said they have  
12 to excavate down to 585?

13 A. Correct.

14 Q. They've got to bring it up back to  
15 588.53? How is that not 3.53?

16 A. Because they are require at -- when  
17 they backfill in that the bottom -- I think it's  
18 the bottom foot or so has to be built in with  
19 porous granular embankment and that's not fill.

20 Q. So it's porous granular embankment  
21 or fill material that is being used to comprise  
22 the 5.35 feet of material that need to go in that  
23 space?

24 A. And pavement.

1 Q. Okay. But there's 5.35 feet of  
2 material of any source that you need to get back  
3 up to that grade; isn't that right?

4 A. Yes. They're going to have to  
5 backfill with whatever is required to get to  
6 the grade they need, yes.

7 Q. Okay. Let's look at Station 9.

8 A. Okay.

9 Q. It's the same page.

10 A. Uh-huh.

11 Q. It says, "Remove unsuitable  
12 material 118 and then it also shows unsuitable  
13 material located around elevation 585;" is that  
14 right?

15 A. Yes. That's the depth that they  
16 have to excavate down to.

17 Q. Okay. And the final grade is  
18 589.97?

19 A. I know I'm seeing it. I'm just  
20 looking at it and how it relates. I think that  
21 is -- actually, that 598 is the base -- the top  
22 of the subgrade and then there's pavement on top  
23 of that because when you get the -- the 590 line  
24 that comes across the top and it doesn't -- it's

May 23, 2016

Page 198

1 basically right at this line at the top where the  
2 pavement is going to be.

3 Q. Okay. So it's higher than a  
4 598.97?

5 A. The total area is going to be,  
6 yeah, because that grade is at 590.

7 Q. Okay. So there's at least 4.97  
8 feet of material that needs to be placed at Station  
9 9; is that right?

10 A. Of some kind of material, yes.

11 Q. Okay. Let's go back down -- let's  
12 go down to 7 just for a moment. I think we've  
13 got the same sort of situation. At station --  
14 I think it's Station 7.60, to be accurate; is  
15 that right?

16 A. Yes.

17 Q. Okay. And it has a remove unsuitable  
18 material 190 and it's also got -- oh, you're right  
19 around -- you're actually below 585 there. Do you  
20 see that, how deep you need to go?

21 A. Within inches of 585, yeah.

22 Q. Okay. And then the top line says  
23 588.49, right?

24 A. Yeah.

1 Q. So there's at least 3.49 feet of  
2 material that needs to fill in that space; right?

3 A. Okay.

4 Q. Is that -- do you mean yes? You  
5 said okay. I wasn't sure.

6 A. Well, I'm saying yes, that's what  
7 you're saying, yes.

8 Q. Well, do you agree with me?

9 A. It has to be -- whatever is excavated  
10 has to be brought up to grade, yes, with whatever  
11 material they're required to put in.

12 Q. And let's go back to Mr. Dorgan's  
13 Figure 5, 06-28 that we were looking at a moment  
14 ago.

15 A. Okay.

16 Q. Okay. So you see he's got a  
17 profile down there at the bottom, correct?

18 A. Yes.

19 Q. Plan and profile. And you'll  
20 see Stations 7, 8 9 that we just talked about,  
21 right?

22 A. Yes.

23 Q. These are the same stations along  
24 Greenwood and you'll see sort of depicted here

1 that a 585 line number. Do you see that?

2 A. Yes.

3 Q. Okay. And you can see the fill  
4 material saying "peat" right there, correct?

5 A. Yes.

6 Q. Okay. If you go above 7, 8 and  
7 9, you go up and you will see depicted on this  
8 figure visual ACM noted in that zone of fill  
9 above 585 at Stations 7, 8 and 9. Do you see  
10 that?

11 A. In some of the borings, yes.

12 Q. Okay. And there is one boring  
13 that doesn't have anything in it, but there are  
14 one, two, three, four, five, six, seven -- seven  
15 and a half -- it's a little past nine -- in that  
16 area that have visual ACM noted either right below  
17 585, but predominantly above 585?

18 A. Right. And there's three or four  
19 borings that have ACM below 585, yes.

20 Q. Right. But the zone of fill is --  
21 there's only -- there's two where it goes below,  
22 but it also goes above at the same time, right?  
23 So it could be one big chunk of ACM?

24 A. Well, I see at least three.



1 Q. Okay. The document is going to say  
2 what it's going to say?

3 A. Okay.

4 Q. But, you know, for the most part,  
5 it's either -- none of it is solely below that  
6 fill line that he has depicted down there, is  
7 it?

8 A. It's showing that there's ACM in  
9 a lot of borings at various depths.

10 Q. Okay. But none of it is below that  
11 fill line that he has depicted on that exhibit,  
12 is there?

13 A. It's depicted below the 585, which  
14 is --

15 Q. No, no, no. Not the 585. Obviously,  
16 we've got --

17 A. What's the line you're referring to  
18 then?

19 Q. Well, we just talked about it. Some  
20 of it was below 585, didn't we?

21 A. Yes.

22 Q. We just went through there. So his  
23 line is depicting his -- where it says peat --

24 A. Uh-huh.

1 Q. -- there is a triangle-sized feature  
2 with Xs in it --

3 A. Uh-huh.

4 Q. -- which is depicting the unsuitable  
5 material. Okay? None of these borings -- none  
6 of these red visual ACMs are completely below that  
7 line; isn't that true?

8 A. I would say -- I would base that on  
9 how I understand your question, there's one boring  
10 that all the ACM is below the top of the peat line.  
11 You have two. I take that back. There's two.

12 Q. Okay. That -- well, yeah. They  
13 could -- I'm not going to quarrel about it and  
14 waste time, but if you will -- just so you  
15 understand, this red line going up here is the  
16 proposed grade line. So it's above the peat  
17 line, but it's below the proposed grade line.  
18 So, therefore, its within the zone of fill  
19 material placed there.

20 Okay. Let's look at Exhibit 74,  
21 if you will.

22 A. Okay.

23 Q. Okay. And Exhibit 74 is the  
24 basis for -- let's go back to your 164. This

1 LFR excavation hexagon, which is right underneath  
2 the W on Greenwood Avenue. Do you see that?

3 A. What exhibit is that again?

4 Q. Sure. Exhibit 74.

5 A. No, what exhibit you're holding.

6 Q. I'm sorry. Exhibit 164.

7 A. Okay.

8 Q. Okay. Do you see that LFR excavation  
9 hexagon?

10 A. Yes.

11 Q. Okay. Is it your understanding  
12 that this Exhibit 74 is the basis for that boring?

13 A. I believe that was the basis of  
14 Mr. Dorgan's locating that boring.

15 Q. Okay. But this is your document,  
16 right?

17 A. As I stated earlier, this document  
18 was only changed in minor ways. It was not  
19 changed associated with the boring locations and  
20 the officiation of -- of the Transite pipe within  
21 Site 3.

22 Q. Right. But you made changes to  
23 this document to depict different things in  
24 Mr. Dorgan's --

May 23, 2016

Page 204

1           A.       I added to it, yes. I was not, in  
2   essence, authenticating it.

3           Q.       If you turn to 74-2, and I'm  
4   going to read that last paragraph. "During  
5   the excavation, several pieces of Transite  
6   pipe, which is an asbestos-containing material,  
7   were encountered within the clay fill material.  
8   Photographs 2 and 5 both show a large piece of  
9   pipe protruding from the excavation sidewall  
10  at a depth of approximately 2.5 feet below  
11  ground. Based on this depth and the approximate  
12  surface elevation, the elevation of the ACM  
13  within the silty clay soil is approximately  
14  588.5 feet AMSL, which is roughly one foot  
15  higher than the adjacent Site 3 surface of  
16  the approximately 587.5 feet AMSL. From this,  
17  it may be concluded that the Transite pipe was  
18  found within the soil placed as part of the  
19  Greenwood Avenue ramp construction."

20                           Do you see that?

21           A.       Yes.

22           Q.       And you do not dispute this finding,  
23  do you?

24           A.       No.

1 Q. So you agree that that Transite  
2 pipe is found within the fill placed by IDOT?

3 MS. O'LAUGHLIN: Objection,  
4 mischaracterizes the prior question  
5 and the prior testimony.

6 HEARING OFFICER HALLORAN: Do  
7 you want to rephrase, please, Ms. Brice?

8 MS. BRICE: Sure.

9 BY MS. BRICE:

10 Q. Basically, it says from this, it  
11 may be concluded that the Transite pipe found  
12 within the soil placed as part of the Greenwood  
13 Avenue ramp construction.

14 Okay. IDOT did the Greenwood  
15 ramp construction; did it not?

16 A. Yes.

17 Q. So do you dispute that conclusion?

18 A. No. I agree that there was a piece of  
19 Transite pipe that exists within the fill.

20 Q. The fill placed by IDOT?

21 A. It's -- at the time it's in the  
22 embankment fill of the road construction project.

23 Q. So the answer is yes?

24 A. Well, I don't necessarily think

1 it's a yes or no type of question.

2 MS. BRICE: I move to strike

3 as nonresponsive.

4 HEARING OFFICER HALLORAN: Overruled.

5 BY MS. BRICE:

6 Q. Okay. We're going to switch for  
7 a second and we're going to talk about the 1975  
8 change order that you mentioned earlier. I know  
9 it's getting late. I'm getting -- we're -- we're  
10 heading in the right direction.

11 A. Okay.

12 Q. Okay. This is a change order dated  
13 May 5, 1975, right?

14 A. Correct.

15 Q. And you talked about this on direct,  
16 do you remember that?

17 A. Yes.

18 Q. Okay. And on direct, you were asked  
19 whether the document refers to embankments. Do  
20 you recall that question?

21 A. I don't necessarily recall it in that  
22 manner.

23 Q. Okay. But the -- the document doesn't  
24 talk about embankments, does it?

1 A. Yes, it does.

2 Q. Porous granular embankment, but it's  
3 not talking about embankments specifically.

4 A. Well, I believe it does.

5 Q. Okay. Tell me where it does.

6 A. It states in the last section that  
7 reduction in the borrow excavation was made to  
8 agree with the source of the measurements, i.e.,  
9 from the borrow pit to the embankment in place  
10 as outlined in the special provision.

11 Q. Okay. But it's not talking about  
12 any specific embankment, right?

13 A. It's talking about the project.

14 Q. Okay. So it's not talking about  
15 Greenwood Avenue, Stations 7 through 9, is it?

16 A. It's talking about the project.

17 Q. The overall project?

18 A. Yes.

19 Q. When I asked you in your deposition  
20 about this document, I said --you know, I asked  
21 you what was particularly important to your opinion  
22 about this document other than just background  
23 and you talked about -- you said it relates to  
24 the removal and obliteration of the detour roads.

1 Do you remember that?

2 A. Yes.

3 Q. You don't say anything about  
4 embankments, did you?

5 A. In the context of your question,  
6 that's what I was referring to.

7 Q. Okay. Well, the question was  
8 whether there was anything in Exhibit 35 that  
9 was particularly important to your opinion.

10 So --

11 A. Yes.

12 Q. Okay. And you did not say anything  
13 about embankments, right?

14 A. No. Because my opinions were related  
15 to Sites 3 and 6.

16 Q. Well, Site 6 contains an embankment,  
17 right?

18 A. I don't consider it as -- it's not  
19 a large embankment.

20 Q. Okay. But it's an embankment?

21 A. It contains the very beginning of  
22 the embankment, yes.

23 Q. Okay. But it -- we've looked at  
24 a number of drawings where we just show the



May 23, 2016

Page 209

1 embankment starts to go up on 21A-72 and if you  
2 look at 21A-73 and 21A-74, you can see the  
3 embankment rise along Site 6; isn't that right?

4 A. At the end of Site 6, yes.

5 Q. No. I'm talking about on this  
6 side of Site 6. There's embankment there. It  
7 is raised up as part of an embankment at Site 6?

8 A. I don't consider the roadway  
9 excavation and material put back in as part of  
10 the embankment.

11 Q. I'm not talking about the roadway  
12 excavation and material put back in. I'm talking  
13 about -- I understand you don't consider that to  
14 be embankment. I'm talking about 7 -- Station 7  
15 plus 20, 30, all the way to Station 10. You're  
16 saying that that's not embankment.

17 A. No. I said Station 10 part of the  
18 embankment and I also believe Station 10 is outside  
19 of Site 6.

20 Q. Okay. Well, 9 is not.

21 A. Right.

22 Q. Seven, 7 and 9.

23 A. That's what I said. Somewhere around  
24 9 is really where the elevation of a roadway starts

1 elevating.

2 Q. Okay. Well, we just saw a few minutes  
3 ago that there was -- that in Station  
4 7.3-point-something filling state of material or  
5 material --

6 MS. O'LAUGHLIN: Objection to  
7 the use of filling state of material.

8 MS. BRICE: I was just correcting  
9 there.

10 BY MS. BRICE:

11 Q. There was more than three plus foot  
12 of material. On 8, there was more than three. On  
13 9, I think it was eight feet. So you're saying  
14 there's no elevation at 7, 8 and 9, is that your  
15 testimony?

16 A. I don't believe somewhere between  
17 8 and 9 is the beginning of the elevation of  
18 the road. Just because they excavated out  
19 material -- it was planned to excavate out material  
20 of unsuitable and put it back, it doesn't make that  
21 part of embankment.

22 Q. Okay. One second. Here we go.

23 Okay. So just turn back for  
24 one second on 21A-72. Station 9. Okay?

1 A. Yes.

2 Q. If you go to the center line of  
3 Station 9 and you go out to the left?

4 A. Uh-huh.

5 Q. One, two, three is where it hits  
6 about grade, right, three boxes out to the left  
7 of center line, right? Do you see where it elevates  
8 up and then it comes back down?

9 A. Yes.

10 Q. Okay. And that's about three  
11 boxes out from the center line where it hits  
12 that common line? Do you see what I'm talking  
13 about?

14 A. Yes.

15 Q. And how many feet is that based  
16 upon what you see at the bottom?

17 A. I'm sorry. I lost you.

18 Q. Sure. At the bottom, you've got  
19 numbers that show how many feet you're going out.

20 A. Okay.

21 Q. So how many feet is that elevated  
22 area extending out to the south -- extending out  
23 onto Site 3?

24 A. Thirty feet maybe.

1           Q.       Thank you. And I believe you said  
2       on direct that Exhibit 35 indicated that "none  
3       of the unsuitable material or a lot of it  
4       wasn't actually removed." Do you remember  
5       saying that?

6           A.       I don't remember specifically  
7       how I phrased it.

8           Q.       Okay. Well, I'll represent --  
9       unless you would like me to get you the site,  
10      I think that's what you said.

11          A.       It is what it is.

12          Q.       Okay. So let's look at 35 for one  
13      second quickly. On Exhibit 35, it's -- I believe  
14      you testified that it was showing that 32 -- about  
15      32 percent of all of the unsuitable material on  
16      the project was not removed, right? That's what  
17      you just said, this relates to the entire project?

18          A.       I don't remember what it was, but  
19      I -- it -- there was a deduction of quantity  
20      there and that calculated to what was in the  
21      original plans as -- as what the bid item was.

22          Q.       Okay. So it says just right here --  
23      and I'll go through this quickly. It says -- 35  
24      says -- well, you talk about instead of removing

1 44 cubic yards, only 29, 300 cubic yards were  
2 removed, right? Is that what it says? Because  
3 you take out the 14. At least that's what was  
4 my understanding. It's hard to see on the document.  
5 That's what you testified to.

6 A. I believe -- wait a minute.  
7 Unsuitable -- sorry. I was looking at the borrower.  
8 Yes, I think it's 14. 700 was not removed.

9 Q. Right. So that would be 29,300,  
10 around, if you were to start at 44, right? Take  
11 off 14.

12 A. Okay.

13 Q. Okay. So if a person is removing  
14 29,300 -- 300 cubic yards of material, he's  
15 certainly not removing none, is he?

16 A. Okay.

17 Q. Right. And he's removing about 67  
18 percent, right?

19 A. That's the opposite of what was being  
20 deducted, yes.

21 Q. And you can't tell me that this  
22 small part of Stations 7 through 9 was part of  
23 the 32 percent that was not removed, right?

24 A. I don't believe I stated that.

May 23, 2016

Page 214

1           Q.       Okay. Let's take a look at Exhibit  
2 29. Okay. And this is the document talking about  
3 fly ash embankment that you talked about on direct.  
4 Do you remember that?

5           A.       Yes.

6           Q.       Okay. And you seem to suggest, at  
7 least to me, that IDOT was using fly ash embankment  
8 for the embankments on the north and south side of  
9 Greenwood that involved Sites 3 and 6, is that  
10 correct, or am I overreaching?

11          A.       I've never stated anything like that.

12          Q.       Okay. So just to be clear, you're  
13 not saying that this document relates to the  
14 Greenwood Avenue embankments on the north and  
15 south side of Greenwood, right?

16          A.       I never represented that.

17          Q.       Okay. Because this -- if you look  
18 at the location and description, it says a three  
19 span, I'm assuming, railroad grade separation  
20 structure and a two-grade separation structure.  
21 So this is talking about an area further west  
22 than what we've been discussing today; isn't that  
23 right?

24          A.       I believe that's what I testified

1 to.

2 Q. Okay. Let's go back to your Exhibit  
3 164, if you will, the one with the three figures  
4 in it.

5 A. Okay.

6 Q. All right. So here, you testified  
7 that you added in borings on B to B, right, which  
8 is on the north side of Greenwood?

9 A. Yes.

10 Q. Do you remember testifying in your  
11 deposition that there was no asbestos-containing  
12 material found on the north side of Greenwood?

13 A. I believe I testified that there  
14 was material on the north side of Greenwood Avenue  
15 and then you started changing it to being on the  
16 far eastern side and I said that it was there, too,  
17 yes.

18 Q. Okay. Well, why don't we examine  
19 that.

20 A. Sure.

21 Q. Let's take a look at Page 212 of your  
22 deposition, which is Exhibit 4C.

23 A. Okay.

24 Q. And I'd like to look at Line --

May 23, 2016

Page 216

1 A. What page?

2 Q. 212.

3 A. Hang on. I'm trying to find 4C.

4 Q. No problem. Take your time.

5 A. Here's 4D. Is it in Volume 1?

6 Okay. What page?

7 Q. Page 212, Line 15.

8 A. Okay.

9 Q. And let me back up to Line 11. It  
10 says:

11 "Question: Right. But there  
12 was a right-of-way for the north side as  
13 well because they did work on the north  
14 side of Greenwood."

15 "Answer: Only to a certain  
16 portion of the --"

17 "Question: Right. I'm only  
18 talking about that far -- the portion  
19 that lines up with Site 3, so right on  
20 the other side of Site, so just to the  
21 north of Site 3. Okay? So the northern  
22 portion of where they built the embankment,  
23 right, was there any asbestos found  
24 outside of that area within which IDOT



1 or its contractor did work in the 1970s?

2 Do you know?"

3 "Answer: I don't believe there  
4 was asbestos detected on the north side  
5 within the construction project's limits  
6 on the north side of Greenwood."

7 Do you see that?

8 A. Yes.

9 Q. Okay. But you are depicting  
10 ACM within the right-of-way on the north side  
11 of Greenwood; are you not?

12 A. I'm depicting where the boring  
13 was located and that there was asbestos-containing  
14 material found in there, yes.

15 Q. Okay. And it's -- you have depicted  
16 an IDOT right-of-way line. Do you see that on the  
17 north side --

18 A. I have used -- like I said, I didn't  
19 authenticate Mr. Dorgan's line, but that's the  
20 lines that were there.

21 Q. Okay. But you put this on your  
22 document, right?

23 A. I didn't change it on my document.

24 Q. Okay. And those borings are within

1 the right-of-way; isn't that true?

2 A. It's hard to tell based upon the  
3 scaling whether it's in the right-of-way or out of  
4 the right-of-way.

5 Q. Okay. Well, the exhibit speaks for  
6 itself. Everyone can look at it.

7 A. Exactly.

8 Q. And so let's look for a second at  
9 B to B. Okay? That's Figure 3 on this Exhibit  
10 184. So that's what's being depicted on Figure 1,  
11 the B to B that we were just talking about on 164.

12 A. Okay.

13 Q. Okay. And so here, you are depicting  
14 different types of asbestos at 1N through at least  
15 7N; is that correct? Not in every single boring,  
16 but in some of the borings?

17 A. Yes.

18 Q. Is that right?

19 A. Yes.

20 Q. Okay. And all of this asbestos  
21 that you are depicting is above elevation 587;  
22 isn't that right?

23 A. Okay.

24 Q. Is that right?

May 23, 2016

Page 219

1           A.       Well, I mean, some of it looks like  
2 below.

3           Q.       Okay. So when you're saying  
4 some of it is below, you're talking about the  
5 eenie, tiny legal piece right -- that's hash  
6 marked right at 587 maybe that went down a  
7 millimeter, is that what you are talking about?

8           A.       Yes, on 7 north, yes.

9           Q.       Thank you. Okay. So do you remember  
10 in direct talking about in reference to Mr. Dorgan's  
11 Exhibit 84 that you didn't know where this pipe  
12 came from and you also have the pipe depicted on  
13 cross-section 8A?

14          A.       Yes. Once again, I never  
15 authenticated what he had drawn on his plans. So I  
16 left it there.

17          Q.       Okay. But you said -- I'm sorry. Go  
18 ahead and finish.

19          A.       I did finish.

20          Q.       All right. But do you remember  
21 saying that you didn't know where the pipe came  
22 from that's depicted on here?

23          A.       Yes.

24          Q.       Take a look at 21A-8, which is

1 this one here that we were looking at earlier.

2 It's one of the plans. Do you see that?

3 A. Yes.

4 Q. Okay. In your deposition, you  
5 explained to me that this dash line running  
6 through the center there is an invert elevation  
7 for a storm sewer, didn't you?

8 A. What dash line are you referring  
9 to?

10 Q. Okay. Do you mind if I approach?

11 A. Okay.

12 Q. Okay. So there is a handwritten  
13 line going north to south that has sort of  
14 semi-circles on top of it and then it extends  
15 through the word parking lot on Site 3. It's  
16 the very center of the document.

17 MR. MCGINLEY: Mr. Halloran,  
18 could I just ask that if we're going  
19 to have this maybe up so we can all  
20 see it, please?

21 MS. BRICE: Sure. Right here.

22 BY MS. BRICE:

23 Q. Do you see that?

24 A. Yes.

1 Q. Do you remember telling me that that  
2 was related to A storm sewer?

3 A. Yes.

4 Q. Okay. And that's the pipe, is it  
5 not, that's depicted on Mr. Dorgan's figure?

6 A. Like I said, I didn't authenticate  
7 it. So I would have to compare them both to make  
8 sure that's where it's located.

9 Q. Okay. Well, let's look. It says  
10 it's at a depth of -- well, invert elevation of  
11 581.53?

12 A. Okay.

13 Q. Do you see that?

14 A. Yes.

15 Q. Is that accurate? Is that what it  
16 says?

17 A. I'll take your word for it. I  
18 mean, it's blurred. I'd say it's probably a close  
19 representation of what it says.

20 Q. Okay. And an invert elevation is the  
21 bottom of the depth of the pipe, right?

22 A. Yes.

23 Q. Okay. So that means that it would  
24 have installed a pipe on the north side under

1 Greenwood through the south side and it would  
2 have come out at least at an elevation of 581.53.

3 Do you see that?

4 A. Yes.

5 Q. Okay. Take a look at Mr. Dorgan's  
6 figure, if you will.

7 A. What figure was that again? Which  
8 exhibit?

9 Q. Exhibit 84. What I want to focus  
10 on is the stationing of this. Okay. So the  
11 stationing here on this document is what? What  
12 is the station of this pipe?

13 A. It doesn't give an exact station,  
14 but it's somewhere around 930, maybe 920, 925,  
15 925 maybe. Nine plus 25.

16 Q. Does that seem to line up with  
17 the stationing of the location of the pipe on  
18 Mr. Dorgan's figure as far as you can tell?

19 A. It's very difficult to be able to  
20 tell because he's representing a boring that's  
21 somewhere between 1S and the LRF fit and that's  
22 hard to tell where that station is, if it's exactly  
23 at that part.

24 Q. I'm sorry. I apologize. It's not

May 23, 2016

Page 223

1 so easy on that photograph, I agree. So let's  
2 just move on and I'll have Mr. Dorgan clarify.

3 This is -- this talks about  
4 the -- this same document talks about the size  
5 of that sewer, right? Is that 25 feet, 12-inch  
6 storm sewer type one, is that how large it was?

7 A. Yes.

8 Q. Thank you. One question; you  
9 had an opinion in your expert report that said  
10 the department's only involvement was construction  
11 oversight and it was the contractor's responsibility  
12 to determine how materials were managed. You  
13 didn't discuss that in your direct. Is that still  
14 your opinion or have you retracted that opinion?

15 A. No. It's the same opinion. I still  
16 have that same opinion.

17 Q. Okay. So then let's go through this  
18 quickly. Without IDOT's -- IDOT put the plan  
19 together, right?

20 A. Correct.

21 Q. So without the plans, the contractor  
22 couldn't have done the work?

23 A. Right.

24 Q. And IDOT acquired the right-of-ways

1 and easements for the project?

2 A. Yes.

3 Q. And without those, the  
4 contractor couldn't have done the work, right?

5 A. Correct.

6 Q. And the resident engineer,  
7 Mr. Duane Mapes, was supposed to be on-site,  
8 correct?

9 A. He is the resident engineer  
10 overseeing the project, yes.

11 Q. Right. And he's typically on-site?

12 A. He is expected to be on-site at some  
13 point in time.

14 Q. Well, I think you said he's out in  
15 the field watching projects get built, making sure  
16 it's being built in conformance with plans and  
17 specifics?

18 A. Yes.

19 Q. Is that right?

20 A. Yes.

21 Q. And I believe you said he was at  
22 the project most of the time; is that accurate?

23 A. I don't know if that's accurate  
24 or not. If he's out at the site, I have no



1 clue of how many construction projects he was  
2 overseeing during those years.

3 Q. Okay. But is it typically the  
4 project engineer will be at the project all the  
5 time that he can be there, right?

6 A. Yes.

7 Q. And under the specifications, the  
8 resident engineer could determine what material  
9 was satisfactory for use in the embankments,  
10 correct?

11 A. No.

12 Q. Okay. Well, let's -- if we were  
13 to turn to Specification 207.04(a), I'm going to  
14 read it and tell me if you disagree with this. It  
15 says, "Embankments shall be constructed of material  
16 that will compact and develop a stability  
17 satisfactory to the engineer."

18 A. Yes.

19 Q. Do you disagree with that?

20 A. No. That is correct.

21 Q. Okay. The contractor was required  
22 to follow the specifications, correct?

23 A. He is expected to follow the contract  
24 plans.

1 Q. And the specifications to the  
2 extent they are not overridden by the contract  
3 plans?

4 A. Okay.

5 Q. Right?

6 A. Yes.

7 Q. And he is required to follow the  
8 decisions of the resident engineer?

9 A. Correct.

10 Q. And there's also other employees  
11 involved with the Amstutz -- there would have  
12 been other employees of IDOT involved with the  
13 Amstutz Project like assistants to the resident  
14 engineer; is that correct?

15 A. Possibly, yes.

16 Q. And people from the materials office  
17 could have been out there, correct?

18 A. Correct.

19 Q. And people come out and conduct  
20 audits. There's a number of documents in the  
21 file about supervising engineering audits, that  
22 sort of thing?

23 A. Correct.

24 Q. And if the contractor wanted to

1 deviate from the plans, he needed to get the  
2 approval of IDOT, right?

3 A. Yes.

4 Q. And that's fundamentally because  
5 it's IDOT's project; isn't that true?

6 A. An IDOT let project, yes.

7 Q. All right. But I believe you said --  
8 you called it IDOT's project?

9 A. Yes.

10 Q. Okay. On Page 14, so Exhibit 8-14  
11 of your report -- we're going to move on and we're  
12 getting really close. 8-14 of your report, so  
13 that's in the first book. It's the first document  
14 in Book 1.

15 HEARING OFFICER HALLORAN: I  
16 think we will take a break in five minutes.

17 MS. BRICE: Okay.

18 BY THE WITNESS:

19 A. What page?

20 BY MS. BRICE:

21 Q. Fourteen, please.

22 A. Okay.

23 Q. Okay. And here, you are talking  
24 about US EPA's concerns; is that right?

1 A. Yes.

2 Q. Okay. And you say, in that first  
3 paragraph, you disagree with Mr. Dorgan that,  
4 but for IDOT's construction project, capping  
5 the parking lot area and monitoring the remainder  
6 of the site would be all that US EPA would  
7 require. Is that still your position?

8 A. Yes.

9 Q. But on direct, you said that  
10 the concrete Transite pipe is not impacting  
11 the remedy on Site 3 and Site 6; isn't that  
12 right?

13 A. I'm not sure if I expressed it  
14 that way.

15 Q. Okay. Well, I think you said that  
16 if you took away the concrete Transite pipe, the  
17 remedy US EPA is requiring in Site 3 and Site 6  
18 would be the same.

19 Do you remember that?

20 A. Yes.

21 Q. Okay. But Mr. Dorgan's opinion isn't  
22 about whether the mere presence of concrete Transite  
23 pipe on Sites 3 and 6 is increasing the scope of  
24 the remedy, is it?

May 23, 2016

Page 229

1           A.       I'm not sure that that accurately  
2 depicts what he was saying.

3           Q.       Okay. Let's look at Exhibit 6-20,  
4 okay, where he discusses this opinion and let me  
5 know when you're there, please.

6           A.       Okay.

7           Q.       All right. And there is a -- it  
8 starts -- I think it's -- I don't have it right  
9 in front of me, but says, "I have considered a  
10 more conservative approach." Do you see that? I  
11 think it's in the second paragraph.

12          A.       Yes.

13          Q.       He says, "I have considered a  
14 more conservative approach to managing the site  
15 conditions assuming the Transite pipe had not  
16 been spread and buried. Under this alternative  
17 scenario, I have assumed that the Transite pipe  
18 had been left in its original location on the  
19 surface of Site 3 in 1970. Under this alternative  
20 scenario, I believe that the plan submitted in the  
21 EECA would have been more than adequate to manage  
22 Site 3 conditions and that no remedy would have  
23 been required for the western portion of Site 6."

24                                   Do you see that?

1 A. Yes.

2 Q. So he's focused on the fact that  
3 concrete Transite pipe is spread and buried as  
4 opposed to having been left in place; isn't he?

5 A. I think it speaks to exactly what  
6 it says, yes.

7 Q. Wasn't it the concrete Transite  
8 pipe on the surface of Site 3 that led to the  
9 discovery of Site 3?

10 MS. O'LAUGHLIN: Objection,  
11 vague.

12 HEARING OFFICER HALLORAN: Yes.  
13 Could you rephrase that, please?

14 BY MS. BRICE:

15 Q. Okay. Well, Site 3 was discovered  
16 at one point in time; right?

17 A. Yes.

18 Q. And wasn't it concrete Transite  
19 pipe on the surface of Site 3 that led to the  
20 discovery of Site 3?

21 A. I wouldn't necessarily phrase it  
22 that way.

23 Q. Okay. Take a look at Exhibit  
24 65-2. That might actually be in this last

1 volume.

2 HEARING OFFICER HALLORAN: I think  
3 we're taking a break now. We'll be back  
4 at five 'til 3:00.

5 MS. BRICE: Okay.

6 (Whereupon, after a short  
7 break was had, the following  
8 proceedings were held  
9 accordingly.)

10 HEARING OFFICER HALLORAN: We  
11 are back on the record it's 5 'til 3:00.  
12 We are continuing with Ms. Brice's cross  
13 of Mr. Gobelman.

14 MS. BRICE: Thank you.

15 BY MS. BRICE:

16 Q. So Mr. Gobelman, I had asked you to  
17 turn to Exhibit 65-2.

18 A. Okay.

19 Q. And it -- if you look there, it  
20 says that, does it not, that in the -- under B,  
21 first full paragraph, in December of 1998,  
22 respondent, JM, discovered ACM on the surface  
23 of Site 3.

24 Do you see that?

1 A. Yes.

2 Q. Okay. So isn't the predominate ACM  
3 found on Site 3, concrete Transite pipe?

4 A. I don't know if that's the case,  
5 if it was predominant or not.

6 Q. You don't know?

7 A. I didn't -- I didn't evaluate  
8 the volume number of hits versus the other ACM.  
9 I'll just say that there was ACM discovered.

10 Q. Okay. And concrete Transite pipe  
11 is also the predominant ACM found on Site 6; isn't  
12 that right?

13 A. There was asbestos-containing  
14 material that included ACM found -- I mean,  
15 asbestos-containing material that included  
16 Transite pipe, yes, on Site 6.

17 Q. Okay. But you don't know if that  
18 was a predominant form of ACM or not is what I  
19 think you just said.

20 A. No. I didn't -- I didn't compare  
21 and look at whether one was greater than the  
22 other of each individual types of  
23 asbestos-containing material.

24 Q. I understood from your direct



1 testimony that you believed that because there  
2 were fibers and small quantities of other types  
3 of ACM on Sites 3 and 6 that the presence of  
4 the concrete Transite pipe has no impact on the  
5 remedy; is that accurate?

6 A. I don't think how it was represented.

7 Q. Okay. Why don't you refine it for  
8 me.

9 A. What am I looking at?

10 Q. Well, you tell me. It's your opinion.

11 A. Ask me the question you want to ask me  
12 then.

13 Q. Well, the question is what is your  
14 opinion about fibers and other types of ACM and  
15 to be -- let me back up.

16 I believe there was a line of  
17 questioning in your direct testimony where you  
18 were talking about if there was no concrete  
19 Transite pipe, there would still be the same  
20 remedy because there are fibers and other types  
21 of ACM. Do you remember that?

22 A. Yes.

23 Q. Okay. Is that your opinion?

24 A. Yes.

May 23, 2016

Page 234

1 Q. Okay. But you don't know how  
2 much other ACM there is comparative to concrete  
3 Transite pipe, I believe, is what you just said?

4 A. I did not compare the volumes of  
5 each individual types of asbestos-containing  
6 material.

7 Q. Okay. In your report, you discussed  
8 this freeze/thaw cycle. Do you remember that?

9 A. Yes.

10 Q. Okay. And you said that the potential  
11 freeze/thaw cycles did not play a part in US EPA's  
12 decision-making process. Do you recall that?

13 A. Yes.

14 Q. Okay. But you didn't read removal  
15 action work plan approved by US EPA before rendering  
16 this opinion, did you?

17 A. I read versions of that. I'm not  
18 sure -- how when the final version came out to  
19 the point of my report.

20 Q. Okay. But there was a 2014 version  
21 that was the latest version at the time of your  
22 report and you had not read that one, had you?

23 A. I don't recall which reports I  
24 read or didn't read.

May 23, 2016

Page 235

1 Q. Okay. Let's look at -- let's  
2 stick with Exhibit 65 and turn to Page 7. If  
3 you note -- tell me when you're there.

4 A. Okay.

5 Q. Okay. And there is a Section 3,  
6 "Threat to Public Health or the Environment."  
7 It says, "Conditions at the site present an  
8 imminent substantial endangerment to public  
9 health or welfare or the environment," et cetera.

10 Do you see that?

11 A. Yes.

12 Q. And then underneath that, there's  
13 various different paragraphs, A, B, C, if you  
14 turn the page.

15 A. Yes.

16 Q. Okay. And with respect to both A --  
17 I'm sorry. With respect to both B and C, there's  
18 this same paragraph that says, "In frost susceptible  
19 areas like Waukegan, stones and other large  
20 particles such as broken scraps of asbestos tend  
21 to move differentially upward through the soil  
22 with each freeze/thaw cycle. Thus, ACM and/or  
23 asbestos fibers currently covering the soil can  
24 over time reach the soil surface increasing asbestos

1 contamination of surface soils and asbestos fibers  
2 may become readily releasable to the air."

3 Do you see that?

4 A. Yes.

5 Q. Okay. So US EPA was, in fact,  
6 concerned with broken scraps of asbestos moving  
7 to the surface, wasn't it?

8 A. In a state of condition which nothing  
9 was going to remedy, yes.

10 Q. When you were at IDOT your job  
11 included dealing with rights-of-way, right?

12 A. No.

13 Q. Okay. Turn to Page 37 of your  
14 deposition.

15 A. Okay.

16 Q. Okay. I'm on Page 11 -- I mean on  
17 Line 11 and I was asking you about your job. Do  
18 you see that right about there? "What is your  
19 current position with IDOT?"

20 A. Yes.

21 Q. Do you see that?

22 A. Uh-huh.

23 Q. Okay. Then on 11, you say, "I  
24 oversee -- I'm sort of like the environmental

1 technical expert on soil and groundwater issues.  
2 I oversee contracts that investigate state  
3 right-of-way and determine what soil contamination  
4 or groundwater contamination exist and then I  
5 take all of that information that the consultant  
6 provides."

7 A. Uh-huh.

8 Q. Do you see that?

9 A. Yes.

10 Q. So your job at IDOT involved with  
11 dealing with rights-of-way?

12 A. No. I never dealt with the  
13 right-of-way.

14 Q. Okay. Well, you oversaw contracts  
15 that investigated state rights-of-way?

16 A. Yes.

17 Q. Okay. And when IDOT acquires a  
18 right-of-way, it's acquiring -- it's acquiring  
19 the complete footprints and taking control of  
20 it; is that correct?

21 A. Depending on the types of purchase.

22 Q. I'm talking about a -- just in  
23 general, I'm talking about a right-of-way. It  
24 means that IDOT is acquiring a complete footprint

May 23, 2016

Page 238

1 and taking control of it; isn't that correct?

2 A. I think what you're saying a very  
3 vague and sort of a compounded question in itself.

4 Q. Okay. Well, let's turn to Page 101  
5 of your deposition. I'm on Line 11. I asked you  
6 this:

7 "Question: How is a right-of-way  
8 different from a limit of construction?"

9 "Answer: The right-of-way is the  
10 complete footprint that IDOT is taking  
11 control of, be it, you know -- well,  
12 right-of-way meaning ownership."

13 Do you see that?

14 A. Yes.

15 Q. Okay. If you go to Page 6 of your  
16 expert report, so Exhibit 8-06.

17 MS. O'LAUGHLIN: I'm going to  
18 object. This line of questioning is  
19 outside of our direct. We didn't cover  
20 this in our direct examination.

21 HEARING OFFICER HALLORAN: I'll  
22 allow a little latitude. That's not my  
23 concern. I think a lot this could be  
24 saved for post-hearing brief. If need be,

1           you can open up on your redirect to ask  
2           these questions.

3                            You may continue, Ms. Brice.

4                            MS. BRICE: Thank you.

5 BY MS. BRICE:

6           Q.            You stated on Page 6 of your report,  
7           which is 08-8, that the city of Waukegan entered  
8           into the contract to negotiate, pay for and acquire  
9           in the name of the city all right-of-way east of the  
10          Chicago & Northwestern Railroad necessary to  
11          reconstruct at-grade intersection of Greenwood and  
12          Sand.

13                            Do you see that?

14          A.            I'm sorry. I wasn't there when you  
15          started reading.

16          Q.            Sorry. Page 6.

17          A.            Yes.

18          Q.            Which is 08-8. Do you see that?

19          A.            Yes.

20          Q.            First full paragraph under five.

21          A.            Okay.

22          Q.            Under number five, Site 3 parking lot  
23          easement.

24          A.            08-6?

1 Q. 08-8.

2 A. Oh, okay. Now, where are we at now?

3 Sorry.

4 Q. First full paragraph under five.

5 A. Okay.

6 Q. Okay. City of Waukegan will  
7 negotiate, pay for and acquire in the name of  
8 the city, do you see that?

9 A. Yes.

10 Q. Okay. And that would include  
11 right-of-way at Greenwood and Sand that we have  
12 been talking about in general in this case?

13 A. Well, there was a number of different  
14 agreements. There was an agreement between the  
15 city and Lake County that was responsible to  
16 purchase certain right-of-ways east of the railroad  
17 tracks. So without looking at those documents,  
18 I wouldn't be able to tell exactly where they are  
19 at.

20 Q. Okay. But this is a right-of-way  
21 east of the Chicago and Northwestern Railroad,  
22 right?

23 A. Yes.

24 Q. But the city didn't purchase that



1 right-of-way, did they?

2 A. That's correct.

3 Q. Okay. But IDOT acquired the  
4 right-of-way?

5 A. Yes.

6 Q. But you don't point this out in  
7 your report, do you?

8 A. I don't necessarily point out that  
9 IDOT -- or did I? Yes. I didn't state that  
10 IDOT purchased, only that city of Waukegan and  
11 Lake County reimbursed the state for 100 percent  
12 of their improvements on eastern portion of  
13 Greenwood Avenue.

14 Q. That wasn't the question. The  
15 question was --

16 A. I know. I'm just telling you the  
17 answer.

18 Q. But you didn't state that in your  
19 report that IDOT acquired the right-of-way, did  
20 you?

21 A. No.

22 Q. Okay. And on Page 08-11, you say  
23 the property was owned by ComEd and the department  
24 obtained an easement to allow the contractor to

1 build temporary detour roads. Do you see that?

2 A. Yes.

3 Q. Okay. The right-of-way at  
4 Greenwood and Sand isn't a temporary easement,  
5 is it?

6 A. That's correct.

7 Q. In your deposition, we talked about  
8 this and you told me that the city of Waukegan  
9 owns the right-of-way and jurisdiction of the  
10 road. Do you remember that?

11 A. Not verbatim.

12 Q. Okay. Well, I'll represent to  
13 you that's -- quote, who owns the right-of-way  
14 and jurisdiction of road, your deposition at  
15 Page 39, and it's been quoted in other briefs.

16 But IDOT currently holds the  
17 right-of-way interest, doesn't it?

18 A. I believe that's been represented  
19 here.

20 Q. And when I asked you when Waukegan  
21 took the right-of-way over from IDOT, you said  
22 you didn't investigate that. Do you recall that?

23 A. Yes.

24 Q. Okay. But I understand that you

May 23, 2016

Page 243

1 spoke to Mr. Warren about the ownership of the  
2 right-of-way when you were preparing your report?

3 A. I'm not sure if it was -- well,  
4 I asked Mr. Warren, yeah, yeah, but I never got  
5 an answer.

6 Q. Okay. Well, let's look at  
7 Exhibit 12, if you will, in your third binder.  
8 I promise we're almost done.

9 Okay. Now, do you see Exhibit  
10 12-1?

11 A. Yes.

12 Q. And you see there is Steve Warren  
13 asking Keith Stoddard -- it says, "Keith, see  
14 attached. Can you tell me if IDOT owns the  
15 right-of-way at this intersection? Subject:  
16 Greenwood Avenue." Do you see that?

17 A. Yes.

18 Q. Bottom of the page.

19 A. Yes, uh-huh.

20 Q. Okay. It's your testimony that  
21 you never received an answer; is that right?

22 A. Yes.

23 Q. Let's look at Exhibit 13. Okay.  
24 Here, is 13-1. There is a question at the

May 23, 2016

Page 244

1 bottom. Steven Gobelman to Steve Warren. Did  
2 you get the information? I need this by noon.  
3 Then Keith says, see below. Did you get a chance  
4 to look at the files I sent you? Then there's an  
5 answer from Keith Stoddard to Steve Warren cc'g  
6 you.

7 Do you see that?

8 A. Yes.

9 Q. Okay. And this document doesn't --  
10 it only talks about temporary easements, right,  
11 this answer?

12 A. I believe so.

13 Q. It doesn't talk about the ownership  
14 of the right-of-way, which was the question in  
15 Exhibit 12, right?

16 A. I think so, yes. I think that's  
17 correct.

18 Q. Okay. Do you now recall receiving  
19 this response?

20 A. I don't recall it, no.

21 Q. Okay. But you produced this to us.

22 A. Okay.

23 Q. So this response was in the file.

24 A. I didn't produce it.

May 23, 2016

Page 245

1 Q. Okay. Fine. So you are cc'd here,  
2 correct?

3 A. Yes.

4 Q. Okay. As part of your job at  
5 IDOT, you oversaw contracts that investigated  
6 state -- sorry. We talked about that.

7 Take a look at Exhibit 75.

8 A. Okay.

9 Q. This is a PESA report, correct?

10 A. Yes.

11 Q. This PESA is dated April 21, 2011?

12 A. Yes.

13 Q. All right. And you've seen this  
14 PESA before, right?

15 A. Yes.

16 Q. And it refers to PESA ISGS: 2308 in  
17 the top corner. Do you see that?

18 A. Correct.

19 Q. You were involved in this PESA,  
20 weren't you?

21 A. No.

22 Q. Take a look at Exhibit 77-149, which  
23 is the next exhibit.

24 A. Okay.

May 23, 2016

Page 246

1 MS. O'LAUGHLIN: Objection  
2 to questioning about this exhibit as well  
3 as this was outside the scope of our  
4 direct examination.

5 HEARING OFFICER HALLORAN: You  
6 know, I know it, but I would allow Ms. Brice  
7 to call him on rebuttal. So let's just try  
8 to take care of it. Overruled.

9 BY MS. BRICE:

10 Q. Okay. This Document 77, this is  
11 project report, Illinois Route 137. Do you see  
12 that?

13 A. Yes.

14 Q. Okay. And this document -- the PESA  
15 involved this area, right, Illinois Route 137 and  
16 this project; isn't that true?

17 MS. O'LAUGHLIN: Objection to  
18 foundation. He's never testified that  
19 he's even seen this document.

20 BY MS. BRICE:

21 Q. Okay. Let me back up. In the  
22 PESA report, right, you said that you've seen  
23 this before?

24 A. Yes.

1 Q. Okay. Let's take -- look at 75-41.

2 A. Okay.

3 Q. Okay. And do you see there the  
4 intersection of Greenwood and Sand on this  
5 document? There's a black line along Greenwood  
6 right underneath 2308-17. Do you see that?

7 A. Yes.

8 Q. And Greenwood and Pershing -- I  
9 apologize. Do you see that intersection? It's  
10 marked in black on here, isn't it?

11 A. Yes.

12 Q. And that's the same intersection  
13 we've been talking about here, right, Greenwood  
14 and Sand?

15 A. Yes.

16 Q. Sand is Pershing; right?

17 A. Yes.

18 Q. Okay. So this is the same  
19 intersection; right?

20 A. Yes.

21 Q. Okay. So Exhibit 77, let's actually  
22 turn to just -- let's go to 77-149.

23 A. Okay.

24 Q. Okay. And this is a document dated

1 April 25, 2011, correct?

2 A. Yes.

3 Q. And it says ISGS: 2308. Do you see  
4 that?

5 A. Yes.

6 Q. That's the same PESA number, right?

7 A. Yes.

8 Q. And at the bottom, it says, "If you  
9 have any questions regarding this report or the  
10 tasking of the statewide consultant, please call  
11 Debra Mehra or Steve Gobelman." Do you see that?

12 A. Yes.

13 Q. And you looked at the PESA when you  
14 were preparing your expert report, didn't you?

15 A. Yes.

16 Q. Okay. Take a look at -- this is the  
17 last exhibit, Exhibit 4C-428.

18 A. Okay.

19 Q. And it's a page from your logbook  
20 that you maintained while you were at the state,  
21 right?

22 A. Yes.

23 Q. Okay. So let's turn to 4C-491.

24 Oh, wait. I need to back up for one second. I



1 apologize.

2 On 77, have you seen 77 before?

3 A. No.

4 Q. Okay. Had you seen that document  
5 that I just pointed out that had the ISGS: 2308  
6 on it that has your name on it?

7 A. No.

8 Q. Okay. Let's go -- let's skip it then  
9 if it's your testimony you've never seen it before.  
10 Go to 4C-491. Okay. Are you there?

11 A. Yes.

12 Q. All right. And it says, Anne Erdmann.  
13 Do you see that on 5-8?

14 A. Yes.

15 Q. And it says, "What is pulled from  
16 Manville from IEPA regarding PESA: 2308."

17 A. Yes.

18 Q. Do you see that?

19 A. Uh-huh.

20 Q. And this note reflects that you  
21 called Anne in part to talk about the PESA report,  
22 is that accurate?

23 A. Yes.

24 Q. And that was in preparing for your

1 deposition and your expert report, right?

2 A. Yes.

3 Q. Okay. I don't know if you recall  
4 or not, but at one point when we were going through  
5 your logbook during your dep, we decided that you  
6 would point out relevant entries for us instead  
7 of us going through every page. Do you remember  
8 that?

9 A. Okay. Yes.

10 Q. Okay. And we proceeded through  
11 identifying relevant entries and then we got to  
12 one -- about Weston's consultants and you skipped  
13 over it and I said okay, let's go back. Do you  
14 recall that?

15 A. Not verbatim, no.

16 Q. Let's go to 4C-493. Okay.

17 A. Uh-huh.

18 Q. Do you see that where it says Weston?

19 A. Correct.

20 Q. And a phone number and then it says  
21 Amstutz Expressway?

22 A. Yes.

23 Q. And you explained to me after I  
24 drew your attention to this that you had called

May 23, 2016

Page 251

1 someone from Weston on 5/26/15 about work done  
2 in conjunction with the PESA. Do you remember  
3 that?

4 A. Yes.

5 Q. Okay. And this call was entered on  
6 4C-493; is that right?

7 A. The call is, yes.

8 Q. Yeah. Okay. And you were trying  
9 to figure out if the work you did relating to  
10 the PESA involved Parcel 0393, right?

11 A. No.

12 Q. Okay. Well, let's take a look at  
13 your deposition, Page 222.

14 A. What was it again?

15 Q. 222.

16 A. Okay.

17 Q. Okay. And it says, and this is  
18 Line 22:

19 "Question: As part of that  
20 PESA that was done, we did a -- we  
21 did a further investigation, and that  
22 investigation had to deal with the  
23 Amstutz Expressway overpass area, and  
24 so I had -- the consultant I had onboard

1           that did that was Babu Sukumar with  
2           Weston Solutions. And I just wanted  
3           to make sure I was reading what I was --  
4           the information was right, and that's  
5           all we were in was that area over the  
6           expressway."

7                         "Question: Okay. So you  
8           were convinced that it wasn't covering  
9           this site?"

10                        "Answer: Yeah. We didn't go  
11           any further than just around the site."

12                                 Do you remember discussing  
13           that?

14                        A.        Yes.

15                        Q.        Okay. Let's just go back to that  
16           Weston entry there at 4C-493. It says, "Not in  
17           sent email." Do you see that?

18                        A.        Yes.

19                        Q.        Okay. One quick thing, and then  
20           we're done.

21                                 Go back to Exhibit 13 that we  
22           were talking about a minute ago, the email from  
23           Keith Stoddard.

24                        A.        Okay.

May 23, 2016

Page 253

1 Q. And this is the one where he talks  
2 about the temporary easements.

3 A. Okay.

4 Q. Do you see that?

5 A. Yes.

6 Q. And it says that it was sent to  
7 you on May 29th at 7:42 a.m.

8 Do you see that?

9 A. Yes.

10 Q. Okay. Go back to 04C-494, which is  
11 Page 44 of your notebook. It's the very last page  
12 in your binder.

13 A. Okay.

14 Q. Down there near the bottom it notes  
15 a call on 1/29 with Keith, right?

16 A. Right.

17 Q. Now, when you were identifying  
18 things relevant to this case on this page, you  
19 didn't identify this entry as relevant, did you?

20 A. I don't know whether I did or I  
21 didn't.

22 Q. Okay. Look at Page 224, 10, Line 10.  
23 Sorry. Let me know when you are there.

24 A. 224?

1 Q. Uh-huh.

2 A. Okay.

3 Q. Okay. It says, "But then there was  
4 a conference call on 44 that says Johns Manville  
5 conference call." And that's referring to that  
6 conference call on 04C-494 up higher. Do you see  
7 that?

8 A. Okay.

9 Q. Do you see that?

10 A. Yes.

11 Q. Okay. Then it says, "Then there  
12 doesn't appear to be anything on 45, nothing on  
13 46, nothing on 47, nothing on 48, et cetera." Do  
14 you see that?

15 A. Yes.

16 Q. So you didn't call out this Keith  
17 entry, did you?

18 A. Apparently not.

19 Q. Okay. And this Keith entry says  
20 to the right -- to the right of Keith, it says,  
21 "District 1 NAG," right? And it also says, "IDOT  
22 bought easement, filed correction in 1984," does  
23 it not?

24 A. Okay. I guess.

May 23, 2016

Page 255

1 Q. And this is the same day that you  
2 completed your report, isn't it, 5/29?

3 A. Okay.

4 Q. All right. One last question,  
5 I just want to get a document into evidence.  
6 There is an exhibit -- a manual -- it's Exhibit  
7 76. It's a manual on Conducting Preliminary  
8 Environmental Site Assessments for Illinois  
9 Department of Transportation Infrastructure  
10 Projects.

11 A. Which exhibit is that?

12 Q. Exhibit 76.

13 A. I'm sorry. Exhibit 76. Okay.

14 Q. Okay. Are you familiar with this  
15 document?

16 A. Yes.

17 Q. Okay. And your name is actually  
18 on this document, isn't that true, I believe  
19 on 76-35, there is a mention of your name? We  
20 acknowledge the efforts of Robert Bauer, Paul  
21 DuMontelle, Peter Frantz, Steven Gobelman, Debra  
22 Mehra, et cetera. Do you see that?

23 A. Yes.

24 Q. Okay. So you are familiar with the

1 contents of this document?

2 A. Yes.

3 Q. Were you involved in the drafting of  
4 the document?

5 A. No.

6 Q. But you reviewed it?

7 A. Yes.

8 Q. Okay. Thank you.

9 MS. O'LAUGHLIN: I object as to  
10 relevance of any questions on this document.

11 HEARING OFFICER HALLORAN: Yes.

12 What's the relevance, Ms. Brice?

13 MS. BRICE: Sure. Okay. Well,  
14 I was trying to go fast. I was -- I'm  
15 happy to go into it really quickly.

16 BY MS. BRICE:

17 Q. Look at 76-4, please.

18 A. Okay.

19 Q. Are you there?

20 A. 76-4, yes.

21 Q. Okay. And the first paragraph  
22 after program rationale, it says, "State and  
23 federal laws (e.g., the Illinois Environmental  
24 Protection Act, and the CERCLA) require



1 landowners, including the state, to be aware  
2 of the environmental condition of the property  
3 they own or control."

4 Do you see that?

5 A. Okay. Yes.

6 Q. Okay. Do you have any reason to  
7 disagree with that?

8 A. No.

9 Q. And then let's take a look up  
10 higher in the introduction. It says, "Through  
11 its program of new highway construction and  
12 improvement to existing roadways and other  
13 transportation infrastructure, IDOT must often  
14 acquire properties that have the potential for  
15 environmental concerns. Various recognized  
16 environmental conditions, natural features and  
17 natural hazards may be present on existing IDOT  
18 right-of-way or on sites proposed for acquisition."  
19 Do you see that?

20 A. Yes.

21 Q. Do you disagree with that in any  
22 way?

23 A. No.

24 MS. BRICE: No further questions.

May 23, 2016

Page 258

1 MS. O'LAUGHLIN: Same objection.

2 HEARING OFFICER HALLORAN: I find  
3 it just relative enough. Overruled. Exhibit  
4 76, JM, is admitted.

5 (JM Exhibit No. 76 was  
6 admitted into evidence.)

7 MS. CAISMAN: She said no  
8 further questions.

9 HEARING OFFICER HALLORAN: I'm  
10 sorry?

11 MS. CAISMAN: She said no  
12 further questions.

13 HEARING OFFICER HALLORAN: Okay.  
14 I didn't hear that.

15 MS. BRICE: I would like to --  
16 just for purposes of the record, I would  
17 like to renew my motion in limine with  
18 respect to Mr. Gobelman's testimony as  
19 being speculative and not meeting the  
20 requirements of an expert.

21 HEARING OFFICER HALLORAN: So  
22 noted and denied. Thank you.

23 Ms. O'Laughlin?

24 MS. O'LAUGHLIN: Thank you.

May 23, 2016

Page 259

1 MR. MCGINLEY: Mr. Halloran,  
2 before we go into redirect of Mr. Gobelman,  
3 we have -- we wanted to have Mr. Stoddard  
4 authenticate a couple of the exhibits that  
5 we were hoping to get into evidence. So  
6 if --

7 HEARING OFFICER HALLORAN: I mean,  
8 you know how I hate breaking things up. I  
9 think Mr. Gobelman is probably --this is  
10 probably his third time --

11 MR. MCGINLEY: That's fine.

12 MS. O'LAUGHLIN: Yes. It can wait  
13 until tomorrow. He will be here tomorrow.

14 HEARING OFFICER HALLORAN: Okay.  
15 Mr. Stoddard, will you be here tomorrow?

16 MR. STODDARD: Yes.

17 HEARING OFFICER HALLORAN: Okay.  
18 Is that okay?

19 MR. MCGINLEY: That's fine. I'm all  
20 for making things easier.

21 HEARING OFFICER HALLORAN: Okay.  
22 He's going to be here anyway.

23 MR. MCGINLEY: That's fine.

24 HEARING OFFICER HALLORAN: Thank

May 23, 2016

Page 260

1           you.

2                            You may proceed.

3                            MS. O'LAUGHLIN: Thank you.

4                   R E D I R E C T       E X A M I N A T I O N

5                            by Ms. O'Laughlin

6           Q.        Okay. Good afternoon, Mr. Gobelman.

7    If you would, turn to Exhibit 25.

8           A.        Okay.

9           Q.        What is this document?

10          A.        It's a memo that was created  
11 during the pre-construction -- provided at  
12 pre-construction conference with Eric Bolander  
13 Construction Company and IDOT providing him --  
14 the construction company a list of utilities  
15 that may still be in conflict with the project.

16          Q.        And have you seen this document  
17 before?

18          A.        Yes.

19                        HEARING OFFICER HALLORAN: Excuse  
20 me, Ms. O'Laughlin. Is this IDOT's Exhibit  
21 25 or --

22                        MS. O'LAUGHLIN: It's joint. We  
23 have joint exhibits.

24                        HEARING OFFICER HALLORAN: Okay.

1 MS. O'LAUGHLIN: We're using the  
2 same documents. JM numbered them. So  
3 it's Exhibit 25-1. That's a trial exhibit.

4 BY MS. O'LAUGHLIN:

5 Q. That's a good point. For the  
6 record, can you identify the exhibit numbers,  
7 Exhibit 25-1 through Exhibit 25-3?

8 A. Yes.

9 Q. Is there anything significant about  
10 this document to your opinion?

11 A. No. It's just laying out at the  
12 time what utilities are potentially in conflict  
13 that may cause the contractor to -- you know,  
14 which could affect them in starting this project  
15 or doing certain aspects of this project.

16 Q. And turning to Exhibit 26, 26.

17 A. I know. I think these aren't in  
18 order.

19 Q. Oh, okay.

20 A. Okay.

21 Q. What is this document?

22 A. It is the construction pay items  
23 for this project as it relates to the breakdown  
24 of proportions of what the state is paying and

1 what percentage the city and county are paying.

2 Q. And what causes this document to  
3 be created?

4 A. Well, part of this project, there  
5 were certain portions of this project that were  
6 100 percent being paid for by IDOT and then  
7 there were other portions of this project based  
8 upon the agreements that they had with Lake County  
9 and the city of Waukegan in which the county and  
10 the city were required to pay 100 percent or some  
11 portion of that cost.

12 Q. And is part of that cost, is that  
13 included in this document? Can you turn to Page  
14 26-12?

15 A. Yes.

16 Q. Could you explain that?

17 A. Like I said, on certain areas there  
18 was a percentage breakup between city and county  
19 of different things. What this document is  
20 providing is the total proportions associated  
21 with Lake County would have to reimburse the  
22 state for their work that we did for them.

23 MS. BRICE: Objection, for the  
24 record, beyond the scope of cross.

1 HEARING OFFICER HALLORAN: Denied.

2 MS. O'LAUGHLIN: If I may state  
3 something for the record, we're going  
4 through these exhibits in response to  
5 the order that the hearing officer  
6 entered and so we're establishing the  
7 foundation and --

8 HEARING OFFICER HALLORAN: So  
9 noted.

10 MS. BRICE: Okay. Thanks for  
11 the clarification.

12 MS. O'LAUGHLIN: Sure.

13 MS. O'LAUGHLIN:

14 Q. Is there anything else that you  
15 can point out here now that's significant about  
16 this document?

17 A. Well, part of that document shows  
18 that there -- it's sort of the partial payment  
19 that shows that there were previous payments or  
20 other payments that were paid. This is sort  
21 of like an invoice being sent to Lake County --  
22 yeah, Lake County, their proportion what they're  
23 at now minus what they've deducted, what the  
24 amount due at this particular time is and that's

1 at August 31st of '73.

2 Q. Okay. Turn to Exhibit 32.

3 A. Okay.

4 Q. What is this document?

5 A. Two change orders that were made,  
6 authorization change order Nos. 14 and 15.

7 Q. What area of the project does it  
8 pertain to?

9 A. Oh, 14. Let's see.

10 MS. BRICE: I'm sorry. Can you  
11 just hold on for a second. I don't have  
12 31. I apologize.

13 MS. O'LAUGHLIN: We're on 32.

14 HEARING OFFICER HALLORAN: It's  
15 32.

16 MS. BRICE: Okay. Great. Thank  
17 you.

18 BY THE WITNESS:

19 A. So 32 is just a deduction dealing  
20 with the amount of base course that was not  
21 needed to be done in the parking lot -- not  
22 parking lot, in Detour Road B as it crossed its  
23 particular parking lot and the addition was that  
24 they needed additional binder course to substitute



1 for the deletion of the nine-inch base course.

2 And 15 --

3 BY MS. O'LAUGHLIN:

4 Q. I'm sorry. What do you mean 15?

5 Oh, Authorization No. 15?

6 A. Yes. It's on 32, Page 2.

7 Q. Okay. Got it.

8 A. As additions to the contract plans  
9 dealing with the western end of Greenwood Avenue  
10 dealing with additional materials, bituminous  
11 mats and materials along the Greenwood Avenue  
12 from Station 26 plus 91.02 to 29 plus 21.04.

13 Q. And is this document normally  
14 maintained in a construction file?

15 A. Yes.

16 Q. Is there anything else significant  
17 about this document?

18 A. No, nothing that I'm aware of.

19 Q. Turn to Exhibit 33.

20 A. Okay.

21 Q. What is this document?

22 HEARING OFFICER HALLORAN: Has 33  
23 been moved in already?

24 MS. BRICE: I think it is. I think

1 we moved it in.

2 MS. O'LAUGHLIN: I think  
3 you did, but we would like to use  
4 it to show it was unclear.

5 HEARING OFFICER HALLORAN: Sorry  
6 to interrupt.

7 MS. O'LAUGHLIN: That's fine.

8 MS. O'LAUGHLIN:

9 Q. What is this document?

10 A. It looks like it's some sort of  
11 evaluation of different types of materials of  
12 changes or things that were going to be done.  
13 Some of it is bituminous surface course, some  
14 of median specials that need to be done, sodding.  
15 They wanted additional material for sod and  
16 changing the seed of -- types of seed.

17 Q. Why would they need additional  
18 material for seed?

19 A. Well, it states in here that the  
20 quantity was used -- the seed -- the detour roads,  
21 once they were obliterated or removed, the plans  
22 didn't provide for this -- the seed that was  
23 required and the small amounts were required to  
24 extend the seeding area to the tops of the field

1 slopes of the right-of-way. More of this area  
2 had to be disturbed during the construction than  
3 anticipated.

4 Q. Was there more need because there  
5 was more special excavation involved?

6 A. It doesn't say, but that could be.  
7 I assume that means there was more areas disturbed  
8 than they originally called for because the  
9 obliteration of the detour roads had to be  
10 increased. Then the change portion of this  
11 area was change seeding to seed type three.

12 Q. Turn to Exhibit 34.

13 A. Okay.

14 Q. What is this document?

15 A. This is the memo sort of notifying  
16 people that the -- that the contract itself is in  
17 excess of 99 percent complete.

18 Q. Why would this document be created?

19 A. Typically, in any construction  
20 project, there's -- the payment of -- the final  
21 payments are sort of held in limbo to make sure  
22 that the contractors and his subs, any claims that  
23 they're filing to -- thought they were wronged on  
24 behalf of IDOT are settled and so IDOT sort of just

1 holds the project at some percentage. Here, it  
2 was 99 percent. They're waiting to make sure  
3 everything has been paid for and all the claims  
4 have been resolved.

5 Q. So the 99 percent complete, does  
6 that refer to the entire project?

7 A. Yes.

8 Q. And --

9 A. It's referring to the entire project  
10 as what's paid as 99 percent complete of the amount  
11 of money being paid to the contractor.

12 Q. Okay. And the date of this?

13 A. September 25th of '74.

14 Q. Turning to Exhibit 36, what is this  
15 document?

16 A. This is a document sort of from  
17 IDOT to the comptroller of IDOT basically  
18 stating that on February 18th of '76, the  
19 department considers the job complete. This is  
20 notice of the job being at completion.

21 Q. So if the job was 99 percent complete  
22 in September of '74 and complete in '76, what would  
23 have occurred during that time period?

24 A. Well, they were -- 99 percent was

1 complete in September '74 until February of '76.  
2 The department would have been making sure that  
3 evaluating any claims that the contractor would  
4 have had in making a ruling on them. So that  
5 at that time in '76, they were done and final  
6 payments were issued. So now the job was considered  
7 complete.

8 Q. And who approves this document?

9 A. It's approved by the district  
10 engineer of programming development and the  
11 district engineer or the bureau chief.

12 Q. Is there anything else significant  
13 about this document?

14 A. It also provides a date of  
15 February 11, '76, stating that the work has  
16 been completed and no further costs were  
17 expected to occur after that date.

18 Q. Okay. Turn to Exhibit 38.

19 MS. BRICE: Oh, Mr. Hearing  
20 Officer?

21 HEARING OFFICER HALLORAN: Yes.

22 MS. BRICE: With respect to  
23 this exhibit, we had objected because  
24 it's illegible and at Mr. Stoddard's

May 23, 2016

Page 270

1 deposition, Mr. McGinley agreed with  
2 me about that. So we object to the use  
3 of this document.

4 HEARING OFFICER HALLORAN: Okay.  
5 Which exhibit was this? I'm sorry. I  
6 was looking at the last one.

7 MS. O'LAUGHLIN: Exhibit 38.

8 MS. BRICE: Portions of it, you  
9 can read. Portions of it, you cannot.

10 MS. O'LAUGHLIN: Why don't we  
11 just ask questions --

12 HEARING OFFICER HALLORAN: Which  
13 portions can't you read, Ms. Brice?

14 MS. BRICE: There's a number of  
15 them. I'm sorry.

16 HEARING OFFICER HALLORAN: I've got  
17 terrible eyes, but, I mean, it's kind of  
18 double vision.

19 MS. BRICE: Which one is it?

20 MS. CAISMAN: 38.

21 MS. BRICE: Well, I can't read  
22 much of it. It's all -- I mean, I'm happy  
23 to show you my copy. It's the same one in  
24 your book, but it's very -- you know, it's

May 23, 2016

Page 271

1 blurred out almost entirely.

2 HEARING OFFICER HALLORAN: I see,  
3 on the second page and the third page.

4 MS. BRICE: Even the first  
5 page.

6 HEARING OFFICER HALLORAN: The  
7 first page, I can read, but you're right  
8 on the second page and third page.

9 I agree. It's illegible  
10 overall.

11 MS. O'LAUGHLIN: I think we can  
12 identify certain things about the document.  
13 We're not going to be able to read the  
14 details, but it certainly will provide  
15 enough of a framework, which will be  
16 useful to the extent that it's useful  
17 in that matter.

18 I mean, this is the kind of  
19 resolution -- you can identify the county.  
20 It's consistent with everything else in  
21 this record. It's an old document. You  
22 can read enough of it.

23 HEARING OFFICER HALLORAN: When  
24 you move it, I'll make my ruling and

1 Ms. Brice can object.

2 MS. BRICE: Thank you.

3 HEARING OFFICER HALLORAN: Thank  
4 you.

5 BY MS. O'LAUGHLIN:

6 Q. Mr. Gobelman, what is this document?

7 A. It's a resolution that was entered  
8 between the state of Illinois and the city of  
9 Waukegan.

10 Q. And how do you know that?

11 A. On the first page, it says the state  
12 of Illinois is acting through the state Department  
13 of Public Works and building hereafter called the  
14 state and the city hereafter will be called city of  
15 Waukegan.

16 Q. What page are you on?

17 A. The first page is Page 2, I guess.

18 Q. 38-2?

19 A. Yeah, the first paragraph.

20 Q. Okay. I'm sorry. Keep going.

21 A. The city of Waukegan under separate  
22 city and state resolution, the county is Lake  
23 hereafter is called the county. It's a joint  
24 resolution. Then it goes into the project that



1 it's north of Greenwood Avenue, approximately  
2 .56 miles.

3 Q. Does this -- can you turn to --

4 A. This is the resolution with Lake  
5 County, not the city of Waukegan.

6 Q. Okay. So this is the one with Lake  
7 County. Can you turn to 38-4, Bates number IDOT  
8 71?

9 A. Yes.

10 Q. Does this discuss reimbursement at  
11 all that the county will reimburse the state for  
12 60 percent of the cost of all construction along  
13 Greenwood Avenue, east of station 13/20? Do you  
14 see that?

15 A. Yes. That's part of three -- the  
16 county shall reimburse the state for 60 percent  
17 of the cost for all construction along Greenwood  
18 Avenue, Station 23 point plus -- 23 plus 20  
19 including the railroad grade separation,  
20 intersection, work at Sand Street and any  
21 reimbursable utility necessary as indicated in  
22 the attached. Then it provides an estimated  
23 cost of the county is roughly -- it looks like  
24 317,000 and some change.

1 Q. And who executed the document?

2 A. It was the chief highway engineer  
3 for IDOT for Public Works at that time.

4 Q. And what was the date of the --

5 A. He signed it on October 20th of '65.

6 Q. We can read more. I don't know  
7 that's a worthwhile use of the time.

8 HEARING OFFICER HALLORAN: I'm  
9 not sure Mr. Gobelman is reading. He's  
10 skipping illegible words here.

11 MS. O'LAUGHLIN: Right. I  
12 directed him to certain portions. I  
13 mean, we can have him read what he can  
14 read. I think it would be better just  
15 to have a stipulation that, you know,  
16 it is what it is, but if you want us  
17 to read the whole thing to the extent  
18 he can, there is enough in here that's  
19 legible that provides the basis of this.  
20 It just seems sort of silly.

21 MS. BRICE: Right.

22 HEARING OFFICER HALLORAN: I  
23 mean, if JM is going to object to it  
24 coming into evidence as illegible, I don't

May 23, 2016

Page 275

1 know, Ms. Brice, do you want to --

2 MS. BRICE: Yeah. Why are you  
3 going to object to it being moved into  
4 evidence as illegible under the Rule of  
5 Completeness? I mean, I have no idea  
6 how the whole thing fits together if you  
7 can't read the entire document.

8 HEARING OFFICER HALLORAN: Yeah.  
9 You know, I agree. Well, I mean, again  
10 Mr. Gobelman is skipping words around here.  
11 He missed two or three that were -- that  
12 I couldn't make out nor could he. It's  
13 just not complete. Based on that, I mean,  
14 I don't know if his reading it qualifies  
15 it. I mean, I don't know. I'm sorry.  
16 When you move it, if you move it now, I'll  
17 make my ruling, but as far as him trying  
18 to read the whole thing, he can't.

19 Like I said, he's missed a  
20 few words already that he couldn't -- he  
21 stumbled over or couldn't make out.

22 BY MS. O'LAUGHLIN:

23 Q. Mr. Gobelman, what is your  
24 understanding of this document?

May 23, 2016

Page 276

1           A.       My understanding of this document  
2           is that the county was responsible to reimburse  
3           the state for their portion of the project. It  
4           also, in essence, in copies that I had seen, it  
5           also talks about they were responsible for the  
6           acquisition of the right-of-way that they were  
7           responsible for paying for.

8           Q.       Did the county help pay for the  
9           project?

10          A.       Yes.

11          Q.       We may come back to that later, but  
12          for now we can move on.

13                   HEARING OFFICER HALLORAN:   Okay.  
14          Thank you.

15                   MS. BRICE:   But just to preserve  
16          the objection, we are objecting to the  
17          document and to the reading of the document  
18          to the extent that it's not accurate or the  
19          interpretation.

20                   HEARING OFFICER HALLORAN:   We could  
21          clear this up in a hurry. Do you want to move  
22          it into evidence now or attempt to?

23                   MS. CAISMAN:   Now or later?

24                   MS. O'LAUGHLIN:   I'm not a betting

May 23, 2016

Page 277

1 person. You know, we are going to move --  
2 we're not exactly sure, but our plan is to  
3 do what we can for the exhibits, move  
4 them in and if there's anything that's  
5 not, then we'll come back to them. Maybe  
6 we do that all together.

7 HEARING OFFICER HALLORAN: Fair  
8 enough. Thank you. And your objection is  
9 noted, Ms. Brice, and we can get back to  
10 that.

11 BY MS. O'LAUGHLIN:

12 Q. Turn to Exhibit 40.

13 A. Okay.

14 Q. Specifically 40-2?

15 A. Yes.

16 Q. 40-2 through 40-10. Do you know  
17 what this document is?

18 A. It's a similar resolution made  
19 between the state and the city of Waukegan.

20 Q. What was the purpose of this city  
21 resolution?

22 A. Similar to the county, 40-3, it  
23 talks about what the city will do, its  
24 responsibilities at Greenwood Avenue, city

1 will negotiate and pay for and acquire all  
2 rights away east of the Chicago and Northwestern  
3 Railroad necessary to reconstruct the at-grade  
4 intersection of Greenwood Avenue and Sand Street  
5 and then the city will reimburse the state for  
6 50 percent of the cost of right-of-way acquisition  
7 necessary to construct -- I could go on and on --  
8 of the difference between station -- from the  
9 railroad -- located between the railroad and the  
10 station of, we'll say, 13 plus 20, and the railroad  
11 property -- and 100 percent of the cost for the  
12 right-of-way acquisition necessary to construct a  
13 portion of Greenwood Avenue between Station 22  
14 plus 50 and Station 31 plus 00 and will in the event  
15 -- a track of right-of-way if necessary to  
16 accommodate of construction of both sides of  
17 either -- both sides of either of the above  
18 stations, anticipate the cost.

19 Q. Okay. So what's the purpose of the  
20 document?

21 A. In essence, part of this document  
22 is to establish the city's responsi- -- what  
23 the department wanted the city to do as far as  
24 purchasing different portions of the right of

May 23, 2016

Page 279

1 the right-of-way, but also to their percentage  
2 responsibility and the construction cost, how  
3 much percent of the -- they defined an area  
4 that the city is responsible for and the  
5 percentage that the city is responsible to  
6 pay.

7 Q. So why would the city and the  
8 county want to pay for part of the project?

9 Why would such an agreement  
10 be entered between IDOT and the city and then  
11 IDOT and the county?

12 A. Because the work that is being  
13 done in this area is 100 percent of benefit or  
14 the required -- the city or the county wanted  
15 the state to build as part of this project.

16 Q. Why would the city and the county  
17 want that part of the project?

18 MS. BRICE: I'm sorry. I  
19 just wanted to object to speculation  
20 as to what the city wanted at that point  
21 in time in 1966. What the city or county  
22 wanted in 1966, I'm not sure that he has  
23 any foundation for making that statement.

24 HEARING OFFICER HALLORAN: Okay.

1 Ms. O'Laughlin?

2 MS. O'LAUGHLIN: I can rephrase

3 it.

4 BY MS. O'LAUGHLIN:

5 Q. Mr. Gobelman, in your opinion,  
6 what would your understanding be of why such  
7 an agreement was entered into by the parties?

8 A. Because the work that was involved  
9 in those areas had no benefit to IDOT. It only  
10 benefited the city and Lake County. The only  
11 thing IDOT wanted to build was a bridge of some  
12 kind where Amstutz Expressway was intersecting  
13 Greenwood Avenue.

14 Q. And why did the bridge -- okay. So  
15 that's the bridge over -- involving Amstutz. What  
16 about the bridge and the railroad?

17 A. That area is 100 percent paid for  
18 by a combination or portions of the city and the  
19 county.

20 Q. And why would that not benefit IDOT?

21 A. It's not a part of IDOT's  
22 jurisdiction, that portion of the road.

23 Q. And would that also eliminate the  
24 need to -- strike that.



1                   By having an overpass over the  
2 railroad, that eliminates a railroad crossing  
3 and stoppage of traffic?

4           A.       Correct.

5           Q.       And who does that benefit?

6           A.       It benefits Lake County and the  
7 city and the industries that operate in that  
8 area.

9           Q.       Exhibit No. 41, turn to Exhibit  
10 No. 41.

11          A.       Okay.

12          Q.       What is this document?

13          A.       It's -- it appears to be the granting  
14 public highways certain parcels.

15          Q.       What's the date of the document?

16          A.       August 3rd of '71.

17          Q.       What causes such a document as  
18 this to be created? Well, strike that.

19                   What caused this document to be  
20 created?

21          A.       Well, for IDOT to be able to access  
22 other people's propriety, they have to have --  
23 being granted the rights to be on those properties  
24 to do work.

1           Q.       Who was this? Did you -- perhaps  
2 you already said this, but did you identify who  
3 the parties were?

4           A.       It was Commonwealth Edison that was  
5 granting it.

6           Q.       Okay.

7           A.       And on the back page of 46-6, it  
8 talks about it's subjected to railroad deeds  
9 and the different other type of utilities that  
10 are there.

11                   MS. BRICE: Just for the  
12 record, I'd like to lodge an objection.  
13 Mr. Stoddard was actually offered as  
14 the expert on these documents and we  
15 went through the whole process of  
16 finding an expert to talk about this.

17                   Now, they're using a  
18 different expert who did not discuss  
19 any of these in his expert report  
20 with respect to the grant documents.

21                   HEARING OFFICER HALLORAN: Okay.  
22 Ms. O'Laughlin, were these one of the ones  
23 that you wanted to bring Mr. Stoddard up  
24 for?

May 23, 2016

Page 283

1 MR. MCGINLEY: No.

2 MS. O'LAUGHLIN: Huh-huh, no.

3 MS. O'LAUGHLIN: Well, I mean,  
4 he did inquire into the grant for public  
5 highway, the right-of-way. I think just  
6 in the cross-examination they brought out  
7 that he looked into this. He's qualified  
8 to talk about it. He looked at them and,  
9 you know, they're pertinent to IDOT's case,  
10 and, I mean, we've discussed them. It is  
11 what it is.

12 There was a grant for public  
13 highway from Commonwealth Edison to, you  
14 know, IDOT and he has looked into this  
15 matter. He is our expert on this matter.  
16 He has looked at these documents, he  
17 reviewed them and understands them and  
18 we are establishing that they are relevant  
19 and they already stipulated to authenticity.

20 So we are just connecting  
21 them so we can move them into evidence.  
22 They are just part of the record of this  
23 case. You know, there was a grant for  
24 public highway on the date -- another one

May 23, 2016

Page 284

1 on this date. It's pertinent to our case  
2 and we would like to have enough testimony  
3 about them so that they will be admitted  
4 into evidence.

5 HEARING OFFICER HALLORAN: This  
6 is a public record, isn't it?

7 MS. O'LAUGHLIN: I'm not --

8 HEARING OFFICER HALLORAN: Does  
9 this legally have to be filed somewhere?

10 MR. MCGINLEY: It would have to  
11 be filed with the County Recorder's Office,  
12 yes. That's what those numbers -- the  
13 numbers that are actually included --  
14 Mr. Hearing Officer, for instance, if you  
15 look in the lower right-hand corner of  
16 41-1, that's a recording number that's  
17 used by the Lake County Recorder's Office  
18 where all of these documents are filed.

19 MS. BRICE: That's our exhibit  
20 number.

21 HEARING OFFICE HALLORAN: That's  
22 their exhibit number.

23 MR. MCGINLEY: No, no. I'm  
24 just saying there's a stamp number, an

May 23, 2016

Page 285

1 old style Bates No. 15175, I think, 01.

2 HEARING OFFICER HALLORAN: Yeah.

3 I addressed that in my order.

4 Ms. Brice, do you have  
5 anything else to say?

6 MS. BRICE: I do, I do. I think  
7 that to the extent they are trying to  
8 elicit testimony about this document, we  
9 went through three months of discovery  
10 to find an expert who could talk about  
11 this and it wasn't Mr. Gobelman.

12 They offered up Mr. Stoddard  
13 who is sitting here. And Mr. Stoddard  
14 offered a report. He gave a deposition.  
15 We spent a ton of money going through  
16 all of this with Mr. Stoddard and not  
17 talk about the very documents that he's  
18 an expert on, but they're offering  
19 another expert never intended to discuss  
20 these documents, does not talk about  
21 them in his expert report, does not  
22 talk about, in fact, he doesn't even  
23 remember getting the email about the  
24 temporary easement issue.

1 HEARING OFFICER HALLORAN: Aren't  
2 you calling Mr. Stoddard in rebuttal?

3 MS. BRICE: We are calling  
4 Mr. Stoddard in rebuttal.

5 HEARING OFFICER HALLORAN: Well,  
6 I'll allow you to talk about this Exhibit  
7 F that's what you are concerned about.

8 MS. BRICE: Well, I'm just not --  
9 I don't understand what opinion he's  
10 going to offer. It's not -- he hasn't  
11 offered any opinions on these documents  
12 at any point in time in this case.

13 HEARING OFFICER HALLORAN: Well,  
14 you know, it is a public record. I did  
15 make an order that I didn't -- I said  
16 that IDOT didn't have to call witnesses  
17 to get in public records.

18 MS. BRICE: Sure. I don't have  
19 a problem with the document. We moved  
20 the document in. I don't have a problem  
21 with the document being part of the record.

22 I have a problem with him  
23 giving an opinion about the document when  
24 he hasn't been disclosed on that.

May 23, 2016

Page 287

1 HEARING OFFICER HALLORAN: Yes.

2 Well, I'm going to overrule it. You can  
3 continue briefly.

4 MS. O'LAUGHLIN: I mean, in  
5 the alternative to discussing 42 and 43,  
6 we move that these be moved into evidence,  
7 these documents, the grant for public  
8 highway for 1971, 1974 and 1984 be moved  
9 into evidence. Just for foundational  
10 purposes, we're going to identify the  
11 documents and the date and --

12 HEARING OFFICER HALLORAN: Again,  
13 start with the first one.

14 MS. O'LAUGHLIN: Okay. I think  
15 we've done the one for 1971, Exhibit 41.  
16 So let's now move to Exhibit 42.

17 BY THE WITNESS:

18 A. Okay.

19 BY MS. O'LAUGHLIN:

20 Q. What is this document?

21 A. It's a grant for public highway, the  
22 grantor being Commonwealth Edison.

23 Q. And what is the date of the document?

24 A. August 3rd of '71.

1 Q. Exhibit 42?

2 A. That's the signature page.

3 MS. BRICE: I think it's a  
4 notary name. It's kind of confusing,  
5 the notary date or something.

6 BY MS. O'LAUGHLIN:

7 A. Yes. If you could turn the page?

8 MS. BRICE: Ellen, if you  
9 don't mind, I think I can help. It was  
10 just re-recorded in '74.

11 MS. O'LAUGHLIN: Oh, okay.  
12 Right. Because there is a date of '74  
13 somewhere, correct, correct, thank you.

14 BY MS. O'LAUGHLIN:

15 Q. So it was re-recorded in 1974, is  
16 that you understanding, Mr. Gobelman?

17 A. Yes.

18 Q. Do you know why it would be  
19 re-recorded in 1974?

20 A. No.

21 Q. Let's move to Exhibit No. 43.

22 A. Okay.

23 Q. What is this document?

24 A. This is another grant for public



1 highway for Commonwealth Edison.

2 Q. And the date of the document?

3 A. The cover page to it has it as  
4 July 24th of '84. The notary has it as September  
5 2nd of '86.

6 Q. Turn now to Exhibit 56.

7 A. It's notarized on April 6th of '84.  
8 That was her seal expiration. Sorry. I misread  
9 that.

10 HEARING OFFICER HALLORAN: That's  
11 56?

12 MS. O'LAUGHLIN: Correct. We are  
13 moving to 56.

14 BY THE WITNESS:

15 A. Okay.

16 BY MS. O'LAUGHLIN:

17 Q. What is this document?

18 A. This document is from 56-1 to 56-10  
19 where a number of historical -- my mind just went  
20 blank -- topography of different years of that area,  
21 topographic maps. That's the word I was looking  
22 for.

23 Q. And what about the email?

24 A. The email was just an email that I

May 23, 2016

Page 290

1 had sent to Anne Herbert who was with the Illinois  
2 State Geological Survey for her to see if she  
3 could find me this and when it was sent. It was  
4 like a long string. So that's why the date appears  
5 on one portion of the email and the actual figure  
6 is on the second page and then at the bottom, it  
7 has another date. That refers to the next page.

8 I was trying to figure out if  
9 there was a way to get the date of the topographic  
10 map on the same page of that and she was expressing  
11 that it was tricky because that was sort of how it  
12 was put into the system when she was emailing it to  
13 me.

14 Q. And why did you seek these  
15 topographical maps?

16 A. I was using that as part of  
17 collecting information as part of my rebuttal  
18 report. I wanted to see --

19 Q. What's the date of the email?

20 A. December 6th of '13. I take that  
21 back. That's when it first came in to us for the  
22 reporting. I didn't notice the date. The first  
23 time the lawsuit came in, I was asked to track  
24 down information for Phil McQuinn who was the

May 23, 2016

Page 291

1 State's Attorney -- IDOT's attorney at the time  
2 and so I had grabbed -- I had gotten -- she gave  
3 me -- actually gave me a whole pile of topographic  
4 maps for that intersection.

5 Q. And if you could, read the second  
6 sentence of the top page -- the top part of the  
7 email beginning with "it does."

8 A. It does show up through '36 (sic.)  
9 that this area was a marshy area and in '76, this  
10 area was no longer considered a marshy area.

11 Q. I'm sorry. Could you read that  
12 again? It does show up that through 1939?

13 A. It does show up through '39 that  
14 this area was a marshy area and in '76, this  
15 area was no longer considered a marshy area.

16 Q. Thank you.

17 MS. O'LAUGHLIN: Can we take  
18 a short break? Mr. Gobelman has been  
19 testifying for an awfully long time. I  
20 think we need just a quick break and get  
21 some water.

22 HEARING OFFICER HALLORAN: Okay.  
23 Yes. I think we're going to close this  
24 hearing for today. We'll take a short

1 break for ten minutes and no longer than  
2 5:00 o'clock. All right. We're off the  
3 record.

4 (Whereupon, after a short  
5 break was had, the following  
6 proceedings were held  
7 accordingly.)

8 HEARING OFFICER HALLORAN: Let's  
9 go back on the record.

10 Ms. O'Laughlin, I wanted to  
11 address again these exhibits that you just  
12 got, Nos. 41, 42 and 43. They are already  
13 moved into evidence by JM.

14 What's the purpose of these  
15 questions if Mr. Gobelman has not relied  
16 on them in making his report or -- I don't  
17 know -- his opining about it? That's my  
18 concern.

19 I mean, they've already said  
20 it's in evidence so I've allowed it into  
21 evidence and I'm not sure we need all of  
22 this other testimony especially from  
23 Mr. Gobelman.

24 MS. O'LAUGHLIN: They are not --

May 23, 2016

Page 293

1 I mean, Mr. Gobelman doesn't -- may not  
2 rely upon them a lot in his opinion, but  
3 they are just documents that, you know,  
4 we will use just to create a timeline and  
5 story of what happened.

6 We've been told that, you  
7 know, we need to connect it somehow. So  
8 it's basically, like, it is what it is.  
9 It's a document. It's a grant for public  
10 highway from 1971, 1974 and 1984. We  
11 don't want to be restricted in using any  
12 information from the document in our  
13 post-hearing briefing.

14 HEARING OFFICER HALLORAN: Well,  
15 you know, it's in evidence. So you can  
16 use it to try to connect up your timeline,  
17 but I'm considering and I think I agree  
18 with Ms. Brice as far as Mr. Gobelman  
19 going on and on about opining about what  
20 it is.

21 They are in evidence  
22 already. So regarding Exhibits 41, 42  
23 and 43, everything Mr. Gobelman said,  
24 you can ask me to take it as an offer of

1 proof and I will.

2 MS. O'LAUGHLIN: Okay. We  
3 could ask that, but whatever has already  
4 been elicited regarding, we will ask for  
5 an offer of proof.

6 HEARING OFFICER HALLORAN: Fair  
7 enough. You may proceed. Thank you.

8 MS. BRICE: And I'll reserve any  
9 cross on that until our -- until the recross.

10 HEARING OFFICER HALLORAN: Okay.

11 BY MS. O'LAUGHLIN:

12 Q. Turning to Exhibit 63 -- I'm sorry --  
13 Exhibit 58.

14 A. Okay.

15 Q. What is this document?

16 A. It is the 104 request from US EPA to  
17 the Secretary of Transportation.

18 Q. And I believe Ms. Brice asked you  
19 some questions about this on her cross-examination?

20 A. Yes.

21 Q. Turn to 58-1, the last paragraph, what  
22 was Johns Manville alleging?

23 A. That during the construction of the  
24 Amstutz Highway during the late 1960s, the Illinois

1 Department of Transportation constructed a bypass  
2 that was located in part on the areas that are  
3 identified as parcel three during the highway  
4 construction period. The Department of  
5 Transportation stored equipment in the same  
6 area that's alleged that this construction  
7 activity may have affected the condition of  
8 parcel three.

9 Q. Please now turn to 58-5.

10 A. Yes.

11 Q. Well, strike that.

12 Turning back to 58-1, when  
13 parcel three, the last two words, do you know what  
14 parcel three -- is it your understanding that refers  
15 to Site 3 as known in this lawsuit?

16 A. Yes.

17 Q. Turn to Exhibit 60.

18 A. Okay.

19 Q. What is this document?

20 A. It is a portion of IDOT's response  
21 to the 104(e).

22 Q. And the date of the document?

23 A. November 27th of 2000.

24 Q. Turn to 60-2.

1 A. Yes.

2 Q. C.

3 A. Yes.

4 Q. Who is Michael Hine?

5 A. At the time he was the bureau chief  
6 of the Bureau Design and Environment.

7 Q. What was your connection to him?

8 A. In essence, I worked for him.

9 The department structure is that there was a bureau  
10 chief and then there is a section manager and then  
11 there is a unit manager that was in my unit.

12 Q. So he was in your line of management?

13 A. Yes.

14 Q. So you worked under him?

15 A. Yes.

16 Q. Please turn to 60-3.

17 A. Okay.

18 Q. Paragraph D.

19 A. Yes.

20 Q. What is this data regarding the  
21 jurisdiction?

22 A. It states that we have attached it  
23 as Exhibit D and the map shows that the highway  
24 adjacent to parcel 3 is under the jurisdiction



1 of the city of Waukegan. Ron Levine provided this  
2 information.

3 Q. And then turning to Paragraph F?

4 A. Yes.

5 Q. What about the Eric Bolander  
6 Construction Company?

7 A. It states that the last  
8 pre-qualification rating worksheet on Eric  
9 Bolander Construction Company, Incorporated is  
10 attached as Exhibit F. The department believes  
11 that this company went out of business on or  
12 about 1997. Patricia Bauer provided this  
13 information.

14 Q. Turn to 60-5.

15 A. Okay.

16 Q. Paragraph 6.

17 A. On 60-4?

18 Q. Correct.

19 A. Okay. It states that Duane Mapes,  
20 there does not appear to be other former or current  
21 employees who have information responsive to this  
22 question. The department's contractor has been out  
23 of business for about three years.

24 Q. Did IDOT look into whether there were

1 any employees that worked on this project?

2 A. I believe they did.

3 Q. What did they find?

4 A. My understanding was that Duane  
5 Mapes was the only one they were able to find.

6 Q. What IDOT employees --

7 MS. BRICE: Objection,  
8 foundation.

9 HEARING OFFICER HALLORAN: Okay.  
10 Ms. O'Laughlin?

11 MS. O'LAUGHLIN: Foundation,  
12 they stipulated to the authenticity of  
13 the document.

14 MS. BRICE: Foundation as to  
15 his knowledge as to what the -- what they  
16 did as far as knowing if anybody was alive  
17 or not.

18 MS. O'LAUGHLIN: I don't think  
19 I asked that question.

20 MS. BRICE: Well, you can read  
21 it back.

22 HEARING OFFICER HALLORAN: Could  
23 you rephrase the question and try to --

24 MS. O'LAUGHLIN: I think we

1 already have it.

2 HEARING OFFICER HALLORAN: You  
3 have what?

4 MS. O'LAUGHLIN: The information  
5 that there does not appear to be other  
6 former or current employees who have  
7 information responsive to this question.

8 MS. BRICE: Okay. But I move  
9 to his response then if she --

10 HEARING OFFICER HALLORAN: You  
11 can't strike anything.

12 MS. BRICE: Oh, I'm sorry.

13 HEARING OFFICE HALLORAN: So your  
14 objection to his response is --

15 MS. BRICE: Well, I object to  
16 his response. I'm sorry. But I was  
17 objecting to his -- him opining on what  
18 the department knew at that point in time,  
19 lack of foundation, and then so I want to  
20 just make it clear for the record that  
21 that's my objection. It seems like she  
22 is now withdrawing the question. I don't  
23 know.

24 HEARING OFFICER HALLORAN: Okay.

1 Sustained.

2 BY MS. O'LAUGHLIN:

3 Q. So the questions that I'm asking  
4 you pertain to the 104(e) response, which you said  
5 you helped prepare and you have been --

6 A. Right.

7 Q. -- and you were asked questions about  
8 this document on JM's cross-examination of you, do  
9 you recall that?

10 A. Yes.

11 Q. And you answered their questions with  
12 regard to this document did you not?

13 A. Yes.

14 Q. And so turning to Paragraph 6, what  
15 is your understanding about what IDOT did to find  
16 out about current employees that had worked on  
17 the project?

18 A. It states in six that there appears --  
19 there does not appear to be any former or current  
20 employees who have information responsive to this  
21 question. It further states on 60-5, under 13,  
22 that no current employees could be found after the  
23 inquiry who have knowledge of ACM or other hazardous  
24 substances about this project.

1 Q. And that's found on 60-5?

2 A. Yes, last paragraph.

3 Q. And in terms of the project, who  
4 are IDOT employees that would have worked on  
5 this project?

6 A. Well, it would be the resident  
7 engineer, you know, his supervisor, as far as  
8 during construction, there also would have been  
9 materials people who would have approved materials  
10 that were going to come onto the project, there  
11 could also have been other people that worked for  
12 the resident engineer, you know, helping him and  
13 providing oversight because there were multiple  
14 pieces going on at once. So there could have been  
15 multiple IDOT people throughout the entire project  
16 that were watching certain things.

17 Q. Who did the actual construction  
18 project? Was it IDOT or was it Eric Bolander  
19 Construction?

20 A. Eric Bolander was the contractor that  
21 was hired to build the construction.

22 MS. O'LAUGHLIN: Mr. Hearing  
23 Officer, I would ask that -- we have a  
24 couple more exhibits to -- we have one,

May 23, 2016

Page 302

1 two, three more exhibits to establish  
2 with Mr. Gobelman, but it has been a  
3 long day and I would ask that we pick  
4 it up tomorrow morning.

5 Following that three  
6 exhibits, we anticipate not a long  
7 redirect. I just think that we have  
8 done a lot today. In fairness, I think  
9 this is a good time to break.

10 HEARING OFFICER HALLORAN: Okay.  
11 The witnesses you subpoenaed, they are  
12 going to be here tomorrow?

13 MS. BRICE: They are here right  
14 now. Yes, they will be here tomorrow.

15 HEARING OFFICER HALLORAN: Okay.  
16 They will be here tomorrow. I see them  
17 here, but I think they were just subpoenaed  
18 up for today.

19 MS. BRICE: We will make them  
20 available. Mr. Dorgan and Mr. Ebihara.

21 HEARING OFFICER HALLORAN: All  
22 right. Is JM in agreement with that,  
23 continuing this until tomorrow at 9:00.

24 MS. BRICE: I mean, we want to

May 23, 2016

Page 303

1 do our rebuttal case and get done. I'm  
2 not sure why we can't do these three  
3 exhibits.

4 MS. O'LAUGHLIN: Okay. We'll  
5 keep going, but I would just note for  
6 the record that Mr. Gobelman has been  
7 under examination since 9:00 a.m. this  
8 morning and it's --

9 HEARING OFFICER HALLORAN: How  
10 long do you think three more exhibits would  
11 take?

12 MS. O'LAUGHLIN: Not long. I  
13 just -- it's just -- not long. Let's just  
14 do the three exhibits. We'll go until he  
15 can no longer speak.

16 BY MS. O'LAUGHLIN:

17 Q. Turn to Exhibit 63.

18 A. Okay.

19 Q. What is this document?

20 A. It's version four dated April 4,  
21 2011, of the engineering evaluation and cost  
22 analysis prepared for Johns Manville and  
23 Commonwealth Edison by Arcadis.

24 Q. Did you rely upon this document

1 in coming to your opinions?

2 A. I've read through this. I utilized --  
3 whether it's this version or other versions.  
4 Like you said, it's been a long day. I'd have  
5 to back to my report to see if this is the one  
6 that was cited.

7 Q. Okay. Let's go back to your  
8 report then, which is Exhibit 8. Exhibit 08-18.  
9 You might want to turn to that.

10 A. Yes. This report was referenced  
11 as ten of my documents cited.

12 Q. Documents that?

13 A. That I cited in my report.

14 Q. Okay. And turning to your  
15 demonstrative Exhibit 164 or 202, did you rely  
16 upon the Arcadis 2011 report at all in creating  
17 your demonstrative exhibit?

18 A. I'm looking for the demonstrative  
19 that was in the...

20 Q. The Arcadis report? We will get  
21 back to that.

22 A. No, the one that was prepared, I  
23 think, is what you're referring to, correct?

24 Q. The one that you prepared, 202.



1 They've looked at it this morning, 164. Either  
2 one is fine.

3 A. Yeah. I just couldn't -- there  
4 it is. I was looking for 64 and not 164. Okay.  
5 Yes.

6 Q. And in preparing your demonstrative,  
7 did you rely upon the Arcadis 2011 report at all?

8 A. Yes.

9 Q. I referred to --

10 A. I utilized the information that was in  
11 table two.

12 Q. If you could, turn to 63-59.

13 A. Yes.

14 Q. Did you rely upon this table?

15 A. Yes.

16 Q. If you could, turn to 63-80.

17 A. Yes.

18 Q. Did you rely on this table?

19 A. I relied on this figure, yes,  
20 Figure 5.

21 Q. As you sit here today, are there  
22 any other documents offhand that you can speak  
23 to now that you relied upon or is 63-59 and  
24 63-80 all that you have right now?

May 23, 2016

Page 306

1           A.       I also relied on table four, which  
2 is starts at Exhibit 63-64.

3                   HEARING OFFICER HALLORAN: 63 dash?

4                   THE WITNESS: 64.

5                   HEARING OFFICER HALLORAN: Thank  
6 you.

7 BY MS. O'LAUGHLIN:

8           Q.       Is there anything else?

9           A.       Oh, sorry. I believe that's the  
10 bulk of what was relied for in the cross-sections  
11 of 164.

12           Q.       Okay. Turn to Exhibit 92.

13           A.       Okay.

14           Q.       What is this document?

15           A.       It's authorization for change order  
16 number 11 dated August 13th of '73. It's basically  
17 a change -- it's talking about an additional storm  
18 sewer type one and pipe in a culvert number one  
19 needed to be added and they were deducting storm  
20 sewer type two and it's because that justification  
21 for it is because the existing storm sewer is  
22 different from what was shown on the plans. It  
23 was necessary to change the location and design  
24 of the proposed storm sewer and culvert pipe in

1 order to provide for storm water drainage coming  
2 off of Greenwood Avenue at the west end of the  
3 job.

4 Then there was an attached --  
5 there would have been an attached plan sheet  
6 showing the details of that.

7 Q. What's the date of the document?

8 A. August 13, '73.

9 Q. Okay. And then turn finally to  
10 Exhibit 93.

11 A. Okay.

12 Q. What is this document?

13 A. It's a request for authorization  
14 for extra work involving increased cost for  
15 utility adjustments. It's authorization number  
16 one. It's dated October 18th of 1971. It's  
17 regarding the North Shore Sanitary District  
18 Utility. In essence, it's stating that an  
19 additional cost was necessary and said addition  
20 necessary to eliminate the conflict with existing  
21 24-inch sanitary sewer owned and operated by  
22 city of Waukegan.

23 Said 24-inch sanitary sewer was  
24 to have been relocated by this time. However, due

1 to the lengthy negotiation between the state and  
2 city of Waukegan, their work has not been started  
3 and will not for several months.

4 So it provides a cost breakdown  
5 of -- for this and it states due to this revision,  
6 the city of Waukegan has allowed the sanitary  
7 district to open Greenwood Avenue realizing a  
8 \$10,000 savings for the elimination of pushing  
9 the casing.

10 Q. And would this be an example of  
11 some of the utility work necessary at the project  
12 involved here?

13 A. Yes.

14 Q. Do you know where this utility  
15 adjustment was?

16 A. It doesn't specifically state  
17 the stationing along Greenwood Avenue that it  
18 would be crossing.

19 Q. What about the following page of  
20 this exhibit, what are these?

21 A. It's basically the approval -- the  
22 first one on Page 93-2 is giving approval for the  
23 utility adjustment and 93-3 is a memo from Arty  
24 Smith to E.W. Banion. Arty Smith is the engineer of

May 23, 2016

Page 309

1 construction and it's just sort of the same approval  
2 process. It's just making a clarification in the  
3 memo saying that he assumes that it will  
4 not be necessary to relocate the 24-inch sanitary  
5 sewer owned and operated by the city of Waukegan  
6 if the conflict is eliminated.

7 MS. O'LAUGHLIN: Thank you.  
8 Those of all the exhibits we are going  
9 to go over at this point.

10 HEARING OFFICER HALLORAN: Okay.  
11 I think we will stop here and, you know,  
12 you can move it and I will give Ms. Brice --  
13 I'm sure she wants to do cross-examination  
14 on some of these.

15 MS. BRICE: Should we just finish  
16 the redirect and then --

17 MS. O'LAUGHLIN: We will do more  
18 redirect tomorrow and then you can do  
19 whatever recross you want.

20 HEARING OFFICER HALLORAN: Okay.

21 MS. BRICE: Thank you.

22 HEARING OFFICER HALLORAN: Thank  
23 you.

24 All right. This concludes

May 23, 2016

Page 310

1 the hearing today. We will continue the  
2 record until tomorrow, June 24th. What  
3 room? It's the second floor, I think.  
4 We are not that lucky. We are going to  
5 continue on record tomorrow in Room 02-25  
6 here at the lovely James R. Thompson  
7 Building. Thank you.

8 (Whereupon, the proceedings were  
9 adjourned in the above-entitled  
10 cause until 9:00 o'clock a.m. on  
11 June 24, 2016.)

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

May 23, 2016

Page 311

1 STATE OF ILLINOIS )  
2 ) SS.  
3 COUNTY OF C O O K )  
4  
5

6 I, LORI ANN ASAUSKAS, CSR, RPR,  
7 do hereby state that I am a court reporter doing  
8 business in the City of Chicago, County of Cook,  
9 and State of Illinois; that I reported by means  
10 of machine shorthand the proceedings held in the  
11 foregoing cause, and that the foregoing is a true  
12 and correct transcript of my shorthand notes so  
13 taken as aforesaid.

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

Lori Ann Asauskas



Lori Ann Asauskas, CSR, RPR.  
Notary Public, Cook County, Illinois

<b>A</b>	66:17 69:6	215:7 306:19	166:2,11 191:4	<b>alleging</b> 294:22
<b>A.D</b> 1:16	72:7 74:22	<b>addition</b> 264:23	191:4	<b>allow</b> 238:22
<b>a.m</b> 1:17 5:17	75:6,10,19,19	307:19	<b>affect</b> 95:6	241:24 246:6
253:7 303:7	88:10 90:16	<b>additional</b> 22:13	261:14	286:6
310:10	95:6 175:6	44:3,11 181:6	<b>aforementioned</b>	<b>allowed</b> 292:20
<b>ability</b> 133:2	178:20 179:1	264:24 265:10	72:9	308:6
<b>able</b> 8:8 29:15	179:17 200:8	266:15,17	<b>aforesaid</b> 311:13	<b>allows</b> 160:13
35:1 46:8	200:16,19,23	306:17 307:19	<b>afternoon</b> 260:6	<b>alternative</b>
57:10 69:6	201:8 202:10	<b>Additionally</b>	<b>agents</b> 84:19	229:16,19
79:24 222:19	204:12 217:10	66:17	<b>ago</b> 32:20 60:16	287:5
240:18 271:13	231:22 232:2,8	<b>additions</b> 30:11	75:22 76:9	<b>amount</b> 120:19
281:21 298:5	232:9,11,14,18	265:8	95:8 168:12	181:4 263:24
<b>above-entitled</b>	233:3,14,21	<b>address</b> 17:6	175:12 176:13	264:20 268:10
310:9	234:2 235:22	292:11	199:14 210:3	<b>amounts</b> 266:23
<b>absolutely</b> 138:6	300:23	<b>addressed</b> 44:19	252:22	<b>AMSL</b> 204:14
138:8	<b>ACMs</b> 202:6	162:18,20,23	<b>agree</b> 16:7 22:4	204:16
<b>abut</b> 89:1	<b>acquire</b> 239:8	285:3	45:5,12 53:6	<b>Amstutz</b> 25:10
<b>access</b> 100:5	240:7 257:14	<b>addressing</b>	58:19 102:20	93:2 124:9
101:8 170:14	278:1	166:20	108:13 114:18	128:24 226:11
181:11 281:21	<b>acquired</b> 223:24	<b>adequate</b> 229:21	129:24 141:22	226:13 250:21
<b>accommodate</b>	241:3,19	<b>adjacent</b> 141:20	143:16 155:2	251:23 280:12
278:16	<b>acquires</b> 237:17	204:15 296:24	157:5 191:9,13	280:15 294:24
<b>accuracy</b> 12:7	<b>acquiring</b>	<b>adjourned</b> 310:9	199:8 205:1,18	<b>Amy</b> 3:7 162:11
12:15 64:18	237:18,18,24	<b>adjusted</b> 92:14	207:8 223:1	<b>analysis</b> 303:22
65:4	<b>acquisition</b>	<b>adjustment</b>	271:9 275:9	<b>analytical</b> 13:11
<b>accurate</b> 39:6	257:18 276:6	308:15,23	293:17	64:21
53:1 58:16	278:6,12	<b>adjustments</b>	<b>agreed</b> 12:19	<b>and/or</b> 235:22
60:3 72:11	<b>act</b> 31:24 256:24	307:15	270:1	<b>Andrews</b> 3:5
95:8 100:23	<b>acting</b> 272:12	<b>administration</b>	<b>agreement</b> 76:6	<b>Ann</b> 1:12 311:6
125:6 164:11	<b>action</b> 106:20	66:13 81:18,23	240:14 279:9	311:17
179:6 193:17	234:15	<b>administrative</b>	280:7 302:22	<b>Anne</b> 249:12,21
195:19 198:14	<b>activity</b> 295:7	82:1,4	<b>agreements</b>	290:1
221:15 224:22	<b>acts</b> 84:18 85:4	<b>admitted</b> 4:23	240:14 262:8	<b>announced</b> 5:12
224:23 233:5	86:10	258:4,6 284:3	<b>ahead</b> 142:6	<b>anomaly</b> 113:1
249:22 276:18	<b>actual</b> 89:6	<b>adopt</b> 72:18	144:24 219:18	<b>answer</b> 8:8 9:4,8
<b>accurately</b> 29:13	118:18 290:5	<b>AECOM</b> 3:4	<b>aid</b> 48:19 66:16	13:11 14:21
179:7 229:1	301:17	<b>aerial</b> 66:14	<b>air</b> 236:2	19:12 21:23
<b>acknowledge</b>	<b>add</b> 69:16 76:24	80:23 82:11	<b>alive</b> 298:16	22:5,19 24:21
255:20	77:10 138:3	83:13,16 84:7	<b>allegations</b> 38:5	25:12,24 31:7
<b>ACM</b> 9:23 11:9	153:10 180:21	103:5 107:11	39:24 40:2,4	31:16 33:16,18
11:10,18 12:20	<b>added</b> 19:10,14	107:18 108:1	<b>allege</b> 125:19	33:20 35:1
13:23 14:4	171:22 172:2	109:8,17	<b>alleged</b> 61:15	37:21 50:5,10
30:6 61:10	172:24 178:12	125:21 156:5	62:2 88:11	55:1,6 57:10
62:7,7,12,19	178:12,14,15	161:6,6 164:1	162:22 295:6	59:18 60:1
64:12 65:18	184:13 204:1	165:13,15,17	<b>allegedly</b> 61:7	63:14,17 65:6



69:9 70:14,22 72:13,16,20 79:15,19,21 85:24 87:11,17 87:21 89:22 99:3,21 108:24 120:17 122:4 131:4 132:7 133:13 134:23 135:9,15,19 140:11 142:4 151:13 166:5 177:14 187:10 205:23 216:15 217:3 238:9 241:17 243:5 243:21 244:5 244:11 252:10	299:5 300:19 <b>appeared</b> 2:13 2:20 20:22 22:20 <b>appears</b> 22:22 104:15 114:4 281:13 290:4 300:18 <b>appendix</b> 48:12 <b>appreciate</b> 163:11 <b>approach</b> 220:10 229:10 229:14 <b>appropriate</b> 158:12 193:20 <b>appropriately</b> 162:20 <b>approval</b> 78:5,6 142:18 227:2 308:21,22 309:1 <b>approve</b> 80:11 <b>approved</b> 77:22 78:2 82:12 91:13,17 169:3 169:19 234:15 269:9 301:9 <b>approved'</b> 79:13 <b>approves</b> 269:8 <b>approving</b> 79:24 <b>approximate</b> 204:11 <b>approximately</b> 5:17 204:10,13 204:16 273:1 <b>April</b> 245:11 248:1 289:7 303:20 <b>Arcadis</b> 178:14 303:23 304:16 304:20 305:7 <b>area</b> 12:21,22 13:7,8 18:20 18:24 19:15	21:19 22:22 56:15 58:19 64:11 66:13,16 76:24 77:1,1,9 77:10,11 81:10 90:17,23 103:6 105:24 106:5 109:4 119:17 126:6 129:6 147:9 152:1,2 158:14 159:14 164:10 165:23 166:6,7,16,24 167:16,18 170:5 171:10 198:5 200:16 211:22 214:21 216:24 228:5 246:15 251:23 252:5 264:7 266:24 267:1 267:11 279:3 279:13 280:17 281:8 289:20 291:9,9,10,10 291:14,14,15 291:15 295:6 <b>areas</b> 11:11,21 28:9 113:23 180:11,16 181:2,4 184:7 185:6 235:19 262:17 267:7 280:9 295:2 <b>arrangements</b> 90:15 <b>arrive</b> 62:17 <b>Article</b> 23:17 129:18 <b>Arty</b> 308:23,24 <b>as-built</b> 40:21 40:23 41:3,6 41:10,11 44:24 48:7 49:18 51:8,16,22	52:1,4 53:10 53:16,18 54:23 55:20 77:19 183:23 184:2,8 184:21 193:12 <b>as-builts</b> 45:5,8 45:13,22 47:23 48:4,13 49:2,5 51:20 52:14 53:20 54:2,13 55:13 56:4 167:8 <b>Asauskas</b> 1:12 311:6,17 <b>asbestos</b> 11:16 28:21 31:3 37:18 59:20 85:9,19 86:19 88:8 91:4,14 91:16 92:2,5,8 173:3,4 177:7 216:23 217:4 218:14,20 235:20,23,24 236:1,6 <b>asbestos-conta...</b> 10:24 13:6,12 29:19,24 30:12 30:18 31:10,11 32:1,11,18,23 59:6 60:12 63:11 64:2,15 65:24 71:5 91:12,22 124:1 171:13 173:14 173:18 174:14 175:20 178:13 204:6 215:11 217:13 232:13 232:15,23 234:5 <b>ash</b> 214:3,7 <b>asked</b> 13:3 14:13 20:20 23:23 24:13	34:19 35:4 42:1,19 43:20 44:16 50:22 52:10 65:2 69:2 83:12 98:22 117:12 130:21 133:5 149:11 181:19 182:17,24 183:1 206:18 207:19,20 231:16 238:5 242:20 243:4 290:23 294:18 298:19 300:7 <b>asking</b> 28:12 55:12 91:2 108:22 137:20 148:6 181:24 236:17 243:13 300:3 <b>aspect</b> 14:9 <b>aspects</b> 14:16 261:15 <b>asphalt</b> 119:23 120:1 <b>asphaltic</b> 112:7 118:23 119:2,4 119:10,11,19 119:21 129:1 <b>aspirin</b> 163:5 <b>assemblance</b> 138:9 <b>Assessments</b> 255:8 <b>assistant</b> 88:6 <b>assistants</b> 226:13 <b>assisting</b> 162:13 <b>associated</b> 32:13 50:12 72:8 82:16 123:15 123:17 154:20 183:14 203:19 262:20
---	---	---	--	--

<b>assume</b> 10:13 41:23 42:14 56:1 60:1 72:5 80:20 81:19 82:17 83:6,18 102:9 104:20 123:24 125:17 137:2,11 159:8 267:7	306:16 307:8 <b>authenticate</b> 217:19 221:6 259:4 <b>authenticated</b> 219:15 <b>authenticating</b> 204:2 <b>authenticity</b> 283:19 298:12 <b>authorization</b> 113:16 114:2 118:12 164:21 264:6 265:5 306:15 307:13 307:15 <b>available</b> 69:15 147:18 302:20 <b>Avenue</b> 10:3 11:1,8 16:19 16:24 19:16 27:19 47:15 56:15 57:14 58:5,6 97:15 102:11 105:10 106:16 123:11 123:13,14 157:11,17 171:5,6,7 173:12,23 174:3,12 178:17 180:19 180:23 183:14 185:11 187:12 187:19 188:2 188:11 190:8 191:15 192:1,9 203:2 204:19 205:13 207:15 214:14 215:14 241:13 243:16 265:9,11 273:1 273:13,18 277:24 278:4 278:13 280:13	307:2 308:7,17 <b>avoid</b> 101:21 <b>avoided</b> 101:21 <b>aware</b> 42:12 49:7 67:13 257:1 265:18 <b>awfully</b> 291:19 <hr/> <b>B</b> <b>B</b> 6:17 101:15 104:7,13 112:15 114:2,6 215:7,7 218:9 218:9,11,11 231:20 235:13 235:17 264:22 <b>Babu</b> 252:1 <b>back</b> 6:6 15:22 28:16 38:16 40:13 43:4,18 60:15 63:16 69:8 74:18 82:8 84:24 87:5 90:10 94:9 105:4 120:23 128:15 153:16 155:17 161:19 162:6 162:16 164:18 167:9 175:8,10 175:22 186:18 191:3 193:16 193:20 195:24 196:6,14 197:2 198:11 199:12 202:11,24 209:9,12 210:20,23 211:8 215:2 216:9 231:3,11 233:15 246:21 248:24 250:13 252:15,21 253:10 276:11 277:5,9 282:7	290:21 292:9 295:12 298:21 304:5,7,21 <b>backfill</b> 196:17 197:5 <b>background</b> 207:22 <b>bad</b> 121:19 <b>badgering</b> 182:22 <b>balance</b> 180:4 <b>Banion</b> 308:24 <b>bantering</b> 153:15 <b>base</b> 77:2,11 113:22 120:12 120:16 148:1 186:16 197:21 202:8 264:20 265:1 <b>based</b> 7:20 17:12 18:5,23 19:4,12 22:22 36:20 37:3,7 37:21 38:3 39:1,20 44:5 48:12 55:4 93:16 94:19 96:21 110:9 113:14,20 119:23 127:13 132:23 154:5 172:13,15 180:20 190:16 204:11 211:15 218:2 262:7 275:13 <b>basically</b> 154:15 178:10 185:11 198:1 205:10 268:17 293:8 306:16 308:21 <b>basis</b> 117:3 202:24 203:12 203:13 274:19	<b>Bates</b> 273:7 285:1 <b>bathroom</b> 73:18 74:3 <b>Bauer</b> 255:20 297:12 <b>bearings</b> 164:20 171:2 <b>beast</b> 115:21 <b>beating</b> 183:4 <b>becoming</b> 148:6 148:11,20 <b>began</b> 105:11 <b>beginning</b> 26:22 208:21 210:17 291:7 <b>begins</b> 29:11 <b>begun</b> 82:15 <b>behalf</b> 2:13,20 267:24 <b>belief</b> 85:8,17 86:1 110:10 183:12 <b>believe</b> 7:9 12:24 17:2,8 18:3,19 21:1 27:22 28:8 30:4,8 31:7 32:17,22 33:8 35:3,14 36:16 38:2 42:20 43:3 46:11,18 56:5,8 58:10 59:9 60:11 61:12,15 62:23 63:22 64:20 65:17,23 67:5 81:11 82:6 85:24 86:7 87:12 90:4 91:11 92:19,23 95:7 96:4 100:20 102:13 102:17 103:3 103:14,15,20
--	---	--	--	--

107:3,6 108:21 112:11,15 118:10,21,24 119:20 122:16 123:3 126:9,15 131:4 136:6,24 140:7 143:20 145:15,20 146:12 149:1 153:23 155:8 158:23 161:8 164:2,7,8 166:14 167:19 167:21 168:15 168:24 170:21 170:22 172:10 182:5 183:8 186:4,17 189:12 203:13 207:4 209:18 210:16 212:1 212:13 213:6 213:24 214:24 215:13 217:3 224:21 227:7 229:20 233:16 234:3 242:18 244:12 255:18 294:18 298:2 306:9 <b>believed</b> 112:5 132:22 139:23 183:18 233:1 <b>believes</b> 297:10 <b>beneath</b> 64:11 <b>benefit</b> 279:13 280:9,20 281:5 <b>benefited</b> 280:10 <b>benefits</b> 281:6 <b>best</b> 113:8 115:13 <b>better</b> 274:14 <b>betting</b> 276:24 <b>beyond</b> 262:24 <b>bid</b> 40:21,23	42:9,16,21,22 44:18,20 45:7 45:10,14 47:24 48:4,13,23 50:18,21,24 51:6,8,11 52:14 55:21 56:2,7 78:7 137:23 138:4,7 193:8 212:21 <b>bidding</b> 44:22 <b>big</b> 157:22 173:4 173:13 200:23 <b>bigger</b> 135:4 <b>binder</b> 7:6,9 63:22 68:20 108:18,20 128:3 186:11 243:7 253:12 264:24 <b>binders</b> 7:3 <b>bit</b> 49:4 73:23 74:1,21 123:23 126:12 148:7 174:24 185:17 193:11 <b>bituminous</b> 119:8 265:10 266:13 <b>black</b> 247:5,10 <b>blade</b> 169:3,19 <b>blah</b> 113:17,17 113:17 <b>blank</b> 289:20 <b>blew</b> 121:7 <b>blown</b> 46:6 <b>blowup</b> 192:3 193:23 <b>blurred</b> 221:18 271:1 <b>Board</b> 1:1 2:2,6 2:6 3:6,6 5:4 46:12 <b>Bolander</b> 47:3 93:6 102:5	127:3 138:15 138:17 260:12 297:5,9 301:18 301:20 <b>bologna</b> 163:4,6 <b>book</b> 10:7 36:5,6 70:10 71:8 77:19 79:4 82:22 91:17 127:7 128:9 130:17 139:18 168:16 227:13 227:14 270:24 <b>books</b> 35:17 <b>border</b> 172:8 <b>bordering</b> 174:17 <b>boring</b> 82:15 178:14,15 200:12 202:9 203:12,14,19 217:12 218:15 222:20 <b>borings</b> 10:23 13:13 80:7,12 119:14,16,18 120:2,14 175:14,16 176:23 177:10 178:6 200:11 200:19 201:9 202:5 215:7 217:24 218:16 <b>borrow</b> 207:7,9 <b>borrower</b> 213:7 <b>bottom</b> 47:16 66:11 157:21 164:23 192:8 195:16 196:17 196:18 199:17 211:16,18 221:21 243:18 244:1 248:8 253:14 290:6 <b>bought</b> 254:22	<b>boulders</b> 141:13 141:16 170:5 <b>boxes</b> 211:6,11 <b>Bradley</b> 1:11 2:4 5:2 <b>brake</b> 176:2 <b>Brant</b> 35:16,21 <b>break</b> 73:14 74:3,14 96:19 147:6 162:2 168:10 169:17 227:16 231:3,7 291:18,20 292:1,5 302:9 <b>breakdown</b> 261:23 308:4 <b>breaking</b> 147:9 169:1 259:8 <b>breakup</b> 262:18 <b>Brent</b> 3:7 <b>Brice</b> 2:11 5:20 5:21,24 6:21 8:11,19,23 15:13,14,21 17:17,18 18:2 18:13,18 21:6 23:11 25:10,15 34:14,15 35:8 35:10 37:10,15 38:12,13 39:10 39:15,16,17 46:4,19 57:15 58:12,15,17 62:8,11 70:6,8 73:13,18,23 74:10,19 76:18 78:13,15,18,20 79:9 97:22,24 98:1 108:11,15 108:19 109:24 110:6 111:17 113:6,7 114:21 115:14,19,22 116:3 117:11 117:21 122:9	128:5,10,15,20 128:22 132:5,6 132:10,11 134:16,17 143:17,19 144:20 145:3,8 146:17,20 149:8,21,24 150:1,14,19,24 151:1 153:1,6 153:19,22 158:19,20,21 161:16 163:11 163:14,23 177:11,13 183:4,6 205:7 205:8,9 206:2 206:5 210:8,10 220:21,22 227:17,20 230:14 231:5 231:14,15 239:3,4,5 246:6,9,20 256:12,13,16 257:24 258:15 262:23 263:10 264:10,16 265:24 269:19 269:22 270:8 270:13,14,19 270:21 271:4 272:1,2 274:21 275:1,2 276:15 277:9 279:18 282:11 284:19 285:4,6 286:3 286:8,18 288:3 288:8 293:18 294:8,18 298:7 298:14,20 299:8,12,15 302:13,19,24 309:12,15,21 <b>Brice's</b> 231:12
--	--	--	--	---

<b>bridge</b> 54:24 280:11,14,15 280:16	<b>bulk</b> 150:4 306:10	270:20 276:23	211:2,7,11 220:6,16	266:12
<b>brief</b> 162:21,23 238:24	<b>bulldozers</b> 169:2 169:18	<b>calculate</b> 157:21	<b>CERCLA</b> 256:24	<b>changing</b> 112:17 184:3 215:15 266:16
<b>briefing</b> 293:13	<b>bumpers</b> 23:16 65:15,21	<b>calculated</b> 212:20	<b>certain</b> 16:15 26:17 53:11	<b>characterizati...</b> 72:11,15,18 193:18
<b>briefings</b> 182:12	129:17	<b>call</b> 7:17 14:17 72:12 88:6	120:15 133:3	<b>characterize</b> 26:19
<b>briefly</b> 287:3	<b>bureau</b> 33:22 36:1 269:11	246:7 248:10	144:15 151:24	<b>characterized</b> 27:15 58:23 61:12 90:5 97:5
<b>briefs</b> 242:15	296:5,6,9	251:5,7 253:15	179:4,20 180:1	<b>characterizes</b> 62:20
<b>bring</b> 19:14 21:18,18	<b>buried</b> 28:22 29:19 30:1,6	254:4,5,6,16	181:8 184:12	<b>characterizing</b> 78:1
196:14 282:23	30:13,18 31:4	286:16	216:15 240:16	<b>charge</b> 83:12
<b>broke</b> 25:22	31:24 32:11	<b>called</b> 6:18 227:8 249:21	261:15 262:5	<b>checked</b> 82:8
<b>broken</b> 24:18 134:20 135:3	37:19,20 61:21	250:24 267:8	262:17 271:12	<b>Chicago</b> 1:15 2:3,9,17 239:10 240:21 278:2 311:8
141:16 170:6	62:13 129:10	272:13,14,23	274:12 281:14	<b>chief</b> 33:6,16 35:22 88:7
235:20 236:6	139:22 145:22	<b>calling</b> 286:2,3	301:16	269:11 274:2 296:5,10
<b>brought</b> 166:20 199:10 283:6	176:20 177:16	<b>calls</b> 150:8	<b>certainly</b> 152:23 213:15 271:14	<b>choose</b> 144:13
<b>BRYAN</b> 2:8	229:16 230:3	<b>capping</b> 228:4	<b>certainty</b> 27:1,4 27:5,8,8 186:3 186:5	<b>chunk</b> 200:23
<b>build</b> 51:13 59:7 61:7 62:3	<b>Burke</b> 2:6 162:9	<b>care</b> 5:18 246:8	<b>Certificate</b> 4:7	<b>circle</b> 173:4
64:15 99:23	<b>bury</b> 132:14 137:15 142:3	<b>carried</b> 90:19	<b>cetera</b> 90:20 141:5 235:9	<b>circles</b> 173:13
155:6,13 242:1	142:10,13,16	<b>cars</b> 22:3,23,24	254:13 255:22	<b>cite</b> 108:9
279:15 280:11	145:23	<b>case</b> 7:15 52:8 54:3,13 56:16	<b>chain</b> 79:23	<b>cited</b> 304:6,11 304:13
301:21	<b>burying</b> 88:9	67:17 73:4	<b>chance</b> 244:3	<b>city</b> 93:9,10 239:7,9 240:6 240:8,15,24 241:10 242:8 262:1,9,10,18 272:8,14,14,21 272:22 273:5 277:19,20,23 277:24 278:5 278:23 279:4,5 279:7,10,14,16
<b>building</b> 66:14 81:18,23 105:7	<b>business</b> 297:11 297:23 311:8	162:13 182:20	<b>change</b> 22:7 52:21 53:8	
105:11 127:3	<b>bypass</b> 10:19 295:1	232:4 240:12	54:17 110:11	
131:19 191:21		253:18 283:9	110:15,17,23	
272:13 310:7	<b>C</b>	283:23 284:1	113:21 117:6	
<b>Buildings</b> 48:18	<b>C</b> 2:1 3:1 6:20	286:12 303:1	117:14,20	
<b>built</b> 19:11 45:1 47:2,4 53:2	13:2 101:15,19	<b>casing</b> 308:9	118:10 164:21	
60:19 62:18	101:22 102:6	<b>cause</b> 181:6 261:13 310:10 311:11	165:2,23 206:8	
97:17 107:6	102:10,10,15	<b>caused</b> 32:10 59:19 84:20	206:12 217:23	
111:10 116:11	102:16 103:13	161:5 179:3,19	264:5,6 267:10	
116:24 118:2	103:15 104:4	281:19	267:11 273:24	
123:12 124:1	235:13,17	<b>causes</b> 262:2 281:17	306:15,17,23	
137:3 147:3	260:4 296:2	<b>CAVE</b> 2:8	<b>changed</b> 5:15,22 203:18,19	
156:1,2 157:4	311:3	<b>cc'd</b> 245:1	<b>changes</b> 45:9,24 47:4,8 52:13	
191:19,21	<b>Caisman</b> 2:12 5:19,20 8:18	<b>cc'g</b> 244:5	52:15,18,20,20	
196:18 216:22	79:6 108:18	<b>cement</b> 91:5,14 91:17	53:4,7 71:1	
224:15,16	128:8 163:6	<b>center</b> 1:15 57:21 157:16	113:17 203:22	
<b>built-in</b> 46:23	258:7,11			

279:20,21 280:10,18 281:7 297:1 307:22 308:2,6 309:5 311:8 <b>city's</b> 278:22 <b>claims</b> 54:3,8,10 54:14 55:7 267:22 268:3 269:3 <b>clarification</b> 155:23 263:11 309:2 <b>clarify</b> 32:16 33:2 39:14 88:23 152:18 223:2 <b>Clark</b> 2:8 <b>clay</b> 204:7,13 <b>clean</b> 39:14 <b>clear</b> 11:10 26:1 26:12 40:7 42:16 136:7 137:2,6,23 146:22 167:22 185:5 214:12 276:21 299:20 <b>cleared</b> 23:17 24:1 26:10 129:17 131:17 139:9 141:7 <b>clearing</b> 135:24 136:3 137:17 137:24 139:6 139:12 <b>clearly</b> 11:13 <b>Clinton</b> 67:8,14 68:1,1,9,13 69:2 71:24 72:6 73:3 <b>Clinton's</b> 67:20 68:4 70:6 <b>close</b> 147:18 173:21 174:21 221:18 227:12	291:23 <b>closed</b> 105:10 <b>closest</b> 105:23 106:4,14 <b>closet</b> 106:8 <b>clue</b> 225:1 <b>coarse</b> 113:20 <b>collected</b> 11:17 <b>collecting</b> 290:17 <b>combination</b> 280:18 <b>come</b> 28:16 53:20 115:8 181:12 196:6 222:2 226:19 276:11 277:5 301:10 <b>ComEd</b> 154:20 156:21 241:23 <b>comes</b> 53:21 55:2 181:3 184:7 197:24 211:8 <b>coming</b> 39:8 98:13 191:14 193:3 274:24 304:1 307:1 <b>common</b> 211:12 <b>Commonwealth</b> 66:12 102:4 282:4 283:13 287:22 289:1 303:23 <b>compact</b> 225:16 <b>compacted</b> 141:15 <b>compactions</b> 144:18 <b>company</b> 260:13 260:14 297:6,9 297:11 <b>comparative</b> 234:2 <b>compare</b> 11:7	167:8,18 221:7 232:20 234:4 <b>comparing</b> 44:7 <b>Complainant</b> 1:4 2:13 4:23 <b>complaint</b> 38:5 39:24 40:2,5 <b>complete</b> 49:8 237:19,24 238:10 267:17 268:5,10,19,21 268:22 269:1,7 275:13 <b>completed</b> 82:18 97:16 102:10 105:9,9 123:19 147:4 191:18 255:2 269:16 <b>completely</b> 15:14 25:19 72:17 202:6 <b>Completeness</b> 275:5 <b>completion</b> 268:20 <b>complicated</b> 56:24 <b>compound</b> 70:21 <b>compounded</b> 238:3 <b>comprise</b> 196:21 <b>comprised</b> 120:16 <b>comptroller</b> 268:17 <b>concern</b> 90:17 90:24 238:23 292:18 <b>concerned</b> 236:6 286:7 <b>concerns</b> 227:24 257:15 <b>concluded</b> 204:17 205:11	<b>concludes</b> 309:24 <b>conclusion</b> 62:17 205:17 <b>concrete</b> 23:23 24:7 25:4 27:12 28:5 62:1,2 65:15 65:20 72:9 95:20 96:1,7 121:1 129:10 130:1,5,6,11 130:17 132:1 132:14 134:11 134:20,21 135:1,7,10 136:17 137:13 138:21 139:1 139:12,22 141:16 142:9 142:21 144:14 145:22 146:4 147:22 151:3 151:18 153:24 154:17,23 168:9 170:1,4 170:18 172:13 176:10,16 177:16 228:10 228:16,22 230:3,7,18 232:3,10 233:4 233:18 234:2 <b>concrete-type</b> 169:17 <b>condition</b> 113:23 154:8 154:21 155:5 155:21 158:13 159:13 161:13 236:8 257:2 295:7 <b>conditions</b> 28:21 229:15,22 235:7 257:16	<b>conduct</b> 226:19 <b>conducted</b> 126:16 <b>Conducting</b> 255:7 <b>conference</b> 72:12 150:8 254:4,5,6 260:12 <b>configured</b> 193:4 <b>confirm</b> 64:18 65:4 103:14 <b>conflict</b> 92:14 101:21,21 102:5 260:15 261:12 307:20 309:6 <b>conflicted</b> 67:5 <b>conformance</b> 224:16 <b>confused</b> 49:5 <b>confusing</b> 114:14,19,22 115:11 184:1 288:4 <b>conjunction</b> 251:2 <b>connect</b> 191:24 293:7,16 <b>connecting</b> 283:20 <b>connection</b> 296:7 <b>conservative</b> 229:10,14 <b>consider</b> 27:3 72:24 73:1 178:24 208:18 209:8,13 <b>considered</b> 26:2 33:21 34:6 35:5 118:20 136:4 229:9,13 269:6 291:10
---	--	--	---	---

291:15 <b>considering</b> 293:17 <b>considers</b> 268:19 <b>consistency</b> 120:14 <b>consistent</b> 73:6 271:20 <b>consolidate</b> 180:24 <b>consolidation</b> 181:6 <b>construct</b> 65:18 74:22 113:16 146:4 278:7,12 <b>constructed</b> 9:17 63:10 64:1 69:6 111:21 118:16 133:23,24 225:15 295:1 <b>construction</b> 11:12,21 23:3 23:20 24:8,16 24:20 33:23 37:22 38:4,15 38:24 39:19,21 39:23 40:9 44:21 52:19 54:11,24 57:18 61:3 69:9,13 71:4 72:8 75:13,20 86:20 88:5,20 89:5 90:20 96:8 98:11 99:5 101:14 105:10 118:20 122:7 126:13,17,23 127:4,15,20 129:3,7,20 133:18,21,22 133:22,24 134:5 147:19	147:23 154:13 180:4 183:13 204:19 205:13 205:15,22 217:5 223:10 225:1 228:4 238:8 257:11 260:13,14 261:22 265:14 267:2,19 273:12,17 278:16 279:2 294:23 295:4,6 297:6,9 301:8 301:17,19,21 309:1 <b>consultant</b> 237:5 248:10 251:24 <b>consultants</b> 3:3 63:1 250:12 <b>contain</b> 45:22 49:18 114:4 <b>contained</b> 7:22 14:17 36:18 45:4 63:11 92:2 129:1 <b>containing</b> 59:6 61:10 64:2 <b>contains</b> 7:17 18:20 208:16 208:21 <b>contamination</b> 85:9,19 236:1 237:3,4 <b>contents</b> 256:1 <b>context</b> 90:7 96:12 165:13 182:20 208:5 <b>continue</b> 15:17 53:24 110:5 115:13 117:17 150:12 163:10 239:3 287:3 310:1,5 <b>continued</b> 3:1	5:11,12 6:20 <b>continuing</b> 231:12 302:23 <b>contract</b> 50:11 93:5,12,16 94:2,19,22 113:17 136:6 139:21 168:6 188:10 225:23 226:2 239:8 265:8 267:16 <b>contractor</b> 12:21 13:8 24:6 25:4,20 26:5,10 27:12 47:3 55:8 64:14 91:21 96:6,19 105:19 106:20 120:24 121:21 129:10 131:13 132:13 132:15,24 133:6,15 134:24 135:6 137:14 138:2 142:1,22 143:21 144:2 145:12,16 147:13,22 151:3 153:24 154:6,12 158:11 168:5 184:12,24 193:14 195:21 217:1 223:21 224:4 225:21 226:24 241:24 261:13 268:11 269:3 297:22 301:20 <b>contractor's</b> 136:7 137:6 223:11 <b>contractors</b> 84:19 267:22	<b>contracts</b> 93:21 94:6,8 237:2 237:14 245:5 <b>contradicted</b> 15:5 <b>contradiction</b> 188:17 <b>contradictor</b> 149:15 <b>contradictory</b> 15:11 149:13 <b>contradicts</b> 15:9 <b>control</b> 1:1 2:2,6 3:6,6 5:4 237:19 238:1 238:11 257:3 <b>conversation</b> 69:8 89:14 <b>conveyed</b> 87:6 <b>convinced</b> 252:8 <b>Cook</b> 1:13 311:8 311:18 <b>copied</b> 178:11 <b>copies</b> 110:2,3 164:4 276:4 <b>copy</b> 8:14 42:19 43:19 47:7,21 50:18,21,23 51:15 79:17 270:23 <b>corner</b> 188:23 245:17 284:15 <b>corporate</b> 21:16 <b>corporation</b> 1:3 <b>correct</b> 7:12,15 10:12 12:3,17 12:18 13:19,21 13:24 14:5 20:1,6,8,9,13 24:3,4,9 29:1 32:2 41:5,7,14 42:17 43:2,17 45:2,24 47:9 47:16,19 55:24 56:22 58:21	60:20 61:5,18 62:15 64:6 66:7 72:19 78:5 79:19 80:15 83:2 86:12,17 87:7 88:22 95:14,18 96:3 98:15 104:20,22,23 105:16 107:15 107:23 111:12 112:24 116:10 116:13 117:6 118:11 125:15 127:15 142:19 147:15 151:18 152:9 154:4 156:20 157:18 159:3,17 160:17,21 161:15 170:20 171:7,8,10,20 172:4,24 173:1 173:12,23 174:21 175:1,6 175:7 178:9,21 180:2 188:14 189:19 190:5,6 191:2,6,23 192:19 194:19 195:5,9,10 196:4,13 199:17 200:4 206:14 214:10 218:15 223:20 224:5,8 225:10 225:20,22 226:9,14,17,18 226:23 237:20 238:1 241:2 242:6 244:17 245:2,9,18 248:1 250:19 281:4 288:13 288:13 289:12
--	---	---	--	---

297:18 304:23 311:12 <b>correcting</b> 210:8 <b>correction</b> 254:22 <b>correctly</b> 62:21 97:6 160:2 <b>cost</b> 137:3,21 262:11,12 273:12,17,23 278:6,11,18 279:2 303:21 307:14,19 308:4 <b>costs</b> 136:16 269:16 <b>counsel</b> 33:6,16 46:13 88:7 114:10 <b>county</b> 1:13 240:15 241:11 262:1,8,9,18 262:21 263:21 263:22 271:19 272:22,23 273:5,7,11,16 273:23 276:2,8 277:22 279:8 279:11,14,16 279:21 280:10 280:19 281:6 284:11,17 311:3,8,18 <b>couple</b> 23:4 74:24 75:21 76:9 150:8 259:4 301:24 <b>course</b> 69:7 113:23 148:1 264:20,24 265:1 266:13 <b>court</b> 4:7 6:10 311:7 <b>cover</b> 111:1 112:5 238:19	289:3 <b>covered</b> 118:22 <b>covering</b> 235:23 252:8 <b>create</b> 75:2 76:11 77:1,10 160:3 293:4 <b>created</b> 172:2 260:10 262:3 267:18 281:18 281:20 <b>creating</b> 76:23 77:8 304:16 <b>criteria</b> 144:15 151:24 <b>cross</b> 73:17 76:7 76:9 93:11 148:15,16,17 150:12 158:23 162:17 163:10 231:12 262:24 294:9 <b>cross-examina...</b> 4:4 26:23 73:21 117:11 149:17 283:6 294:19 300:8 309:13 <b>cross-section</b> 157:10,17 180:18 187:11 219:13 <b>cross-sections</b> 306:10 <b>crossed</b> 159:24 264:22 <b>crosses</b> 105:24 106:5 114:5 <b>crossing</b> 5:19 114:3 116:20 281:2 308:18 <b>crush</b> 26:6 121:23 132:16 133:8,16 137:14 140:15	146:8 <b>crushed</b> 24:7,23 96:7 106:18 120:24 122:19 134:10 143:9 <b>CSR</b> 1:12 311:6 311:17 <b>cubic</b> 101:5,9 104:1,6,16,17 104:19 213:1,1 213:14 <b>culvert</b> 158:13 158:24 159:9 159:15 160:10 161:4,5 164:10 166:12,23 167:1,4,5,11 167:12,16,18 167:21,23 306:18,24 <b>culverts</b> 159:1,2 165:3 <b>curb</b> 23:16 129:17 <b>current</b> 117:9 149:2 236:19 297:20 299:6 300:16,19,22 <b>currently</b> 37:19 58:20 66:11 235:23 242:16 <b>curving</b> 185:17 <b>custody</b> 79:23 <b>customary</b> 51:21,24 <b>cut</b> 9:20 98:10 98:12,17,24 99:3,16,16,24 100:5,19 101:8 104:1,2,13,15 104:22 105:1 124:19,21 125:14 150:2 157:13 160:4 170:14	<b>cycle</b> 234:8 235:22 <b>cycles</b> 234:11 <hr/> <b>D</b> <hr/> <b>D</b> 4:1 260:4 296:18,23 <b>damage</b> 26:6 106:21 121:2 <b>Dan</b> 3:6 <b>Daniel</b> 162:10 <b>darker</b> 165:23 <b>dash</b> 220:5,8 306:3 <b>data</b> 296:20 <b>date</b> 20:14,16 165:16 268:12 269:14,17 274:4 281:15 283:24 284:1 287:11,23 288:5,12 289:2 290:4,7,9,19 290:22 295:22 307:7 <b>dated</b> 164:21 206:12 245:11 247:24 303:20 306:16 307:16 <b>dates</b> 78:4 <b>day</b> 1:16 74:11 81:15 255:1 302:3 304:4 <b>days</b> 153:9,9 <b>deal</b> 6:2 135:12 251:22 <b>dealing</b> 86:19 88:8 138:10 236:11 237:11 264:19 265:9 265:10 <b>dealt</b> 237:12 <b>Dean</b> 47:4 <b>death</b> 183:4 <b>Debbra</b> 248:11	255:21 <b>December</b> 20:11 231:21 290:20 <b>decided</b> 23:5 153:18 250:5 <b>decision-maki...</b> 234:12 <b>decisions</b> 226:8 <b>deducted</b> 213:20 263:23 <b>deducting</b> 306:19 <b>deduction</b> 113:19,22 185:7 212:19 264:19 <b>deeds</b> 282:8 <b>deep</b> 160:19 176:23 177:10 177:21 178:6 198:20 <b>deeper</b> 32:1 177:7 <b>defined</b> 279:3 <b>definitely</b> 150:3 <b>definition</b> 184:1 <b>definitions</b> 153:13 <b>degree</b> 27:1,4,7 186:5 <b>Delaware</b> 1:2 <b>deletion</b> 265:1 <b>demarc</b> 81:10 <b>demarcated</b> 21:19 <b>demarcating</b> 81:1,5 <b>demarcation</b> 81:9 <b>demonstrated</b> 11:12 <b>demonstrates</b> 11:16 <b>demonstrative</b> 172:4 188:19
---	--	---	---	---

304:15,17,18 305:6 <b>denied</b> 258:22 263:1 <b>Denny</b> 67:8 <b>denoting</b> 172:13 195:8 <b>density</b> 170:9 <b>Denver</b> 21:17 <b>dep</b> 70:7 78:17 133:12 250:5 <b>department</b> 1:6 5:7 48:17 85:3 88:9,14 90:18 241:23 255:9 268:19 269:2 272:12 278:23 295:1,4 296:9 297:10 299:18 <b>department's</b> 223:10 297:22 <b>depending</b> 120:18 159:22 160:12 237:21 <b>depict</b> 203:23 <b>depicted</b> 53:8 58:2,20 127:20 157:16 191:11 191:23 192:20 199:24 200:7 201:6,11,13 217:15 218:10 219:12,22 221:5 <b>depicting</b> 56:15 56:18 175:5 201:23 202:4 217:9,12 218:13,21 <b>depicts</b> 229:2 <b>deposed</b> 36:10 67:17 <b>deposeth</b> 6:19 <b>deposition</b> 7:18 8:13,14 10:3	12:6 13:2 14:7 14:13,20 15:2 15:7,8 16:10 17:7 20:5,21 21:5 24:13 30:7,23 33:10 37:12 38:20 41:2,11,19,20 42:10 43:18 44:7 47:22 49:22 54:20 59:5,16 63:3 64:23 67:7,14 67:20,23 68:1 68:2,5,8,11 70:2,17 73:7 78:12,19 85:12 89:16,23 96:10 96:15 98:8,22 99:12 110:15 111:8 112:23 114:7 115:4 120:4,6 122:22 124:11 129:8 130:21 134:13 140:6,10 141:5 143:5 149:14 181:18,20 207:19 215:11 215:22 220:4 236:14 238:5 242:7,14 250:1 251:13 270:1 285:14 <b>depositions</b> 67:17 <b>depth</b> 197:15 204:10,11 221:10,21 <b>depths</b> 201:9 <b>described</b> 90:14 110:10 116:6 <b>describing</b> 108:22 <b>description</b>	66:10 214:18 <b>design</b> 36:2 55:3 296:6 306:23 <b>designated</b> 141:19 <b>despite</b> 183:22 <b>destroyed</b> 94:8 <b>destroying</b> 94:15 <b>detail</b> 141:4 <b>details</b> 271:14 307:6 <b>detected</b> 14:4 173:3,4 176:5 177:4 178:13 217:4 <b>detecting</b> 176:24 <b>determine</b> 131:3 134:19 223:12 225:8 237:3 <b>determined</b> 111:21 <b>determining</b> 66:16 <b>detour</b> 10:20 93:10 98:11,13 98:14,17 99:17 100:5,18 101:15,19,22 102:5,9,10,14 102:16 103:13 103:15 104:3,3 104:4,5,7,13 105:8,24 106:5 107:6 111:2,10 111:22 113:16 114:2,5,6 116:11,20,24 118:2,16 123:12,20,21 124:22 127:3 131:19 133:23 134:6 146:4 147:3,23 152:5 152:10,14	154:1,16,19,24 156:4,11 159:10,24 170:14 171:14 173:11,22 187:18,24 188:1 189:2,4 189:17 190:4 191:5,14,19,21 191:22 207:24 242:1 264:22 266:20 267:9 <b>detours</b> 97:16 <b>develop</b> 225:16 <b>development</b> 269:10 <b>deviate</b> 105:19 105:22 227:1 <b>dictate</b> 131:5 <b>dictating</b> 148:10 <b>died</b> 182:6 <b>difference</b> 22:16 40:21 44:2 62:6 184:11 185:16 278:8 <b>differences</b> 43:15 44:16 <b>different</b> 17:5 31:19 34:20 41:16 43:12,20 48:1 74:24 114:11 115:6 126:19 130:6 143:3,7 152:16 155:10 176:7 203:23 218:14 235:13 238:8 240:13 262:19 266:11 278:24 282:9,18 289:20 306:22 <b>differentially</b> 235:21 <b>difficult</b> 115:1,2 222:19	<b>dig</b> 36:17 125:13 160:10 193:15 <b>direct</b> 9:16 17:13 18:3,9 29:17 32:5,9 40:17,22 42:24 47:12 60:6,14 64:8 74:12 83:15 123:7 142:20 147:21 148:11,14 164:6 178:24 181:22,23,24 182:10 206:15 206:18 212:2 214:3 219:10 223:13 228:9 232:24 233:17 238:19,20 246:4 <b>directed</b> 274:12 <b>direction</b> 193:3 206:10 <b>directly</b> 15:9,10 169:24 174:1 <b>disagree</b> 15:14 15:16 45:3 72:14 116:6 132:6 149:20 225:14,19 228:3 257:7,21 <b>discard</b> 143:23 144:4 <b>disclosed</b> 286:24 <b>discovered</b> 230:15 231:22 232:9 <b>discovery</b> 230:9 230:20 285:9 <b>discuss</b> 16:9,13 16:18,23 82:21 176:10 181:17 223:13 273:10 282:18 285:19 <b>discussed</b> 10:2
--	--	--	--	--



12:5 26:22	166:6 167:1,4	263:16,17	162:14 261:15	192:19
40:22 42:24	167:15	264:4 265:13	311:7	<b>dry</b> 76:2,16,23
43:7 61:20	<b>disturbed</b> 28:20	265:17,21	<b>Dorgan</b> 3:3 11:6	77:8
67:14 94:4	30:11 267:2,7	266:9 267:14	12:8 69:8	<b>Duane</b> 88:5
98:7 125:20	<b>disturbing</b>	267:18 268:15	166:21 167:20	224:7 297:19
143:10 158:22	121:23	268:16 269:8	171:22 178:11	298:4
234:7 283:10	<b>ditch</b> 157:15,22	269:13 270:3	223:2 228:3	<b>due</b> 263:24
<b>discusses</b> 67:9	160:16,16	271:12,21	302:20	307:24 308:5
87:12 92:24	<b>ditches</b> 125:1,2	272:6 274:1	<b>Dorgan's</b> 7:21	<b>dug</b> 125:1,7
229:4	125:3,7,12,13	275:7,24 276:1	10:9 11:5 12:6	<b>duly</b> 6:18
<b>discussing</b> 86:14	157:4 158:4,5	276:17,17	12:16 14:9,15	<b>DuMontelle</b>
86:16 214:22	158:8	277:17 278:20	166:15 172:15	255:21
252:12 287:5	<b>Division</b> 48:18	278:21 281:12	186:9 199:12	
<b>discussion</b> 22:10	<b>docketed</b> 5:8	281:15,17,19	203:14,24	<b>E</b>
72:3 75:23	<b>document</b> 47:19	285:8 286:19	217:19 219:10	<b>E</b> 2:1,1 3:1,1 4:1
76:3,4 91:10	49:8 50:6	286:20,21,23	221:5 222:5,18	6:17,17,17,20
91:11 94:14	52:18 57:7	287:20,23	228:21	260:4,4,4
96:12	58:24 66:4,6	288:23 289:2	<b>double</b> 270:18	<b>e.g</b> 256:23
<b>discussions</b>	87:15 92:24	289:17,18	<b>doubt</b> 86:5	<b>E.W</b> 308:24
38:20 69:4	93:9,17 94:19	293:9,12	<b>Dougherty</b> 3:4	<b>earlier</b> 26:22
<b>disposal</b> 141:7	101:18 109:24	294:15 295:19	<b>Douglas</b> 3:3	36:7 38:13
<b>dispose</b> 131:3,15	112:13 114:4	295:22 298:13	<b>drafting</b> 256:3	67:6 73:4
<b>disposed</b> 88:12	121:8 156:10	300:8,12	<b>drainage</b> 160:3	75:21 94:4
141:18	164:5 165:4,6	303:19,24	160:13 307:1	96:5 107:14
<b>dispute</b> 12:7,11	165:7 178:19	306:14 307:7	<b>drains</b> 160:2,5	147:10 158:22
12:15 69:15	184:22,23	307:12	<b>drawing</b> 121:9	158:23 164:4
89:24 93:20	188:13,23	<b>documentations</b>	121:10 190:9	170:13 171:2
94:18 125:8	190:16 193:8	54:6	194:12	178:10 203:17
204:22 205:17	194:3,21 195:2	<b>documents</b> 7:1	<b>drawings</b> 11:8	206:8 220:1
<b>disputes</b> 54:3,8	196:7 201:1	42:2,13 43:9	36:3 38:15,17	<b>early</b> 40:13,19
54:14 55:7	203:15,17,23	43:11 45:7,10	40:21,22,23,24	<b>ease</b> 121:7
<b>disputing</b> 96:15	206:19,23	45:15 46:6	41:3,6,10,12	<b>easement</b> 133:19
<b>distinction</b>	207:20,22	47:24 48:4,7,8	42:9,9,16,21	133:20 189:4
75:16 106:13	213:4 214:2,13	49:6 50:17	42:22 54:23	239:23 241:24
<b>distributed</b>	217:22,23	94:5,8 118:6	55:20 56:2,7	242:4 254:22
32:24	220:16 222:11	226:20 240:17	77:19 78:2	285:24
<b>distribution</b>	223:4 227:13	261:2 282:14	80:4 124:8,24	<b>easements</b> 224:1
178:20	244:9 246:10	282:20 283:16	125:5 191:11	244:10 253:2
<b>district</b> 50:17,21	246:14,19	284:18 285:17	208:24	<b>easier</b> 43:10
50:22 254:21	247:5,24 249:4	285:20 286:11	<b>drawn</b> 89:2	46:8 146:9
269:9,11	255:5,15,18	287:7,11 293:3	219:15	194:11 259:20
307:17 308:7	256:1,4,10	304:11,12	<b>drew</b> 250:24	<b>east</b> 10:21 171:3
<b>disturb</b> 26:4	260:9,16	305:22	<b>drive</b> 57:1 193:3	183:9 186:20
<b>disturbance</b>	261:10,21	<b>doing</b> 43:5 91:22	193:8	186:24 187:19
161:5 164:9	262:2,13,19	138:2 149:16	<b>driveway</b> 192:12	188:6 189:18

239:9 240:16 240:21 273:13 278:2 <b>eastern</b> 106:7,8 106:15 123:16 189:4 215:16 241:12 <b>easy</b> 223:1 <b>eat</b> 136:16 <b>eating</b> 137:21 163:4 <b>Ebihara</b> 3:4 302:20 <b>economical</b> 140:12 143:1 <b>edge</b> 174:13 <b>Edison</b> 66:12 102:4 282:4 283:13 287:22 289:1 303:23 <b>EECA</b> 229:21 <b>eenie</b> 219:5 <b>effort</b> 145:17 151:23 <b>efforts</b> 255:20 <b>eight</b> 210:13 <b>Eighteen</b> 19:7 <b>either</b> 23:1 183:19 200:16 201:5 278:17 278:17 305:1 <b>elaborate</b> 76:8 <b>Elevate</b> 194:6 <b>elevated</b> 18:22 125:19 211:21 <b>elevates</b> 211:7 <b>elevating</b> 210:1 <b>elevation</b> 11:21 18:24 159:22 194:8,18,23 195:21 197:13 204:12,12 209:24 210:14 210:17 218:21 220:6 221:10	221:20 222:2 <b>elevations</b> 184:13 <b>elicit</b> 285:8 <b>elicited</b> 294:4 <b>eliminate</b> 280:23 307:20 <b>eliminated</b> 309:6 <b>eliminates</b> 281:2 <b>elimination</b> 308:8 <b>Ellen</b> 2:19 288:8 <b>ELM</b> 14:3 59:11 63:1,8,21 65:5 65:10 66:7 69:5 71:2,3 <b>email</b> 252:17,22 285:23 289:23 289:24,24 290:5,19 291:7 <b>emailing</b> 290:12 <b>embankment</b> 11:1 24:24 27:19 28:9 97:2,14 98:10 98:19 99:23 100:6 105:8,12 105:23 106:1,4 106:6,8,15 122:15 123:11 123:14,18 134:11 135:1,7 135:10 140:4 141:18 142:11 144:14,16 154:18 168:6 168:10 169:13 170:19 171:9 171:14 180:18 180:23 181:3 185:15,17,18 196:19,20 205:22 207:2,9 207:12 208:16	208:19,20,22 209:1,3,6,7,10 209:14,16,18 210:21 214:3,7 216:22 <b>embankments</b> 9:18,23 10:3 24:8,20 27:14 27:20 96:9,13 96:20 97:17 98:12 123:8,10 129:11 132:14 139:22 141:14 151:24 152:3 168:4 170:15 176:12 181:12 181:13 185:10 185:11 206:19 206:24 207:3 208:4,13 214:8 214:14 225:9 225:15 <b>embedded</b> 135:3 170:7 <b>emcginley@at...</b> 2:18 <b>employees</b> 76:24 77:9 84:19 226:10,12 297:21 298:1,6 299:6 300:16 300:20,22 301:4 <b>encountered</b> 27:12 28:5 91:21 92:5,8 142:21 204:7 <b>End-Of-Day</b> 4:6 <b>endangered</b> 144:17 <b>endangerment</b> 235:8 <b>ends</b> 89:9 181:12 183:14 185:10 187:13	188:11 <b>engineer</b> 45:9,23 47:3 53:4 88:4 88:4 141:19 169:4,20 170:10 224:6,9 225:4,8,17 226:8,14 269:10,11 274:2 301:7,12 308:24 <b>engineer's</b> 142:17 <b>engineering</b> 3:5 11:7 226:21 303:21 <b>entered</b> 94:7 239:7 251:5 263:6 272:7 279:10 280:7 <b>entire</b> 86:20 88:20 89:4 123:13 169:12 212:17 268:6,9 275:7 301:15 <b>entirely</b> 271:1 <b>entries</b> 250:6,11 <b>entry</b> 252:16 253:19 254:17 254:19 <b>environment</b> 36:2 235:6,9 296:6 <b>environmental</b> 63:1 79:22 176:15 236:24 255:8 256:23 257:2,15,16 <b>eolaughlin@a...</b> 2:18 <b>EPA</b> 85:20 228:6,17 234:15 236:5 294:16 <b>EPA's</b> 227:24	234:11 <b>equals</b> 195:12 <b>equipment</b> 169:3,19 295:5 <b>Erdmann</b> 249:12 <b>Eric</b> 47:3 260:12 297:5,8 301:18 301:20 <b>especially</b> 292:22 <b>essence</b> 195:20 204:2 276:4 278:21 296:8 307:18 <b>establish</b> 95:24 161:12 278:22 302:1 <b>established</b> 36:7 36:19 38:9 103:24 <b>establishes</b> 37:1 <b>establishing</b> 263:6 283:18 <b>estimate</b> 125:4 <b>estimated</b> 273:22 <b>et</b> 90:20 141:5 235:9 254:13 255:22 <b>evaluate</b> 232:7 <b>evaluating</b> 112:12 269:3 <b>evaluation</b> 266:11 303:21 <b>EVAN</b> 2:19 <b>event</b> 5:10 6:3 278:14 <b>everybody</b> 67:16 <b>evidence</b> 4:23 62:17,24 63:9 63:17 91:21 92:4,7 118:15 118:19 177:6 177:15,19
--	--	---	--	--

255:5 258:6	260:19	243:23 244:15	<b>exists</b> 155:21	181:22
259:5 274:24	<b>executed</b> 274:1	245:7,22,23	205:19	<b>expressed</b>
275:4 276:22	<b>exhibit</b> 4:23 6:2	246:2 247:21	<b>exit</b> 177:20	228:13
283:21 284:4	7:9 8:16 10:7	248:17,17	<b>exits</b> 160:16	<b>expressing</b>
287:6,9 292:13	10:11 11:5	252:21 255:6,6	<b>expect</b> 119:24	290:10
292:20,21	12:3 14:10,18	255:11,12,13	120:13,18	<b>expressway</b>
293:15,21	15:23 16:1,2,5	258:3,5 260:7	<b>expected</b> 180:6	250:21 251:23
<b>exact</b> 35:3 137:5	16:11 17:7	260:20 261:3,3	224:12 225:23	252:6 280:12
222:13	19:20,22 20:1	261:6,7,7,16	269:17	<b>extend</b> 169:12
<b>exactly</b> 19:1,2	20:4,11 23:12	264:2 265:19	<b>expedite</b> 149:9	266:24
58:18 90:2	25:17 28:18	267:12 268:14	149:11 152:23	<b>extending</b>
97:13 103:23	30:23 35:6	269:18,23	153:4	211:22,22
114:23 152:8	36:7 41:7	270:5,7 277:12	<b>expense</b> 136:10	<b>extends</b> 220:14
173:9 179:13	48:14 60:14	281:9,9 284:19	136:22 137:9	<b>extensive</b> 141:4
183:16 218:7	63:2,21 65:14	284:22 286:6	138:1 143:12	<b>extent</b> 114:10
222:22 230:5	66:4 68:14,24	287:15,16	<b>experience</b>	133:19 226:2
240:18 277:2	69:23 70:3	288:1,21 289:6	147:17	271:16 274:17
<b>examination</b> 4:5	71:9,10,11	294:12,13	<b>expert</b> 7:12	276:18 285:7
238:20 246:4	76:19 77:18	295:17 296:23	10:10 16:3,5	<b>Extern</b> 3:5,7
303:7	81:22 82:22	297:10 303:17	20:1,8 23:13	<b>extra</b> 104:1
<b>examine</b> 183:7	84:12,14,24	304:8,8,15,17	33:22 34:6	138:3 145:17
215:18	87:11,16,18,20	306:2,12	35:6,12 36:7	307:14
<b>example</b> 93:10	87:21,22 88:19	307:10 308:20	36:14,19 48:11	<b>eyes</b> 270:17
157:19 194:1	92:11,19,19,21	<b>exhibits</b> 83:5	60:23 97:9	
308:10	92:21 102:1	259:4 260:23	100:10,12	<b>F</b>
<b>excavate</b> 181:10	103:4,5 104:8	263:4 277:3	181:15,16	<b>F</b> 2:19 286:7
195:21 196:12	105:5 126:15	292:11 293:22	223:9 237:1	297:3,10
197:16 210:19	127:6,8,13	301:24 302:1,6	238:16 248:14	<b>F.A</b> 48:19
<b>excavated</b> 11:11	128:2,10	303:3,10,14	250:1 258:20	<b>fact</b> 12:14 20:3
11:22 159:23	130:10,14	309:8	282:14,16,18	24:5 59:11
180:6,6 199:9	132:20 137:12	<b>exist</b> 184:2,10,19	282:19 283:15	183:22 230:2
210:18	141:7 164:2,3	237:4	285:10,18,19	236:5 285:22
<b>excavates</b>	168:14,16,18	<b>existed</b> 52:6	285:21	<b>factually</b> 59:21
193:19	171:16,19	68:12 105:21	<b>expertise</b> 36:21	<b>Fair</b> 277:7 294:6
<b>excavation</b>	172:7 186:16	107:23 108:3	37:2 132:23	<b>fairness</b> 302:8
31:24 33:1	187:17 201:11	124:22	<b>expiration</b> 289:8	<b>familiar</b> 255:14
136:5 137:1,4	202:20,23	<b>existence</b> 125:23	<b>explain</b> 22:18	255:24
183:14 203:1,8	203:3,4,5,6,12	<b>existing</b> 18:20	44:15 165:23	<b>far</b> 8:10 15:1
204:5,9 207:7	208:8 212:2,13	19:15 28:21	166:5 182:18	19:1,2 32:5
209:9,12 267:5	214:1 215:2,22	30:11 91:22	192:13 262:16	40:13 53:13
<b>exceeding</b> 170:4	218:5,9 219:11	92:5 93:11	<b>explained</b> 11:6	78:24 79:12
176:11	222:8,9 227:10	107:7 180:19	98:8 151:2	115:17 124:4
<b>excess</b> 98:10,17	229:3 230:23	180:20 257:12	180:15 182:19	135:24 169:11
99:16 267:17	231:17 235:2	257:17 306:21	220:5 250:23	169:24 215:16
<b>Excuse</b> 148:16	238:16 243:7,9	307:20	<b>explanation</b>	216:18 222:18

275:17 278:23 293:18 298:16 301:7 <b>fashion</b> 131:23 <b>fast</b> 256:14 <b>faster</b> 7:4 <b>fault</b> 149:12 <b>feature</b> 202:1 <b>features</b> 257:16 <b>February</b> 268:18 269:1 269:15 <b>federal</b> 48:19 256:23 <b>fee</b> 135:13 <b>feel</b> 45:9 <b>feels</b> 45:10 <b>feet</b> 57:2 125:6 135:4 158:2,3 160:10,18,19 170:4 176:11 176:17,20 177:3,8,17 178:2,4,5 196:9,22 197:1 198:8 199:1 204:10,14,16 210:13 211:15 211:19,21,24 223:5 <b>fibers</b> 14:4 233:2,14,20 235:23 236:1 <b>field</b> 224:15 266:24 <b>figure</b> 10:10,14 11:6,13,14,15 12:7,9,10,20 13:4,5,16 34:21 65:10 113:8 115:7 127:21 130:23 172:7 186:9,12 186:13 187:23 192:22 199:13	200:8 218:9,10 221:5 222:6,7 222:18 251:9 290:5,8 305:19 305:20 <b>figures</b> 12:15 186:15 215:3 <b>file</b> 49:14,16,23 50:7,9 226:21 244:23 265:14 <b>filed</b> 254:22 284:9,11,18 <b>files</b> 244:4 <b>filing</b> 267:23 <b>fill</b> 9:22 11:17 11:19 16:19,24 19:9 59:6 61:6 61:9,15 62:3 62:19 66:22 74:22 75:2,6 75:10,14 76:11 77:1,10 98:18 99:23 100:6 104:2,14,16,19 125:19 132:17 133:9,17 157:4 159:19 160:8 176:12 179:4,5 179:19 190:12 190:17,20 193:16 194:9 194:10 195:24 196:9,19,21 199:2 200:3,8 200:20 201:6 201:11 202:18 204:7 205:2,19 205:20,22 <b>filled</b> 11:11 12:21 13:7 64:11 101:6 160:17,21 161:1 170:8 <b>filling</b> 210:4,7 <b>fills</b> 170:6	<b>final</b> 12:23 13:9 45:1 51:2 180:3 197:17 234:18 267:20 269:5 <b>finalized</b> 54:11 <b>finally</b> 307:9 <b>financial</b> 132:15 133:8,16 <b>find</b> 29:14 38:19 52:11,11 79:4 120:14 128:2 150:23 216:3 258:2 285:10 290:3 298:3,5 300:15 <b>finding</b> 204:22 282:16 <b>fine</b> 35:8 62:8 76:13,13 100:22 103:4 109:18 150:20 245:1 259:11 259:19,23 266:7 305:2 <b>fingertips</b> 109:1 <b>finish</b> 144:10 150:13 219:18 219:19 309:15 <b>first</b> 6:18 7:9 29:20 30:1,6 30:19 32:12 46:22 70:22 75:1 77:19 95:23 101:20 101:22 102:10 104:5 129:12 146:23 149:8 168:11 182:15 186:10 227:13 227:13 228:2 231:21 239:20 240:4 256:21 271:4,7 272:11 272:17,19	287:13 290:21 290:22 308:22 <b>fit</b> 222:21 <b>fits</b> 275:6 <b>five</b> 84:17 153:9 153:9 164:21 171:15 174:7,9 174:10,12 175:2,2,2 187:21 200:14 227:16 231:4 239:20,22 240:4 <b>fix</b> 155:24 <b>flood</b> 94:9,14 <b>floor</b> 310:3 <b>flow</b> 160:13 <b>fly</b> 148:22 214:3 214:7 <b>focus</b> 222:9 <b>focused</b> 230:2 <b>folks</b> 81:17,22 82:4 <b>follow</b> 21:10 225:22,23 226:7 <b>follow-up</b> 17:21 39:13 <b>following</b> 9:3,4 13:3 74:14 162:2 231:7 292:5 302:5 308:19 <b>follows</b> 6:19 <b>food</b> 163:13 <b>foot</b> 179:5 196:18 204:14 210:11 <b>footprint</b> 237:24 238:10 <b>footprints</b> 237:19 <b>foregoing</b> 311:11,11 <b>form</b> 232:18	<b>former</b> 59:7 66:13 81:3 95:21 119:17 127:14 158:14 297:20 299:6 300:19 <b>formerly</b> 66:12 <b>forth</b> 38:16 43:4 153:16 <b>Forty</b> 158:3,3 <b>found</b> 9:23 10:24 11:18 12:20 13:13 59:21 84:7 128:3 134:20 134:21 145:24 154:9 155:5 176:16,19 177:1,7 204:18 205:2,11 215:12 216:23 217:14 232:3 232:11,14 300:22 301:1 <b>foundation</b> 37:1 57:7 246:18 263:7 279:23 298:8,11,14 299:19 <b>foundational</b> 287:9 <b>four</b> 176:20 177:3,7,17 178:1,4,5 200:14,18 303:20 306:1 <b>Fourteen</b> 227:21 <b>framework</b> 271:15 <b>frankly</b> 73:9 <b>Frantz</b> 255:21 <b>freeze/thaw</b> 234:8,11 235:22 <b>front</b> 46:3 77:6
---	---	--	--	--

78:24 79:13 148:19 229:9 <b>frost</b> 235:18 <b>full</b> 68:6 100:15 100:21,22 153:9 169:8 231:21 239:20 240:4 <b>fundamentally</b> 227:4 <b>further</b> 88:14 112:15 136:24 174:24 180:24 214:21 251:21 252:11 257:24 258:8,12 269:16 300:21 <b>future</b> 45:11	170:9 181:21 222:13 309:12 <b>giving</b> 286:23 308:22 <b>go</b> 5:18 8:10 19:3 21:7 33:11 37:16 46:21 50:21 56:19,20 57:1 62:22 68:14,21 70:11 74:1 78:7 79:24 84:24 90:10 92:10 93:8 98:11 105:4 119:9 120:23 124:23 127:16 131:23 141:3 142:6 144:23 145:17 149:6 149:24 150:22 152:11 163:1 164:16 167:17 169:8 174:23 175:8,14,15 177:3,22 178:6 185:14 186:8 187:4,4 194:14 196:22 198:11 198:12,20 199:12 200:6,7 202:24 209:1 210:22 211:2,3 212:23 215:2 219:17 223:17 238:15 247:22 249:8,10 250:13,16 252:10,15,21 253:10 256:14 256:15 259:2 278:7 292:9 303:14 304:7 309:9 <b>Gobelman</b> 3:5	4:4,5 5:19 6:5 6:14,22 35:1 74:20 163:18 163:24 231:13 231:16 244:1 248:11 255:21 259:2,9 260:6 272:6 274:9 275:10,23 280:5 285:11 288:16 291:18 292:15,23 293:1,18,23 302:2 303:6 <b>Gobelman's</b> 258:18 <b>God</b> 6:13 <b>goes</b> 76:10 114:1 114:6 121:11 184:12,15,15 187:21 200:21 200:22 272:24 <b>going</b> 6:6 22:2 23:4 26:9 36:17 43:18 68:14 71:9 73:21 76:6 78:7 82:20 90:11 98:13,18 106:14 122:11 122:20 124:23 129:13 131:22 131:22,23 136:13 140:14 140:16 141:3 143:21 144:2 144:16 145:4 145:12 148:3 148:12 150:2 150:15,17 151:5 152:1,2 154:2 155:16 155:17,20 164:14 168:22 169:17 173:10	178:23 180:21 180:23 181:5 181:10 184:16 184:16,17,18 187:3 192:18 192:23 193:3,5 193:6,14 195:23 197:4 198:2,5 201:1 201:2 202:13 202:15 204:4 206:6,7 211:19 220:13,18 225:13 227:11 236:9 238:17 250:4,7 259:22 263:3 266:12 271:13 272:20 274:23 275:3 277:1 285:15 286:10 287:2 287:10 291:23 293:19 301:10 301:14 302:12 303:5 309:8 310:4 <b>good</b> 5:1 6:22,23 68:11 150:23 150:24 260:6 261:5 302:9 <b>gotten</b> 291:2 <b>govern</b> 130:10 130:15 <b>governs</b> 141:6 <b>grab</b> 83:20 <b>grabbed</b> 291:2 <b>grade</b> 12:23 13:9 19:15 156:22,23 157:1 159:15 160:11 181:3 193:17 196:1 197:3,6,17 198:6 199:10 202:16,17	211:6 214:19 273:19 <b>grant</b> 282:20 283:4,12,23 287:7,21 288:24 293:9 <b>granted</b> 113:1 281:23 <b>granting</b> 281:13 282:5 <b>grantor</b> 287:22 <b>granular</b> 196:19 196:20 207:2 <b>gravel</b> 192:12,19 193:3,8 <b>grazers</b> 169:3,19 <b>great</b> 58:1 68:23 154:5 161:19 174:23 264:16 <b>greater</b> 176:17 232:21 <b>Greenwood</b> 10:2 10:17,20 11:1 11:8 16:19,24 19:16 27:19 47:15 56:15 57:14 58:5,6 97:15 102:11 102:20,22 103:1,18 105:10 106:1,6 106:8,9,15 123:11,13,14 123:15 157:11 157:17 160:1 171:5,6,7,14 173:11,22 174:3,12 178:17 179:2,5 179:18 180:9 180:18,19,23 183:9,14 185:11 186:20 186:24 187:12 187:18,19
<b>G</b>				
<b>G</b> 3:3 6:17 <b>gears</b> 59:3 82:19 <b>general</b> 2:15 41:23 130:20 138:24 237:23 240:12 <b>General's</b> 33:18 49:11 51:15 <b>generally</b> 91:9 103:11 104:18 121:12,17 <b>generates</b> 104:18 <b>Geological</b> 290:2 <b>getting</b> 40:8 133:13 134:8 135:15 138:4 138:20,22,24 139:6 143:11 148:4 206:9,9 227:12 285:23 <b>gist</b> 116:4 <b>give</b> 6:11 9:4 23:7 146:17				

188:2,3,6,11	74:5,8,17	303:9 306:3,5	<b>hear</b> 73:3 157:7	271:2,6,23
190:8 191:6,15	76:12 78:13,16	309:10,20,22	164:20 258:14	272:3 274:8,22
191:22,24	108:13 110:4	<b>hand</b> 6:9 148:4	<b>hearing</b> 1:11 4:3	275:8 276:13
192:9 199:24	111:15 112:24	<b>handle</b> 130:16	4:6 5:1,3,5,15	276:20 277:7
203:2 204:19	114:17 115:12	130:23	5:21 6:1,8 8:7	279:24 282:21
205:12,14	115:15,20	<b>handwriting</b>	15:12,15 17:16	284:5,8,14,21
207:15 214:9	117:16 122:3	46:23 47:10,18	17:20,24 18:11	285:2 286:1,5
214:14,15	127:23 128:6	51:16,22 52:1	18:14 23:10	286:13 287:1
215:8,12,14	128:13 132:5,8	52:13,24	25:11 34:13,24	287:12 289:10
216:14 217:6	143:15 144:23	192:12,20	37:4,13 38:11	291:22,24
217:11 222:1	148:13 149:23	<b>handwritten</b>	39:7 43:1,2	292:8 293:14
239:11 240:11	150:5,16,21	51:20 189:8,13	46:11,15 57:9	294:6,10 298:9
241:13 242:4	153:2,7,21	220:12	62:9 73:15,20	298:22 299:2
243:16 247:4,5	158:18 161:18	<b>handy</b> 53:21	73:24 74:5,8	299:10,13,24
247:8,13 265:9	162:5 163:8,12	<b>Hang</b> 186:21	74:17 76:12	301:22 302:10
265:11 273:1	163:16,21	216:3	78:13,16 82:9	302:15,21
273:13,17	182:23 183:3	<b>happen</b> 93:20	108:13 110:4	303:9 306:3,5
277:24 278:4	205:6 206:4	145:23 179:12	111:15 112:24	309:10,20,22
278:13 280:13	220:17 227:15	<b>happened</b> 95:20	114:17 115:12	310:1
307:2 308:7,17	230:12 231:2	96:1 293:5	115:15,20	<b>hearings</b> 113:2
<b>grossly</b> 34:11	231:10 238:21	<b>happens</b> 170:17	117:9,16 122:3	<b>height</b> 180:22
<b>ground</b> 17:11	246:5 256:11	<b>happy</b> 256:15	127:23 128:6	<b>held</b> 74:15 162:3
18:5 204:11	258:2,9,13,21	270:22	128:13 132:5,8	231:8 267:21
<b>groundwater</b>	259:1,7,14,17	<b>hard</b> 19:4 21:9	143:15 144:23	292:6 311:10
237:1,4	259:21,24	79:14 115:7	148:13 149:10	<b>help</b> 6:13 163:7
<b>Group</b> 3:3	260:19,24	194:6 213:4	149:23 150:5	276:8 288:9
<b>guarantee</b> 184:8	263:1,8 264:14	218:2 222:22	150:16,21	<b>helped</b> 300:5
<b>guess</b> 20:18	265:22 266:5	<b>hash</b> 219:5	153:2,5,7,21	<b>helping</b> 301:12
109:9 111:8	269:21 270:4	<b>hate</b> 259:8	158:18 161:18	<b>Herbert</b> 290:1
117:4 153:3	270:12,16	<b>haul</b> 132:24	162:5 163:8,12	<b>hexagon</b> 203:1,9
254:24 272:17	271:2,6,23	133:7,13 134:9	163:16,21	<b>hexagons</b> 172:9
	272:3 274:8,22	135:12,16	182:23 183:3	172:18,19
<b>H</b>	275:8 276:13	137:13 138:20	205:6 206:4	<b>higher</b> 198:3
<b>half</b> 200:15	276:20 277:7	139:1,7	227:15 230:12	204:15 254:6
<b>Halloran</b> 1:11	279:24 282:21	<b>hauled</b> 133:4	231:2,10	257:10
2:4 4:3 5:1,2	284:5,8,21	<b>hazardous</b> 84:21	238:21 246:5	<b>highway</b> 48:19
5:21 6:1,8 8:7	285:2 286:1,5	300:23	256:11 258:2,9	257:11 274:2
15:12,15 17:16	286:13 287:1	<b>hazards</b> 257:17	258:13,21	283:5,13,24
17:20,24 18:11	287:12 289:10	<b>head</b> 28:2 67:12	259:7,14,17,21	287:8,21 289:1
18:14 23:10	291:22 292:8	110:13 177:24	259:24 260:19	293:10 294:24
25:11 34:13,24	293:14 294:6	178:8 193:10	260:24 263:1,5	295:3 296:23
37:4,13 38:11	294:10 298:9	<b>heading</b> 206:10	263:8 264:14	<b>highways</b> 48:18
39:7 46:15	298:22 299:2	<b>headquarters</b>	265:22 266:5	281:14
57:9 62:9	299:10,13,24	21:17	269:19,21	<b>Hine</b> 296:4
73:15,20,24	302:10,15,21	<b>health</b> 235:6,9	270:4,12,16	<b>hired</b> 301:21

<b>historic</b> 35:16 36:3,5,21 38:4 38:8,15,23 39:2,22,22	282:2 287:10 <b>identifying</b> 250:11 253:17 <b>IDOT</b> 3:4 9:17	279:11 280:9 280:11,20 281:21 283:14 286:16 297:24 298:6 300:15 301:4,15,18 <b>IDOT's</b> 12:21 13:8 33:6 36:21 39:19 49:6,14 82:21 83:1 84:3,8 85:1,17 89:6 187:12 223:18 227:5,8 228:4 260:20 280:21 283:9 291:1 295:20 <b>IEPA</b> 249:16	15:9 <b>implies</b> 155:15 <b>important</b> 46:7 67:4 68:4 69:18 70:17,23 72:23 95:24 131:16 164:16 207:21 208:9 <b>impossible</b> 24:17 25:19 105:18 <b>improper</b> 148:23 <b>improvement</b> 257:12 <b>improvements</b> 241:12 <b>incentive</b> 132:15 133:8,16 137:14 <b>inches</b> 113:21 148:1 198:21 <b>incidental</b> 136:5 137:1 138:1 139:19 <b>include</b> 67:4 71:6 129:16 130:16 240:10 <b>included</b> 80:18 80:21 232:14 232:15 236:11 262:13 284:13 <b>including</b> 23:15 54:8 136:8 137:7 174:14 257:1 273:19 <b>inconsistencies</b> 162:22 <b>inconsistent</b> 108:12 149:2 149:18 <b>incorporate</b> 76:6 <b>Incorporated</b> 297:9	<b>incorrect</b> 112:16 116:19 188:7 <b>increased</b> 267:10 307:14 <b>increasing</b> 228:23 235:24 <b>independently</b> 167:17 <b>indicate</b> 66:15 100:18 183:23 <b>indicated</b> 41:15 94:6 113:19 119:18 212:2 273:21 <b>indicates</b> 110:24 <b>indicating</b> 101:19 103:11 103:16 191:6 <b>individual</b> 232:22 234:5 <b>industries</b> 281:7 <b>information</b> 22:14 34:18 50:11 55:9 68:7 69:14 70:24 71:1 73:1 88:10,13 88:14 119:6 134:3 170:22 184:4,6 237:5 244:2 252:4 290:17,24 293:12 297:2 297:13,21 299:4,7 300:20 305:10 <b>infrastructure</b> 255:9 257:13 <b>initial</b> 10:10 33:20 <b>inlets</b> 184:13 <b>inquire</b> 283:4 <b>inquiry</b> 300:23 <b>inside</b> 142:13 <b>install</b> 124:18
<b>hits</b> 211:5,11 232:8	9:22 11:8,11 11:18,20,21,22 33:5,15 34:9 34:22 35:12 37:8,22,23 38:4 39:21,23 40:9 42:2 53:11 54:2,13 54:22 76:13 77:20 78:2 80:4,7 82:12 82:14 85:7 86:4 91:13 107:8 111:10 121:20 124:2,8 124:19 125:1 125:18 126:12 128:9,23 129:2 129:5,10 130:11 138:11 138:12 139:21 155:16 179:3 179:19 183:8 183:21 190:17 205:2,14,20 214:7 216:24 217:16 223:18 223:24 226:12 227:2,6 236:10 236:19 237:10 237:17,24 238:10 241:3,9 241:10,19 242:16,21 243:14 245:5 254:21 257:13 257:17 260:13 262:6 267:24 267:24 268:17 268:17 273:7 274:3 279:10	311:18 <b>illogical</b> 26:4 139:23 <b>immediate</b> 102:5 <b>imminent</b> 235:8 <b>impact</b> 233:4 <b>impacting</b> 228:10 <b>impeach</b> 17:19 148:8 <b>impeaching</b> 15:2 15:3 23:9 163:15 <b>impeachment</b>		
<b>hold</b> 39:19 70:4 143:11 191:8 264:11				
<b>holding</b> 203:5				
<b>holds</b> 242:16 268:1				
<b>hoping</b> 259:5				
<b>horizon</b> 31:19 33:1 95:7				
<b>host</b> 91:19				
<b>hour</b> 150:18				
<b>hours</b> 73:21 162:16				
<b>Huff</b> 3:5 162:11 162:13				
<b>Huh-huh</b> 283:2				
<b>hurry</b> 276:21				
<b>hypothesis</b> 105:3				
<b>hypothetical</b> 61:9				
<b>I</b>				
<b>i.e</b> 207:8				
<b>idea</b> 24:2 68:11 138:8 144:9 152:15 275:5				
<b>identified</b> 66:18 84:2,3 167:16 295:3				
<b>identify</b> 48:11 48:22 84:17,17 253:19 261:6 271:12,19				

160:9 <b>installation</b> 28:19 30:10 31:17 32:13 94:24 95:5,11 161:4 165:3 <b>installed</b> 28:23 31:9 124:9 158:14 159:1 159:15 160:12 166:12 221:24 <b>instance</b> 284:14 <b>instruction</b> 130:2 <b>intended</b> 12:2 65:10 67:9,15 68:2,6 70:19 114:23 126:21 172:3 285:19 <b>interest</b> 242:17 <b>interpretation</b> 66:1 276:19 <b>interpreted</b> 64:10 <b>interpreting</b> 88:19 90:6 <b>interrupt</b> 142:5 266:6 <b>intersect</b> 190:8 <b>intersecting</b> 10:20 187:18 188:2 280:12 <b>intersection</b> 171:13 173:21 173:22 174:18 191:5,10,17,20 191:22 239:11 243:15 247:4,9 247:12,19 273:20 278:4 291:4 <b>intersects</b> 173:11 189:17 <b>interstices</b> 170:8 <b>introduction</b> 4:3	257:10 <b>invert</b> 220:6 221:10,20 <b>investigate</b> 237:2 242:22 <b>investigated</b> 237:15 245:5 <b>investigation</b> 176:15 251:21 251:22 <b>invoice</b> 263:21 <b>involved</b> 40:8 61:3 68:8 83:8 137:22 214:9 226:11,12 237:10 245:19 246:15 251:10 256:3 267:5 280:8 308:12 <b>involvement</b> 138:7 223:10 <b>involving</b> 53:21 280:15 307:14 <b>ISGS</b> 245:16 248:3 249:5 <b>issue</b> 123:23 160:3,3 285:24 <b>issued</b> 269:6 <b>issues</b> 54:7 237:1 <b>It'</b> 77:7 <b>item</b> 139:14,16 212:21 <b>items</b> 44:4 261:22 <hr/> <b>J</b> <hr/> <b>J</b> 2:12,19 88:6 <b>James</b> 1:14 310:6 <b>Jennifer</b> 2:6 <b>JM</b> 17:11 18:4 59:6 61:6 62:18 64:11 66:13 67:10,24	74:22 76:23,24 95:21 102:12 102:12 103:21 119:14 127:14 145:24 231:22 258:4,5 261:2 274:23 292:13 302:22 <b>JM's</b> 102:18 300:8 <b>job</b> 55:4 113:23 236:10,17 237:10 245:4 268:19,20,21 269:6 307:3 <b>Johns</b> 1:2 3:7 5:6 15:6 21:14 21:16 60:2 63:9,24 77:8,9 86:21 88:21 113:15 114:3,5 254:4 294:22 303:22 <b>joint</b> 260:22,23 272:23 <b>Jonathan</b> 3:5 162:11,13 <b>Jr</b> 3:3 <b>July</b> 36:11,13 72:12 289:4 <b>jump</b> 22:12 44:1 132:12 <b>jumping</b> 114:11 <b>June</b> 1:16 5:16 82:10 162:18 310:2,11 <b>jurisdiction</b> 242:9,14 280:22 296:21 296:24 <b>jury</b> 162:22 <b>justification</b> 113:21 122:22 306:20	<hr/> <b>K</b> <hr/> <b>K</b> 311:3 <b>keep</b> 54:5,16,17 150:15,17 272:20 303:5 <b>Keeping</b> 130:18 <b>keeps</b> 54:2,13 <b>Keith</b> 243:13,13 244:3,5 252:23 253:15 254:16 254:19,20 <b>Kell</b> 33:7,23 35:15 <b>kept</b> 53:13 172:22 <b>kind</b> 15:16 113:1 114:18 135:5 139:16 188:23 198:10 270:17 271:18 280:12 288:4 <b>knew</b> 51:10,12 151:4 299:18 <b>know</b> 6:2 14:11 17:21 19:1 23:5 26:19 31:2 38:21 39:8,10 40:1 41:22 43:3 51:17,18 52:16 60:18 62:1 67:16,19 73:16 74:23 76:1,1 81:24 90:2 95:15,24 102:14,16 109:9 114:18 124:12 126:3 130:13 131:1 135:4 138:15 138:17 144:6 148:9,18 150:2 150:11 152:13 153:2 155:3,11 155:20 160:16	161:4,13 163:1 177:9 197:19 201:4 206:8 207:20 217:2 219:11,21 224:23 229:5 232:4,6,17 234:1 238:11 241:16 246:6,6 250:3 253:20 253:23 259:8 261:13,17 270:24 272:10 274:6,15 275:1 275:9,14,15 277:1,16 283:9 283:14,23 286:14 288:18 292:17 293:3,7 293:15 295:13 299:23 301:7 301:12 308:14 309:11 <b>knowing</b> 94:15 298:16 <b>knowledge</b> 85:4 86:10 298:15 300:23 <b>known</b> 68:12 295:15 <b>knows</b> 137:2,24 <hr/> <b>L</b> <hr/> <b>L</b> 6:17 <b>laborious</b> 152:11 <b>lack</b> 57:6 299:19 <b>Lake</b> 240:15 241:11 262:8 262:21 263:21 263:22 272:22 273:4,6 280:10 281:6 284:17 <b>landmarks</b> 19:4 <b>landowners</b>
--	--	--	---	--



257:1	<b>lengthy</b> 308:1	<b>letter</b> 94:6	220:5,8,13	180:1 184:13
<b>language</b> 27:23	<b>let's</b> 18:9 23:12	<b>letting</b> 79:24	222:16 233:16	190:17,24
27:24 148:21	24:12 30:15,22	<b>level</b> 76:23 77:8	236:17 238:5	203:19
<b>large</b> 125:4,11	33:9,10 37:16	<b>Levine</b> 297:1	238:18 247:5	<b>lodge</b> 282:12
125:12 170:5	42:15 45:5	<b>LFR</b> 203:1,8	251:18 253:22	<b>log</b> 172:14,15,16
180:4 204:8	46:2 48:10	<b>limbo</b> 267:21	296:12	<b>logbook</b> 248:19
208:19 223:6	49:21 50:2	<b>limine</b> 38:21	<b>lines</b> 22:1 28:20	250:5
235:19	59:15 63:2,20	115:3 258:17	28:23 30:10,14	<b>long</b> 99:2 144:15
<b>larger</b> 28:9	66:3,4 68:13	<b>limit</b> 133:21,22	49:23 55:15	163:1 290:4
46:14 194:12	76:19 77:17	163:14 189:4	81:1,5,8 91:10	291:19 302:3,6
<b>late</b> 17:12 18:6	78:11 82:19	238:8	93:11 94:13	303:10,12,13
21:13 206:9	90:10,10 93:8	<b>limited</b> 73:16	145:5,12	304:4
294:24	100:6 102:9	<b>limits</b> 122:7	146:19 216:19	<b>longer</b> 22:21
<b>latest</b> 234:21	103:4 104:3,6	126:13,17,24	217:20	73:22 107:22
<b>latitude</b> 238:22	104:21 105:4	127:4,15,20	<b>list</b> 50:6 79:18	160:16 291:10
<b>LAUREN</b> 2:12	107:11 108:6	129:3,7,7	260:14	291:15 292:1
<b>lauren.caisma...</b>	110:7 111:18	134:1 217:5	<b>little</b> 21:9 43:10	303:15
2:11	113:8 114:7	<b>line</b> 9:1 12:23	49:4 60:16	<b>look</b> 22:2 23:12
<b>laws</b> 256:23	119:9 120:23	13:2,10 14:13	74:21 86:5	25:16 30:15,22
<b>lawsuit</b> 290:23	123:24 125:17	19:5,6 21:11	95:8 113:4	44:11 46:2,8
295:15	130:14 148:8	22:14 24:13	123:23 168:12	48:12 49:21
<b>layer</b> 120:1	161:19 168:3	25:17 29:11	174:24 185:17	54:19 57:8,17
169:12	175:8,22 183:7	30:23 33:11	193:11 200:15	57:18 59:13
<b>layers</b> 115:5	184:5 186:8,18	35:6 37:16	238:22	63:2,20 66:3
141:15	187:4,16	50:2 54:20	<b>LLP</b> 2:8	68:4,13 70:9
<b>laying</b> 51:4	188:18 191:3	57:21 59:16	<b>located</b> 9:18	71:7,20,23
261:11	193:11,22	63:5 64:24	11:10 58:20	72:2 76:19
<b>led</b> 134:14 230:8	194:2 197:7	69:21 70:4,13	88:10 103:2	77:5,17 78:12
230:19	198:11,11	71:18 78:19,22	167:6,12,23	79:16 80:23
<b>left</b> 57:13,16,20	199:12 202:20	85:15 89:2	170:18 192:14	82:22 84:12
57:24 106:9	202:24 212:12	98:22 99:9,10	194:22 195:3	85:1,12 87:11
107:1,4 111:23	214:1 215:2,21	109:1,17 120:5	197:13 217:13	90:11 92:20
118:1,15	218:8 221:9	120:7 138:23	221:8 278:9	93:8 98:21
120:19 157:16	223:1,17	139:14,16	295:2	104:7 107:11
171:3 194:10	225:12 229:3	140:10 151:10	<b>locating</b> 203:14	107:17 108:6
211:3,6 219:16	235:1,1 238:4	157:16 165:14	<b>location</b> 11:9	111:19 113:9
229:18 230:4	243:6,23 246:7	187:9 196:1	16:19,23	120:4 121:6,9
<b>legal</b> 219:5	247:1,21,22	197:23 198:1	158:23 193:14	127:6 130:14
<b>legally</b> 284:9	248:23 249:8,8	198:22 200:1	214:18 222:17	131:2 141:2
<b>legend</b> 13:18	250:13,16	201:6,11,17,23	229:18 306:23	151:9 157:6,19
<b>legible</b> 274:19	251:12 252:15	202:7,10,15,16	<b>locations</b> 16:10	167:8 172:6
<b>legitimate</b>	257:9 264:9	202:17,17	16:14 45:8	174:1 180:17
117:17	287:16 288:21	211:2,7,11,12	141:18,21	186:9,18
<b>length</b> 110:15	292:8 303:13	215:24 216:7,9	145:24 178:15	187:16 188:20
131:24 169:13	304:7	217:16,19	178:15 179:20	189:3,20,20

191:3 192:2	211:17	158:14 162:19	<b>Manville</b> 1:2 3:7	75:20 77:10
193:11,22	<b>lot</b> 17:11 18:4,21	201:9 212:3	5:6 15:6 21:14	91:12 92:8
194:5 197:7	18:22 19:1,11	220:15 228:5	60:2 63:9 64:1	97:1,13 98:9
202:20 209:2	19:14,21 20:22	238:23 239:22	77:8,9 86:21	98:12,24 99:3
212:12 214:1	22:21,23 23:1	264:21,22,23	88:21 114:3,5	99:17,22,24
214:17 215:21	23:15 25:22	293:2 302:8	249:16 254:4	101:13 112:7
215:24 218:6,8	26:2,7 46:8	<b>lots</b> 40:11	294:22 303:22	118:23 119:2,4
219:24 221:9	52:20 54:10	111:21	<b>Manville's</b> 21:16	119:6,10,11,19
222:5 229:3	59:7 60:12,19	<b>lovely</b> 310:6	113:15	119:21 120:1
230:23 231:19	61:4,7,11,13	<b>low</b> 75:24	<b>map</b> 87:19 89:2	120:15,19
232:21 235:1	61:20 62:3,13	<b>lower</b> 18:24	290:10 296:23	124:1 125:20
243:6,23 244:4	62:18 63:10,13	284:15	<b>Mapes</b> 47:4	129:2,19
245:7,22 247:1	64:1,12,16	<b>LRF</b> 222:21	86:16,18 87:6	133:14 134:4,9
248:16 251:12	65:16,18,22	<b>lucky</b> 310:4	87:13 88:5,13	135:12,16
253:22 256:17	69:14 72:9	<b>lunch</b> 150:6,12	89:10,14 90:3	136:8 137:7,24
257:9 284:15	74:22 75:3,11	150:18 161:11	90:7 91:4	139:24 140:15
297:24	75:13,18,24	<b>lying</b> 75:24	224:7 297:19	141:17 142:23
<b>looked</b> 38:17	76:11 81:1,3,5		298:5	155:6,13
44:6 48:4,7	81:9,12,17	<b>M</b>	<b>maps</b> 289:21	159:19 160:8
49:14,16 51:8	82:1 86:21	<b>M</b> 6:17,20 260:4	290:15 291:4	169:12,18
60:15 83:21,24	88:21,24 89:3	<b>machine</b> 311:10	<b>Mark</b> 3:4,6	170:9 171:13
94:23 208:23	95:22 103:6	<b>maintain</b> 39:22	<b>marked</b> 53:17	173:15 174:14
248:13 283:7,8	105:24 106:5	116:22	167:9 219:6	175:21 176:12
283:14,16	106:22 107:2,7	<b>maintained</b>	247:10	178:13 180:1,5
305:1	107:8,14,21	31:11 52:21	<b>marking</b> 196:4	180:8,12,24
<b>looking</b> 7:4 10:8	108:1,4,5,22	248:20 265:14	<b>marks</b> 184:12	181:7,11
51:6 57:19,23	109:3 110:9,24	<b>maintenance</b>	195:8	183:19,22,24
84:13 98:3	111:11 112:6	28:20,24 30:10	<b>marsh</b> 75:24	184:7 185:3,8
99:6 102:1	113:12,15	32:13 95:1,5	<b>marshy</b> 76:1	185:21 190:21
103:15 106:10	114:3,5 116:8	95:12,15	291:9,10,14,15	190:22,24
108:17 125:5	116:12,21,23	<b>making</b> 32:17	<b>material</b> 9:22	193:13,14,15
152:12 170:21	117:1 118:1,7	160:1 224:15	10:24 12:22	193:19,20
186:21 196:3	118:15,22	259:20 269:2,4	13:7,9,13 15:3	194:22 195:3,9
197:20 199:13	119:11,14,15	279:23 292:16	16:19,24 19:14	195:12,17,18
213:7 220:1	119:16,17,24	309:2	23:18 24:2	196:21,22
233:9 240:17	120:13 121:3	<b>manage</b> 229:21	26:2,8,11,11	197:2,12,13
270:6 289:21	121:12,18,21	<b>managed</b> 223:12	26:12 27:18	198:8,10,18
304:18 305:4	121:23 123:23	<b>management</b>	28:22 29:19,24	199:2,11 200:4
<b>looks</b> 191:10,13	124:1,6,20,22	296:12	30:12,18 31:10	202:5,19 204:6
192:16 219:1	125:14,18,21	<b>manager</b> 36:1	31:12 32:11,19	204:7 209:9,12
266:10 273:23	126:5 127:14	296:10,11	32:23 59:6,7	210:4,5,7,12
<b>Lori</b> 1:12 6:9	127:19 128:24	<b>managing</b>	60:13 62:3	210:19,19
311:6,17	129:16 130:12	229:14	64:15 65:24	212:3,15
<b>losing</b> 115:23	136:9 137:8	<b>manner</b> 206:22	66:22 71:4,5	213:14 215:12
<b>lost</b> 63:14	147:9 155:17	<b>manual</b> 255:6,7	75:2,6,10,14	215:14 217:14

225:8,15	150:3 152:14	20:21 162:9	<b>misread</b> 289:8	121:21 265:23
232:14,15,23	152:22 154:14	255:19	<b>misrepresent</b>	266:1 275:3
234:6 266:15	157:3 161:1	<b>mentioned</b> 84:6	116:1	286:19 287:6,8
266:18	162:21 173:12	164:7 206:8	<b>misrepresenting</b>	292:13
<b>materials</b> 11:17	174:16 175:14	<b>mere</b> 228:22	22:13	<b>movement</b> 90:16
11:19,23 23:14	199:4 219:1	<b>method</b> 135:2	<b>missed</b> 275:11	<b>moving</b> 140:3,4
31:17 32:1	221:18 232:14	<b>methodologies</b>	275:19	236:6 289:13
63:11 64:2,2	236:16 259:7	39:2	<b>missing</b> 55:13	<b>multiple</b> 110:1
129:15 132:24	265:4 270:17	<b>methodology</b>	55:17,19 83:6	115:5 301:13
133:3,7 136:8	270:22 271:18	36:21 37:22	<b>misstates</b> 158:17	301:15
137:7 139:6	274:13,23	<b>Michael</b> 296:4	<b>mistake</b> 112:12	
141:7 157:3	275:5,9,13,15	<b>microscopy</b> 14:5	<b>modifier</b> 38:23	N
169:1 173:19	283:3,10 287:4	<b>middle</b> 181:13	<b>moment</b> 32:20	N 2:1 3:1 4:1
176:1 223:12	292:19 293:1	<b>Mike</b> 35:16,21	98:4 175:12	6:17,17,20,20
226:16 265:10	302:24	<b>miles</b> 273:2	176:13 198:12	260:4,4
265:11 266:11	<b>meaning</b> 86:20	<b>millimeter</b> 219:7	199:13	<b>NAG</b> 254:21
301:9,9	88:20 111:7	<b>mind</b> 21:2 22:7	<b>money</b> 268:11	<b>name</b> 5:2 84:6
<b>math</b> 104:20,23	112:10 115:24	27:10 70:9	285:15	239:9 240:7
<b>mats</b> 265:11	155:19 159:24	109:12 112:6	<b>monitoring</b>	249:6 255:17
<b>matter</b> 1:2 5:10	238:12	118:22 186:21	228:5	255:19 288:4
40:8 42:4	<b>means</b> 156:15	220:10 288:9	<b>months</b> 20:15	<b>natural</b> 257:16
170:9 172:20	169:2 221:23	289:19	82:11 285:9	257:17
271:17 283:15	237:24 267:7	<b>minor</b> 203:18	308:3	<b>nature</b> 115:21
283:15	311:9	<b>minus</b> 104:21	<b>morning</b> 5:2	<b>near</b> 66:10
<b>matters</b> 5:18 6:3	<b>meant</b> 90:3,4,7	263:23	6:22,23 162:8	253:14
6:4	131:10 140:4	<b>minute</b> 64:9	302:4 303:8	<b>necessarily</b>
<b>maximum</b>	<b>measure</b> 125:11	127:24 213:6	305:1	43:13 53:17
180:22	<b>measurements</b>	252:22	<b>motion</b> 38:21	58:22 70:24
<b>McGINLEY</b>	207:8	<b>minutes</b> 150:22	115:3 258:17	102:17 106:12
2:19 8:16	<b>median</b> 266:14	210:2 227:16	<b>move</b> 7:4 35:9	118:5 120:3
17:23 20:24	<b>meet</b> 144:16,17	292:1	78:21 109:16	125:10 136:15
94:5 220:17	<b>meeting</b> 33:21	<b>mischaracteri...</b>	139:24 140:16	143:6 159:20
259:1,11,19,23	258:19	39:3 58:11	146:8,10,24	160:22 164:12
270:1 283:1	<b>meets</b> 151:24	<b>mischaracterize</b>	147:13 165:20	167:7 181:6
284:10,23	<b>Mehra</b> 248:11	58:13	169:22 183:5	205:24 206:21
<b>McQuinn</b>	255:22	<b>mischaracteri...</b>	196:5 206:2	230:21 241:8
290:24	<b>Member</b> 2:6	8:5 17:15 25:8	223:2 227:11	<b>necessary</b> 17:19
<b>mean</b> 34:15 39:4	162:9	34:11,12 36:24	235:21 271:24	39:14 239:10
40:1 41:23	<b>MEMBERS</b> 2:6	62:5 93:7	275:16,16	273:21 278:3,7
57:8 64:11	<b>memo</b> 260:10	96:12 112:20	276:12,21	278:12,15
74:11 108:10	267:15 308:23	117:8 132:4	277:1,3 283:21	306:23 307:19
108:10 109:9	309:3	134:13 143:14	287:6,16	307:20 308:11
111:4 113:1	<b>memorialize</b>	205:4	288:21 299:8	309:4
114:12 116:4,6	45:10	<b>misinterpreted</b>	309:12	<b>need</b> 5:18 19:9
148:14 149:7	<b>mention</b> 19:24	118:11,12	<b>moved</b> 31:18	21:17 87:10

104:19 149:17 165:2 168:10 169:18 190:21 193:12,13 196:22 197:2,6 198:20 238:24 244:2 248:24 266:14,17 267:4 280:24 291:20 292:21 293:7 <b>needed</b> 75:2 76:11 80:4,7 80:11 81:20 93:1 99:23 101:19 104:4,7 104:13 105:1 131:6 183:20 191:17 227:1 264:21,24 306:19 <b>needs</b> 45:10 57:8 100:19 101:6 137:2 156:21 198:8 199:2 <b>negotiate</b> 239:8 240:7 278:1 <b>negotiation</b> 308:1 <b>net</b> 104:19 <b>never</b> 20:18,18 21:2 25:4 36:14 37:2,7 42:6 49:1 69:5 69:14 89:10 113:15 124:2,6 153:4 182:19 186:21 214:11 214:16 219:14 237:12 243:4 243:21 246:18 249:9 285:19 <b>new</b> 53:21 117:4 178:24 181:4 182:14 257:11	<b>nine</b> 113:21 185:16 200:15 222:15 <b>nine-inch</b> 113:22 265:1 <b>nonresponsive</b> 35:9 177:12 206:3 <b>noon</b> 244:2 <b>Nope</b> 138:19 <b>normally</b> 265:13 <b>north</b> 2:8 56:23 102:11,19,22 102:23,24 103:17 170:23 170:24 171:4,5 178:16,17 179:2,17 192:23 193:4 214:8,14 215:8 215:12,14 216:12,13,21 217:4,6,10,17 219:8 220:13 221:24 273:1 307:17 <b>northeast</b> 190:9 <b>northern</b> 19:3 170:19 216:21 <b>northwest</b> 121:22 <b>Northwestern</b> 239:10 240:21 278:2 <b>Nos</b> 264:6 292:12 <b>notarized</b> 289:7 <b>notary</b> 1:12 288:4,5 289:4 311:18 <b>notations</b> 184:3 <b>note</b> 13:17 235:3 249:20 303:5 <b>notebook</b> 253:11 <b>noted</b> 14:2 46:16	92:1 153:18 196:6 200:8,16 258:22 263:9 277:9 <b>notes</b> 45:22 51:20 253:14 311:12 <b>notice</b> 42:6 268:20 290:22 <b>notices</b> 5:14 <b>notifying</b> 267:15 <b>November</b> 119:7 295:23 <b>number</b> 5:8 10:23 54:18 71:9,11 84:17 86:23 87:17,21 90:17,24 92:13 93:1 109:1 129:9 131:24 153:3,11 164:3 164:21 168:17 172:9 196:4 200:1 208:24 226:20 232:8 239:22 240:13 248:6 250:20 270:14 273:7 284:16,20,22 284:24 289:19 306:16,18 307:15 <b>numbered</b> 261:2 <b>numbers</b> 157:21 211:19 261:6 284:12,13 <b>numerous</b> 149:15 <hr/> <b>O</b> <hr/> <b>O</b> 6:17,20,20 260:4 311:3,3 <b>o'clock</b> 1:17 292:2 310:10 <b>O'Laughlin</b>	2:19 8:4 14:24 17:14 23:8 25:7 34:10 36:23 37:6 38:7,22 39:12 43:6 57:6 58:9 58:14 62:4 73:19 74:2,7 97:20,23 108:8 109:22 111:13 112:19 114:9 117:7 122:1 128:1,11 132:3 134:12 143:13 144:19,24 145:1 146:18 148:2,16 149:19 152:24 153:11 158:16 164:3 165:5 166:17,23 181:24 182:21 183:1 205:3 210:6 230:10 238:17 246:1 246:17 256:9 258:1,23,24 259:12 260:3,5 260:20,22 261:1,4 263:2 263:12,13 264:13 265:3 266:2,7,8 270:7,10 271:11 272:5 274:11 275:22 276:24 277:11 280:1,2,4 282:22 283:2,3 284:7 287:4,14 287:19 288:6 288:11,14 289:12,16 291:17 292:10 292:24 294:2	294:11 298:10 298:11,18,24 299:4 300:2 301:22 303:4 303:12,16 306:7 309:7,17 <b>oath</b> 163:19 <b>object</b> 114:10 153:12 238:18 256:9 270:2 272:1 274:23 275:3 279:19 299:15 <b>Object-</b> 144:19 <b>objected</b> 269:23 <b>objecting</b> 276:16 299:17 <b>objection</b> 8:4 15:1 17:14 20:24 21:1 23:8 25:7 34:10 36:23 38:7 57:6 58:9 62:4 85:22 97:20 108:8 109:22 111:13 112:19 114:15 117:7 122:1 132:3 134:12 143:13 148:2,4 152:24 153:17 158:16 182:5 182:11,21 205:3 210:6 230:10 246:1 246:17 258:1 262:23 276:16 277:8 282:12 298:7 299:14 299:21 <b>obliterated</b> 156:8,11 266:21 <b>obliteration</b> 207:24 267:9
---	--	---	--	--

<b>obstruction</b> 23:20 129:21 131:16	37:18 67:23 178:19 182:15 285:18	259:24 260:19 260:24 263:1,5 263:8 264:14	17:16 18:3,9 18:17,19 19:8 19:19,23 20:15	78:23 79:11 80:3,7 81:4,14 81:21 82:10,14
<b>obstructions</b> 130:16,23 131:1,19 135:23 139:8 142:1	<b>offhand</b> 305:22 <b>office</b> 2:15 33:18 49:11 51:15 226:16 284:11 284:17,21 299:13	265:22 266:5 269:20,21 270:4,12,16 271:2,6,23 272:3 274:8,22 275:8 276:13 276:20 277:7 279:24 282:21 284:5,8,14	20:20 21:7,8,9 21:24 22:6,15 23:12 24:12,14 25:16 26:21 27:11,17 28:4 28:10,16 29:7 29:9,10 30:4 30:15,22 31:13 32:9,16,20 33:2,9 34:2,7 36:3,10,13,17 37:17 38:11 39:18 40:3,15 40:20 41:9,18 42:1,8,20,23 43:5,15,24 44:10,20,24 45:4,12,16,18 45:21 46:22 48:10 49:10,13 49:21 50:8,20 51:10,14,21 52:17,23 53:6 53:15,20 54:2 54:12,19 55:18 56:9,12,18 57:1,4 58:1 59:15,23 60:6 60:9,22 61:2 61:19,24 62:8 62:22 63:4,5,6 63:23,24 64:17 65:9 66:3,5,6 66:21,24 67:3 67:13,22 68:10 68:15,24 69:1 70:15,16 71:7 71:15,19,23 73:6,11,24 74:5 75:5,9,21 76:5,19,21,22 77:14,17 78:11	82:19,24 84:2 84:12,15 85:2 85:12,14 86:9 86:15 87:4,9 88:2,3,23 89:16,18,23 90:6,10,12,13 91:9,14,20 92:3,9,12,18 92:24 93:4,8 93:19,24 94:11 94:17 95:10 96:24 97:7,9 98:6 99:7,14 100:4,11,13,14 100:15,16,17 101:2,5,8,18 101:24 102:2,9 103:4,17,24 104:11,18,21 104:24 105:6,7 105:15,18,23 107:17,20 108:6,21 109:12,18,19 109:21 110:7 110:14,18,20 110:23 111:10 111:18 112:4 112:17 113:6,8 115:9 116:14 116:22 117:3 117:22 118:8 118:21 119:3 119:12,13 120:4,10,11,11 120:23 121:6 121:19 123:1 123:22 124:2,2 124:7,17,24 125:13 126:1,8 126:15,19
<b>obtain</b> 42:2 <b>obtained</b> 83:19 241:24 <b>obviously</b> 5:13 61:4 149:19 191:18 201:15 <b>occur</b> 23:4 185:16 269:17 <b>occurred</b> 45:6 45:14 55:7 185:9 268:23 <b>occurrence</b> 11:16 <b>occurring</b> 141:13 <b>October</b> 67:8 88:7 164:22 274:5 307:16 <b>odd</b> 56:20 <b>off-site</b> 133:1,7 137:13 138:21 143:22 144:4 145:17 <b>offer</b> 60:7 75:22 178:23 182:7 286:10 293:24 294:5 <b>offered</b> 9:16 17:10 18:4 32:5 38:13 68:1 149:15 182:9 282:13 285:12,14 286:11 <b>offering</b> 8:2 30:5 30:17 31:5 32:10,14,21	<b>officer</b> 1:11 4:3 4:6 5:1,3,21 6:1,8 8:7 15:12 15:15 17:16,20 17:24 18:11,14 23:10 25:11 34:13,24 37:4 37:13 38:11 39:7 46:12,15 57:9 62:9 73:15,20,24 74:5,8,17 76:12 78:13,16 108:13 110:4 111:15 112:24 114:17 115:12 115:15,20 117:16 122:3 127:23 128:6 128:13 132:5,8 143:15 144:23 148:13 149:10 149:23 150:5 150:16,21 153:2,7,21 158:18 161:18 162:5 163:8,12 163:16,21 182:23 183:3 205:6 206:4 227:15 230:12 231:2,10 238:21 246:5 256:11 258:2,9 258:13,21 259:7,14,17,21	291:22 292:8 293:14 294:6 294:10 298:9 298:22 299:2 299:10,24 301:23 302:10 302:15,21 303:9 306:3,5 309:10,20,22 <b>officiation</b> 203:20 <b>offsite</b> 143:11 <b>oh</b> 19:23 46:20 68:22 69:22 78:18 82:8,10 99:6 121:19 128:11 140:21 165:9 172:12 194:13 198:18 240:2 248:24 261:19 264:9 265:5 269:19 288:11 299:12 306:9 <b>okay</b> 6:7 7:2,8 7:11,22 8:12 8:22 9:9,21 10:6,8,15 12:2 13:1 14:12,14 15:12,23 16:13		

127:6,12	176:3,6,9,15	218:20,23	259:21 260:6,8	<b>operate</b> 281:7
128:11,20	176:19 177:1,5	219:3,9,17	260:24 261:19	<b>operated</b> 127:4
129:8,24 130:4	177:11 178:18	220:4,10,11,12	261:20 263:10	307:21 309:5
130:9,18 131:9	179:9,15 180:7	221:4,9,12,20	264:2,3,16	<b>opined</b> 96:24
132:12,19,20	180:14 181:14	221:23 222:5	265:7,20	<b>opining</b> 166:13
132:21 133:5	182:7,14,19	222:10 223:17	267:13 268:12	292:17 293:19
133:10,11	183:7,12,16	225:3,12,21	269:18 270:4	299:17
134:2,7,16	184:1 185:1,13	226:4 227:10	272:20 273:6	<b>opinion</b> 9:16,20
135:8,22 136:2	185:20 186:8	227:17,22,23	276:13 277:13	17:10 18:4
136:12,21	186:14,18	228:2,15,21	278:19 279:24	23:14 25:3,19
137:5 138:12	187:3,4,16	229:3,4,6	280:14 281:11	28:4,10,12,19
139:3,15 140:3	188:9,16,18,20	230:15,23	282:6,21	28:24 29:5,8
140:9,23 141:2	188:21 189:3,6	231:5,18 232:2	287:14,18	29:12,17,18,23
141:12 142:7	189:7,11,14,22	232:10,17	288:11,22	30:5,9,17 31:2
142:10,20	190:7,12,16,20	233:7,23 234:1	289:15 291:22	31:6,8 32:10
143:3,17,20,20	191:17 192:5	234:7,10,14,20	294:2,10,14	32:14,18,21,23
144:10 145:10	192:18,23	235:1,4,5,16	295:18 296:17	37:18 59:4,11
145:15,21	194:5,14,18,21	236:5,13,15,16	297:15,19	60:7,10 67:24
146:14 147:2,5	195:7,11,15	236:23 237:14	298:9 299:8,24	69:19 70:18
147:8 149:8,21	196:5,11 197:1	237:17 238:4	302:10,15	74:21 75:6,23
150:14,24	197:7,8,17	238:15 239:21	303:4,18 304:7	86:7 92:10
151:2,9,12,14	198:3,7,11,17	240:2,5,6,10	304:14 305:4	95:4 100:4
151:15,17,21	198:22 199:3,5	240:20 241:3	306:12,13	110:7,8 111:12
152:8 153:7,19	199:15,16	241:22 242:3	307:9,11	113:11 116:5
153:21,23	200:3,6,12	242:12,24	309:10,20	117:4,4,10
155:12,22	201:1,3,10	243:6,9,20,23	<b>old</b> 35:16 271:21	118:4,9 119:1
156:10,16,21	202:5,12,20,22	244:9,18,21,22	285:1	119:5,10
157:10,15,19	202:23 203:7,8	245:1,4,8,24	<b>omission</b> 84:18	178:23,24
158:3,4,11,18	203:11,15	246:10,14,21	<b>omissions</b> 85:4	179:14,16
159:5,12,21	205:14 206:6	247:1,2,3,18	86:10	180:7,10 182:8
160:9,15 161:3	206:11,12,18	247:21,23,24	<b>on-site</b> 224:7,11	185:2,3,6
161:10 163:20	206:23 207:5	248:16,18,23	224:12	186:1,3 207:21
164:8,14,18,24	207:11,14	249:4,8,10	<b>onboard</b> 251:24	208:9 223:9,14
165:1,7,9,12	208:7,12,20,23	250:3,9,10,13	<b>once</b> 105:9	223:14,15,16
165:20 166:4	209:20 210:2	250:16 251:5,8	115:8 120:20	228:21 229:4
166:10 167:10	210:22,23,24	251:12,16,17	132:23 140:4	233:10,14,23
167:19 168:3	211:10,20	252:7,15,19,24	219:14 266:21	234:16 261:10
168:13,19,22	212:8,12,22	253:3,10,13,22	301:14	280:5 286:9,23
168:23,24	213:12,13,16	254:2,3,8,11	<b>one-by-one</b>	293:2
170:3 171:1,12	214:1,2,6,12	254:19,24	175:15,15	<b>opinions</b> 7:19,20
171:18,19,24	214:17 215:2,5	255:3,13,14,17	<b>ones</b> 42:23 43:21	7:22 8:2 9:6,13
172:6,20,23	215:18,23	255:24 256:8	46:9 52:24	26:17,24,24
173:2,6,9	216:6,8,21	256:13,18,21	282:22	36:18,20 37:21
174:1,6,23	217:9,15,21,24	257:5,6 258:13	<b>open</b> 97:16	38:3 39:20
175:5,11,17,22	218:5,9,12,13	259:14,17,18	239:1 308:7	41:12 48:13

115:6 149:16 178:19 208:14 286:11 304:1 <b>opposed</b> 43:7 181:13 230:4 <b>opposing</b> 46:12 <b>opposite</b> 213:19 <b>options</b> 142:12 <b>order</b> 5:9 68:5 77:1,10 80:3 80:11 101:20 110:11,15,17 110:24 113:16 117:6,14,20 118:10 124:18 125:13 130:19 146:21 147:5 159:12 162:18 164:21 165:2 165:23 168:9 206:8,12 261:18 263:5 264:6 285:3 286:15 306:15 307:1 <b>ordered</b> 153:4 <b>orders</b> 52:21 53:8 54:17 264:5 <b>orient</b> 57:19 <b>orientation</b> 56:19 <b>oriented</b> 192:22 <b>origin</b> 32:18 <b>original</b> 67:6 119:9 120:23 154:21 156:22 157:1 159:13 159:15 212:21 229:18 <b>originally</b> 31:20 267:8 <b>outline</b> 21:22 <b>outlined</b> 105:17 207:10	<b>outside</b> 99:18 124:14 126:12 127:14,20 129:3,5,6,6 141:21 142:16 174:17 209:18 216:24 238:19 246:3 <b>overall</b> 180:17 207:17 271:10 <b>overpass</b> 251:23 281:1 <b>overreaching</b> 214:10 <b>overridden</b> 226:2 <b>overrule</b> 287:2 <b>overruled</b> 8:8 15:16 17:21 23:10 25:12 34:24 108:14 122:4 206:4 246:8 258:3 <b>oversaw</b> 237:14 245:5 <b>oversee</b> 236:24 237:2 <b>overseeing</b> 224:10 225:2 <b>oversight</b> 223:11 301:13 <b>owned</b> 66:11 241:23 307:21 309:5 <b>ownership</b> 238:12 243:1 244:13 <b>owns</b> 242:9,13 243:14 <hr/> <b>P</b> <hr/> <b>P</b> 2:1,1 3:1,1 <b>P.E</b> 3:5 <b>page</b> 4:23 8:13 8:24 11:6 13:1	14:12 18:10,12 18:13 19:6 21:10 23:13 24:12 25:16 28:18 29:2,3,4 30:22 33:10,11 35:6 37:11 46:3,22 49:21 49:23 50:1,2 54:19 55:13,16 55:19 56:19,20 59:15 63:3 64:23,24 68:15 68:24 69:20,22 69:24 70:1,2,3 70:5,12,12 71:7,11,14 77:7 78:12,14 78:18,21,24 79:8,13 84:14 85:13 86:13,23 87:1 97:4,7,8 97:11 98:21 99:10,11 100:12 101:24 108:7,16,23 109:13 111:19 120:5,8 127:17 130:19 132:19 133:12 140:10 140:19 145:5,7 145:9 146:18 146:19 151:10 164:17,23 165:14 184:16 184:17 187:5,6 187:7 197:9 215:21 216:1,6 216:7 227:10 227:19 235:2 235:14 236:13 236:16 238:4 238:15 239:6 239:16 241:22 242:15 243:18	248:19 250:7 251:13 253:11 253:11,18,22 262:13 265:6 271:3,3,5,7,8,8 272:11,16,17 272:17 282:7 288:2,7 289:3 290:6,7,10 291:6 308:19 308:22 <b>pages</b> 4:2 44:3,8 44:8,12 76:8 <b>paid</b> 132:24 133:3,6,13 134:8 135:15 136:4 137:13 137:16 138:5 138:20,24 139:6,11,16 143:11 262:6 263:20 268:3 268:10,11 280:17 <b>paper</b> 175:24 <b>paragraph</b> 77:4 77:5 90:5 97:24 98:4 100:16,21,22 101:1 117:19 169:6,9,23 204:4 228:3 229:11 231:21 235:18 239:20 240:4 256:21 272:19 294:21 296:18 297:3 297:16 300:14 301:2 <b>paragraphs</b> 235:13 <b>parcel</b> 251:10 295:3,8,13,14 296:24 <b>parcels</b> 281:14	<b>pardon</b> 121:14 166:11 169:7 <b>park</b> 22:3 23:5 81:17,20 <b>parked</b> 22:23,24 <b>parking</b> 17:11 18:4,21,22 19:1,11,14,21 20:22 22:20,24 23:15 25:21 26:2,7 59:7 60:12,19 61:3 61:7,11,13,20 62:3,13,18 63:10,13 64:1 64:12,16 65:16 65:18,22 66:13 66:15,16 69:5 69:13 72:9 74:22 75:3,11 75:13,18,24 76:11,23 77:1 77:8,11 81:1,3 81:5,9,12 82:1 86:21 88:21,23 89:3 95:22 103:6 105:24 106:5,22 107:2 107:7,8,14,21 108:1,4,5,22 109:2 110:9,24 111:11,21 112:6 113:12 113:15 114:3,5 116:7,12,21,23 116:24 118:1,7 118:15,22 119:11,15,17 119:23 120:12 121:3,11,18,21 121:22 123:23 123:24 124:6 124:19,22 125:14,18,21 126:5 127:14
--	--	--	---	---

127:19 128:23	115:17	268:24 273:12	19:2,21 60:23	170:23 172:13
129:16 130:12	<b>particularly</b>	273:16 278:6	164:1 165:13	173:5,6,10,17
136:9 137:8	207:21 208:9	278:11 279:3	165:16,17	176:1,5,6,17
147:9 155:17	<b>parties</b> 153:4	279:13 280:17	166:2,12	176:20 177:16
158:14 220:15	280:7 282:3	<b>percentage</b>	167:24 168:2	203:20 204:6,9
228:5 239:22	<b>parts</b> 114:11	180:5 262:1,18	223:1	204:17 205:2
264:21,22,23	<b>Patricia</b> 297:12	268:1 279:1,5	<b>photographs</b>	205:11,19
<b>part</b> 11:12 12:5	<b>Paul</b> 255:20	<b>Perfect</b> 173:7	19:13 66:14,18	219:11,12,21
18:5,23 38:9	<b>pavement</b>	175:17	204:8	221:4,21,24
53:11,19 57:4	196:24 197:22	<b>period</b> 268:23	<b>photos</b> 22:11	222:12,17
58:2,6 70:22	198:2	295:4	83:13,16 84:7	228:10,16,23
75:10,20 76:9	<b>pay</b> 44:4 135:13	<b>permission</b>	156:5	229:15,17
84:8 91:6 93:2	185:7 239:8	122:8	<b>phrase</b> 230:21	230:3,8,19
96:9 99:4	240:7 261:22	<b>Pershing</b> 247:8	<b>phrased</b> 212:7	232:3,10,16
105:7,15 119:7	262:10 276:8	247:16	<b>physical</b> 118:19	233:4,19 234:3
122:15 128:24	278:1 279:6,8	<b>person</b> 84:18	<b>pick</b> 302:3	306:18,24
132:16 133:9	<b>paying</b> 261:24	213:13 277:1	<b>picture</b> 21:15,15	<b>pipes</b> 27:13 28:6
133:17 134:9	262:1 276:7	<b>personally</b> 42:7	87:18	66:15 95:21
137:17 154:12	<b>payment</b> 263:18	<b>pertain</b> 264:8	<b>piece</b> 62:17,24	96:2,7 106:18
182:9 184:5	267:20	300:4	204:8 205:18	121:1,22
185:18,19	<b>payments</b>	<b>pertinent</b> 283:9	219:5	122:11,19,21
191:21 201:4	263:19,20	284:1	<b>pieces</b> 32:8	124:9,13,18
204:18 205:12	267:21 269:6	<b>PESA</b> 245:9,11	138:2,4 170:1	129:11 130:1
209:7,9,17	<b>PCB</b> 1:5 5:8	245:14,16,19	170:3,8,17,22	130:11 132:1
210:21 213:22	<b>peat</b> 200:4	246:14,22	176:10,16	132:14,16
213:22 222:23	201:23 202:10	248:6,13	204:5 301:14	133:8 137:15
234:11 245:4	202:16	249:16,21	<b>pile</b> 291:3	139:1,22
249:21 251:19	<b>penalized</b>	251:2,10,20	<b>pipe</b> 23:16,24	142:21 143:22
262:4,12	136:13	<b>Peter</b> 255:21	24:7,15,18	144:3,14
263:17 273:15	<b>people</b> 33:5,22	<b>Petitioner</b> 5:6	25:5,21 26:5	145:17,22
278:21 279:8	34:5 79:18	<b>Phil</b> 290:24	62:1,2,6,7	146:4,9,21
279:15,17	82:1,5 147:17	<b>phone</b> 250:20	63:12 65:15,20	147:10,22
280:21 283:22	226:16,19	<b>photo</b> 17:12	69:10,11 71:3	154:23 168:6
286:21 290:16	267:16 301:9	18:6 19:3,24	71:6 72:4,10	168:10
290:17 291:6	301:11,15	20:16,19,21	72:10 86:19	<b>piping</b> 166:19
295:2	<b>people's</b> 281:22	21:13,14,21	88:8 91:17,22	<b>pit</b> 207:9
<b>partial</b> 263:18	<b>perceived</b> 23:3	22:7,17 58:19	92:5 96:19	<b>pits</b> 177:22
<b>partially</b> 102:12	<b>percent</b> 26:17	80:24,24 82:11	124:23 129:16	<b>place</b> 9:22 18:21
<b>participated</b>	27:1,5,8 43:14	103:5 107:12	130:5,6,17	29:20 30:1,6
84:4	72:18 75:19	107:18 108:1	133:17 136:17	30:19 32:12
<b>particles</b> 235:20	186:2,6 212:15	109:17,20	137:13 138:21	107:2,4 111:23
<b>particular</b> 39:11	213:18,23	110:1 161:6,7	139:12 142:9	113:9 118:1,16
91:24 181:4	241:11 262:6	190:9 191:4,4	146:8 147:1	123:21 140:4
263:24 264:23	262:10 267:17	192:7	151:4,18 154:1	140:13 144:4
<b>particularized</b>	268:2,5,10,21	<b>photograph</b>	154:18 170:18	146:9,10



147:24 150:23 152:3 207:9 230:4 <b>placed</b> 11:17,19 61:15,16,20 62:13 65:16,21 95:21 99:1,18 141:14,17 170:6 176:11 190:17 198:8 202:19 204:18 205:2,12,20 <b>placement</b> 90:16 <b>places</b> 47:11 180:11 193:20 <b>plan</b> 44:9 47:14 51:8 58:23 133:18 188:10 189:1 192:7,9 199:19 223:18 229:20 234:15 277:2 307:5 <b>planned</b> 210:19 <b>planning</b> 14:8 <b>plans</b> 40:10,12 40:23 41:16 42:15,18,19 43:19,21 44:2 44:6,8,12,17 44:17,18,20,21 44:24 45:1 47:4 48:13,19 48:23,23 49:19 50:11,18,21,23 50:24 51:1,3,4 51:5,6,7,9,11 51:12,16,22 52:1,4,5,6,9,11 52:18,19 53:1 53:7,10,13,16 53:18,23 54:5 54:17 57:18 78:6 79:23 80:11,22 82:12 103:15 105:17	125:19 154:13 183:13,23 184:2,5,10,10 184:19 193:8 193:12 212:21 219:15 220:2 223:21 224:16 225:24 226:3 227:1 265:8 266:21 306:22 <b>plant</b> 82:5 <b>play</b> 89:21 234:11 <b>please</b> 6:5 8:13 13:2 14:12 24:13 37:12 54:20 59:16 74:4 76:20 84:13 85:13 98:22 113:5 120:5,7 121:9 122:4 132:9 152:18 168:14 168:18 177:12 177:14 186:22 187:7 188:19 192:7 194:1 205:7 220:20 227:21 229:5 230:13 248:10 256:17 295:9 296:16 <b>plus</b> 47:15 171:15,15 174:5,7,9,10 174:12 187:22 188:12 192:10 192:16 209:15 210:11 222:15 265:12,12 273:18,18 278:10,14,14 <b>point</b> 5:12 14:20 22:18 25:5 28:3 38:3 76:1	76:10 91:3 98:16 101:9 109:8 120:24 139:3 144:8 147:7 149:7 154:15 155:18 160:13,17 164:16 169:6 179:11 185:19 224:13 230:16 234:19 241:6,8 250:4,6 261:5 263:15 273:18 279:20 286:12 299:18 309:9 <b>pointed</b> 159:7 249:5 <b>pointing</b> 194:15 <b>polarized</b> 14:5 <b>Pollution</b> 1:1 2:2 2:6 3:6,6 5:3 <b>poor</b> 112:13 <b>porous</b> 196:19 196:20 207:2 <b>portion</b> 19:3 76:7 83:3,4 121:11,18 128:18 170:19 174:7 190:9 195:17 216:16 216:18,22 229:23 241:12 262:11 267:10 276:3 278:13 280:22 290:5 295:20 <b>portions</b> 103:21 123:10 127:13 127:19 262:5,7 270:8,9,13 274:12 278:24 280:18 <b>position</b> 107:2 117:24 228:7 236:19	<b>possibility</b> 31:15 146:12 167:3 <b>possible</b> 40:18 82:3 141:13 <b>possibly</b> 31:24 91:4 226:15 <b>post-hearing</b> 162:21 238:24 293:13 <b>posted</b> 5:14 <b>potential</b> 28:21 30:12 66:17 234:10 257:14 <b>potentially</b> 31:18 106:21 261:12 <b>Powell</b> 3:6 <b>practical</b> 169:11 169:24 <b>practices</b> 37:9 38:4,24 118:20 <b>pre-consolidat...</b> 180:20 <b>pre-constructi...</b> 260:11,12 <b>pre-qualificati...</b> 297:8 <b>precondition</b> 156:17 <b>preconsolidated</b> 181:8 <b>predicated</b> 74:23 <b>predominant</b> 11:20 232:5,11 232:18 <b>predominantly</b> 200:17 <b>predominate</b> 232:2 <b>prejudicial</b> 148:24 <b>preliminary</b> 5:17 6:4 35:23 255:7	<b>premise</b> 37:8 116:23 <b>preparation</b> 33:12 34:8 83:9 138:7 <b>prepare</b> 80:3 300:5 <b>prepared</b> 63:1 77:20 303:22 304:22,24 <b>preparing</b> 33:4 34:17,22 35:12 67:1 243:2 248:14 249:24 305:6 <b>presence</b> 119:19 228:22 233:3 <b>present</b> 2:6 3:2 235:7 257:17 <b>presented</b> 85:20 <b>presenting</b> 12:8 <b>preserve</b> 276:15 <b>pressed</b> 9:12 <b>pretty</b> 135:19 <b>prevent</b> 44:10 <b>previous</b> 55:4 108:9 263:19 <b>previously</b> 46:9 96:18 109:11 110:8 <b>primarily</b> 43:6 <b>prior</b> 11:21 33:21 34:6 35:5 36:24 40:7 42:10 76:7 108:11 132:4 148:5,8 149:1,4,18 158:17 205:4,5 <b>pro-</b> 52:12 <b>probably</b> 35:15 43:13 58:15 68:20 71:8 150:17 162:20 175:1,4 194:11
---	---	---	--	--

221:18 259:9 259:10 <b>problem</b> 129:14 153:13 216:4 286:19,20,22 <b>proceed</b> 18:1 57:11 260:2 294:7 <b>proceeded</b> 250:10 <b>proceedings</b> 1:10 74:15 162:3 231:8 292:6 310:8 311:10 <b>process</b> 39:23 55:3 144:15 149:10 152:11 234:12 282:15 309:2 <b>produce</b> 41:19 42:8 244:24 <b>produced</b> 20:11 20:16 42:13 55:21 110:2,2 113:4 244:21 <b>product</b> 151:23 <b>profile</b> 189:2,21 190:2,23 199:17,19 <b>program</b> 256:22 257:11 <b>programming</b> 269:10 <b>project</b> 23:3,20 24:1 25:5,9,10 27:14 44:21 45:7,14,24 51:13 53:12,21 53:24 54:4,6 54:14 55:2 80:4,6,9,10,13 82:16 86:19,20 86:20 88:5,8 88:11,19,20	89:5,9,9 91:6 92:15 93:2 96:22 99:5 122:12 123:5,5 124:9 128:24 129:21 130:24 132:2 136:14 136:18 140:5 141:20 142:1 142:22 143:10 145:18,23 151:6 154:3,7 156:7 161:14 205:22 207:13 207:16,17 212:16,17 224:1,10,22 225:4,4 226:13 227:5,6,8 228:4 246:11 246:16 260:15 261:14,15,23 262:4,5,7 264:7 267:20 268:1,6,9 272:24 276:3,9 279:8,15,17 298:1 300:17 300:24 301:3,5 301:10,15,18 308:11 <b>project's</b> 217:5 <b>projects</b> 40:23 224:15 225:1 255:10 <b>promise</b> 243:8 <b>prompt</b> 162:7 <b>proof</b> 75:22 294:1,5 <b>proper</b> 15:8 108:9 148:11 148:14,14,17 <b>properly</b> 160:1 160:5 <b>properties</b>	257:14 281:23 <b>property</b> 26:1 66:11 102:12 102:18 103:21 154:20 156:21 159:23 241:23 257:2 278:11 <b>proportion</b> 263:22 <b>proportions</b> 261:24 262:20 <b>proposed</b> 48:19 93:10 202:16 202:17 257:18 306:24 <b>propriety</b> 281:22 <b>Protection</b> 256:24 <b>protracted</b> 113:3 <b>protruding</b> 204:9 <b>provide</b> 45:8 88:13 266:22 271:14 307:1 <b>provided</b> 9:20 42:14 45:23 46:5,5 50:13 52:10 60:23 170:7 171:21 171:22 260:11 297:1,12 <b>provides</b> 133:19 237:6 269:14 273:22 274:19 308:4 <b>providing</b> 44:12 260:13 262:20 301:13 <b>provision</b> 207:10 <b>public</b> 1:12 48:17 235:6,8 272:13 274:3	281:14 283:4 283:12,24 284:6 286:14 286:17 287:7 287:21 288:24 293:9 311:18 <b>pull</b> 171:16 <b>pulled</b> 249:15 <b>pulling</b> 32:7 <b>purchase</b> 237:21 240:16,24 <b>purchased</b> 241:10 <b>purchasing</b> 278:24 <b>purpose</b> 140:13 145:16 277:20 278:19 292:14 <b>purposes</b> 121:8 258:16 287:10 <b>pushing</b> 308:8 <b>put</b> 6:24 7:14 26:8 96:20 154:24 160:8 171:20,24 178:9 181:5 199:11 209:9 209:12 210:20 217:21 223:18 290:12 <b>putting</b> 137:22	22:6,15 24:14 25:18 29:22 30:16 31:1,13 33:4,14,17,19 35:11 37:8,17 39:6 50:8 54:12,13,22 55:5 59:23 63:7,16 65:3 69:3 72:1,2,14 72:17 78:23 79:11,16,20 84:16 85:16 87:12 88:15 89:6,20,22 90:11,14,23 91:1 92:3,4 95:20 98:23,24 99:15 109:16 117:17 120:11 128:16 130:20 130:22 134:7 134:14,18 135:8,11,17 137:20 153:20 155:10,15 165:15,21,22 177:15 179:15 185:1,2 202:9 205:4 206:1,20 208:5,7 216:11 216:17 223:8 233:11,13 238:3,7 241:14 241:15 243:24 244:14 251:19 252:7 255:4 297:22 298:19 298:23 299:7 299:22 300:21 <b>questioning</b> 233:17 238:18 246:2 <b>questions</b> 34:19 39:5,12 148:6
--	--	---	---	--

166:15 182:1 239:2 248:9 256:10 257:24 258:8,12 270:11 292:15 294:19 300:3,7 300:11 <b>quick</b> 252:19 291:20 <b>quickly</b> 212:13 212:23 223:18 256:15 <b>quite</b> 125:4 126:11 148:11 156:14 <b>quote</b> 11:7 29:17 48:17 97:1 129:13 144:11 242:13 <b>quoted</b> 242:15	<b>rationale</b> 256:22 <b>re-recorded</b> 288:10,15,19 <b>reach</b> 65:9 235:24 <b>reached</b> 26:24 75:5 <b>read</b> 29:13 63:16 66:24 67:7,19,23 68:11 69:18 70:13,17,24 73:7 81:21 87:10 96:9 126:1 128:15 128:19 134:15 136:24 140:9 142:11 145:13 149:4 151:12 188:22 204:4 225:14 234:14 234:17,22,24 234:24 270:9 270:13,21 271:7,13,22 274:6,13,14,17 275:7,18 291:5 291:11 298:20 304:2 <b>readily</b> 147:17 236:2 <b>reading</b> 15:6,7 29:15 38:14 70:13 98:3 114:13 137:10 148:5,19 149:18 239:15 252:3 274:9 275:14 276:17 <b>reads</b> 66:2 192:17 <b>reality</b> 56:21 138:9 <b>realize</b> 51:3,5,7 114:20	<b>realizing</b> 308:7 <b>really</b> 185:12,15 209:24 227:12 256:15 <b>reason</b> 93:19 94:17 115:22 125:8 129:12 134:10 139:20 153:8 180:14 257:6 <b>reasonable</b> 27:4 27:7 186:4 <b>reasons</b> 53:11 54:18 129:9 131:24 <b>rebut</b> 12:3 14:8 14:16 <b>rebuttal</b> 7:13 14:19 246:7 286:2,4 290:17 303:1 <b>rebutting</b> 10:11 14:22 <b>recall</b> 17:13 27:1 28:1 35:19 38:5 40:24 43:23 44:4,19 47:11 50:9,10 55:12 60:8 69:3,7 81:23 83:24 84:10 85:11 89:15 91:6,7,9 94:10 96:22 97:3 98:14,19 110:12,19 129:22 135:20 144:7 145:19 161:7 165:1 176:12 177:23 180:14 182:3 193:9 206:20 206:21 234:12 234:23 242:22 244:18,20	250:3,14 300:9 <b>recalled</b> 86:18 88:7 <b>received</b> 41:22 41:23 42:3,6 42:18 47:21 243:21 <b>receiving</b> 244:18 <b>reciting</b> 59:24 <b>recognized</b> 257:15 <b>recollect</b> 129:15 133:11 <b>recollection</b> 42:5 155:19 <b>reconstruct</b> 239:11 278:3 <b>record</b> 5:11,13 15:7 20:10 42:16 53:12,14 53:19 54:17 55:19 58:24 61:21 74:18 94:3 101:19 103:22 108:10 110:5 113:14 114:16 116:1,1 128:18 133:12 134:15 149:22 153:3 160:7 162:6 192:6,13 231:11 258:16 261:6 262:24 263:3 271:21 282:12 283:22 284:6 286:14 286:21 292:3,9 299:20 303:6 310:2,5 <b>Recorder's</b> 284:11,17 <b>recording</b> 284:16 <b>records</b> 54:18 59:22,24 94:15	94:24 95:11 286:17 <b>recross</b> 294:9 309:19 <b>red</b> 47:5,7 202:6 202:15 <b>redirect</b> 4:5 17:22 39:13 239:1 259:2 302:7 309:16 309:18 <b>reduction</b> 207:7 <b>refer</b> 268:6 <b>reference</b> 92:20 112:21 116:18 118:5 119:7 123:3 124:4 145:2 146:18 166:1 219:10 <b>referenced</b> 117:20 118:4,9 304:10 <b>referencing</b> 109:23 <b>referred</b> 7:18 17:8 42:20 43:3 114:2 117:5,14 164:3 305:9 <b>referring</b> 7:1 61:22 64:6 65:14,20,23 71:2 72:6 87:5 87:15,16 91:8 92:18,22 115:18 123:15 151:7 152:5,16 169:6 201:17 208:6 220:8 254:5 268:9 304:23 <b>refers</b> 11:13 81:24 92:20 206:19 245:16 290:7 295:14
<hr/> <b>R</b> <hr/> <b>R</b> 2:1 3:1 6:20 260:4,4 310:6 <b>railroad</b> 214:19 239:10 240:16 240:21 273:19 278:3,9,9,10 280:16 281:2,2 282:8 <b>raise</b> 6:9 19:10 <b>raised</b> 17:11 18:5 20:22 209:7 <b>ramp</b> 204:19 205:13,15 <b>ran</b> 130:24 <b>Randall</b> 88:6 <b>Randolph</b> 1:15 2:2 <b>random</b> 152:7 <b>Randy</b> 49:16,23 52:10 <b>range</b> 68:7 <b>rating</b> 297:8				

<b>refine</b> 179:9 233:7	40:3 197:20 207:23 212:17	76:2,4 83:17 94:12,14	128:23 129:20 131:7,10 134:5	71:2,3 76:20 77:14 81:12
<b>reflect</b> 103:22 110:5 149:22	214:13 261:23 <b>relating</b> 42:3	106:23 107:9 110:11 121:3	152:1,2 155:13 156:8,9,19	82:21 86:13 89:4 96:24
<b>reflected</b> 167:3	251:9	124:13 132:17	180:1,8,13	97:9,9 100:10
<b>reflecting</b> 162:16	<b>relation</b> 131:12	140:1 142:23	183:20 184:9	100:13 101:12
<b>reflection</b> 112:15	<b>relative</b> 258:3	143:23 144:21	185:4,21 212:4	105:4 106:17
<b>reflects</b> 149:22 249:20	<b>releasable</b> 236:2	165:9 178:7	212:16 213:2,8	110:16 111:7
<b>regard</b> 300:12	<b>release</b> 84:20,20	183:10 193:7	213:23 266:21	111:20 114:12
<b>regarding</b> 5:5 9:17 45:23	<b>relevance</b> 256:10,12	206:16 208:1	<b>removing</b> 105:11 136:13	114:12,22,24 115:1 116:5,9
54:6 59:19	<b>relevant</b> 250:6	212:4,6,18	136:17 212:24	117:5,12,13,23
85:17 94:24	250:11 253:18	214:4 215:10	213:13,15,17	118:8 129:14
95:11 134:3	253:19 283:18	219:9,20 221:1	<b>rendered</b> 94:16	132:20 136:6
166:16 248:9	<b>relied</b> 20:7	228:19 233:21	<b>rendering</b> 41:12	143:4 149:13
249:16 293:22	47:24 48:16	234:8 242:10	69:18 70:18	154:9,10 178:3
294:4 296:20	62:16 292:15	250:7 251:2	234:15	178:14 181:15
307:17	305:19,23	252:12 285:23	<b>renew</b> 258:17	181:16 186:9
<b>regards</b> 34:5	306:1,10	<b>remiss</b> 162:8	<b>repeat</b> 16:21	223:9 227:11
94:21 116:19	<b>relocate</b> 309:4	<b>removal</b> 95:1,11	29:21 95:3	227:12 234:7
116:20 117:19	<b>relocated</b> 93:1	113:12 207:24	143:24 186:22	234:19,22
154:10	93:12,16	234:14	<b>rephrase</b> 39:11	238:16 239:6
<b>register</b> 15:1	307:24	<b>remove</b> 26:9	111:16 132:9	241:7,19 243:2
114:15 148:3	<b>relocation</b> 93:22	121:20 122:11	205:7 230:13	245:9 246:11
<b>regular</b> 130:6	<b>relocations</b> 93:4	122:21,23	280:2 298:23	246:22 248:9
<b>reimbursable</b> 273:21	<b>rely</b> 41:11 49:2	123:1,3,4	<b>report</b> 7:12,13	248:14 249:21
<b>reimburse</b> 262:21 273:11	293:2 303:24	125:18 131:18	7:14,21,23 8:5	250:1 255:2
273:16 276:2	304:15 305:7	136:9,22 137:8	9:7,13 10:10	282:19 285:14
278:5	305:14,18	140:16 141:24	10:14 11:4,5	285:21 290:18
<b>reimbursed</b> 241:11	<b>relying</b> 50:16	142:8 143:22	12:2,3,6,16	292:16 304:5,8
<b>reimbursement</b> 273:10	67:10	144:3 151:5	14:9,15,16,20	304:10,13,16
<b>relate</b> 38:4	<b>remainder</b> 228:5	154:2,16,19	15:24 16:3,5	304:20 305:7
93:22	<b>remanence</b> 81:2	155:6 158:13	16:15,18 20:1	<b>reported</b> 311:9
<b>related</b> 69:12	108:4	181:10 183:21	20:8,12 23:13	<b>reporter</b> 4:7
94:5 141:17	<b>Remarks</b> 4:6	185:7 190:21	31:8 33:5,12	6:10 311:7
167:9 208:14	<b>remedy</b> 228:11	190:22 193:12	34:5,9,17,23	<b>reporting</b> 290:22
221:2	228:17,24	193:13,16	35:13 36:8,15	<b>reports</b> 54:7
<b>relates</b> 39:23	229:22 233:5	195:12 197:11	36:19 41:13	59:22 234:23
	233:20 236:9	198:17	42:4 48:11	<b>repre-</b> 93:24
	<b>remember</b> 15:19	<b>removed</b> 11:22	49:2 59:12	<b>represent</b> 20:10
	21:4 35:24	23:19 101:13	60:2,11,24	29:16 55:18
	41:20 55:14,16	107:8 110:9	62:18 63:1,8	94:3 111:19
	60:15 67:11,21	113:15 116:8	63:21 64:14	124:16 184:20
	67:22 73:9	116:23 118:7	65:5 66:7 67:1	212:8 242:12
		120:13,20	67:4,6 70:20	
		124:2,5,6		

<b>representation</b> 184:23 221:19	225:8 226:8,13 301:6,12	299:7 300:20	58:14 59:8,12 60:7,10,24	154:3,9,18,22 156:1,2,5,8,11
<b>representative</b> 45:6,13 164:13	<b>residential</b> 45:9	<b>restate</b> 179:13	61:4,11,17 62:14 64:12	156:13,19,22 157:2,17 159:4
<b>represented</b> 168:1 214:16 233:6 242:18	<b>resolution</b> 271:19 272:7 272:22,24 273:4 277:18 277:21	<b>restore</b> 154:7,16 154:20 155:16 155:17,20 158:12 159:12	65:16,19 67:18 74:20 75:3,7 77:15,18,20,23 78:24 79:12,15	159:10,16 160:11 161:14 163:8,24 166:2 167:11 168:7
<b>representing</b> 134:23 136:20 172:21 175:10 179:8 195:6 222:20	<b>resolved</b> 54:10 268:4	<b>restored</b> 156:22 156:23	80:5,8,12,19 81:1,5,9,15,18 82:12,16 83:5 83:9,13 86:6	168:11 170:15 171:3 172:1,13 172:21,23 173:3,10,20
<b>represents</b> 155:8 174:17	<b>respect</b> 12:8,10 14:14 16:14 34:8,22 35:12 52:23 80:10	<b>restricted</b> 293:11	88:21,24 89:11 89:20 90:24 91:3 93:2,5 95:17 96:14	174:6,9,11,11 174:13,15,24 175:8 178:2 179:6 182:15
<b>request</b> 41:19 49:10,12 84:13 294:16 307:13	135:23 235:16 235:17 258:18 269:22 282:20	<b>results</b> 13:12 64:21	97:12 99:18,20 100:6,19 101:6 101:12,20 102:12,19	182:20 183:18 186:20 187:1,3 187:17,19 188:3,13
<b>requested</b> 94:4 128:17 153:8	<b>respond</b> 148:21	<b>retain</b> 54:23 55:1	103:7,9 104:12 105:2,20 106:2 107:12 109:8 110:13 111:2	189:15 190:10 190:18 191:1,6 191:19 194:6,9 194:14,24
<b>requesting</b> 158:12	<b>respondent</b> 1:7 2:20 5:7 231:22	<b>retained</b> 53:10	116:9 117:6,15 118:14,23 119:15 121:12 121:24 122:13	195:12,15,23 196:7 197:3,14 198:1,9,15,18 198:23 199:2
<b>require</b> 196:16 228:7 256:24	<b>responding</b> 84:4 89:19 166:19	<b>retracted</b> 223:14	123:6,12,24 124:20 125:1 126:13,24 127:4,21 130:7	199:21 200:4 200:16,18,20 200:22 203:1 203:16,22
<b>required</b> 113:24 136:5 141:24 142:7 147:24 154:6 159:18 179:4,19 190:12 193:17 193:21 197:5 199:11 225:21 226:7 229:23 262:10 266:23 266:23 279:14	<b>response</b> 34:20 44:1 49:7,11 49:15,17 82:20 82:22 83:2,9 83:10,12 84:8 85:1,21 87:7,7 89:6 244:19,23 263:4 295:20 299:9,14,16 300:4	<b>return</b> 159:14	130:12,16,18 131:11,15,17 131:21 136:2 137:15 139:8 139:11 140:23 141:6,7 142:3 142:6,11 143:5 143:12 145:4 146:1,5,11,16 146:23 147:3,6 147:14 150:6 150:19,19 151:6,19 152:6	206:10,13 207:12 208:13 208:17 209:3 209:21 211:6,7 212:16,22 213:2,9,10,17 213:18,23 214:15,23 215:6,7 216:11 216:17,19,23 217:22 218:18 218:22,24 219:5,6,20
<b>requirement</b> 142:8	<b>responsi-</b> 278:22	<b>retired</b> 88:4		
<b>requirements</b> 258:20	<b>responsibilities</b> 277:24	<b>retracted</b> 223:14		
<b>requiring</b> 228:17	<b>responsibility</b> 136:7 137:6 223:11 279:2	<b>return</b> 159:14		
<b>reserve</b> 37:14 294:8	<b>responsible</b> 85:9 85:18 86:5 240:15 276:2,5 276:7 279:4,5	<b>reviewed</b> 40:9 40:11,16 41:15 42:3,10 43:19 43:22 44:17 67:12 95:10 256:6 283:17		
<b>resident</b> 45:23 47:3 53:4 88:4 142:17 224:6,9	<b>responsive</b> 88:14 297:21	<b>revision</b> 308:5		
		<b>rid</b> 140:17		
		<b>right</b> 7:19 8:3 9:18,24 11:2 12:23 17:12 18:6 20:17 21:22 26:18 27:14 29:20 30:1 31:1 32:6 33:7 36:8,22 39:24 40:10 41:4,13,16 42:24 43:8,11 43:12,22 44:22 47:8 50:18 52:15 53:12,22 54:4,9 56:7 57:5,20 58:3,7		

220:21 221:21	223:24 240:16	97:15 98:11,13	6:20	66:10 71:23
223:5,19,23	<b>rights</b> 278:2	98:14,18	<b>saith</b> 6:19	72:4 78:22
224:4,11,19	281:23	101:15 104:3	<b>samples</b> 11:17	79:17 85:3,23
225:5 226:5	<b>rights-of-way</b>	105:8,9 152:17	<b>Sand</b> 97:15	88:3 93:10,18
227:2,7,24	236:11 237:11	156:11 207:24	159:24 180:19	94:20 102:4
228:12 229:7,8	237:15	242:1 266:20	239:12 240:11	109:15 111:20
230:16 232:12	<b>rise</b> 209:3	267:9	242:4 247:4,14	113:14 114:2
236:11,18	<b>road</b> 10:19,20	<b>roadway</b> 19:16	247:16 273:20	118:6 126:16
240:22 243:21	53:22 54:1,24	105:11 121:23	278:4	136:3,21 139:4
244:10,15	96:20 99:17,18	151:4,5 152:7	<b>sandwich</b> 163:4	139:19 141:12
245:13,14	100:5,18	152:10,15,22	<b>sanitary</b> 307:17	142:8 151:22
246:15,22	101:19,22	185:19 209:8	307:21,23	156:11 157:10
247:6,13,16,19	102:6,10,10,15	209:11,24	308:6 309:4	165:14 168:24
248:6,21	102:16 103:13	<b>roadways</b>	<b>satisfactory</b>	170:3 173:4
249:12 250:1	103:15 104:3,4	257:12	170:10 225:9	184:6,20
251:6,10 252:4	104:5,7,13	<b>Robert</b> 255:20	225:17	190:23 195:24
253:15,16	105:24 106:5	<b>Robertson</b>	<b>saved</b> 238:24	197:11 198:22
254:20,20,21	107:6 111:2,11	162:11	<b>savings</b> 308:8	201:23 205:10
255:4 271:7	111:20,22	<b>Robinson</b> 3:6	<b>saw</b> 20:18 161:6	212:22,23,24
274:11,21	113:16 116:11	<b>rocks</b> 170:5	165:7 210:2	213:2 214:18
278:24 288:12	116:20,24	<b>role</b> 89:19,21,24	<b>saying</b> 10:13	216:10 221:9
292:2 300:6	118:2,16	<b>Ron</b> 297:1	24:16,21 27:11	221:16,19
302:13,22	121:10 123:12	<b>roofing</b> 175:24	31:14,16 34:2	225:15 229:9
305:24 309:24	123:20,21	<b>roofing-type</b>	34:4 35:4	229:13 230:6
<b>right-hand</b>	127:3 131:19	175:24	59:18 75:19	231:20 235:7
169:9 284:15	133:23 134:6	<b>room</b> 1:14 5:13	98:8,19 115:10	235:18 243:13
<b>right-of-way</b>	146:4 147:3,23	5:14,14,15	116:14,17,18	244:3 248:3,8
99:1,19 122:8	152:5,10,14	46:5 147:8,11	126:9 127:9	249:12,15
141:14,19,20	154:1,2,17,19	310:3,5	136:12,14	250:18,20
141:21 142:14	154:24 155:7	<b>roughly</b> 109:3	139:5 144:21	251:17 252:16
142:17 216:12	155:14 156:1,2	126:6 204:14	145:21 154:15	253:6 254:3,4
217:10,16	156:4,8,9,19	273:23	164:13 169:16	254:11,19,20
218:1,3,4	159:10,24	<b>Route</b> 48:20	171:4 179:1,17	254:21 256:22
237:3,13,18,23	160:14 170:14	246:11,15	183:17 194:22	257:10 272:11
238:7,9,12	171:14 173:11	<b>RPR</b> 1:12 311:6	199:6,7 200:4	<b>scaling</b> 218:3
239:9 240:11	173:22 180:20	311:17	209:16 210:13	<b>scattered</b> 61:10
240:20 241:1,4	181:5 187:18	<b>Rule</b> 275:4	212:5 214:13	61:16 106:19
241:19 242:3,9	187:24 188:1	<b>ruling</b> 37:14	219:3,21 229:2	121:1
242:13,17,21	189:2,4,17	269:4 271:24	238:2 284:24	<b>scenario</b> 229:17
243:2,15	190:4 191:5,14	275:17	309:3	229:20
244:14 257:18	191:19,21,23	<b>run</b> 26:5 101:1	<b>says</b> 11:15 13:18	<b>Schick</b> 52:10
267:1 276:6	205:22 210:18	<b>running</b> 220:5	23:14 29:7	83:11 87:6
278:6,12,15	242:10,14		46:23 47:2	88:6 89:13
279:1 283:5	264:22 280:22	<b>S</b>	48:16 57:1	<b>Schick's</b> 49:16
<b>right-of-ways</b>	<b>roads</b> 93:11	<b>S</b> 2:1 3:1 6:17,20	58:23 63:24	49:23

<b>scientific</b> 27:4,7 186:5	64:3 65:7 66:19 69:20 71:16 72:21 77:3,12,23,24 79:14 80:1 84:22 85:5 86:2 87:2,14 88:16 90:21 92:16 93:13 97:10,11,19 98:2 100:2 101:2,10,16 102:7 104:4,6 105:13 107:19 109:5,13 111:24 114:8 119:24 120:18 120:21 125:20 136:10 140:18 144:5 151:15 152:3 156:4 157:8,12 158:4 158:8 160:23 164:22 165:18 166:8 169:4,9 169:13 170:11 172:10 176:23 183:17 189:7,9 189:23 194:2,6 194:8,10,15 195:13 196:1 198:20 199:16 199:20,24 200:1,3,7,9,24 203:2,8 204:20 209:2 211:7,12 211:16 213:4 217:7,16 220:2 220:20,23 221:13 222:3 229:10,24 231:24 235:10 236:3,18,21 237:8 238:13 239:13,18	240:8 242:1 243:9,12,13,16 244:3,7 245:17 246:11 247:3,6 247:9 248:3,11 249:13,18 250:18 252:17 253:4,8 254:6 254:9,14 255:22 257:4 257:19 264:9 271:2 273:14 290:2,18 302:16 304:5 <b>seed</b> 266:16,16 266:18,20,22 267:11 <b>seedling</b> 266:24 267:11 <b>seeing</b> 22:8 193:7 196:2 197:19 <b>seek</b> 290:14 <b>seen</b> 20:4 41:3,9 47:7 56:4,6 60:22 93:21 164:9 245:13 246:19,22 249:2,4,9 260:16 276:4 <b>semi-circles</b> 220:14 <b>sent</b> 42:3 244:4 252:17 253:6 263:21 290:1,3 <b>sentence</b> 65:11 66:24 67:9,10 67:24 68:3,6 70:21 72:3 76:22 88:3 291:6 <b>separate</b> 93:5,12 93:16 94:1,19 94:22 138:23 139:14 272:21	<b>separately</b> 136:4 137:16 138:22 <b>separation</b> 214:19,20 273:19 <b>September</b> 77:22 78:3,4,8 78:9 268:13,22 269:1 289:4 <b>sequence</b> 96:21 <b>sequencing</b> 97:3 105:16,19,21 105:22 <b>served</b> 41:18 <b>serves</b> 145:16 <b>set</b> 24:18 25:22 41:16 42:15 46:6,14 51:19 52:9 53:13,18 54:16 <b>sets</b> 40:22 42:13 44:17 51:4 83:19,23 <b>settled</b> 267:24 <b>seven</b> 171:15 200:14,14 209:22 <b>sewer</b> 93:11 220:7 221:2 223:5,6 306:18 306:20,21,24 307:21,23 309:5 <b>sewers</b> 91:18 <b>shaded</b> 174:18 174:20 <b>share</b> 118:17 <b>sheet</b> 55:14,20 55:21 56:3,4,6 56:9,14 58:3 58:20 133:18 189:1 307:5 <b>shoes</b> 176:2 <b>Shore</b> 307:17 <b>short</b> 74:13	162:1 231:6 291:18,24 292:4 <b>shorthand</b> 311:10,12 <b>shoulders</b> 58:6 <b>show</b> 13:6,12 45:1 104:15 124:8,15,24 125:9 129:13 144:11 148:24 166:10 167:5,7 204:8 208:24 211:19 266:4 270:23 291:8 291:12,13 <b>showed</b> 10:9 20:4 41:3 47:23 52:18 64:22 165:4,6 <b>showing</b> 12:20 13:17,22 14:4 43:21 44:2 195:2 201:8 212:14 307:6 <b>shown</b> 4:23 47:5 48:5 58:18 125:18 306:22 <b>shows</b> 10:16,19 10:23 18:22 60:19 80:24 81:2,4 160:7 180:4 191:5 192:7 197:12 263:17,19 296:23 <b>shrubs</b> 26:12 <b>sic</b> 291:8 <b>side</b> 24:19 25:22 33:4 102:23,24 103:17 106:1,6 106:8,9,15 169:9 171:6,6 178:17 179:2,2 179:17,18
-----------------------------------	--	--	---	---

209:6 214:8,15 215:8,12,14,16 216:12,14,20 217:4,6,10,17 221:24 222:1 <b>sides</b> 278:16,17 <b>sidewall</b> 204:9 <b>signature</b> 78:9 288:2 <b>signed</b> 274:5 <b>significant</b> 261:9 263:15 265:16 269:12 <b>signifying</b> 79:20 <b>silly</b> 274:20 <b>silty</b> 204:13 <b>similar</b> 119:23 277:18,22 <b>simpler</b> 169:5 <b>simply</b> 61:19 90:7 <b>single</b> 218:15 <b>Sir</b> 98:2 <b>sit</b> 6:6 67:18 149:3 177:6 305:21 <b>site</b> 9:18,23 11:19,19,20,20 16:20 17:1,9 18:20 19:2,3 19:10 22:2 28:14 32:12,12 56:22 57:5,13 57:23 58:1,2,6 58:10,18,19 63:10 66:10,18 69:13 80:5,18 80:18 85:19 86:21,21 88:24 89:1,1 97:2,14 98:9 103:2,6,9 103:10 106:19 110:24 113:11 116:21 121:2 122:12,15,16	123:2,4,5,15 123:17 124:9 124:14,14,16 125:1 127:14 131:11,12,13 131:17 133:20 134:21,22 136:18 139:1 139:13 140:5 142:1 146:5 154:7,11,16 155:4 156:17 158:6,12 159:2 159:3,8,13 161:13 165:24 168:7 170:19 170:20,23,24 171:3 172:8,8 177:17,18 178:20,20 192:19,22 203:21 204:15 208:16 209:3,4 209:6,7,19 211:23 212:9 216:19,20,21 220:15 224:24 228:6,11,11,17 228:17 229:14 229:19,22,23 230:8,9,15,19 230:20 231:23 232:3,11,16 235:7 239:22 252:9,11 255:8 295:15 <b>sites</b> 29:20 30:1 30:19 31:4,4 32:19 37:19,20 59:20 91:23 92:6 95:1,12 95:16 96:21 141:20 208:15 214:9 228:23 233:3 257:18	<b>sitting</b> 285:13 <b>situ</b> 90:17 <b>situation</b> 198:13 <b>six</b> 20:15 99:7 152:16 174:5 187:11 200:14 300:18 <b>size</b> 223:4 <b>skewed</b> 148:7,12 <b>skip</b> 249:8 <b>skipped</b> 250:12 <b>skipping</b> 274:10 275:10 <b>slightly</b> 56:20 169:23 194:23 195:4,19 <b>slopes</b> 267:1 <b>small</b> 170:17 213:22 233:2 266:23 <b>smaller</b> 170:8,9 <b>Smith</b> 308:24,24 <b>sod</b> 266:15 <b>sodding</b> 266:14 <b>soil</b> 11:17 80:7 80:12 82:15 101:9 119:14 119:16 120:2 120:14 135:3 178:6 204:13 204:18 205:12 235:21,23,24 237:1,3 <b>soils</b> 236:1 <b>solely</b> 37:3,7 39:1 201:5 <b>Solutions</b> 252:2 <b>someplace</b> 103:16 139:7 143:22 145:18 <b>sorry</b> 5:24 8:13 12:11 13:20 16:11,22 17:7 18:12 19:7 23:7 29:16	37:5 46:20 48:5 50:4 56:23 57:16 69:24 70:12 74:7 78:19 79:2 87:2,20 87:23 97:21 99:6,7,9 100:24 115:10 121:19 127:24 128:2,5 137:18 143:17 144:7 145:7 157:7 166:18 194:13 203:6 211:17 213:7 219:17 222:24 235:17 239:14,16 240:3 245:6 253:23 255:13 258:10 264:10 265:4 266:5 270:5,15 272:20 275:15 279:18 289:8 291:11 294:12 299:12,16 306:9 <b>sort</b> 7:19 9:20 21:21 22:1,2 79:21 94:9 96:11 112:6 144:12 157:13 182:5 189:8 190:8 194:9 196:8 198:13 199:24 220:13 226:22 236:24 238:3 263:18 263:20 266:10 267:15,21,24 268:16 274:20 290:11 309:1 <b>sorts</b> 64:12 <b>sound</b> 75:18	<b>Sounds</b> 150:24 <b>source</b> 197:2 207:8 <b>sources</b> 185:9 <b>south</b> 56:21 106:1,6 170:24 171:4,6 174:17 179:2,18 192:24 193:2,5 193:6 211:22 214:8,15 220:13 222:1 <b>southeast</b> 121:18 <b>southern</b> 174:13 <b>southwest</b> 121:11,15 <b>space</b> 196:23 199:2 <b>spaces</b> 66:16 <b>span</b> 214:19 <b>speak</b> 34:4,7 35:11 37:5 89:13 303:15 305:22 <b>speaking</b> 35:19 <b>speaks</b> 8:5 57:7 59:1 114:12 218:5 230:5 <b>spec</b> 35:17 36:5 36:6 91:13,17 139:18 144:12 <b>special</b> 207:10 267:5 <b>specials</b> 266:14 <b>specific</b> 113:5 115:16,23 207:12 <b>specifically</b> 9:21 17:6 49:12 83:24 117:24 127:2 139:17 142:9 154:11 207:3 212:6 277:14 308:16
---	---	--	---	--



<b>specification</b> 129:19 131:2 225:13	115:16 128:14 213:10 287:13 <b>started</b> 161:21 215:15 239:15 308:2	108:12 112:16 118:3 154:6 188:5 195:11 279:23	47:15 157:11 171:15 179:4 180:9 183:20 183:22,24 185:4,22 190:1 190:4,7,13 199:20,23 200:9 207:15 213:22 278:18	278:4 <b>stress</b> 181:4 <b>stretch</b> 53:22 <b>strike</b> 35:9 156:18 177:12 206:2 280:24 281:18 295:11 299:11
<b>specifications</b> 23:18 122:12 130:2,7,10,15 131:5 134:19 135:14 136:3 141:3 144:17 168:15 176:10 225:7,22 226:1	<b>starting</b> 261:14 <b>starts</b> 102:5 169:24 185:12 209:1,24 229:8 306:2 <b>state</b> 1:13 2:15 30:8 39:1	<b>states</b> 60:11 65:17 144:13 188:11 207:6 266:19 296:22 297:7,19 300:18,21 308:5	<b>stay</b> 99:2 <b>stereo</b> 83:16,19 83:23 <b>Steve</b> 243:12 244:1,5 248:11 <b>Steven</b> 3:5 4:4,5 244:1 255:21	<b>string</b> 290:4 <b>structure</b> 214:20 214:20 296:9 <b>stuff</b> 55:8 135:5 138:11 184:14 <b>stumbled</b> 275:21
<b>specifics</b> 224:17 <b>speculation</b> 279:19	48:17 64:13 93:22 109:10 109:11 117:23 133:15,17 134:14 181:8 192:7 210:4,7 236:8 237:2,15 241:9,11,18 245:6 248:20 256:22 257:1 261:24 262:22 263:2 272:8,11 272:12,14,22 273:11,16 276:3 277:19 278:5 279:15 290:2 308:1,16 311:1,7,9	<b>statewide</b> 248:10 <b>stating</b> 32:22 138:8 154:10 155:9 268:18 269:15 307:18 <b>station</b> 10:21 16:8,9,12,13 16:16 57:20,22 57:23 157:20 157:22 174:2,5 174:12 175:1 183:9,15 186:8 186:20,24 187:11,13,19 188:6,12 189:7 189:20 192:10 192:10,15,15 194:2,2,23 195:4 196:3,7 197:7 198:8,13 198:14 209:14 209:15,17,18 210:3,24 211:3 222:12,13,22 265:12 273:13 273:18 278:8 278:10,13,14	<b>stipulated</b> 283:19 298:12 <b>stipulation</b> 274:15 <b>Stoddard</b> 243:13 244:5 252:23 259:3 259:15,16 282:13,23 285:12,13,16 286:2,4 <b>Stoddard's</b> 269:24 <b>stones</b> 141:13,16 235:19 <b>stop</b> 127:24 150:11,15,23 161:17 309:11 <b>stoppage</b> 281:3 <b>stored</b> 295:5 <b>storm</b> 91:18 220:7 221:2 223:6 306:17 306:19,21,24 307:1	<b>structure</b> 214:20 214:20 296:9 <b>stuff</b> 55:8 135:5 138:11 184:14 <b>stumbled</b> 275:21 <b>stumps</b> 141:16 <b>style</b> 285:1 <b>subgrade</b> 197:22 <b>Subject</b> 243:15 <b>subjected</b> 282:8 <b>submitted</b> 49:9 85:10 229:20 <b>subpoenaed</b> 302:11,17 <b>subs</b> 267:22 <b>substances</b> 84:21 300:24 <b>substantial</b> 235:8 <b>substantially</b> 154:8 <b>substitute</b> 264:24 <b>suggest</b> 214:6 <b>suitable</b> 111:22 <b>Suite</b> 2:3,9,16 <b>Sukumar</b> 252:1 <b>supervising</b> 226:21 <b>supervisor</b> 301:7 <b>supplemented</b> 36:14 49:1 64:21 <b>support</b> 111:1 118:4,9
<b>speculative</b> 258:19	109:11 117:23 133:15,17 134:14 181:8 192:7 210:4,7 236:8 237:2,15 241:9,11,18 245:6 248:20 256:22 257:1 261:24 262:22 263:2 272:8,11 272:12,14,22 273:11,16 276:3 277:19 278:5 279:15 290:2 308:1,16 311:1,7,9	155:9 268:18 269:15 307:18 <b>station</b> 10:21 16:8,9,12,13 16:16 57:20,22 57:23 157:20 157:22 174:2,5 174:12 175:1 183:9,15 186:8 186:20,24 187:11,13,19 188:6,12 189:7 189:20 192:10 192:10,15,15 194:2,2,23 195:4 196:3,7 197:7 198:8,13 198:14 209:14 209:15,17,18 210:3,24 211:3 222:12,13,22 265:12 273:13 273:18 278:8 278:10,13,14	<b>stick</b> 235:2 <b>stipulated</b> 283:19 298:12 <b>stipulation</b> 274:15 <b>Stoddard</b> 243:13 244:5 252:23 259:3 259:15,16 282:13,23 285:12,13,16 286:2,4 <b>Stoddard's</b> 269:24 <b>stones</b> 141:13,16 235:19 <b>stop</b> 127:24 150:11,15,23 161:17 309:11 <b>stoppage</b> 281:3 <b>stored</b> 295:5 <b>storm</b> 91:18 220:7 221:2 223:6 306:17 306:19,21,24 307:1	<b>string</b> 290:4 <b>structure</b> 214:20 214:20 296:9 <b>stuff</b> 55:8 135:5 138:11 184:14 <b>stumbled</b> 275:21 <b>stumps</b> 141:16 <b>style</b> 285:1 <b>subgrade</b> 197:22 <b>Subject</b> 243:15 <b>subjected</b> 282:8 <b>submitted</b> 49:9 85:10 229:20 <b>subpoenaed</b> 302:11,17 <b>subs</b> 267:22 <b>substances</b> 84:21 300:24 <b>substantial</b> 235:8 <b>substantially</b> 154:8 <b>substitute</b> 264:24 <b>suggest</b> 214:6 <b>suitable</b> 111:22 <b>Suite</b> 2:3,9,16 <b>Sukumar</b> 252:1 <b>supervising</b> 226:21 <b>supervisor</b> 301:7 <b>supplemented</b> 36:14 49:1 64:21 <b>support</b> 111:1 118:4,9
<b>speed</b> 79:2 152:8 <b>spent</b> 285:15 <b>spiral</b> 108:18,20 <b>spoke</b> 33:6 34:2 34:16 89:10 243:1 <b>spoken</b> 61:2 <b>spread</b> 229:16 230:3 <b>square</b> 21:22 113:20 170:4 176:11,17 <b>SS</b> 311:2 <b>stability</b> 106:21 121:3 225:16 <b>stabilized</b> 113:20,22 <b>stable</b> 26:3 <b>Staff</b> 162:10 <b>staged</b> 105:2 <b>stamp</b> 284:24 <b>stand</b> 74:11 94:7 <b>standard</b> 23:18 129:18 <b>standing</b> 57:18 57:22 160:2 <b>start</b> 50:2 55:3 71:20 88:11 89:8 92:15	<b>State's</b> 291:1 <b>stated</b> 14:10 20:3 37:2,7 41:12 85:11 89:6,17 103:20 111:5,6 178:10 180:3 181:14 181:16 188:10 203:17 213:24 214:11 239:6 <b>statement</b> 62:24 63:8,20 64:5,8 64:10,18 65:4 65:14 67:6,15 70:19 75:17	155:9 268:18 269:15 307:18 <b>station</b> 10:21 16:8,9,12,13 16:16 57:20,22 57:23 157:20 157:22 174:2,5 174:12 175:1 183:9,15 186:8 186:20,24 187:11,13,19 188:6,12 189:7 189:20 192:10 192:10,15,15 194:2,2,23 195:4 196:3,7 197:7 198:8,13 198:14 209:14 209:15,17,18 210:3,24 211:3 222:12,13,22 265:12 273:13 273:18 278:8 278:10,13,14 <b>stationing</b> 57:14 57:19 106:11 222:10,11,17 308:17 <b>stations</b> 10:16 15:24 16:6,15	<b>stipulated</b> 283:19 298:12 <b>stipulation</b> 274:15 <b>Stoddard</b> 243:13 244:5 252:23 259:3 259:15,16 282:13,23 285:12,13,16 286:2,4 <b>Stoddard's</b> 269:24 <b>stones</b> 141:13,16 235:19 <b>stop</b> 127:24 150:11,15,23 161:17 309:11 <b>stoppage</b> 281:3 <b>stored</b> 295:5 <b>storm</b> 91:18 220:7 221:2 223:6 306:17 306:19,21,24 307:1 <b>story</b> 293:5 <b>Street</b> 1:15 2:2,8 2:16 273:20	<b>string</b> 290:4 <b>structure</b> 214:20 214:20 296:9 <b>stuff</b> 55:8 135:5 138:11 184:14 <b>stumbled</b> 275:21 <b>stumps</b> 141:16 <b>style</b> 285:1 <b>subgrade</b> 197:22 <b>Subject</b> 243:15 <b>subjected</b> 282:8 <b>submitted</b> 49:9 85:10 229:20 <b>subpoenaed</b> 302:11,17 <b>subs</b> 267:22 <b>substances</b> 84:21 300:24 <b>substantial</b> 235:8 <b>substantially</b> 154:8 <b>substitute</b> 264:24 <b>suggest</b> 214:6 <b>suitable</b> 111:22 <b>Suite</b> 2:3,9,16 <b>Sukumar</b> 252:1 <b>supervising</b> 226:21 <b>supervisor</b> 301:7 <b>supplemented</b> 36:14 49:1 64:21 <b>support</b> 111:1 118:4,9

<b>supported</b> 117:24	176:4 204:12 204:15 229:19	153:9 157:6 172:6 175:9	141:4 147:10 168:11 187:17	<b>tell</b> 28:2 32:5 47:22 48:3,6
<b>supporting</b> 111:22	230:8,19 231:22 235:24	186:9,18 188:18 189:3	199:20 201:19 206:15 207:23	61:6,14 62:12 114:21 139:15
<b>supposed</b> 224:7	236:1,7 266:13	191:3 192:2 194:2 202:11	214:3 242:7 245:6	167:11,23 177:6 185:20
<b>sure</b> 8:14 16:5	<b>surplus</b> 104:22 105:1 135:12	213:3,10 214:1 215:21 216:4	<b>talking</b> 13:5 17:5 19:19	185:24 207:5 213:21 218:2
16:23 17:18,23 18:7 24:10	<b>Survey</b> 290:2	219:24 221:17 222:5 227:16	21:20 22:11,16 33:12 49:22	222:18,20,22 225:14 233:10
25:14 29:21,23 32:7 34:15	<b>surveying</b> 80:15 80:17,21 82:15	230:23 237:5 245:7,22 246:8	56:16 61:24 69:22 70:1	235:3 240:18 243:14
38:19 39:16 40:9,15 45:16	<b>SUSAN</b> 2:11 <b>susan.brice@...</b> 2:10	247:1 248:16 251:12 257:9	87:4 91:4 101:3 103:7	<b>telling</b> 22:3 135:6 195:20
48:9,9 52:7 58:12 61:22	<b>susceptible</b> 235:18	290:20 291:17 291:24 293:24	106:10 109:7 109:19 110:21	221:1 241:16
74:6 75:15 83:16 89:3	<b>sustained</b> 62:10 111:15 300:1	303:11 <b>taken</b> 1:11 23:24	111:9 112:4 124:4 151:17	<b>temporary</b> 147:19 242:1,4
95:4 97:5,22 98:5,20 106:4	<b>swear</b> 6:9,10 <b>switch</b> 59:3	24:2,6 25:20 28:14 67:8	154:11 164:20 165:10,12	244:10 253:2 285:24
113:6 124:3 132:10 134:16	82:19 206:6 <b>sworn</b> 6:15,19	76:8 82:11,14 96:7 106:20	171:2,5 175:13 175:16 176:9	<b>ten</b> 44:5 47:16 87:17,21 89:6
135:17,19 137:18 151:7	<b>system</b> 52:20 290:12	96:7 106:20 119:14 131:10	207:3,11,13,14 207:16 209:5	89:20 99:7,8 150:22 157:11
153:6 156:14 158:20 159:23	<b>T</b>	131:12 311:13 <b>takes</b> 19:2	209:11,12,14 211:12 214:2	157:14,20,20 157:22 292:1
160:1,4 166:22 174:22 176:18	<b>T</b> 6:17,20 260:4 260:4	33:14 40:20 59:4 74:21	214:21 216:18 218:11 219:4,7	304:11 <b>tend</b> 235:20
176:22 177:9 183:16 185:21	<b>table</b> 305:11,14 305:18 306:1	82:20 92:9 100:6 110:7	219:10 227:23 233:18 237:22	<b>term</b> 14:22 16:16 25:9
186:7,23 192:17,21	<b>take</b> 5:18 7:6 25:16 30:15	161:10 168:3 181:21 206:7	237:23 240:12 247:13 252:22	38:8 45:16,17 79:23 119:21
195:2 199:5 203:4 205:8	43:24 46:2 54:19 63:2,20	206:24 212:24 244:13 249:21	306:17 <b>talks</b> 14:2 89:8	156:12,14,15 <b>terminology</b> 140:8
211:18 215:20 220:21 221:8	68:4,13 71:7 73:14 78:11	282:16 283:8 285:10,17,20	223:3,4 244:10 253:1 276:5	<b>terms</b> 17:2,4 153:14 301:3
224:15 228:13 229:1 234:18	80:11 82:22 84:12,24 85:12	285:22 286:6 <b>talked</b> 33:22	277:23 282:8 <b>task</b> 115:1	<b>terrible</b> 270:17 <b>test</b> 177:21
243:3 252:3 256:13 263:12	87:10 96:19 98:21 104:21	34:17,21 35:4 35:15,15 59:5	<b>tasking</b> 248:10 <b>Tatsuji</b> 3:4	<b>testified</b> 26:23 68:2 73:6
267:21 268:2 269:2 274:9	115:3 120:4 121:6,9 127:6	60:9,14,18 71:3 81:22	<b>tease</b> 114:23 <b>technical</b> 237:1	83:11 96:5 107:5 123:6
277:2 279:22 286:18 292:21	130:14 140:5 140:15 143:22	91:15,16 107:13 110:14	<b>technically</b> 185:18	126:11,22 129:1 159:6
303:2 309:13 <b>surface</b> 23:15	144:3 145:17 146:8 150:18	119:8 124:10	<b>telephone</b> 88:6	161:3,8 167:15
129:15 170:5				

167:20 170:13	258:24 259:24	98:15 102:17	271:3,8	140:15 144:8
183:8 212:14	260:3 264:16	106:12 116:15	<b>Thirty</b> 211:24	146:8 155:18
213:5 214:24	272:2,3 276:14	117:16 118:18	<b>Thompson</b> 1:14	160:17 163:2
215:6,13	277:8 288:13	119:3 122:10	310:6	182:15 191:18
246:18	291:16 294:7	123:23 124:12	<b>thoroughly</b> 9:19	200:22 202:14
<b>testify</b> 39:1,18	306:5 309:7,21	126:14 128:3	<b>thought</b> 5:22	205:21 216:4
73:3	309:22 310:7	128:13 129:14	34:18 49:13	224:13,22
<b>testifying</b> 165:1	<b>Thanks</b> 128:14	129:24 130:4,9	50:20 81:14	225:5 230:16
215:10 291:19	263:10	131:21 134:15	85:7 96:5	234:21 235:24
<b>testimony</b> 6:11	<b>thick</b> 111:1	136:19 143:6	119:1 122:20	259:10 261:12
15:4,10 17:15	<b>thickness</b> 113:24	146:14 147:12	129:9 131:10	263:24 268:23
25:8 32:4	<b>thing</b> 27:6,9	147:16 150:13	131:14 162:24	269:5 274:3,7
34:11 36:24	35:3 71:10	155:12,22,23	163:3,13	279:21 286:12
38:10 39:3	78:22 99:7	162:17,19	183:18 267:23	290:23 291:1
43:6 45:19	117:5,13 118:9	164:12,15	<b>threat</b> 84:20	291:19 296:5
49:19 62:5	178:11 184:3	168:11 172:19	235:6	299:18 302:9
108:7,9 112:18	226:22 252:19	175:9,10 179:7	<b>three</b> 73:21	307:24
112:21,23	274:17 275:6	182:24 183:4	82:11 90:17,24	<b>timeline</b> 293:4
117:8 132:4	275:18 280:11	186:6 192:3	147:24 162:16	293:16
134:13 143:14	<b>things</b> 16:14	195:5,24	176:20 177:7	<b>times</b> 30:5,16
148:5,8,10	55:2 74:24	196:17 197:20	177:17 200:14	147:12
149:1,2,14,18	75:23 91:19	198:12,14	200:18,24	<b>tiny</b> 219:5
158:17 164:6	114:13 136:13	205:24 210:13	210:11,12	<b>title</b> 35:23 36:1
166:16 167:13	147:13,19	212:10 213:8	211:5,6,10	<b>today</b> 36:14
167:22 175:18	149:11,13	224:14 227:16	214:18 215:3	67:19 95:17
205:5 210:15	203:23 253:18	228:15 229:8	267:11 273:15	162:10,14
233:1,17	259:8,20	229:11 230:5	275:11 285:9	176:16 177:6
243:20 249:9	262:19 266:12	231:2 232:19	295:3,8,13,14	214:22 291:24
258:18 284:2	271:12 301:16	233:6 238:2,23	297:23 302:1,5	302:8,18
285:8 292:22	<b>think</b> 5:12,19	244:16,16	303:2,10,14	305:21 310:1
<b>thank</b> 17:24	6:6 8:19 9:19	259:9 261:17	<b>throw</b> 184:16,18	<b>told</b> 14:7 19:5
18:14 46:16	13:11 22:12	265:24,24	<b>Tim</b> 33:7,23	69:5 85:7
57:10 70:11	26:21 27:15	266:2 271:11	35:15	139:20 242:8
76:14 94:23	29:5 30:2,21	274:14 283:5	<b>time</b> 18:21 24:15	293:6
113:5 123:22	31:23 33:2,20	285:1,6 287:14	35:14 36:20	<b>tomorrow</b> 74:9
124:7 128:20	33:23 36:6,19	288:3,9 291:20	41:10 44:11,21	259:13,13,15
155:23 161:21	40:13 41:1	291:23 293:17	51:19 54:4,15	302:4,12,14,16
162:6,12	46:20 58:10,22	298:18,24	73:16 83:22	302:23 309:18
163:17,21	62:20 65:13,19	302:7,8,17	91:19,24 97:16	310:2,5
164:24 166:10	67:3 68:3	303:10 304:23	97:18 99:2	<b>ton</b> 285:15
168:3 169:22	69:17 70:16	309:11 310:3	107:3 109:2,8	<b>tool</b> 171:17
192:11 212:1	71:1 76:5	<b>thinking</b> 100:24	111:3,4,5,7,20	<b>top</b> 25:21 26:5
219:9 223:8	77:18 81:21	150:6	112:8,9,11	28:1 61:20
231:14 239:4	91:16 93:7	<b>third</b> 100:21,22	115:24 118:24	62:13 63:12
256:8 258:22	96:11 97:3,12	243:7 259:10	119:1 126:4	65:16,21 67:11

77:7,7 107:7	27:13 28:6	<b>triangle-sized</b>	264:2 265:19	<b>typically</b> 53:15
110:12 111:11	62:1,2,6,7	202:1	267:12 269:18	224:11 225:3
116:12,24	63:12 65:15,20	<b>tricky</b> 290:11	273:3,7 277:12	267:19
118:2,16 119:6	69:10,11 71:3	<b>true</b> 7:23 42:11	281:9 288:7	<b>typo</b> 110:17
119:11,23	71:6 72:4,10	56:16 62:16	289:6 294:21	112:14 114:4
120:12 129:2	95:21 96:1,7	82:5 86:4,11	295:9,17,24	
130:11 136:9	96:19 106:18	93:15 119:24	296:16 297:14	<u>U</u>
137:8 177:23	121:1 129:11	129:4 135:22	303:17 304:9	<b>uh-huh</b> 13:15
178:7 191:15	129:16 130:1,5	135:24 189:18	305:12,16	27:10 50:15
193:9 197:21	130:11,17	190:13 202:7	306:12 307:9	55:23 60:17
197:22,24	132:1,14,16	218:1 227:5	<b>turning</b> 11:4	71:13 90:22
198:1,22	133:17 136:17	246:16 255:18	261:16 268:14	103:12 109:18
202:10 220:14	137:13 138:21	311:11	294:12 295:12	113:13,18
245:17 291:6,6	139:1,12,22	<b>truth</b> 6:12,12,12	297:3 300:14	140:24 156:3,6
<b>topic</b> 17:5,6	142:21 145:22	<b>try</b> 21:10 39:13	304:14	170:2 193:1
<b>topographic</b>	146:4 147:22	161:19 163:14	<b>twice</b> 139:24	197:10 201:24
289:21 290:9	151:4,18 154:1	246:7 293:16	140:3 146:11	202:3 211:4
291:3	154:18,23	298:23	147:13	236:22 237:7
<b>topographical</b>	168:6,9 170:18	<b>trying</b> 29:14	<b>two</b> 29:6 40:22	243:19 249:19
290:15	170:23 172:13	34:16,21 39:5	42:13 44:16	250:17 254:1
<b>topography</b>	173:5,6,10,16	58:13 79:2,4	51:4 56:18	<b>unable</b> 88:12
289:20	174:14 175:5	100:23 114:23	135:4 153:11	<b>unclear</b> 266:4
<b>tops</b> 266:24	175:10,18,19	115:9,14,19	163:5 164:4	<b>under-drains</b>
<b>total</b> 198:5	176:1,5,6,16	122:14 124:13	170:4 173:13	91:5,14,18
262:20	176:20 177:16	128:2 130:22	176:11,17	<b>underground</b>
<b>touches</b> 89:3	203:20 204:5	149:9 153:1,17	200:14,21	28:23 30:14
102:18	204:17 205:1	169:7 216:3	202:11,11	<b>underlined</b> 7:23
<b>track</b> 167:17	205:11,19	251:8 256:14	211:5 264:5	8:1 9:6 23:14
278:15 290:23	228:10,16,22	275:17 285:7	275:11 295:13	29:5,18
<b>tracks</b> 240:17	229:15,17	290:8	302:1 305:11	<b>underlines</b> 29:6
<b>Tracy</b> 3:7 94:7	230:3,7,18	<b>turn</b> 7:8 8:12	306:20	<b>underneath</b>
<b>traffic</b> 281:3	232:3,10,16	10:6 13:1	<b>two-grade</b>	193:15 203:1
<b>transcript</b> 1:10	233:4,19 234:3	14:12 18:9	214:20	235:12 247:6
4:23 47:22	<b>transportation</b>	24:12 33:9	<b>two-minute</b> 74:3	<b>understand</b>
112:22 113:3	1:6 5:7 90:15	37:11 56:9	<b>type</b> 118:23	29:22 33:3,5
126:2 145:5	90:19 255:9	59:15 63:21	120:15 129:1	34:16 39:8
146:15 148:18	257:13 294:17	66:4 92:19	147:19 206:1	68:5 73:11
151:10 164:16	295:1,5	95:19 164:1	223:6 267:11	75:15 115:18
187:4 311:12	<b>treated</b> 130:1,11	165:14 168:14	282:9 306:18	152:20 153:16
<b>transcripts</b>	<b>trees</b> 26:12	204:3 210:23	306:20	202:9,15
149:4	<b>trial</b> 21:18,19	225:13 231:17	<b>types</b> 218:14	209:13 242:24
<b>Transite</b> 11:9,10	108:6 112:22	235:2,14	232:22 233:2	286:9
11:18 13:17	261:3	236:13 238:4	233:14,20	<b>understanding</b>
23:16,24 24:7	<b>triangle</b> 164:10	247:22 248:23	234:5 237:21	69:11,12 70:18
24:15 25:5,21	166:6,24	260:7 262:13	266:11,16	72:5,7 85:17

112:10 203:11	122:14 131:22	<b>valuing</b> 144:12	151:9 152:9	307:1
213:4 275:24	132:16 133:8	<b>variable</b> 113:24	161:16 162:12	<b>Waukegan</b> 93:9
276:1 280:6	133:16 134:20	<b>various</b> 7:3	162:15 163:9	93:10 235:19
288:16 295:14	134:24 135:7	47:11 66:17	171:16 175:14	239:7 240:6
298:4 300:15	135:10 144:14	201:9 235:13	205:7 222:9	241:10 242:8
<b>understands</b>	145:18 146:21	257:15	233:11 255:5	242:20 262:9
283:17	147:5,17	<b>verbatim</b> 242:11	274:16 275:1	272:9,15,21
<b>understood</b>	148:12 151:23	250:15	276:21 279:8	273:5 277:19
74:10 137:18	168:9 172:3	<b>version</b> 51:2	279:17 293:11	297:1 307:22
154:14 160:20	184:15,17	234:18,20,21	299:19 302:24	308:2,6 309:5
166:22 232:24	210:7 225:9	303:20 304:3	304:9 309:19	<b>way</b> 14:11 23:19
<b>unfair</b> 148:7,20	266:3 270:2	<b>versions</b> 234:17	<b>wanted</b> 26:1	24:11 25:14
<b>unfortunately</b>	274:7 293:4,16	304:3	121:2 131:15	26:20 27:16
78:11	<b>useful</b> 53:23	<b>versus</b> 5:6 44:8	226:24 252:2	72:15 83:17
<b>uniform</b> 61:10	171:17 271:16	106:14 232:8	259:3 266:15	86:8 91:7
61:16	271:16	<b>viable</b> 151:23	278:23 279:14	93:23 106:10
<b>unit</b> 296:11,11	<b>usually</b> 113:2	<b>view</b> 43:10	279:19,20,22	114:18 122:24
<b>unstable</b> 26:7	<b>utilities</b> 29:1	47:14	280:11 282:23	129:20 136:8
134:4	31:9,18 32:10	<b>vision</b> 270:18	290:18 292:10	137:7 146:22
<b>unsuitable</b>	32:14 92:10,14	<b>visual</b> 13:18,22	<b>wants</b> 134:24	147:1 193:4
11:22 12:22	93:1 95:5,6,12	14:2 200:8,16	135:9 148:7	195:5 209:15
13:9 134:4	95:16 260:14	202:6	153:12 309:13	228:14 230:22
179:24 180:5,8	261:12 282:9	<b>volume</b> 134:4	<b>Warren</b> 243:1,4	257:22 290:9
180:12,24	<b>utility</b> 28:23	216:5 231:1	243:12 244:1,5	<b>ways</b> 203:18
181:7 183:19	30:10,14 94:24	232:8	<b>Washington</b>	<b>we'll</b> 21:18
183:21,23	273:21 307:15	<b>volumes</b> 234:4	2:16	28:16 62:22
184:7 185:3,8	307:18 308:11	<b>vs</b> 1:5	<b>wasn't</b> 29:15	74:1 161:10
185:21 190:21	308:14,23	<hr/> <b>W</b> <hr/>	32:4 54:12	171:12 231:3
190:22,24	<b>utilized</b> 66:12	<b>W</b> 203:2	58:15 59:10	277:5 278:10
193:12,13,15	99:4 304:2	<b>wait</b> 64:8 111:6	68:8 84:11	291:24 303:4
193:19 194:22	305:10	213:6 248:24	116:23 120:13	303:14
195:3,9,12,16	<hr/> <b>V</b> <hr/>	259:12	137:22 147:10	<b>we're</b> 5:5,13 6:6
195:18 197:11	<b>V</b> 6:17	<b>waited</b> 182:12	166:14 199:5	15:22 22:16
197:12 198:17	<b>vacant</b> 81:12	<b>waiting</b> 268:2	212:4 230:7,18	33:11 72:6
202:4 210:20	107:14	<b>wall</b> 21:16	236:7 239:14	74:17 76:6
212:3,15 213:7	<b>vacated</b> 23:2	<b>want</b> 26:3 28:2	241:14 252:8	82:19 100:12
<b>upward</b> 235:21	<b>vague</b> 25:8 58:9	31:1 40:20	285:11	109:7 128:2
<b>use</b> 15:2 16:7,12	111:14 122:2	59:3 73:11,13	<b>waste</b> 202:14	150:19 162:5
16:16,17 25:9	153:12 230:11	73:17 74:21	<b>wasted</b> 151:3,23	162:14 164:20
27:18,24 38:8	238:3	118:17 123:22	153:24 154:17	165:12 167:22
38:22 45:16	<b>vaguely</b> 132:18	139:24 142:4,5	154:23	173:21 206:6,7
55:9 69:10	<b>valuable</b> 142:23	143:21 144:3	<b>watching</b> 224:15	206:9,9 220:18
76:16 79:22	154:23	145:12 148:24	301:16	227:11,11
99:22,22 103:4	<b>value</b> 143:2	150:14,17	<b>water</b> 93:11	231:3 243:8
113:3,24			160:3 291:21	252:20 261:1

263:3,6 264:13 271:13 277:2 287:10 291:23 292:2 <b>we've</b> 103:6 104:5 107:13 112:21 125:20 141:4 171:1 174:24 198:12 201:16 208:23 214:22 247:13 283:10 287:15 293:6 <b>Weaver</b> 3:3 <b>weekend</b> 82:7 <b>weekends</b> 82:4 <b>weeks</b> 75:21 76:9 <b>welfare</b> 235:9 <b>went</b> 38:16 50:17,22 60:15 75:22 82:8 96:4 159:9 176:23 177:10 178:4,4 201:22 219:6 282:15 285:9 289:19 297:11 <b>weren't</b> 14:8 30:5,17 51:8,8 52:3 83:16 84:8 109:20 115:23 125:4 131:16 138:12 245:20 <b>west</b> 1:15 2:2,16 171:3 214:21 307:2 <b>western</b> 102:21 229:23 265:9 <b>Weston</b> 250:18 251:1 252:2,16 <b>Weston's</b> 250:12 <b>wet</b> 76:17 <b>whatever's</b>	147:18 <b>white</b> 21:22 22:1 80:24 81:4,6 <b>wide</b> 125:6 157:23 158:1 160:18 <b>wider</b> 191:10 <b>width</b> 169:13 <b>willing</b> 17:18 <b>withdraw</b> 143:18 <b>withdrawal</b> 21:1 <b>withdrawing</b> 299:22 <b>witness</b> 5:22 6:7 6:15,18 8:9,21 15:18 18:16 21:3 25:13 35:2 46:13,17 57:12 76:15 79:7 85:23 117:18 122:5 145:6 148:21 149:12 163:20 227:18 264:18 287:17 289:14 306:4 <b>witnesses</b> 286:16 302:11 <b>word</b> 16:8,12 25:9 38:23 76:16 77:5 95:7 96:13 124:5 155:16 194:9,10 220:15 221:17 289:21 <b>worded</b> 59:14 <b>words</b> 40:2 88:4 89:5 137:5 152:12 274:10 275:10,20 295:13 <b>work</b> 32:12 37:23 45:11	80:4,18 82:4 82:15,16,17 91:23 92:6 95:16 126:12 126:16,23 129:3,5 133:24 138:3 155:20 159:14 164:10 166:24 167:1,4 167:11,16,18 167:21 183:9 186:19,24 187:12 188:6 188:11 216:13 217:1 223:22 224:4 234:15 251:1,9 262:22 269:15 273:20 279:12 280:8 281:24 307:14 308:2,11 <b>worked</b> 296:8 296:14 298:1 300:16 301:4 301:11 <b>working</b> 30:13 81:15 131:13 194:11 <b>Works</b> 48:18 272:13 274:3 <b>worksheet</b> 297:8 <b>worries</b> 128:7 <b>worthwhile</b> 274:7 <b>wouldn't</b> 8:10 27:18 53:6 68:10 91:24 98:9 106:20 120:13,24 126:12 129:10 132:1 134:10 139:24 146:3,7 146:10 151:3 153:24 154:17 154:22 157:5	158:15 159:19 168:5 177:4 193:2 230:21 240:18 <b>wrap</b> 150:10 <b>wrapping</b> 74:9 <b>write</b> 52:19 115:2 <b>writing</b> 89:21 <b>written</b> 20:12 36:8 59:22 60:2 90:8 189:8,14 <b>wrong</b> 5:8 70:5 86:23 99:7 116:15 125:17 127:17 <b>wronged</b> 267:23 <b>wrote</b> 20:8 53:4 <hr/> <b>X</b> <hr/> <b>X</b> 4:1 6:20 260:4 <b>Xs</b> 195:7 202:2 <b>xxx</b> 21:11 35:16 <hr/> <b>Y</b> <hr/> <b>yards</b> 100:19 101:5,9 104:1 104:6,16,17,19 104:22 113:20 213:1,1,14 <b>yeah</b> 13:24 17:3 17:20 27:3 80:13,13 81:3 81:16 98:3 120:17 124:22 125:11 128:1 129:6 141:11 146:24 150:21 157:13 158:3 172:17 173:24 186:7 194:7 196:2,3 198:6 198:21,24 202:12 243:4,4	251:8 252:10 263:22 272:19 275:2,8 285:2 305:3 <b>years</b> 23:4 28:19 30:9 138:10 225:2 289:20 297:23 <hr/> <b>Z</b> <hr/> <b>Zayes</b> 162:11 <b>Zayez</b> 3:7 <b>zone</b> 200:8,20 202:18 <hr/> <b>0</b> <hr/> <b>00</b> 174:5 188:12 278:14 <b>01</b> 285:1 <b>02-25</b> 310:5 <b>0393</b> 251:10 <b>04C-494</b> 253:10 254:6 <b>06-28</b> 186:10 199:13 <b>08</b> 97:9 100:10 <b>08-11</b> 86:13,24 87:1 88:19 241:22 <b>08-12</b> 111:19 112:1 <b>08-13</b> 97:10,11 97:22 132:20 <b>08-18</b> 304:8 <b>08-6</b> 239:24 <b>08-7</b> 100:8,9,10 113:9,10 <b>08-8</b> 239:7,18 240:1 <b>08-9</b> 29:18 <hr/> <b>1</b> <hr/> <b>1</b> 14:18 50:17,21 50:22 64:24 172:7 216:5 218:10 227:14
--	---	---	---	--

254:21	<b>12:15</b> 150:7	305:1,4 306:11	164:1 287:8,15	<b>2014</b> 20:11
<b>1,102</b> 101:5	<b>12:30</b> 150:8	<b>17</b> 11:6 35:6	293:10 307:16	234:20
<b>1,407</b> 104:16	<b>12:50</b> 150:9	55:14,20,22	<b>1972</b> 107:18	<b>2015</b> 20:13 36:8
<b>1/29</b> 253:15	<b>1213</b> 44:3	56:1,3,4,6,9,14	109:7,17	36:11,13 67:8
<b>1:15</b> 161:20	<b>1235</b> 44:3	58:3,20 70:13	125:21 161:6	69:8 72:12
<b>10</b> 25:17 87:12	<b>13</b> 49:24 190:1	145:5,12	164:22 191:4	<b>2016</b> 1:16 5:16
99:9,10 165:14	190:13,18	<b>173</b> 63:3	<b>1973</b> 110:11,15	310:11
185:16 192:10	243:23 252:21	<b>175</b> 64:23,24	110:17 113:19	<b>202</b> 141:9
209:15,17,18	278:10 290:20	<b>17B</b> 56:2	<b>1974</b> 287:8	304:15,24
253:22,22	300:21 307:8	<b>18</b> 70:4	288:15,19	<b>202.03</b> 141:6,10
<b>10,000</b> 308:8	<b>13-1</b> 243:24	<b>1800</b> 2:16	293:10	<b>203</b> 22:12
<b>100</b> 1:15 2:2	<b>13/20</b> 273:13	<b>184</b> 218:10	<b>1975</b> 47:3 206:7	<b>207</b> 141:15
26:17 27:1,5,8	<b>130</b> 18:10,13	<b>187</b> 13:1	206:13	<b>207.04(a)</b> 225:13
72:18 75:19	19:6	<b>18th</b> 268:18	<b>1977</b> 95:17	<b>20th</b> 274:5
186:2,6 241:11	<b>137</b> 246:11,15	307:16	<b>1984</b> 254:22	<b>21</b> 33:10 54:20
262:6,10	<b>13th</b> 306:16	<b>19</b> 21:11 130:10	287:8 293:10	56:3 104:9
278:11 279:13	<b>14</b> 114:2 190:1	130:14 141:8	<b>1997</b> 297:12	245:11
280:17	190:13,18	164:22 168:14	<b>1998</b> 231:21	<b>21.04</b> 265:12
<b>101</b> 238:4	213:3,8,11	168:18	<b>1999</b> 59:12	<b>212</b> 215:21
<b>104</b> 294:16	227:10 264:6,9	<b>19-12</b> 168:22	62:24	216:2,7
<b>104(e)</b> 49:6,9,11	<b>14-3</b> 1:5 5:8	169:7	<b>1N</b> 178:16	<b>21A</b> 41:6,7 43:7
49:14,17 50:13	<b>140</b> 195:12	<b>190</b> 109:13	218:14	43:12 46:2,3
52:10 82:20,22	<b>146</b> 98:21 99:10	198:18	<b>1S</b> 222:21	46:22 47:10,23
83:2 84:3,5,8	99:11	<b>191</b> 108:7,16,23		49:5 56:3
84:13 85:9,20	<b>148</b> 100:19	<b>1939</b> 291:12	<u>2</u>	77:18 193:24
87:7 295:21	<b>14th</b> 119:8	<b>195</b> 164:19	<b>2</b> 13:2 82:23	<b>21A-1</b> 46:23
300:4	<b>15</b> 150:22 190:1	<b>1950s</b> 17:12 18:6	127:7 168:16	<b>21A-23</b> 121:8
<b>11</b> 33:11 82:10	190:14,18	19:20 21:13	204:8 265:6	188:18,22
87:1 97:4,7,8	216:7 264:6	<b>1959</b> 21:20	272:17	191:23
109:17 132:19	265:2,4,5	<b>196</b> 165:14	<b>2-21</b> 133:12	<b>21A-24</b> 104:8,10
151:10 216:9	<b>15175</b> 285:1	<b>1960s</b> 294:24	<b>2,644</b> 113:20	<b>21A-72</b> 157:6,7
236:16,17,23	<b>16</b> 69:21 78:22	<b>1966</b> 279:21,22	<b>2.5</b> 204:10	193:22 194:21
238:5 269:15	<b>160</b> 120:5,9	<b>197</b> 164:17	<b>20</b> 54:19 57:1	209:1 210:24
306:16	<b>161</b> 2:8	165:21	120:5,7 138:10	<b>21A-73</b> 157:7,8
<b>11-500</b> 2:3	<b>162</b> 145:5,9	<b>1970</b> 22:20	180:22 209:15	157:8 209:2
<b>11-512</b> 5:13	146:15,18	77:22 78:3,4,8	273:18 278:10	<b>21A-74</b> 209:2
<b>11-by-17</b> 43:10	<b>163</b> 146:19	80:23 82:6,10	<b>2000</b> 88:7	<b>21A-8</b> 47:12,12
<b>118</b> 197:12	151:10	103:5 107:23	295:23	192:2,4 219:24
<b>12</b> 9:1 10:17	<b>164</b> 127:7,8	108:3 125:23	<b>201</b> 21:7,11	<b>21B</b> 42:9,16 43:7
47:15 59:16	171:16,19	229:19	<b>201.01</b> 23:17	43:12 47:24
148:1 157:11	172:7 186:16	<b>1970s</b> 38:14,18	129:18	55:21 56:10
157:14 192:10	186:16,19,22	40:16 94:9	<b>201.10</b> 136:2	<b>21B-20</b> 56:10
243:7 244:15	187:16 202:24	107:12 130:24	<b>2011</b> 245:11	<b>21st</b> 162:18
<b>12-1</b> 243:10	203:6 215:3	138:13 217:1	248:1 303:21	<b>22</b> 33:11 35:6
<b>12-inch</b> 223:5	218:11 304:15	<b>1971</b> 36:5 47:2	304:16 305:7	71:18 251:18

278:13	32:19 37:19,20	<b>31</b> 264:12	293:22	84:14 100:19
<b>222</b> 251:13,15	56:22 57:5,13	278:14	<b>41-1</b> 284:16	186:9,13 187:9
<b>224</b> 253:22,24	57:23 59:20	<b>310</b> 4:6	<b>42</b> 48:20 287:5	199:13 204:8
<b>23</b> 5:16 146:19	63:10 66:10	<b>311</b> 4:7,7	287:16 288:1	206:13 231:11
273:18,18	69:13 80:18,18	<b>312</b> 2:4,10,17	292:12 293:22	305:20
<b>2308</b> 245:16	86:21 89:1	<b>317,000</b> 273:24	<b>43</b> 287:5 288:21	<b>5-8</b> 249:13
248:3 249:5,16	91:23 92:6	<b>31st</b> 264:1	292:12 293:23	<b>5.35</b> 196:22
<b>2308-17</b> 247:6	95:1,12,16	<b>32</b> 212:14,15	<b>4300</b> 2:9	197:1
<b>23rd</b> 1:16	96:21 97:2,14	213:23 264:2	<b>44</b> 14:12 213:1	<b>5/26/15</b> 251:1
<b>24</b> 37:16 133:18	98:9 103:2,9	264:13,15,19	213:10 253:11	<b>5/29</b> 255:2
189:1 310:11	110:24 113:11	265:6	254:4	<b>5:00</b> 292:2
<b>24-inch</b> 307:21	116:21 122:16	<b>33</b> 265:19,22	<b>45</b> 254:12	<b>50</b> 70:12 171:15
307:23 309:4	124:10,14,14	<b>34</b> 267:12	<b>46</b> 254:13	278:6,14
<b>24th</b> 187:5 289:4	124:16 125:1	<b>35</b> 208:8 212:2	<b>46-6</b> 282:7	<b>52</b> 19:20 20:1,4
310:2	127:14 133:20	212:12,13,23	<b>47</b> 254:13	20:11 60:15
<b>25</b> 20:12 92:19	146:5 154:7,11	<b>36</b> 8:13,24	<b>48</b> 70:2,7 71:7	<b>526</b> 104:16
92:21 108:7,16	154:16 155:4	268:14 291:8	254:13	<b>53B</b> 107:18
222:15 223:5	159:2,3,8,13	<b>37</b> 236:13	<b>49</b> 49:21,23 50:2	109:23 164:2
248:1 260:7,21	161:13 165:24	<b>38</b> 269:18 270:7	68:15,24 69:20	<b>540</b> 175:4
<b>25-1</b> 102:1 261:3	170:20,23	270:20	69:22,23,24	<b>54Q</b> 109:23
261:7	172:8 177:17	<b>38-2</b> 272:18	70:1,3,7,12	<b>54S</b> 80:24 103:5
<b>25-2</b> 93:9,9	178:20 192:19	<b>38-4</b> 273:7	71:8,14	107:13
<b>25-3</b> 261:7	192:22 203:21	<b>39</b> 192:16	<b>4C</b> 8:18,19 21:7	<b>56</b> 273:2 289:6
<b>258</b> 4:23	204:15 208:15	242:15 291:13	25:17 30:23	289:11,13
<b>259</b> 4:4	211:23 214:9	<b>3rd</b> 281:16	35:7 99:13	<b>56-1</b> 289:18
<b>25th</b> 5:11 18:10	216:19,21	287:24	120:6,7 140:22	<b>56-10</b> 289:18
45:20 145:4	218:9 220:15		140:23 215:22	<b>57</b> 63:2,21 81:22
146:15 151:10	228:11,17,23	<u>4</u>	216:3	<b>57-11</b> 63:22
164:17 268:13	229:19,22	<b>4</b> 11:14 68:16,18	<b>4C-428</b> 248:17	65:14
<b>26</b> 261:16,16	230:8,9,15,19	68:19,22 78:19	<b>4C-491</b> 248:23	<b>57-16</b> 66:4
265:12	230:20 231:23	85:15 145:5,12	249:10	<b>58</b> 84:12,14
<b>26-12</b> 262:14	232:3 233:3	303:20	<b>4C-493</b> 250:16	87:20 90:10
<b>260</b> 4:5	235:5 239:22	<b>4,046</b> 101:9	251:6 252:16	294:13
<b>27th</b> 295:23	295:15 296:24	104:1,6,21	<b>4D</b> 68:14,17,24	<b>58-1</b> 294:21
<b>29</b> 20:12 213:1	<b>3,165</b> 104:22	<b>4.97</b> 198:7	69:24 70:1,3	295:12
214:2 265:12	<b>3.2.3</b> 66:9	<b>40</b> 125:6 158:2	70:11 71:12	<b>58-14</b> 87:11,16
<b>29,300</b> 213:9,14	<b>3.49</b> 199:1	160:18,19	216:5	87:18
<b>29th</b> 253:7	<b>3.53</b> 196:6,9,15	171:15 277:12	<b>4D-49</b> 71:14	<b>58-5</b> 295:9
<b>2nd</b> 289:5	<b>3:00</b> 231:4,11	<b>40-10</b> 277:16	<b>4S</b> 172:9	<b>58-6</b> 90:11
	<b>30</b> 85:13 158:1	<b>40-2</b> 277:14,16		<b>581.53</b> 221:11
	180:22 209:15	<b>40-3</b> 277:22		222:2
<u>3</u>	<b>30-foot</b> 158:8	<b>40-foot</b> 158:5	<u>5</u>	<b>585</b> 194:9,15,23
<b>3</b> 11:19,20 14:13	<b>300</b> 187:5,7	160:15	<b>5</b> 4:3 10:10	195:4,16,18,22
18:20 19:2,3	213:1,14	<b>41</b> 281:9,10	11:13,15 12:7	196:5,12
29:20 30:1,19	<b>309</b> 4:5,6	287:15 292:12	12:9,10,20	197:13 198:19
31:4,4 32:12			13:5,16 24:13	



198:21 200:1,9 200:17,17,19 201:13,15,20 <b>587</b> 218:21 219:6 <b>587.5</b> 204:16 <b>588.49</b> 198:23 <b>588.5</b> 204:14 <b>588.53</b> 195:24 196:6,15 <b>589.97</b> 197:18 <b>59</b> 22:8 192:16 <b>590</b> 197:23 198:6 <b>598</b> 197:21 <b>598.97</b> 198:4 <b>5S</b> 172:9	239:16 297:16 300:14 <b>6-17</b> 11:5 <b>6-20</b> 229:3 <b>6-28</b> 10:8,11 <b>6/11</b> 82:6 <b>60</b> 82:22 84:24 87:20,21,22 273:12,16 295:17 <b>60-2</b> 295:24 <b>60-3</b> 296:16 <b>60-4</b> 85:1 86:9 87:21,24 297:17 <b>60-5</b> 297:14 300:21 301:1 <b>602-5079</b> 2:10 <b>60601</b> 2:3 <b>60601-3315</b> 2:9 <b>60602</b> 2:17 <b>63</b> 294:12 303:17 306:3 <b>63-59</b> 305:12,23 <b>63-64</b> 306:2 <b>63-80</b> 305:16,24 <b>64</b> 305:4 306:4 <b>65</b> 37:16 235:2 274:5 <b>65-2</b> 230:24 231:17 <b>66</b> 30:22 37:11 <b>67</b> 22:9,17 213:17 <b>69</b> 2:16 <b>6S</b> 172:9 <b>6th</b> 289:7 290:20	185:14,22 186:8,20,24 187:13,19 188:6,12 189:7 192:10,15,16 198:12 199:20 200:6,9 207:15 209:14,14,22 210:14 213:22 219:8 235:2 <b>7.00</b> 183:15 <b>7.3-point-som...</b> 210:4 <b>7.60</b> 198:14 <b>7:42</b> 253:7 <b>70</b> 22:17 59:15 78:10 <b>700</b> 213:8 <b>70s</b> 40:10,13,19 139:21 <b>71</b> 22:9 273:8 281:16 287:24 <b>72</b> 165:16 194:1 <b>73</b> 119:8 264:1 306:16 307:8 <b>74</b> 202:20,23 203:4,12 268:13,22 269:1 288:10 288:12 <b>74-2</b> 204:3 <b>75</b> 245:7 <b>75-41</b> 247:1 <b>76</b> 4:23 25:16 255:7,12,13 258:4,5 268:18 268:22 269:1,5 269:15 291:9 291:14 <b>76-35</b> 255:19 <b>76-4</b> 256:17,20 <b>77</b> 24:12 246:10 247:21 249:2,2 <b>77-149</b> 245:22 247:22	<b>7N</b> 178:16 218:15 <b>7S</b> 172:23 173:7 174:2 175:22 175:23,24 178:14	174:24 176:3,4 178:14
<hr/> <b>6</b> <hr/> 64:3,4 9:18,23 10:7 11:19,20 12:3 16:20 17:1,9 29:20 30:1,19,23 31:4,5 32:12 32:19 37:19,20 58:1,2,6,10,18 58:19 59:20 86:22 88:24 89:1 91:23 92:6 95:1,12 95:16 96:21 98:22 122:15 123:15,17 168:7 170:19 170:24 171:3 172:8 177:18 178:21 208:15 208:16 209:3,4 209:6,7,19 214:9 228:11 228:17,23 229:23 232:11 232:16 233:3 238:15 239:6	<hr/> <b>7</b> <hr/> 7 10:17,21 47:15 50:2 63:5 100:12 173:13 173:15,17 180:9 183:9,20 183:24 185:4	<hr/> <b>8</b> <hr/> 8 7:9 14:10 15:23 16:1,2,5 16:11 17:7 22:14 23:12,13 28:18 36:7 48:14 57:22 180:9 185:12 185:22 194:2,2 194:23 195:4 196:7 199:20 200:6,9 210:12 210:14,17 304:8 <b>8-06</b> 238:16 <b>8-11</b> 137:12 <b>8-13</b> 105:5 126:15 <b>8-14</b> 76:20 227:10,12 <b>8-18</b> 48:14,16 <b>8-9</b> 92:11,13 <b>8.50</b> 185:12 <b>80s</b> 40:10,12 <b>81</b> 189:1 <b>814-3153</b> 2:17 <b>814-6983</b> 2:4 <b>84</b> 140:10,21,23 219:11 222:9 289:4,7 <b>84-9</b> 140:20 <b>85</b> 133:12 <b>86</b> 289:5 <b>881</b> 104:19,22 <b>8A</b> 219:13 <b>8N</b> 178:16 <b>8S</b> 172:24 173:7 173:13,15,17	<hr/> <b>9</b> <hr/> 9 28:18 29:2,3,4 49:23 57:23 140:10,19 180:9 183:20 183:24 185:4 185:16,16,22 197:7 198:9 199:20 200:7,9 207:15 209:20 209:22,24 210:13,14,17 210:24 211:3 213:22 <b>9-034</b> 1:14 <b>9-31</b> 5:14,15 <b>9/9/70</b> 79:17 <b>9:00</b> 1:17 5:17 302:23 303:7 310:10 <b>90</b> 174:10 <b>91.02</b> 265:12 <b>92</b> 306:12 <b>920</b> 222:14 <b>925</b> 222:14,15 <b>93</b> 307:10 <b>93-2</b> 308:22 <b>93-3</b> 308:23 <b>930</b> 222:14 <b>96</b> 78:12,14,21 79:8 <b>97</b> 78:18 <b>98</b> 43:13 <b>99</b> 267:17 268:2 268:5,10,21,24	