

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES - CENTRAL CIVIL WEST

ADELINO ACOSTA, et al., )  
 )  
 Plaintiffs, )  
 )  
 v. ) No. NC053643  
 )  
 SHELL OIL COMPANY, et al., )  
 )  
 Defendants. )  
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 )  
 AND RELATED CASES )  
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VOLUME I

VIDEOTAPED DEPOSITION OF LEROY H. VOLLMER

Date and time: Friday, March 15, 2013  
10:27 a.m. - 2:01 p.m.

Location: 3161 Michelson Drive, Suite 1200  
Irvine, California

Reporter: Kimberly Reichert, CSR  
Certificate No. 10986

Job No. 2470

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
2 FOR THE COUNTY OF LOS ANGELES - CENTRAL CIVIL WEST  
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17 Videotaped deposition of LEROY H. VOLLMER,  
18 taken on behalf of the Defendants, at 3161 Michelson  
19 Drive, Suite 1200, Irvine, California commencing at  
20 10:27 a.m., Friday, March 15, 2013 before Kimberly  
21 Reichert, Certified Shorthand Reporter No. 10986.  
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13:15:25 1 vague and argumentative.

2 MR. FINNERTY: Again, I'd be happy to stipulate  
3 that it's a pond.

4 BY MR. LOEWEN:

13:15:30 5 Q Did you see anything there in 1966?

6 A I keep saying it, I didn't see any ponding  
7 at all.

8 Q Okay. And how about the southwest corner  
9 of the No. 7 reservoir, did you see any ponding?

13:15:43 10 A No.

11 Q And how about -- I don't see anything up  
12 there, but did you see any ponding up in the -- in  
13 the northwest corner of the No. 7 reservoir?

14 A No, I didn't.

13:16:01 15 Q Okay. And did you see any -- any ponding  
16 of any kind at the site when you were there?

17 A No.

18 Q Did you see any oil of any kind while you  
19 were working at the site except for the liquids that  
13:16:18 20 you already described in No. 7?

21 A No. 7 was the only place I saw any liquid.

22 Q And that was in the No. 7 reservoir, the  
23 liquids that you saw that you already described to  
24 us, that's all you saw?

13:16:33 25 A Yes, sir.

13:16:33 1 Q And you saw no other oil at any time that  
2 you were there?

3 A Correct.

4 Q Now, before you could put in the soil from  
13:17:09 5 the berm into the reservoir to flatten it, as you  
6 described it, first you had to do something with the  
7 concrete; right?

8 A Yes, sir.

9 Q And -- and what happened with the  
13:17:28 10 concrete? What did you do? Did you dig it all out  
11 and send it away?

12 A Well, initially when we were first looking  
13 at the job, the concept was to basically push it all  
14 in a pile and truck it out of there. But George  
13:17:47 15 Bach, the field engineer, for lack of a better  
16 title, came up with an idea that everybody accepted.

17 And his idea was to break the -- to rip  
18 the floor of the tanks and -- and so that they  
19 would -- any moisture, excess moisture that came  
13:18:15 20 through the soil from above after the fill was made,  
21 that moisture would not be held up from draining on  
22 down and out of there and creating a problem. So  
23 that -- he was quite proud of himself for coming up  
24 with a money-saving concept.

13:18:35 25 And then he further concluded that the

13:49:54 1 crust?

2 A Very thin layer.

3 MR. SCHRADER: Objection; leading.

4 Go ahead.

13:49:58 5 THE WITNESS: I'm sorry?

6 MR. SCHRADER: Go ahead. I just put it --

7 BY MR. LOEWEN:

8 Q I'm just wondering if you remember, if  
9 that helps to refresh your recollection.

13:50:05 10 MR. SCHRADER: Well, that's leading.

11 THE WITNESS: Logic suggests that, yes, there  
12 was something. And the coloration in the picture  
13 here suggests that there was indeed an asphalt  
14 coating, but since it was not liquid oil, and it was  
15 indeed asphalt, it was hardened and was no problem.  
16 It just was there.

17 BY MR. LOEWEN:

18 Q So tell me what happened to the asphalt  
19 when you moved it into the fill. Describe it for  
13:50:39 20 me.

21 A Well, you have to picture that, first of  
22 all, it was a very thin layer and it just kind of  
23 got -- it kind of got wasted into the dirt.

24 Q What does it look like when you run over a  
13:50:53 25 thin layer of asphalt with a 50-ton piece of

13:50:56 1 equipment?

2 A I think you could picture that as well as  
3 anybody. That's pretty obvious. There wasn't much  
4 left of it by the time it got where it was going.

13:51:11 5 It presented no special requirement or effort, it  
6 just kind of went along with what we were doing.

7 Q I need to have you articulate it for us,  
8 though, on the record just so we have it clear as to  
9 what happened to it. I understand it's obvious to

13:51:29 10 you, but we do need to have a clear record of what  
11 happened to that asphalt.

12 A Okay. Allowing that there was indeed --  
13 it's beginning to come back that it was coated with  
14 asphalt, a very thin layer.

13:51:43 15 And so as we -- as we moved that material,  
16 the dirt into the -- to complete the compaction, the  
17 asphalt just broke up. It just kind of got ground  
18 under and didn't require any special treatment. I'm  
19 sorry, but it just simply disappeared into the mix.

13:52:13 20 Q Pulverized?

21 A Pulverized, yes.

22 Q When you look at -- look again now at  
23 Exhibit 7.

24 A The old or the new?

13:52:28 25 Q That's the 1966 photograph. That's this

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DEPOSITION OFFICER'S CERTIFICATE

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF ORANGE )

I, Kimberly C. Reichert, hereby certify:

I am a duly qualified Certified Shorthand Reporter in the State of California, holder of Certificate Number CSR 10986, issued by the Court Reporters Board of California and which is in full force and effect. (Bus, & Prof. 8016.)

I am not financially interested in this action and am not a relative or employee of any attorney of the parties, or of any of the parties. (Civ. Proc. 2025.320 (a); 2025.540(a))

I am authorized to administer oaths or affirmations pursuant to California Code of Civil Procedure, Section 2093(b) and prior to being examined, the deponent was first duly sworn by me. (Civ. Proc. 2025.320, 2025.540(a))

I am the deposition officer that stenographically recorded the testimony in the foregoing deposition and the foregoing transcript is a true record of the testimony given. (Civ. Proc. 2025.540(a))

I have not, and shall not, offer or provide

1 any services or products to any party's attorney or  
2 third party who is financing all or part of the action  
3 without first offering same to all parties or their  
4 attorneys attending the deposition and making same  
5 available at the same time to all parties or their  
6 attorneys. (Civ. Proc. 2025.320 (b))

7 I shall not provide any service or product  
8 consisting of the deposition officer's notations or  
9 comments regarding the demeanor of any witness,  
10 attorney, or party present at the deposition to any  
11 party or any party's attorney or third party who is  
12 financing all or part of the action, nor shall I collect  
13 any personal identifying information about the witness  
14 as a service or product to be provided to any party or  
15 third party who is financing all or part of the action.  
16 (Civ. Proc. 2025.320(c))

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18 Dated: March 27, 2013.

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KIMBERLY C. REICHERT

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VOLUME II  
VIDEOTAPED DEPOSITION OF LEROY H. VOLLMER

Date and time: Monday, April 1, 2013  
10:21 a.m. - 4:10 p.m.

Location: 3161 Michelson Drive, Suite 1200  
Irvine, California

Reporter: Kimberly Reichert, CSR  
Certificate No. 10986

Job No. 2524

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17 Videotaped deposition of LEROY H. VOLLMER,  
18 Volume II, taken on behalf of the Defendants, at  
19 3161 Michelson Drive, Suite 1200, Irvine, California  
20 commencing at 10:21 a.m., Monday, April 1, 2013  
21 before Kimberly Reichert, Certified Shorthand  
22 Reporter No. 10986.



11:08:33 1 Q And at some point in time was -- was  
2 then -- did that work?

3 A It worked very well at first, and then we  
4 had a problem develop.

11:08:47 5 Q Okay. And I'll -- I'm going to ask you  
6 about that problem in a minute.

7 And the -- eventually when the -- there  
8 was a time after every -- after the problems were  
9 solved and after everything was done when all of the  
11:09:07 10 liquids were removed from reservoir No. 7; is that  
11 right?

12 A Yes.

13 Q Okay. And after the liquids were removed,  
14 what happened to the earthen -- the dirt from the  
11:09:19 15 earthen dam?

16 A The -- any of the dirt that had been  
17 contaminated with the gunk was hauled off-site and  
18 the rest of it that was clean was used in the fill.

19 Q So on the backside there was still some  
11:09:40 20 clean dirt I take it?

21 A Oh, yes.

22 Q "Yes"?

23 A Well, let me -- where are you going?

24 Q No. I'm just asking how it worked. I'm  
11:09:50 25 just asking you how it happened. You said if there

11:09:54 1 was -- so everything with gunk in it went off-site?

2 A Yes.

3 Q And if there was still -- and any clean  
4 dirt was still used for fill?

11:10:03 5 A Yes.

6 Q And was there any liquid from the  
7 reservoir that was disposed of on-site?

8 A No.

9 MR. LOEWEN: I'm going to ask the court  
10 reporter to mark as Exhibit 12 -- is that where  
11 we're at?

12 THE REPORTER: I'm sorry. Eleven.

13 MR. LOEWEN: Eleven. Okay. I'm always one  
14 off.

11:10:47 15 -- a memorandum, which is Bates labeled  
16 SOC 120415 from D.E. Clark dated July 1, 1966 called  
17 "File Memorandum." It's a one-page document.

18 After the court reporter marks it, I'd  
19 like you to have a look at it, please.

11:11:29 20 (Defendants' Exhibit 11 was marked  
21 for identification by the deposition officer and is  
22 attached hereto.)

23 THE WITNESS: I'll get my glasses out here.

24 BY MR. LOEWEN:

11:11:40 25 Q I'm sorry. I don't have -- I don't have

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16 (Civ. Proc. 2025.320(c))

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18 Dated: April 9, 2013.

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KIMBERLY C. REICHERT

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