

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SOLANO

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MICHAEL McINNIS and ROBERT)	
DITTMER,)	
)	
Plaintiffs,)	
)	Case No.
vs.)	FCS033636
)	
JEWEL HIRSCH, individually and)	
doing business as FAIRFIELD)	
CLEANERS; RONALD W. WASLOHN; TERRY)	
A. DUREE, INC., a corporation;)	
STEPHEN C. SPENCER; RICHARD RAGLE;)	
GEORGE J. TOMASINI, JR., in his)	
own right and as trustee of the)	
George J. Tomasini Trust; MARY)	
ALICE BEDINGFIELD in her own right)	
and as trustee of the Mary Alice)	
Bedingfield Revocable Trust;)	
ATTIEH ASSAD; and MUNIRA ASSAD,)	
)	
Defendants.)	
)	
)	
AND RELATED CROSS-CLAIMS.)	
)	

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DEPOSITION OF GERALD DUENSING

Friday, June 10, 2011

Taken at the location of:
HOLIDAY INN EXPRESS
9175 West Stockton Boulevard
Elk Grove, California 95758

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Reported by Antonia Severson, CSR #3430

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APPEARANCES

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Other Persons Present:

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<p>1 BE IT REMEMBERED, that pursuant to notice, and</p> <p>2 on Friday, June 10, 2011, commencing at the hour of</p> <p>3 10:05 a.m., at the location of HOLIDAY INN EXPRESS, 9175</p> <p>4 West Stockton Boulevard, Elk Grove, California, before</p> <p>5 me, ANTONIA SEVERSON, a Shorthand Reporter in and for</p> <p>6 the State of California, there personally appeared:</p> <p>7 GERALD DUENSING,</p> <p>8 Called as a witness herein, having been duly sworn to</p> <p>9 tell the truth, the whole truth, and nothing but the</p> <p>10 truth, testified as follows:</p> <p>11 ---oOo---</p> <p>12 EXAMINATION</p> <p>13 BY MR. GRAHAM:</p> <p>14 Q. Mr. Duensing, good morning. My name is Doyle</p> <p>15 Graham. I represent Robert Dittmer in this litigation.</p> <p>16 MR. GRAHAM: Before we get started, I'd like to</p> <p>17 get appearances of counsel and the parties that they</p> <p>18 represent.</p> <p>19 MS. McADAM: Good morning, I'm Allison McAdam</p> <p>20 from Hunsucker, Goodstein & Nelson, and I represent</p> <p>21 Jewel Hirsch.</p> <p>22 MR. PRICE: Good morning, Mr. Duensing. My</p> <p>23 name is Jeremy Price. I'm from the law firm of Hunt &</p> <p>24 Jeppson, and I represent Obie Goins, Lucilla Hazard, Ray</p> <p>25 Johnson and Judy Lawing.</p>	<p>1 answers.</p> <p>2 If at any time you don't understand a question</p> <p>3 that I'm asking you, please ask me to rephrase it or</p> <p>4 explain the term that you don't understand so that we</p> <p>5 both know that you understood the question as phrased.</p> <p>6 MR. GRAHAM: We can have -- we had one more</p> <p>7 counsel come in at this time, if you'd like to make your</p> <p>8 appearances for the record and the party that you</p> <p>9 represent.</p> <p>10 MR. FARRELL: Good morning, Mr. Duensing.</p> <p>11 Robert Farrell representing the Ragle and Tomasini</p> <p>12 defendants.</p> <p>13 BY MR. GRAHAM:</p> <p>14 Q. Okay. Mr. Duensing, again, if you don't</p> <p>15 understand the question, please ask me to rephrase it,</p> <p>16 or if I use a term that you don't understand, please ask</p> <p>17 me to explain it. If you don't do that, we'll presume</p> <p>18 that you understood the question as posed.</p> <p>19 Is that fair?</p> <p>20 A. Sure.</p> <p>21 Q. Okay. We have a court reporter sitting here.</p> <p>22 You've been placed under oath. You understand that even</p> <p>23 though we're in an informal setting, that that oath has</p> <p>24 the same force and effect as if we were in a court of</p> <p>25 law.</p>
7	9
<p>1 MR. SHAMIYEH: Nick Shamiyeh. I represent Mr.</p> <p>2 and Mrs. Assad, A-s-s-a-d.</p> <p>3 MR. DUENSING: Just if I might say one thing.</p> <p>4 I do wear hearing aids, and I seem to have just a little</p> <p>5 bit of a problem picking up. So if and when you ask a</p> <p>6 question, if you could just raise the volume just a tad.</p> <p>7 Okay?</p> <p>8 MR. SHAMIYEH: Would it be easier when we ask</p> <p>9 you questions to be in front of you directly?</p> <p>10 THE WITNESS: Well, I -- say that again,</p> <p>11 please?</p> <p>12 MR. SHAMIYEH: To be in front of you directly,</p> <p>13 it would be easier for you to hear that way or --</p> <p>14 THE WITNESS: Oh, no, it isn't -- no, no,</p> <p>15 that's not -- if you'll just speak up a little bit.</p> <p>16 MR. SHAMIYEH: Okay.</p> <p>17 BY MR. GRAHAM:</p> <p>18 Q. Sure. And if at any time, Mr. Duensing, you</p> <p>19 can't hear me, just ask me to speak up and I will.</p> <p>20 First of all, Mr. Duensing, have you ever had</p> <p>21 your deposition taken before?</p> <p>22 A. No.</p> <p>23 Q. Okay. Since this is the first time, I'll go</p> <p>24 over a couple of the ground rules with you. I get to</p> <p>25 ask the questions today. You get to provide the</p>	<p>1 A. Oh, yes, I understand.</p> <p>2 Q. Okay. And you're doing real good giving verbal</p> <p>3 answers. What I mean by verbal answers, a "yes" and a</p> <p>4 "no." Please try to refrain from shaking your head or</p> <p>5 "uh-huhs" or "huh-uhs."</p> <p>6 A. Right.</p> <p>7 Q. And if I stop you and ask you is that a "yes"</p> <p>8 or "no," please don't think that I'm trying to be rude.</p> <p>9 I just need a clear record.</p> <p>10 A. I understand.</p> <p>11 Q. There are other attorneys present at the</p> <p>12 deposition. They'll have a right to object to any of</p> <p>13 the questions that I pose.</p> <p>14 Please don't let that affect your answer.</p> <p>15 They're merely making their objections for the record,</p> <p>16 and it shouldn't distract you from answering the</p> <p>17 question at all.</p> <p>18 A. I understand.</p> <p>19 Q. Is there any reason, Mr. Duensing, you cannot</p> <p>20 give your best testimony today?</p> <p>21 A. I am here to cooperate and answer to the best</p> <p>22 of my knowledge. Hopefully everyone understands that</p> <p>23 some of these events probably took place 25 or 30 years</p> <p>24 ago.</p> <p>25 So to the best of my knowledge, I will answer</p>

<p style="text-align: right;">10</p> <p>1 these questions.</p> <p>2 Q. Sure. And what I meant is, are you -- have you</p> <p>3 taken any drugs or alcohol within the past 24 hours that</p> <p>4 would affect your ability to give truthful testimony</p> <p>5 today?</p> <p>6 A. No.</p> <p>7 Q. Okay. With respect to the way the deposition</p> <p>8 will be run today, like I say, I'll ask the questions.</p> <p>9 Please wait until I'm done with the question before you</p> <p>10 provide an answer.</p> <p>11 And then by the same token I'll wait until</p> <p>12 you're through with your answer before I pose another</p> <p>13 question.</p> <p>14 If we talk over each other, we'll drive this</p> <p>15 lady insane.</p> <p>16 A. Okay.</p> <p>17 Q. With respect to your concern regarding the</p> <p>18 events that happened years and years ago, we don't want</p> <p>19 you to guess at anything at your deposition here today.</p> <p>20 So if you don't know an answer, it's no sin to say, "I</p> <p>21 don't know."</p> <p>22 But I am entitled to an estimate. Do you</p> <p>23 understand in your mind kind of the difference between</p> <p>24 an estimate and a guess?</p> <p>25 A. Maybe not.</p>	<p style="text-align: right;">12</p> <p>1 about.</p> <p>2 A. Correct.</p> <p>3 Q. Okay. Mr. Duensing, let's start -- where did</p> <p>4 you go to high school, sir?</p> <p>5 A. Hogan High School in Vallejo.</p> <p>6 Q. And did you graduate?</p> <p>7 A. Yes.</p> <p>8 Q. And approximately what year?</p> <p>9 A. 1965.</p> <p>10 Q. Is that a guess or an estimate?</p> <p>11 A. That's a fact.</p> <p>12 Q. Did you continue your education after high</p> <p>13 school?</p> <p>14 A. I did two years at Vallejo Junior College,</p> <p>15 which was renamed in the interim to Solano Junior</p> <p>16 College.</p> <p>17 Q. And did you graduate from that college?</p> <p>18 A. No.</p> <p>19 Q. And did you take any specialized classes at</p> <p>20 that college?</p> <p>21 A. I basically took business classes.</p> <p>22 Q. Anything else?</p> <p>23 A. Sports.</p> <p>24 Q. And approximately what year did you leave</p> <p>25 Vallejo Junior College?</p>
<p style="text-align: right;">11</p> <p>1 Q. Okay.</p> <p>2 A. I mean, in my opinion, an estimate is pretty</p> <p>3 close to a guess.</p> <p>4 Q. Okay.</p> <p>5 A. I mean, I can only -- okay.</p> <p>6 Q. Sure. Let me give you a common example that's</p> <p>7 typically used.</p> <p>8 If I were to ask you how long the table is in</p> <p>9 front of you, without pulling out a ruler or a</p> <p>10 measurement tape, you wouldn't be able to tell me</p> <p>11 precisely how long that table is.</p> <p>12 But you could give me an estimate as to the</p> <p>13 length of that table, correct?</p> <p>14 A. Yes, I could, but I'd be guessing.</p> <p>15 Q. Okay. But you can see the table in front of</p> <p>16 you, and you can use your wits about you to come up with</p> <p>17 an --</p> <p>18 A. Yes.</p> <p>19 Q. -- educated estimate as to how long that table</p> <p>20 is, correct?</p> <p>21 A. If you asked me out in the hallway how long was</p> <p>22 that table, I could only guess.</p> <p>23 Q. Okay. But if I asked you how long the table</p> <p>24 was in my office back in Lodi, that would be a total</p> <p>25 guess because you wouldn't know what table I'm talking</p>	<p style="text-align: right;">13</p> <p>1 A. That would have been early '67. I joined the</p> <p>2 Navy.</p> <p>3 Q. And what year were you discharged from the</p> <p>4 Navy?</p> <p>5 A. What year what was I what?</p> <p>6 Q. Discharged from the Navy?</p> <p>7 A. 1969.</p> <p>8 Q. And then after the Navy did you become</p> <p>9 employed?</p> <p>10 A. I worked for Sears in Vallejo.</p> <p>11 Q. And approximately what year was this?</p> <p>12 A. 1970. 1970 through about 1974.</p> <p>13 Q. And what was your job title at Sears?</p> <p>14 A. I worked my way up from sales associate to a</p> <p>15 division manager.</p> <p>16 Q. Within those four years?</p> <p>17 A. Yes.</p> <p>18 Q. And what were your responsibilities as a</p> <p>19 division manager?</p> <p>20 A. Promoting sales, managing people, payroll.</p> <p>21 Q. Okay. And then in approximately 1974 you left</p> <p>22 your position at Sears?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And what did you do after your position</p> <p>25 at Sears?</p>

<p style="text-align: right;">14</p> <p>1 A. I went to work for Home Linen Supply in</p> <p>2 Vallejo.</p> <p>3 Q. And this would have been in approximately what</p> <p>4 year?</p> <p>5 A. Seventy -- '74, '75.</p> <p>6 Q. Let me ask you, between your job at Sears and</p> <p>7 your job at Home Linen Supply, did you have any other</p> <p>8 employment in between --</p> <p>9 A. No, back to back.</p> <p>10 Q. And when you were hired at Home Linen Supply in</p> <p>11 Vallejo, what was your job title?</p> <p>12 A. I was a route driver.</p> <p>13 Q. What were your responsibilities as a route</p> <p>14 driver?</p> <p>15 A. Delivering and picking up linen, uniforms.</p> <p>16 Q. When you say "linen," what do you mean?</p> <p>17 A. Towels.</p> <p>18 Q. Okay. Bed sheets?</p> <p>19 A. No, no, I didn't have -- it was industrial,</p> <p>20 shop towels, so --</p> <p>21 Q. At Home Linen Supply, I -- well, let me ask</p> <p>22 you, what type of business was Home Linen Supply?</p> <p>23 A. What type of a business?</p> <p>24 Q. Yes, sir.</p> <p>25 A. Picking up and dropping off of linen, uniforms,</p>	<p style="text-align: right;">16</p> <p>1 loads were supplied to me. I loaded my truck.</p> <p>2 Q. Okay. And when I say "dry cleaning solvent,"</p> <p>3 do you know to what I'm referring?</p> <p>4 A. The only dry cleaning solvent that I am</p> <p>5 familiar with is perchloroethylene.</p> <p>6 Q. And for purposes of this deposition, if we</p> <p>7 could just refer to it as PERC, is that fine with you?</p> <p>8 A. PERC, that's fine.</p> <p>9 Q. Okay.</p> <p>10 A. That's what I always called it.</p> <p>11 Q. Okay. Now, you began as a route driver for</p> <p>12 Home Linen Supply in 1974.</p> <p>13 What year did you leave Home Linen Supply?</p> <p>14 A. That would have been late -- late '76, early</p> <p>15 '77. Excuse me. Let me -- let me back up on that.</p> <p>16 Q. Sure.</p> <p>17 A. That would have been late '78, early '79.</p> <p>18 Q. And during your time as a route driver for Home</p> <p>19 Linen Supply, did your job title ever change?</p> <p>20 A. No.</p> <p>21 Q. So you were a route driver for the entire time</p> <p>22 that you were with Home Linen Supply?</p> <p>23 A. Correct.</p> <p>24 Q. And then after you left Home Linen Supply,</p> <p>25 where were you employed next?</p>
<p style="text-align: right;">15</p> <p>1 for processing and return to a customer.</p> <p>2 Q. You said for processing. Did -- what do you</p> <p>3 mean by "processing"?</p> <p>4 A. Washing, drying, pressing as needed.</p> <p>5 Q. Now, were these -- strike that.</p> <p>6 The washing, the drying and the pressing as</p> <p>7 needed, was that performed by Home Linen Supply, or was</p> <p>8 that performed by another company?</p> <p>9 A. Home Linen Supply. It was an operating plant.</p> <p>10 Q. And where did they operate? Oh, I'm sorry, you</p> <p>11 said Vallejo.</p> <p>12 A. Yes.</p> <p>13 Q. Did Home Linen Supply offer -- also provide dry</p> <p>14 cleaning services?</p> <p>15 A. No.</p> <p>16 Q. Waterproofing services?</p> <p>17 A. No.</p> <p>18 Q. Suede or leather cleaning services?</p> <p>19 A. No.</p> <p>20 Q. Do you know if Home Linen Supply in conducting</p> <p>21 their business of washing and drying linens, whether</p> <p>22 they used any dry cleaning solvent?</p> <p>23 A. I will guess. I was never involved in the</p> <p>24 production end of that business. I was -- I was a route</p> <p>25 driver. I picked up and delivered my loads. My daily</p>	<p style="text-align: right;">17</p> <p>1 A. I was the proud owner of One-Hour Cleaners in</p> <p>2 Fairfield.</p> <p>3 Q. That was located at 712 Madison Street?</p> <p>4 A. That's correct.</p> <p>5 Q. And what year did you purchase the business of</p> <p>6 One-Hour Cleaners?</p> <p>7 A. 1979. I don't know the exact date.</p> <p>8 Q. Was it solely you who purchased One-Hour</p> <p>9 Cleaners, or did any other person purchase One-Hour</p> <p>10 Cleaners with you?</p> <p>11 A. My wife and myself. It was in both of our</p> <p>12 names.</p> <p>13 Q. And your wife is Sandra Duensing?</p> <p>14 A. Correct.</p> <p>15 Q. Mr. Duensing, have you ever attended any trade</p> <p>16 schools?</p> <p>17 A. Yes.</p> <p>18 Q. What trade schools?</p> <p>19 A. Dry cleaning. At that time, Doyle -- I guess</p> <p>20 it's okay to call you Doyle?</p> <p>21 Q. That's fine.</p> <p>22 A. At that time you had to have a dry cleaning</p> <p>23 license to own a dry cleaning business. Later on that</p> <p>24 changed.</p> <p>25 Q. And this was in approximately 1979 when you</p>

<p style="text-align: right;">18</p> <p>1 purchased One-Hour Cleaners?</p> <p>2 A. Correct.</p> <p>3 Q. You say a "dry cleaning license." Who issued</p> <p>4 this license?</p> <p>5 A. Laney --</p> <p>6 Q. I guess to be clear, was this issued through</p> <p>7 the State of California?</p> <p>8 A. Doyle, I don't remember.</p> <p>9 Q. Okay.</p> <p>10 A. I went to a six-week school at Laney College in</p> <p>11 Oakland, and I'm not sure who -- if it was the state</p> <p>12 that issued the license or if it was the college that</p> <p>13 issued a, you know, completion.</p> <p>14 Q. This is Laney College you said?</p> <p>15 A. Laney, L-a-n-e-y.</p> <p>16 Q. And this was a six-week course?</p> <p>17 A. Correct.</p> <p>18 Q. And after completion of that course, you were</p> <p>19 issued a license?</p> <p>20 A. I was -- pardon?</p> <p>21 Q. Issued a license?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And this license was to operate dry</p> <p>24 cleaning equipment?</p> <p>25 A. Right.</p>	<p style="text-align: right;">20</p> <p>1 A. No.</p> <p>2 Q. In your schooling at Laney College, were you</p> <p>3 instructed into -- strike that.</p> <p>4 In your six-week school at Laney College, were</p> <p>5 you provided any instruction with respect to storage of</p> <p>6 PERC?</p> <p>7 A. No.</p> <p>8 Q. Handling of PERC?</p> <p>9 A. No.</p> <p>10 Q. So as far as you recall as you sit here today,</p> <p>11 your six-week schooling at Laney College, you learned</p> <p>12 about fabrics and spotting and the different print</p> <p>13 spotting chemicals?</p> <p>14 Is that a "yes"?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. Anything else you can think of as you</p> <p>17 sit here today?</p> <p>18 A. Not -- no, I can't remember anything else</p> <p>19 that --</p> <p>20 Q. You don't still have a copy of that license</p> <p>21 that you were issued, do you?</p> <p>22 A. No.</p> <p>23 Q. Okay.</p> <p>24 A. And for the record, I had a medium-sized box --</p> <p>25 after 25 years, I had a medium-sized box of what I had</p>
<p style="text-align: right;">19</p> <p>1 Q. Okay. How long was this license good for; do</p> <p>2 you know?</p> <p>3 A. Indefinitely.</p> <p>4 Q. Okay. You didn't have to take any refresher</p> <p>5 courses?</p> <p>6 A. No. No.</p> <p>7 Q. What did you learn in your six-week school at</p> <p>8 Laney College?</p> <p>9 MR. FARRELL: Objection, vague, ambiguous,</p> <p>10 overbroad.</p> <p>11 THE WITNESS: I'm sorry. You came in, Bob,</p> <p>12 after the fact. I've got hearing aids.</p> <p>13 MR. FARRELL: I'm sorry. I'm just stating an</p> <p>14 objection for the record. You're free to respond. It's</p> <p>15 simply for the record.</p> <p>16 THE WITNESS: I learned fabrics, how to spot</p> <p>17 different chemicals that were used for different stains.</p> <p>18 That was pretty much the basis of it because it</p> <p>19 was -- at that time it was obvious to me that if you</p> <p>20 didn't know what chemicals to use for what stains on</p> <p>21 certain fabrics, you could ruin it.</p> <p>22 BY MR. GRAHAM:</p> <p>23 Q. In your six-week school at Laney College, were</p> <p>24 you instructed as to the operations of PERC dry cleaning</p> <p>25 equipment?</p>	<p style="text-align: right;">21</p> <p>1 left from the business, which included canceled check</p> <p>2 stubs.</p> <p>3 And I have presented to two different counsels,</p> <p>4 I believe, what was relevant to this case as far as</p> <p>5 license -- I mean, I had a Fairfield Fire Department</p> <p>6 receipt for storage of PERC at my location.</p> <p>7 I think, Bob, you have -- you have some of</p> <p>8 those copies that I gave to you, don't you?</p> <p>9 Aren't you Robert Farrell?</p> <p>10 MR. FARRELL: Yes, I am.</p> <p>11 THE WITNESS: In our meeting, didn't I -- I</p> <p>12 turned over four or five pieces of --</p> <p>13 MR. FARRELL: Yeah, that's correct. I have</p> <p>14 copies of those.</p> <p>15 THE WITNESS: And, Doyle, you have those also,</p> <p>16 correct?</p> <p>17 MR. GRAHAM: Yes, sir.</p> <p>18 THE WITNESS: Okay. That -- and I've gone back</p> <p>19 through my -- my box, and I have nothing else that is</p> <p>20 relevant.</p> <p>21 BY MR. GRAHAM:</p> <p>22 Q. Other than your six-week school at Laney</p> <p>23 College, did you -- have you ever received any</p> <p>24 specialized training with respect to dry cleaning</p> <p>25 operations?</p>

<p style="text-align: right;">22</p> <p>1 A. No. Personal experience, Doyle.</p> <p>2 Q. Okay. Did you ever take any classes that were</p> <p>3 provided by One-Hour Martinizing?</p> <p>4 A. No.</p> <p>5 Q. What about any classes or instructions that</p> <p>6 were provided by the Cal/EPA Air Resources Board?</p> <p>7 A. No.</p> <p>8 Q. Have you ever been a member of any dry cleaning</p> <p>9 organization?</p> <p>10 A. No.</p> <p>11 Q. Any trade association?</p> <p>12 A. No.</p> <p>13 Q. All right. So you indicated in 1979 that you</p> <p>14 and your wife purchased One-Hour Cleaners in Fairfield</p> <p>15 at 712 Madison; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. And from whom did you purchase the</p> <p>18 businesses?</p> <p>19 A. Tom Turigliatto.</p> <p>20 Q. Could you spell Tom's last name for me?</p> <p>21 A. T-u-r-i-g-l-i-a-t-t-o. Mr. Turigliatto is my</p> <p>22 father-in-law.</p> <p>23 Q. When did you marry Sandra Duensing?</p> <p>24 A. That would have been February 7th, 35 years</p> <p>25 ago. '76.</p>	<p style="text-align: right;">24</p> <p>1 you purchased 712 Madison from Mr. Turigliatto -- or</p> <p>2 strike that.</p> <p>3 Right now I'm talking about the time prior to</p> <p>4 the time that you purchased the business, the One-Hour</p> <p>5 Cleaners business, from Mr. Turigliatto.</p> <p>6 So prior to the time that you purchased that</p> <p>7 business, I'm trying to figure out what her job</p> <p>8 responsibilities or what she did to help out her father</p> <p>9 in the operation of One-Hour Cleaners.</p> <p>10 A. Pressing and waiting on the counter.</p> <p>11 Q. Okay. Do you know if she ever ran any of the</p> <p>12 dry cleaning equipment during the time that</p> <p>13 Mr. Turigliatto operated One-Hour Cleaners?</p> <p>14 A. Not to my knowledge.</p> <p>15 Q. Prior to the time that you purchased -- strike</p> <p>16 that.</p> <p>17 Prior to the time that you and your wife</p> <p>18 purchased One-Hour Cleaners from Mr. Turigliatto, had</p> <p>19 you ever assisted Mr. Turigliatto in any of the</p> <p>20 operations during the time that he owned the business?</p> <p>21 A. No.</p> <p>22 Q. When you purchased the business from</p> <p>23 Mr. Turigliatto in approximately 1979, what equipment</p> <p>24 did you purchase from Mr. Turigliatto?</p> <p>25 And when I say "what equipment," I'm</p>
<p style="text-align: right;">23</p> <p>1 Q. I had '75, but right around '75, '76?</p> <p>2 A. Yeah, it was probably February of '76. My</p> <p>3 daughter was born on June of '77.</p> <p>4 Q. Prior to you and Mrs. Duensing purchasing the</p> <p>5 One-Hour Cleaners from Mr. Turigliatto, had</p> <p>6 Mrs. Duensing ever worked at that plant?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know when she first started working</p> <p>9 there?</p> <p>10 A. She tells me from 15, 16 years old. She worked</p> <p>11 on Saturdays for her father.</p> <p>12 Q. And do you know what she did for her father at</p> <p>13 One-Hour Cleaners?</p> <p>14 A. She worked the counter.</p> <p>15 Q. Worked the counter. Exclusively?</p> <p>16 A. Pardon me?</p> <p>17 Q. Did she have any other job responsibilities</p> <p>18 other than working the counter during the time that</p> <p>19 Mr. Turigliatto owned the dry cleaners?</p> <p>20 A. Pressing.</p> <p>21 Q. Pressing.</p> <p>22 A. And that's during our tenure of owning that</p> <p>23 business, that's all she did.</p> <p>24 Q. Okay. And I just want to be real clear. Right</p> <p>25 now I'm talking about the time prior to the time that</p>	<p style="text-align: right;">25</p> <p>1 specifically referring to either PERC dry cleaning</p> <p>2 machines or any other equipment that would be associated</p> <p>3 with those PERC dry cleaning machines.</p> <p>4 A. Do you want me to itemize each piece? Or --</p> <p>5 Q. Well, if -- let's start this way. When you</p> <p>6 purchased the business from Mr. Turigliatto, you bought</p> <p>7 some dry cleaning equipment, correct?</p> <p>8 A. In whole. I bought the business, equipment,</p> <p>9 goodwill.</p> <p>10 Q. Okay. So let's talk about the equipment that</p> <p>11 you purchased. At the time that you purchased the</p> <p>12 business from Mr. Turigliatto, was it a -- the dry</p> <p>13 cleaning machine that you purchased, was that a transfer</p> <p>14 machine?</p> <p>15 A. Yes.</p> <p>16 Q. Okay.</p> <p>17 A. And, Doyle, I think, like I spoke to you at one</p> <p>18 time, the business was called One-Hour Martinizing, and</p> <p>19 the name Martinizing came about because of a system, not</p> <p>20 anything else. It was Martin equipment that was in the</p> <p>21 business.</p> <p>22 So if you dry cleaned a garment in that dry</p> <p>23 cleaners, it was called Martinizing.</p> <p>24 Q. But Mr. Turigliatto, he did not run the</p> <p>25 operation as One-Hour Martinizing, did he?</p>

<p style="text-align: right;">26</p> <p>1 A. He did.</p> <p>2 Q. Okay.</p> <p>3 A. Yes, he did.</p> <p>4 Q. For a period of time?</p> <p>5 A. 20 years.</p> <p>6 Q. Okay.</p> <p>7 A. That's an estimate.</p> <p>8 Q. But when you purchased the business, it was --</p> <p>9 strike that.</p> <p>10 When you purchased the business, was it called</p> <p>11 One-Hour Martinizing, or was it called One-Hour</p> <p>12 Cleaners?</p> <p>13 A. It was -- it was called One-Hour Cleaners.</p> <p>14 Q. Okay. So as I understand it, a transfer</p> <p>15 machine essentially has the machine that you put the</p> <p>16 clothes into, and then you put the clothes into a</p> <p>17 separate reclaimer, a dryer, so to speak, correct?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. So can we talk about it as a washer and</p> <p>20 the reclaimer? Will you know what I'm speaking of when</p> <p>21 I talk like that?</p> <p>22 A. A washer and a reclaimer?</p> <p>23 Q. Is there a separate -- is there a different</p> <p>24 word for the first piece of equipment that you put the</p> <p>25 clothes in?</p>	<p style="text-align: right;">28</p> <p>1 MR. GRAHAM: A still.</p> <p>2 THE WITNESS: The dry cleaning machine had a</p> <p>3 built-in still.</p> <p>4 BY MR. GRAHAM:</p> <p>5 Q. When you say "the dry cleaning machine," we're</p> <p>6 talking about the dry cleaning machine as opposed to the</p> <p>7 reclaimer, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. So the still --</p> <p>10 A. Martin --</p> <p>11 Q. I'm sorry?</p> <p>12 A. The Martin dry cleaning machine has a built-in</p> <p>13 still, or had a built-in still.</p> <p>14 Q. Any other piece of equipment that you purchased</p> <p>15 from Mr. Turigliatto that would be related specifically</p> <p>16 to PERC dry cleaning operations?</p> <p>17 A. No.</p> <p>18 Q. Okay. No muck cooker?</p> <p>19 A. No.</p> <p>20 Q. Did you purchase a muck cooker from</p> <p>21 Mr. Turigliatto?</p> <p>22 A. No.</p> <p>23 Q. Okay. Do you recall how many spotting</p> <p>24 tables -- well, strike that.</p> <p>25 In your purchase of One-Hour Cleaners from</p>
<p style="text-align: right;">27</p> <p>1 A. Dry cleaning machine.</p> <p>2 Q. Okay. So that dry cleaning machine, that was a</p> <p>3 Martin?</p> <p>4 A. Correct.</p> <p>5 Q. That you purchased from Mr. Turigliatto?</p> <p>6 A. Correct.</p> <p>7 Q. It was a 30-pound; do you know?</p> <p>8 A. I think it was only 25.</p> <p>9 Q. 25. And then you also purchased the reclaimer</p> <p>10 with that?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. And that was also a Martin reclaimer?</p> <p>13 A. I don't think that it was called a Martin</p> <p>14 reclaimer. At some point I believe that reclaimer was</p> <p>15 changed out, prior to my ownership, because it was not a</p> <p>16 Martin -- Martin machine. And what the name of it was</p> <p>17 or the brand, I do not know.</p> <p>18 Q. Okay. Do you know the capacity of that</p> <p>19 reclaimer?</p> <p>20 A. I want to say 50 pounds.</p> <p>21 Q. Okay. So we've talked about the dry cleaning</p> <p>22 unit and the reclaimer that you purchased from</p> <p>23 Mr. Turigliatto.</p> <p>24 Did you also purchase a still?</p> <p>25 MR. SHAMIYEH: What's that?</p>	<p style="text-align: right;">29</p> <p>1 Mr. Turigliatto, did you also purchase spotting tables?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Do you recall how many you purchased?</p> <p>4 A. One.</p> <p>5 Q. One. Now, on this Martin 25-pound dry cleaning</p> <p>6 unit that you purchased from Mr. Turigliatto, did this</p> <p>7 unit have filters on it?</p> <p>8 A. Yes. I'm trying to recall -- I'm answering</p> <p>9 your question. Yes, it had filters.</p> <p>10 Q. Okay. At the time that you purchased One-Hour</p> <p>11 Cleaners from Mr. Turigliatto, did Mr. Turigliatto</p> <p>12 provide you any training with respect to any of the --</p> <p>13 the -- either the Martin 25-pound dry cleaning machine</p> <p>14 or the reclaimer, or any of the filters? Anything.</p> <p>15 A. He remained -- excuse me. He remained on the</p> <p>16 premises for approximately 30 days after the purchase to</p> <p>17 make sure that I understood operating and spotting and</p> <p>18 so forth.</p> <p>19 Q. Did Mr. Turigliatto ever provide to you any</p> <p>20 instructions with respect to changing of the filters on</p> <p>21 the Martin 25-pound machine?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. What did he tell you?</p> <p>24 A. The process was, you could tell when the</p> <p>25 filters needed to be changed because the pressure --</p>

<p style="text-align: right;">30</p> <p>1 there were pressure gauges that showed flow of PERC 2 through the machine. 3 When that pressure started to rise, it 4 indicated that there was a restriction or a buildup on 5 the filters. 6 When it got to a certain point, you know you 7 needed to change the filters. They were drained 8 overnight. 9 Q. And this is -- 10 A. And by drained -- pardon me. And by drained, 11 there were -- there was a piping system that you could 12 open a petcock, and it would drain back down into the 13 machine overnight. 14 Q. Did Mr. Turigliatto provide you any information 15 with respect to washing of those filters? 16 A. No. 17 Q. Did Mr. Turigliatto provide you any information 18 with respect to his practices with respect to disposal 19 of the filters? 20 A. Just that they were put into the garbage. 21 Q. Okay. 22 A. After having drained all night, they were dry. 23 Perchloroethylene, or PERC, evaporates rapidly. 24 So with the air surrounding these filters with 25 the drainage and the venting and everything, you know,</p>	<p style="text-align: right;">32</p> <p>1 A. Right out the back door. 2 Q. Right out the back. 3 When you purchased the business from 4 Mr. Turigliatto, did Mr. Turigliatto provide to you any 5 equipment manuals for any of the pieces of equipment 6 that you purchased from him? 7 A. Yes. Doyle, he had the business for 20 years. 8 He had owners' manuals. He had a collection of 9 everything over 20 years. That was in a cabinet or a -- 10 what it was, was a -- not a roll top, but a desk that 11 had a top that lifted up. 12 Q. Okay. 13 A. There were manuals for equipment that was 14 there. There were manuals for equipment that no longer 15 existed. 16 Did I refer to those? I don't ever recall 17 referring to an owners' manual. 18 Q. Did Mr. Turigliatto review with you any of 19 those manuals? 20 A. No. 21 Q. So just so I'm clear, the only equipment that 22 you purchased relating to dry cleaning itself, and I'm 23 not talking about the spotting tables or anything of 24 that nature, is the Martin 25-pound machine and the 25 50-pound reclaimer; is that correct?</p>
<p style="text-align: right;">31</p> <p>1 of this container that had the filters, they were -- 2 they were pretty dry by the time the next morning came 3 around. 4 Q. Did Mr. Turigliatto provide you any instruction 5 with respect to any personal safety equipment that you 6 should be wearing when changing those filters? 7 A. No. 8 Q. Okay. Did you -- when you first purchased the 9 business, when you were changing those filters, did 10 you -- did you wear any gloves? 11 A. No. 12 Q. And you say that those filters were just -- 13 were placed in the trash can when they were used up, so 14 to speak, correct? 15 I'm sorry; is that correct? 16 A. Correct. 17 Q. Okay. And you say they were placed in a 18 garbage can. Was that garbage can inside the premises 19 or outside the premises? 20 A. That was outside. 21 Q. Okay. And where was that garbage can located, 22 I mean with respect to the back door? Was it right out 23 the back door; was it away from the back door? My 24 understanding is that there's a pretty big parking lot 25 there.</p>	<p style="text-align: right;">33</p> <p>1 A. From Mr. Turigliatto, yes. 2 Q. Okay. You said after you purchased the 3 business from Mr. Turigliatto, he remained on the 4 premises for approximately 30 days; is that correct? 5 A. Correct. 6 Q. Okay. And at that time was he -- could you 7 just give me an idea of what he was doing? 8 A. Just watched me. 9 Q. Okay. 10 A. He basically was there in case I had any 11 questions. 12 Q. Okay. 13 A. He didn't participate. He drank a lot of 14 coffee. He was -- really, he was basically there in 15 case I had any questions or if anything came up that 16 I -- 17 Q. Okay. And do you recall in that 30 days that 18 he was kind of supervising, for lack of a better phrase, 19 any issues that did come up that you had to consult with 20 him? 21 A. No. 22 Q. When you purchased the business from 23 Mr. Turigliatto, did he -- do you recall any comments 24 that he made to you with respect to any problems that he 25 had had with any of the equipment?</p>

<p style="text-align: right;">34</p> <p>1 A. Doyle, if there was a conversation concerning 2 problems, I don't recall. 3 Q. Okay. 4 A. Just in the day-to-day conversations that we 5 had, steam traps were brought up, just, you know -- 6 wasn't anything major. 7 Now that I think about it, maintenance of the 8 boiler, which doesn't have anything to do with PERC, but 9 I mean, he -- he mentioned, yeah, if this happens, 10 you're going to need to change that steam trap or, you 11 know, that type of conversation. 12 Q. But he didn't specifically point out to you, 13 that you recall, any problems that he had encountered 14 with some of the equipment either leaking or releasing 15 PERC? 16 A. No. 17 Q. Okay. What is a steam trap? 18 A. You've got a steam line that goes from point A 19 to point B, point A being the boiler, point B being a 20 piece of equipment that needs steam to operate. 21 And a steam trap prevents the backup of 22 condensation, of steam. It has a -- condensation, 23 basically, because obviously as the pipe heats up and 24 cools down, there's going to be a certain amount of 25 condensation.</p>	<p style="text-align: right;">36</p> <p>1 question back? 2 (Whereupon the reporter read back the following 3 testimony: 4 "Q. Okay. During your tenancy at 5 712 Madison, did you ever have any 6 written rental agreement with Mr. Ragle 7 and Mr. Tomasini for your lease of that 8 premises?") 9 THE WITNESS: In the beginning, yes. 10 BY MR. GRAHAM: 11 Q. You say "in the beginning." For -- can you 12 give me an idea of for how many years you had a written 13 rental agreement with Mr. Tomasini and Mr. Ragle? 14 A. As I recall, they wrote up an agreement for, I 15 want to say five years, and after that I don't recall 16 signing any written type of agreements at all. 17 I mean, we -- Mr. Turigliatto had operated the 18 business for 20 years, and -- and I think they realized 19 that I wasn't going anywhere, so we just went month to 20 month, basically. 21 After that -- like I say, I -- I never signed a 22 second agreement or lease. 23 Q. Okay. So after this first agreement that you 24 recall, was a five-year lease; is that correct? 25 A. (Witness nodded head.)</p>
<p style="text-align: right;">35</p> <p>1 And you get condensation in that steam line, 2 for instance on a press, when you go to press something. 3 Then the water comes out into the pads, into the 4 garments, and so the steam trap pretty much prevented 5 that. 6 Q. Okay. 7 A. If it was operating correctly. 8 Q. Okay. When you purchased the business from 9 Mr. Turigliatto, was it your understanding that 10 Mr. Turigliatto was renting the property? 11 A. Was renting the property? 12 Q. Yes. 13 A. Yes. 14 Q. Do you know who he was renting the property 15 from? 16 A. George Tomasini and Richard Ragle. 17 Q. Okay. And when you purchased the business from 18 Mr. Turigliatto, did you also continue to rent the 19 properties from Mr. Tomasini and Mr. Ragle? 20 A. Yes. 21 Q. Okay. During your tenancy at 712 Madison, did 22 you ever have any written rental agreement with 23 Mr. Ragle and Mr. Tomasini for your lease of that 24 premises? 25 MR. FARRELL: I'm sorry, could you read that</p>	<p style="text-align: right;">37</p> <p>1 Q. That's a "yes"? 2 A. Yes. 3 Q. And then after that five-year lease it was just 4 kind of a handshake deal for a month-to-month term? 5 A. Yes. 6 Q. Okay. Now, with respect to that five-year 7 written lease to which you referred, do you know if 8 there was any provision within that lease that required 9 you to maintain any liability insurance? 10 A. No, only because I never had any liability 11 insurance. My wife and I discussed in the beginning 12 getting insurance to cover garment loss, and we opted 13 not to because I had the schooling, I had the knowledge 14 not to ruin clothes. 15 If for any reason there was a garment, silk 16 blouse, \$80, hundred dollar silk blouse that had to be 17 replaced, we would be able to do that as opposed to 18 paying out premiums on insurance. So we never got 19 insurance. 20 And, Doyle, one more thing on the insurance 21 question. I had to replace a front window in the 22 property at 712 Madison, a big plate glass window, which 23 cost me over \$900, which I didn't have insurance to 24 cover it. 25 Q. Okay.</p>

<p style="text-align: right;">38</p> <p>1 A. And my landlord said, "You broke it, you pay 2 for it." 3 Q. Okay. 4 A. So we did. 5 (Whereupon Exhibit No. 1 was then marked for 6 identification.) 7 BY MR. GRAHAM: 8 Q. Mr. Duensing, we've handed to you what's been 9 marked as Exhibit 1 to your deposition. I don't have 10 many questions on this, actually. 11 I just want to know, do you recognize this 12 document? 13 A. Yes, I do. 14 Q. Okay. And you received this document, and 15 that's what commanded your appearance here today? 16 A. Yes. 17 Q. Okay. If you'd do me a favor and just turn to 18 the very last page of this document. 19 A. (Witness complied.) 20 Q. I just want to confirm something. In the -- 21 you see the second set of folks, Gerald Duensing, Sandra 22 Duensing? You see that? 23 A. Yes. 24 Q. Okay. Line 7 and 8? 25 A. Yes.</p>	<p style="text-align: right;">40</p> <p>1 Q. And what is depicted in this photo? 2 A. It is the location of 712 Madison, which used 3 to be called One-Hour Cleaners. 4 Q. All right. Let me ask you, you see the front 5 paving here, these stones that kind of make up in front 6 of the -- in front of the 712 Madison store and on to 7 the street. 8 Was that -- this condition that's depicted in 9 this photo with respect to that paving, was that in the 10 same condition as when you operated the business? 11 A. Midway. That renovation took place in 1989. 12 Q. When you say "that renovation," what are you 13 speaking of? 14 A. They were doing a -- this -- this particular 15 building is located in the -- what we affectionately 16 called the old part of downtown Fairfield. 17 They were doing a downtown renovation in which 18 they took -- and honestly, other than my street, Madison 19 Street -- my street -- other than Madison Street, I 20 don't recall the other streets that were renovated. 21 But they took out the whole street, down 22 probably I want to say eight or 10 feet down, dirt. I'm 23 sure there were sewer systems involved in that. The 24 construction lasted approximately nine months. 25 They left a pathway on my side -- or a walkway</p>
<p style="text-align: right;">39</p> <p>1 Q. Okay. That e-mail address that's set below 2 right after line 10, jerryd55chev@comcast.net -- 3 A. Yes. 4 Q. -- is that your current e-mail address? 5 A. Yes. 6 Q. Okay. And the 5861 Lupin Lane, is that your 7 current residence? 8 A. Yes. 9 Q. Do you have any plans to move from that 10 residence, say, within the next year or so? 11 A. No. 12 Q. Okay. So the best way to contact you would be 13 at either this e-mail address or this address -- this 14 e-mail -- 15 A. Yes. 16 Q. -- address or this physical address? 17 A. Yes. 18 Q. Okay. 19 (Whereupon Exhibit No. 2 was then marked for 20 identification.) 21 BY MR. GRAHAM: 22 Q. Mr. Duensing, we've handed to you what's been 23 marked as Exhibit No. 2 to your deposition. Do you 24 recognize this photo? 25 A. Yes.</p>	<p style="text-align: right;">41</p> <p>1 on my side of the street, the other side of the street, 2 and my customers for that nine-month period of time had 3 to travel almost two blocks to come to my location. 4 Very nice when they got done, but -- 5 Q. Okay. Now, this renovation that we've been 6 speaking of, do you know one way or the other whether 7 any sewer mains were repaired or replaced in front of 8 712 Madison? 9 MR. FARRELL: Just to clarify, you're referring 10 to what's shown in the photo? 11 MR. GRAHAM: Yes, thank you. 12 THE WITNESS: Guaranteed, Doyle, no, I don't. 13 But I -- I just can't say for sure whether they were 14 repaired. 15 I can -- I can almost remember pipes coming in 16 and going out, so I mean, it didn't make any sense to me 17 why they would do that -- that far down if they were 18 just going to replace the bricks. If they were going to 19 go down 10 feet, I'm sure everything was replaced 20 underneath. 21 BY MR. GRAHAM: 22 Q. During this renovation project that we're 23 speaking of with respect to the street in front of 24 712 Madison, do you recall any conversations that you 25 had with anyone with the City of Fairfield with respect</p>

<p style="text-align: right;">42</p> <p>1 to this renovation project?</p> <p>2 A. Specific conversations, no, but I'm sure there</p> <p>3 were conversations with the workers.</p> <p>4 Q. Okay.</p> <p>5 A. On a day-in, day-out basis. I mean --</p> <p>6 Q. As you sit here today, do you recall any of the</p> <p>7 conversations, the sum and substance of any of the</p> <p>8 conversations that you would have had with any of the</p> <p>9 City of Fairfield employees?</p> <p>10 A. No, no.</p> <p>11 Q. As we're looking at the photo that's been</p> <p>12 marked as Exhibit No. 2, the building to the right --</p> <p>13 well, strike that.</p> <p>14 712 Madison, that's the building in the middle,</p> <p>15 correct?</p> <p>16 A. In the center, correct.</p> <p>17 Q. Okay. Now, if we're looking at this picture,</p> <p>18 it's been marked as Exhibit No. 2, the building to the</p> <p>19 right that has the "For Lease" sign on it, do you see</p> <p>20 that?</p> <p>21 A. Yes.</p> <p>22 Q. During -- strike that.</p> <p>23 When you first purchased the business from</p> <p>24 Mr. Turigliatto, what type of business was located where</p> <p>25 we've identified as the building next -- to the right</p>	<p style="text-align: right;">44</p> <p>1 Mr. Duensing. If at some later point the light flashes</p> <p>2 in your head and you recall an answer to a question that</p> <p>3 you didn't recall earlier, please feel free to give me</p> <p>4 that information.</p> <p>5 A. Great.</p> <p>6 Q. Okay.</p> <p>7 A. Because I'm sure after I leave here today,</p> <p>8 things are going to --</p> <p>9 Q. Let's -- let me direct your attention back to</p> <p>10 Exhibit No. 2. And if we look to the building that is</p> <p>11 to the left of what we've identified as 712 Madison, can</p> <p>12 you give me a rundown of the types of businesses that</p> <p>13 you recall being there during the time that you operated</p> <p>14 there?</p> <p>15 A. The only tenant that I ever recall being in</p> <p>16 that piece of property was Beneficial Finance.</p> <p>17 Q. Mr. Duensing, one thing I probably should have</p> <p>18 told you at the beginning. I'm going to try to get you</p> <p>19 out of here as early as I can. I presume we'll be</p> <p>20 taking a lunch, probably about noon or 12:30. It's</p> <p>21 going to be kind of your call and her call.</p> <p>22 I usually take a break about every hour and a</p> <p>23 half. If you need to take a break for any reason</p> <p>24 whatsoever, at any point, just let me know. Everyone</p> <p>25 will go off the record, and you can take care of what</p>
<p style="text-align: right;">43</p> <p>1 with the "For Lease" sign?</p> <p>2 A. When I purchased the business, I honestly don't</p> <p>3 remember what was in there.</p> <p>4 That particular piece of property, there were</p> <p>5 tenants in and out quite a bit. I can recall a</p> <p>6 typewriter repair.</p> <p>7 I can recall a travel agency. In fact, I think</p> <p>8 the travel agency was the last one that I can recall</p> <p>9 being in there.</p> <p>10 Q. And just to stop you so we're clear, we're</p> <p>11 speaking of only the building to the right that has the</p> <p>12 "For Lease" sign?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. I just wanted to make sure we're clear.</p> <p>15 A. Yeah.</p> <p>16 Q. So typewriter repair, a travel agency. Any</p> <p>17 other businesses you recall?</p> <p>18 A. Not that I can remember.</p> <p>19 Q. Okay. What about -- referring back to Exhibit</p> <p>20 No. 2, if we look to the left of the building --</p> <p>21 A. Oh, Doyle, excuse me.</p> <p>22 Q. Yeah, absolutely.</p> <p>23 A. I think there was a photo studio in that</p> <p>24 building when I bought the property.</p> <p>25 Q. And this happens many times in depositions,</p>	<p style="text-align: right;">45</p> <p>1 you need to take care of.</p> <p>2 A. Fine.</p> <p>3 Q. Okay.</p> <p>4 (Whereupon Exhibit No. 3 was then marked for</p> <p>5 identification.)</p> <p>6 BY MR. GRAHAM:</p> <p>7 Q. Mr. Duensing, we've handed to you what's been</p> <p>8 marked as Exhibit 3 to your deposition. Do you</p> <p>9 recognize this photo?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And could you describe for me what's</p> <p>12 depicted in this photo?</p> <p>13 A. That is the back of the building that is shown</p> <p>14 in Exhibit 2.</p> <p>15 Q. All right. And the back of 712 Madison --</p> <p>16 strike that.</p> <p>17 Is the door, the brown door right in the middle</p> <p>18 of the picture of Exhibit No. 3 where the orange bucket</p> <p>19 is, do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Is that the back door to the 712 Madison</p> <p>22 property?</p> <p>23 A. Yes, it is.</p> <p>24 Q. Okay. Now, at the time that you purchased the</p> <p>25 property from Mr. Turigliatto -- well, strike that.</p>

<p style="text-align: right;">46</p> <p>1 Do you see the pavement on the parking lot as</p> <p>2 depicted in Exhibit No. 3, Mr. Duensing?</p> <p>3 A. The pavement?</p> <p>4 Q. Yes.</p> <p>5 A. Yes.</p> <p>6 Q. Okay. During the time that you purchased the</p> <p>7 business from Mr. Turigliatto, was the area that's paved</p> <p>8 in Exhibit 3, was that also paved?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. If you look above the door, the brown</p> <p>11 door that we've referred to as the back door of</p> <p>12 712 Madison, and you look up to the right-hand corner of</p> <p>13 that door, do you see that gray spot?</p> <p>14 A. Yes.</p> <p>15 Q. Do you know what that is?</p> <p>16 MR. FARRELL: Objection, calls for speculation.</p> <p>17 BY MR. GRAHAM:</p> <p>18 Q. If you know. Please don't guess, Mr. Duensing.</p> <p>19 A. I believe, I think, as best I can remember,</p> <p>20 that was a vent from the steam line.</p> <p>21 Q. And what do you mean a vent for a steam line?</p> <p>22 A. If I'm not mistaken -- oh, boy, it's been so</p> <p>23 long ago.</p> <p>24 Okay. The boiler, our boiler, sat right</p> <p>25 underneath that window with the grate.</p>	<p style="text-align: right;">48</p> <p>1 A. I don't remember.</p> <p>2 Q. Again, Mr. Duensing, if it dawns on you later</p> <p>3 on in your deposition, please just feel free to let me</p> <p>4 know.</p> <p>5 A. Okay.</p> <p>6 (Whereupon Exhibit No. 4 was then marked for</p> <p>7 identification.)</p> <p>8 BY MR. GRAHAM:</p> <p>9 Q. Okay. Mr. Duensing, we've handed to you what's</p> <p>10 been marked as Exhibit No. 4. I presume you recognize</p> <p>11 this one?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. We see this is kind of a step back from</p> <p>14 Exhibit 3 and shows us a larger area of the parking lot.</p> <p>15 Would you agree?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. When you purchased the business from</p> <p>18 Mr. Turigliatto, did the parking lot look similar to the</p> <p>19 way it's depicted here in Exhibit No. 4?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. And by that, I mean, the area that we</p> <p>22 see paved in Exhibit No. 4, that area was also paved at</p> <p>23 the time that you purchased the business from</p> <p>24 Mr. Turigliatto?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">47</p> <p>1 Q. Now, when you say "that window with the grate,"</p> <p>2 are we looking at the window to the right of the brown</p> <p>3 door?</p> <p>4 A. To the left.</p> <p>5 Q. To the left. Above the blue painted area?</p> <p>6 A. Correct.</p> <p>7 Q. Okay.</p> <p>8 A. That's where the boiler sat. There was a --</p> <p>9 you know, I don't want to mislead or misconstrue. I --</p> <p>10 honestly, I don't remember. There was -- there was</p> <p>11 definitely a pipe that came out of that -- out of that</p> <p>12 hole, as best I can remember.</p> <p>13 Q. And when you --</p> <p>14 A. But I don't recall if it came from the pressing</p> <p>15 side or from the boiler side.</p> <p>16 Let me -- down that wall, towards the front of</p> <p>17 that building where that hole is, was where all the</p> <p>18 presses -- all -- both presses and another piece of</p> <p>19 equipment used to press garments. That's where those</p> <p>20 were lined up. And then your boiler sat underneath that</p> <p>21 window where the blue paint is.</p> <p>22 Honestly, Doyle, I don't remember, but there</p> <p>23 was a pipe that came out of there. And obviously, it's</p> <p>24 a good-sized pipe.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">49</p> <p>1 Q. Do you know when that parking lot was first</p> <p>2 paved?</p> <p>3 A. It was always paved, from 1979 -- my first --</p> <p>4 my first purchase of the business, that parking lot was</p> <p>5 paved.</p> <p>6 Q. Let me ask you, as we're looking at Exhibit</p> <p>7 No. 4 -- strike that.</p> <p>8 Mr. Duensing, you said that that parking lot</p> <p>9 was always paved. How much of it was paved? Were there</p> <p>10 any bare areas, any dirt areas that you recall?</p> <p>11 MR. FARRELL: Objection, vague, ambiguous as to</p> <p>12 the area being referred to. You're referring to only</p> <p>13 the area being depicted in the paragraph?</p> <p>14 BY MR. GRAHAM:</p> <p>15 Q. Well, I'm asking you, Mr. Duensing, when you</p> <p>16 said that parking lot was always paved, what did you</p> <p>17 mean by that?</p> <p>18 A. It was always blacktop.</p> <p>19 Q. Okay. You're referring to the area that we're</p> <p>20 looking at in Exhibit No. 4?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. During the time that you operated</p> <p>23 One-Hour Cleaners, did you ever seal that back parking</p> <p>24 lot, put any sealant on it?</p> <p>25 A. Did I?</p>

<p style="text-align: right;">50</p> <p>1 Q. Yes.</p> <p>2 A. No.</p> <p>3 Q. Did you ever employ anyone to do that?</p> <p>4 A. No.</p> <p>5 Q. From your understanding of the lease, would</p> <p>6 that have been your responsibility or would that have</p> <p>7 been the responsibility of the landlord?</p> <p>8 A. That would have been the responsibility of the</p> <p>9 landlord.</p> <p>10 MR. FARRELL: I'll object as calling --</p> <p>11 belatedly, as calling for a legal conclusion. The</p> <p>12 document speaks for itself.</p> <p>13 BY MR. GRAHAM:</p> <p>14 Q. You don't happen to have -- I think I may have</p> <p>15 asked you this, but I just want to make sure. You don't</p> <p>16 happen to have a copy of that initial lease that you</p> <p>17 executed with Ragle and Tomasini, do you?</p> <p>18 A. No, I don't. I looked.</p> <p>19 Q. Okay. Do you recall during the time that you</p> <p>20 operated One-Hour Cleaners -- well, strike that.</p> <p>21 You operated One-Hour Cleaners from</p> <p>22 approximately 1979 until what time, sir?</p> <p>23 A. 1995.</p> <p>24 Q. Okay. Now, during the time that you operated</p> <p>25 One-Hour Cleaners from 1979 to 1995, do you recall ever</p>	<p style="text-align: right;">52</p> <p>1 park in the back or the front?</p> <p>2 A. Back.</p> <p>3 Q. Routinely?</p> <p>4 A. I'm sorry?</p> <p>5 Q. Routinely?</p> <p>6 A. Always.</p> <p>7 Q. Always.</p> <p>8 During the time that you operated One-Hour</p> <p>9 Cleaners from approximately 1979 to 1995, do you recall</p> <p>10 any improvements that were done to the 712 Madison</p> <p>11 building?</p> <p>12 MR. FARRELL: Vague as to "improvements."</p> <p>13 THE WITNESS: I'm sorry, Bob, what did you say?</p> <p>14 MR. FARRELL: Just an objection as to the</p> <p>15 question is vague as to the term "improvements," but</p> <p>16 you're free to respond.</p> <p>17 BY MR. GRAHAM:</p> <p>18 Q. Again, Mr. Duensing, don't let them distract</p> <p>19 you. They're merely making their objections for the</p> <p>20 record.</p> <p>21 A. No.</p> <p>22 Q. Any improvements whatsoever? That you recall.</p> <p>23 A. Not that I recall.</p> <p>24 Q. Okay. Do you recall any improvements that were</p> <p>25 made to the 712 Madison building during the time that</p>
<p style="text-align: right;">51</p> <p>1 seeing anyone in that back parking lot applying any</p> <p>2 sealant?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Approximately what year?</p> <p>5 A. I -- I couldn't tell you, Doyle. It was -- to</p> <p>6 the best of my knowledge, it was sealed at least once in</p> <p>7 those -- in that period of time.</p> <p>8 Q. And during the period of time that you operated</p> <p>9 One-Hour Cleaners from 1979 to 1995, do you recall -- do</p> <p>10 you recall that the parking lot was extended in any</p> <p>11 manner?</p> <p>12 A. I vaguely remember looking at Exhibit 4, off to</p> <p>13 the left, which we can't -- which is not depicted in</p> <p>14 that photo.</p> <p>15 I believe the parking lot was extended off to</p> <p>16 the left. There was another set of buildings that ran</p> <p>17 perpendicular to that building right there that we see</p> <p>18 in the photograph.</p> <p>19 On the left-hand side there was another set of</p> <p>20 buildings, and I want to say that parking lot was</p> <p>21 extended at some point in time while I was running</p> <p>22 One-Hour Cleaners. The left-hand side was dealt with.</p> <p>23 I don't recall because it didn't deal with me.</p> <p>24 I mean, I wasn't affected by it.</p> <p>25 Q. When you went to work, Mr. Duensing, did you</p>	<p style="text-align: right;">53</p> <p>1 Mr. Turigliatto operated?</p> <p>2 A. No, I'm --</p> <p>3 MR. FARRELL: Objection, calls for speculation.</p> <p>4 THE WITNESS: -- not aware of any improvements</p> <p>5 that might have been done then. Would you consider</p> <p>6 painting an improvement?</p> <p>7 BY MR. GRAHAM:</p> <p>8 Q. No.</p> <p>9 A. Okay. The building was routinely painted</p> <p>10 but --</p> <p>11 Q. I guess that would depend on what color it was</p> <p>12 painted as to whether that was an improvement or not.</p> <p>13 But, no, I wouldn't consider painting -- I'm talking</p> <p>14 structural improvements.</p> <p>15 A. No.</p> <p>16 Q. During the time that Mr. Turigliatto operated</p> <p>17 One-Hour Dry Cleaners, do you know whether or not there</p> <p>18 were any underground storage tanks located at</p> <p>19 712 Madison?</p> <p>20 A. No, I don't.</p> <p>21 Q. Mr. Turigliatto in his operations at One-Hour</p> <p>22 Cleaners, during the time that he operated, do you know</p> <p>23 whether or not he used Stoddard solvent in his dry</p> <p>24 cleaning operations?</p> <p>25 A. The name is familiar. Where I heard that name,</p>

<p style="text-align: right;">54</p> <p>1 it could have very easily have been from 2 Mr. Turigliatto. I can't swear to it. 3 Stoddard was a solvent that was used, if I'm 4 not mistaken, prior to perchloroethylene. And I may 5 have heard a story or two about Stoddard solvent from 6 Mr. Turigliatto. I -- that's the only place I can think 7 of that I might have heard the word or the term. 8 Q. Okay. Do you know who Mr. Turigliatto 9 purchased the business from? 10 MR. FARRELL: Objection, lacks foundation, 11 assumes facts. 12 THE WITNESS: I don't recall the name right 13 now. 14 BY MR. GRAHAM: 15 Q. Do you recall the name Harry Leigh? 16 A. Yes. 17 Q. Who is Harry Leigh? 18 A. I believe that was the gentleman that 19 Mr. Turigliatto purchased the business from. 20 Q. Thank you. 21 MR. FARRELL: Is that L-a-y, Doyle? 22 MR. GRAHAM: I think it's L-e-i-g-h, but I'm 23 not sure. 24 MR. FARRELL: Thank you. 25 BY MR. GRAHAM:</p>	<p style="text-align: right;">56</p> <p>1 Mr. Turigliatto with respect to any dry cleaning 2 operations that Mr. Leigh may or may not have conducted 3 at the 712 Madison property? 4 A. No. 5 Q. Do you know the name Gene Carter? 6 A. Yes. 7 Q. Who is Gene Carter? 8 A. The name Gene Carter -- Mr. Turigliatto was a 9 musician. Gene Carter was a musician. So that's all I 10 know about Gene Carter, was conversations that might 11 have been had about musical stuff. 12 As far as referencing Gene Carter to that 13 business, no, I can't add anything. 14 Q. Okay. I think earlier we talked that 15 Mr. Turigliatto had for some point of time during his 16 operations operated 712 Madison as a franchise of 17 One-Hour Martinizing; is that correct? 18 MR. FARRELL: Objection. 19 THE WITNESS: It was never a franchise. 20 BY MR. GRAHAM: 21 Q. It was never a franchise? 22 A. Never. 23 Q. Okay. 24 A. I shouldn't say "never." During 25 Mr. Turigliatto's operation, it was not a franchise.</p>
<p style="text-align: right;">55</p> <p>1 Q. Do you know anything about Mr. Leigh's 2 operations of the dry cleaning business at 712 Madison? 3 A. No. 4 Q. Do you know if a dry cleaning business was 5 operated prior to Mr. Leigh's operation of a dry 6 cleaning -- well, strike that. 7 So have you ever met Harry Leigh? 8 A. No. 9 Q. Don't know who the gentleman is? 10 A. No. 11 Q. Okay. Do you know whether or not he operated a 12 dry cleaning business at 712 Madison? 13 A. No. 14 Q. Did you and Mr. Turigliatto ever have any 15 conversations with respect to Mr. Harry Leigh? 16 A. There were conversations over -- being my 17 father-in-law, there were family gatherings. The dry 18 cleaning business always seemed to come up in the 19 conversation. 20 I'm sure it was mentioned who he bought the 21 business from. Until you mentioned the name, I couldn't 22 recall the name, but I know he had told me that's who he 23 bought the business from. 24 Q. Did he tell you what type of -- strike that. 25 Did you ever have any discussions with</p>	<p style="text-align: right;">57</p> <p>1 Q. How do you know that? 2 A. Because the subject came up 25 years ago. I 3 can remember -- because you've got -- One-Hour 4 Martinizing -- at that time in 1979, there were One-Hour 5 Martinizing all over the place. And I can recall 6 talking about whether he purchased or someone asking him 7 if he purchased a franchise, and he said, "No, it wasn't 8 a franchise." 9 Q. Okay. 10 A. I don't know why I remember that, but I do. 11 Q. That's fine. 12 During Mr. Turigliatto's operations at 13 712 Madison, do you know where he -- strike that. 14 During Mr. Turigliatto's operations at 15 712 Madison, are you familiar with any janitorial 16 service that Mr. Turigliatto employed to take care of 17 the 712 Madison property? 18 MR. FARRELL: Objection, vague and ambiguous as 19 to "take care" of the property. 20 MR. GRAHAM: Okay. Let's try this again. 21 Q. During Mr. Turigliatto's operations at the 22 712 Madison property, are you aware of any janitorial 23 service that Mr. Turigliatto hired for any purpose to 24 perform at 712 Madison? 25 A. No.</p>

<p style="text-align: right;">58</p> <p>1 Q. During the time that you operated at 2 712 Madison, did you employ any janitorial service? 3 A. No. 4 Q. At the time that you purchased 712 Madison, 5 the -- and I want to speak as to the inside of the 6 interior of the building now. 7 At the time that you purchased 712 Madison, the 8 floors in the interior of 712 Madison, how would you 9 describe the floors? 10 A. Cement. 11 Q. Cement. Did they have carpet? 12 A. In the lobby area. 13 Q. Otherwise they were cement floors? 14 A. Correct. 15 Q. Bare cement? There was no linoleum? 16 A. Correct. 17 Q. And at the time that you purchased the business 18 from Mr. Turigliatto, do you recall any cracks in any of 19 the cement floors within 712 Madison? 20 A. I'm sure there were cracks. 21 Q. Do you recall specifically where any of the 22 cracks were? 23 A. No. 24 Q. You say you're sure that there are cracks. 25 How -- why are you so sure?</p>	<p style="text-align: right;">60</p> <p>1 BY MR. GRAHAM: 2 Q. Well, let me ask you this, Mr. Duensing. In 3 the -- strike that. 4 During the time that you operated at 5 712 Madison Street, who cleaned the floors within the 6 interior of 712 Madison? 7 A. My wife and I. 8 Q. And how was that done? 9 A. Broom. I don't recall. I'm sure there was a 10 wet mop involved in cleaning the floor occasionally, but 11 we just generally swept it out. 12 Q. And how often would you say that you and your 13 wife cleaned the floors within the interior of 14 712 Madison? 15 A. Oh, it was done a daily basis. 16 Q. Daily basis. Did you ever take a hose and hose 17 out the floor -- 18 A. No. 19 Q. -- in the interior? 20 A. No. 21 Q. Were there any floor drains located within the 22 interior of 712 Madison during the time that you 23 operated at that property? 24 A. I don't believe so. 25 Q. During the time that you operated at</p>
<p style="text-align: right;">59</p> <p>1 A. Cement cracks, Doyle. That was -- that's a 2 fairly old building. 3 Q. Okay. Do you know when that building was 4 constructed? 5 A. No, I don't. 6 Q. During the time that you operated at 7 712 Madison, did you make any modifications to the 8 flooring? 9 A. Replaced the carpet in the lobby area, put in a 10 new counter in the lobby area. No alterations or 11 modifications were done in back of the lobby area. 12 Q. So the only modifications to the flooring 13 during your operations at 712 Madison was the 14 replacement of the carpet in the lobby area? 15 A. Correct. 16 Q. Anything else? 17 A. No. 18 Q. Okay. During the time that you operated at 19 712 Madison, do you recall applying any sealants to the 20 concrete floor? 21 A. No. 22 Q. And during the time that you operated at 23 712 Madison, who all cleaned your floors? 24 A. My wife and I. 25 MR. FARRELL: Objection, assumes facts.</p>	<p style="text-align: right;">61</p> <p>1 712 Madison, was there any work done within the interior 2 of that building which required that holes be drilled 3 within the cement floors? 4 A. There were during my ownership equipment 5 changes. Those pieces of equipment had to be anchored 6 to the cement floor. 7 Now, those holes that were drilled for anchor 8 bolts, I -- I did not personally drill them, but I don't 9 believe they went all the way through the cement. 10 They were three or four inches in to, you know, 11 install an anchor bolt, but there -- no, there were no 12 holes drilled clear through the cement. 13 Q. Okay. And we'll get into the specifics of the 14 equipment that you later on purchased to replace some of 15 Mr. Turigliatto's equipment. We'll get into that later. 16 But I just want to get an idea. You said at 17 some point you needed to replace some equipment, and you 18 put down anchor bolts. 19 And I just kind of -- just generally, what 20 types of pieces of equipment did you purchase whereby 21 the installation required anchor bolts? 22 A. Dry cleaning machine. 23 Q. Anything else? 24 A. There was a piece of equipment called a 25 sniffer, s-n-i-f-f-e-r.</p>

<p style="text-align: right;">62</p> <p>1 Q. Anything else?</p> <p>2 A. And that was a smaller piece of equipment, a</p> <p>3 lighter piece of equipment, but it was still anchored to</p> <p>4 the cement. That would have been required a lot less</p> <p>5 drilling or anchor bolts than the machine itself.</p> <p>6 Those are the only two pieces of equipment -- I</p> <p>7 take that back. I did get a different press at one</p> <p>8 time. And it had to be anchored down.</p> <p>9 But, again, these -- the anchor bolts, I didn't</p> <p>10 personally put them in, but to my knowledge they did not</p> <p>11 go through.</p> <p>12 And honestly, I don't know how thick that</p> <p>13 cement floor is. But I can't imagine that an anchor</p> <p>14 bolt would have to go into cement any more than three or</p> <p>15 four inches, possibly.</p> <p>16 Q. Sure. And that's all I wanted to know is</p> <p>17 whereby, you know, bolts were drilled into the cement</p> <p>18 floor.</p> <p>19 A. Yeah, those -- those are the only pieces of</p> <p>20 equipment that I can recall that required drilling into</p> <p>21 the cement.</p> <p>22 Q. During the time that you operated at</p> <p>23 712 Madison, how many sinks were in the interior of the</p> <p>24 building?</p> <p>25 A. Sinks?</p>	<p style="text-align: right;">64</p> <p>1 identification.)</p> <p>2 BY MR. GRAHAM:</p> <p>3 Q. Mr. Duensing, you've been handed what's been</p> <p>4 marked as Exhibit 5, the Commercial Lease and Deposit</p> <p>5 Receipt, Bates RT 16 through RT 20.</p> <p>6 You can take as much time as you want to review</p> <p>7 this. I only have a couple of questions for you, and it</p> <p>8 doesn't pertain to the lease agreement.</p> <p>9 What I'm interested in is the diagram. If you</p> <p>10 look in the bottom right-hand corner of the pages,</p> <p>11 you'll see "RT" on the first page. It says RT 0016.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. If you'll turn to the page marked</p> <p>15 RT 0019.</p> <p>16 A. (Witness complied.)</p> <p>17 Q. Are you there?</p> <p>18 A. I'm there.</p> <p>19 Q. Okay. Do you recognize this as a layout of the</p> <p>20 712 Madison property?</p> <p>21 MR. FARRELL: Belated objection, vague and</p> <p>22 ambiguous as to time. Are you referring to when he</p> <p>23 operated it, I assume, Doyle?</p> <p>24 MR. GRAHAM: Yes.</p> <p>25 THE WITNESS: With no footage registered there,</p>
<p style="text-align: right;">63</p> <p>1 Q. Sinks?</p> <p>2 A. One.</p> <p>3 Q. And how many restrooms?</p> <p>4 A. One.</p> <p>5 Q. And is that where the one sink was located?</p> <p>6 A. Correct.</p> <p>7 MR. GRAHAM: We've been going about an hour and</p> <p>8 a half. Would you like to take a little break? A five-</p> <p>9 to seven-minute break, and then we'll rejoin.</p> <p>10 THE WITNESS: Sure.</p> <p>11 MR. GRAHAM: All right.</p> <p>12 (Recess taken.)</p> <p>13 BY MR. GRAHAM:</p> <p>14 Q. Mr. Duensing, you understand that even though</p> <p>15 we took a break, you're still under oath?</p> <p>16 A. One more time?</p> <p>17 Q. You understand that even though we just took a</p> <p>18 break, you're still under oath?</p> <p>19 A. Yes.</p> <p>20 Q. All right. And before we took our break, we</p> <p>21 were talking a little bit about the interior and the</p> <p>22 exterior of the building and some of the machines that</p> <p>23 you had purchased.</p> <p>24 What I'd like to do now is show you --</p> <p>25 (Whereupon Exhibit No. 5 was then marked for</p>	<p style="text-align: right;">65</p> <p>1 I mean, it appears to be a lot longer and narrower than</p> <p>2 I -- the window and the door is in the right location.</p> <p>3 The door in the back is in the right location.</p> <p>4 But other than that, that's about all I can add</p> <p>5 to it. I mean, if I knew how wide or how long it was, I</p> <p>6 might be able to --</p> <p>7 BY MR. GRAHAM:</p> <p>8 Q. Sure.</p> <p>9 A. -- say "yes." But I mean, yes, it is a long,</p> <p>10 narrow building.</p> <p>11 Q. Okay. And in this depiction that we're looking</p> <p>12 at that's Bates RT 19, do you see the location of the</p> <p>13 restroom?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. And is that the approximate location of</p> <p>16 the restroom at the time that you purchased the</p> <p>17 business?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. What I'm going to give to you,</p> <p>20 Mr. Duensing, is an additional copy of what we've been</p> <p>21 looking at as RT 19. I'm going to give you a pen, and</p> <p>22 if you would for me, when you purchased the property --</p> <p>23 strike that.</p> <p>24 When you purchased the business, if you could</p> <p>25 mark on RT 19 the approximate location of the Martin dry</p>

<p style="text-align: right;">66</p> <p>1 cleaning machine that we referred to later that you 2 purchased from Mr. Turigliatto. Where was that located? 3 A. (Witness complied.) 4 Q. And if you would just draw a line out to the 5 right and indicate what that piece of equipment was, the 6 30-pound Martin. 7 A. (Witness complied.) That's 25. 8 Q. I'm sorry, it was 25. 9 Okay. Now if you could also mark the location 10 of where the reclamer was located at the time that you 11 purchased the business from Mr. Turigliatto. 12 A. (Witness complied.) 13 Q. Okay. Now, when you purchased the business 14 from Mr. Turigliatto, did you -- did you also purchase a 15 boiler? 16 A. Yes. 17 Q. And if you would mark on RT 19 the approximate 18 location of that boiler at the time that you purchased 19 the business from Mr. Turigliatto. 20 A. (Witness complied.) 21 Q. And we're looking at RT 19. In the upper half 22 of that picture, do you see where it says "private 23 office"? 24 A. Yes. 25 Q. Was that a -- was that a private office when</p>	<p style="text-align: right;">68</p> <p>1 the time that you purchased the business, was there any 2 other pieces of equipment that you purchased from 3 Mr. Turigliatto at that time with respect to the dry 4 cleaning business? 5 A. Yes. 6 Q. And what was that? 7 A. It's called a Suzie. It's a piece of equipment 8 that you would put a coat or a dress on, steams it from 9 the inside. It had the bag that blows up and presses 10 the garment from the inside. We referred to as a Suzie. 11 Q. Okay. And that used steam? 12 A. Correct. 13 Q. Okay. Did you use any chemicals in the 14 operation of that Suzie? 15 A. No. 16 Q. Okay. Now, if you just identify at the bottom 17 for me -- strike that. 18 If you'd identify at the bottom, if you would 19 just write something to the effect, "at time of purchase 20 from Mr. Turigliatto," so that we have some idea of the 21 time period. 22 A. Do you want me to put the Suzie in the -- 23 Q. No, that's fine. The Suzie's not -- 24 A. (Witness complied.) 25 Q. All right. Thank you, sir. I'll take that</p>
<p style="text-align: right;">67</p> <p>1 you purchased the business from Mr. Turigliatto? 2 A. No. 3 Q. It was all open; it wasn't an enclosed office 4 space? 5 A. Correct. 6 Q. Okay. At the time that you purchased the 7 business from Mr. Turigliatto, did you also purchase 8 presses? 9 A. Yes. 10 Q. And where were those presses located at the 11 time that you purchased the business from 12 Mr. Turigliatto? 13 If you would just mark it on RT 19. 14 A. (Witness complied.) 15 Q. All right. Now, when you purchased the 16 business from Mr. Turigliatto, you also purchased 17 spotting boards, correct? 18 A. One. 19 Q. One. Would you put -- or strike that. 20 Would you mark the location of the spotting 21 board at the time that you purchased the business from 22 Mr. Turigliatto? 23 A. (Witness complied.) 24 Q. Other than the equipment that we've just 25 identified that you purchased from Mr. Turigliatto, at</p>	<p style="text-align: right;">69</p> <p>1 back from you. 2 MS. McADAM: Doyle, how are we going to 3 distinguish between the marked-up version and -- 4 MR. GRAHAM: Let's go off the record for a 5 second. 6 (Discussion off the record.) 7 (Whereupon Exhibit No. 6 was then marked for 8 identification.) 9 BY MR. GRAHAM: 10 Q. Mr. Duensing, in your conversations throughout 11 the years with Mr. Turigliatto, do you recall any 12 conversations with Mr. Turigliatto whereby he informed 13 you of any accidental spills that occurred during his 14 operations? 15 MR. FARRELL: Objection, vague and ambiguous as 16 to "spills." 17 BY MR. GRAHAM: 18 Q. Do you know what I mean when I say "spills"? I 19 mean releases of PERC? 20 A. I'm sure there were, Doyle. Exact amounts 21 or -- in a transfer system you're going to have PERC 22 that goes out on the floor. 23 If the machine doesn't extract it properly and 24 you go to take it from the dry cleaner to the reclamer, 25 you put it in a cart or you hand-carry it, there's --</p>

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<p>1 the Bay Area Air Quality Control termed one drop of</p> <p>2 perchloroethylene a major spill.</p> <p>3 So did we have spills? Yes.</p> <p>4 MR. FARRELL: Objection, I'll move to strike as</p> <p>5 nonresponsive.</p> <p>6 BY MR. GRAHAM:</p> <p>7 Q. Sure. And what I'm asking you, Mr. Duensing,</p> <p>8 is in your conversations with Mr. Turigliatto, did he</p> <p>9 ever inform you of any incidences whereby PERC was</p> <p>10 accidentally spilled during his operations?</p> <p>11 A. Yes, I'm sure there were conversations.</p> <p>12 Q. And as you sit here today, do you recall the</p> <p>13 sum and substance of any conversations that you had with</p> <p>14 Mr. Turigliatto regarding accidental releases of PERC</p> <p>15 during his operations?</p> <p>16 A. No.</p> <p>17 Q. Do you recall any conversations with</p> <p>18 Mr. Turigliatto whereby Mr. Turigliatto informed you</p> <p>19 that there were any problems with any of the equipment</p> <p>20 that resulted in accidental spills of PERC?</p> <p>21 A. No.</p> <p>22 Q. Okay. Did he inform you of any boil-overs he</p> <p>23 had had?</p> <p>24 A. In the distillation process, we haven't even</p> <p>25 gotten to that yet. Would you like me to go into that</p>	<p>1 A. Again, we're going to get into the distillation</p> <p>2 process.</p> <p>3 Q. Well, I said, "And what did he tell you?" and</p> <p>4 you said, "Cooling water." I'm not quite sure what you</p> <p>5 mean.</p> <p>6 A. Well, when we were talking about preventing of</p> <p>7 boil-overs, boil-overs, the term boil-over applies to</p> <p>8 the distillation -- in -- in my thinking, applies to the</p> <p>9 distillation process.</p> <p>10 Prevention of boil-overs in the distillation</p> <p>11 process can be controlled with cooling water.</p> <p>12 Q. How so?</p> <p>13 A. Increase it.</p> <p>14 Q. In your conversations with Mr. Turigliatto</p> <p>15 throughout the years, did Mr. Turigliatto ever inform</p> <p>16 you as to events whereby he would use sludge, PC sludge,</p> <p>17 to kill weeds?</p> <p>18 A. No.</p> <p>19 Q. Okay. Have you ever -- are you familiar with</p> <p>20 that practice? You ever heard about that?</p> <p>21 A. No.</p> <p>22 Q. Okay. Now, we were talking earlier, when you</p> <p>23 purchased the business from Mr. Turigliatto, that he</p> <p>24 remained on for approximately 30 days to kind of oversee</p> <p>25 the operations, correct?</p>
71	73
<p>1 process?</p> <p>2 Q. Oh, no, we'll get into it. I just want to know</p> <p>3 if -- in the conversations with Mr. Turigliatto, if he</p> <p>4 ever informed you of any incidences where he had any</p> <p>5 boil-overs.</p> <p>6 A. Yes.</p> <p>7 Q. And did he -- did he inform you as to how often</p> <p>8 that had occurred?</p> <p>9 A. Not that often.</p> <p>10 Q. Could you give me a better idea as to --</p> <p>11 MR. FARRELL: Objection, calls for speculation.</p> <p>12 BY MR. GRAHAM:</p> <p>13 Q. -- how often?</p> <p>14 A. No.</p> <p>15 Q. But you do recall conversations with</p> <p>16 Mr. Turigliatto whereby he informed you that a boil-over</p> <p>17 had occurred during his operations?</p> <p>18 A. Yes.</p> <p>19 Q. Did he tell you how he addressed that</p> <p>20 boil-over?</p> <p>21 A. Not really how to address it as much as prevent</p> <p>22 it.</p> <p>23 Q. And what did he tell you?</p> <p>24 A. Cooling water.</p> <p>25 Q. What do you mean by "cooling water"?</p>	<p>1 A. Correct.</p> <p>2 Q. Okay. And Mr. Turigliatto provided to you</p> <p>3 information with respect to how to change the filters,</p> <p>4 we talked about that earlier, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. Did Mr. Turigliatto ever provide you</p> <p>7 information with respect to how to back-wash the filter</p> <p>8 unit?</p> <p>9 A. No.</p> <p>10 Q. "No"?</p> <p>11 Did Mr. Turigliatto prior to your purchase of</p> <p>12 the business provide you information with respect to how</p> <p>13 often the filter unit should be back-washed?</p> <p>14 A. It was all determined by that pressure,</p> <p>15 pressure gauge.</p> <p>16 Q. Okay. And in your operations at 712 Madison,</p> <p>17 you back-washed the filters, correct?</p> <p>18 A. I don't know what you mean by "back-wash."</p> <p>19 Q. Okay. You haven't heard that term with respect</p> <p>20 to the filter units?</p> <p>21 A. No.</p> <p>22 Q. Okay. At the 712 Madison location,</p> <p>23 Mr. Duensing, do you know where the sewer lateral is at</p> <p>24 that property?</p> <p>25 A. No.</p>

<p style="text-align: right;">74</p> <p>1 Q. Do you know what a sewer lateral is?</p> <p>2 A. No.</p> <p>3 Q. Okay. Do you recall in your business</p> <p>4 operations at 712 Madison whether you had any backups of</p> <p>5 any sewer pipes?</p> <p>6 A. I don't recall a backup, no.</p> <p>7 Q. Any flooding within the 712 Madison during the</p> <p>8 time --</p> <p>9 A. No.</p> <p>10 Q. -- that you operated?</p> <p>11 A. No.</p> <p>12 Q. Any broken water pipes?</p> <p>13 A. No.</p> <p>14 Q. Okay. Were there any machines -- when you</p> <p>15 purchased the business from Mr. Turigliatto, were there</p> <p>16 any dry cleaning machines or machines associated with</p> <p>17 dry cleaning that you did not purchase from</p> <p>18 Mr. Turigliatto?</p> <p>19 MR. FARRELL: Objection.</p> <p>20 THE WITNESS: No.</p> <p>21 MR. FARRELL: -- vague.</p> <p>22 BY MR. GRAHAM:</p> <p>23 Q. Give him just one second to put in his</p> <p>24 objection. Did you hear Mr. Farrell?</p> <p>25 A. Oh, no, I didn't.</p>	<p style="text-align: right;">76</p> <p>1 business from Mr. Turigliatto, were</p> <p>2 there any dry cleaning machines or</p> <p>3 machines associated with dry cleaning</p> <p>4 that you did not purchase from</p> <p>5 Mr. Turigliatto?</p> <p>6 "A. No.")</p> <p>7 THE WITNESS: Correct.</p> <p>8 BY MR. GRAHAM:</p> <p>9 Q. During Mr. Turigliatto's operations at</p> <p>10 712 Madison, do you know how he stored PERC at the</p> <p>11 business location?</p> <p>12 A. I don't believe there was any storage of</p> <p>13 perchloroethylene at all, other than the tanks of the</p> <p>14 machine.</p> <p>15 Q. To your knowledge --</p> <p>16 MR. SHAMIYEH: You speak "machine." Which</p> <p>17 machine are you --</p> <p>18 THE WITNESS: The dry cleaning machine.</p> <p>19 MR. FARRELL: This is during Mr. Turigliatto's</p> <p>20 period of operation you're speaking of?</p> <p>21 THE WITNESS: Yes. Correct.</p> <p>22 MR. FARRELL: Okay.</p> <p>23 BY MR. GRAHAM:</p> <p>24 Q. Okay. So to your knowledge, Mr. Turigliatto</p> <p>25 didn't keep an extra barrel or drum of PCE handy?</p>
<p style="text-align: right;">75</p> <p>1 Q. Oh, okay.</p> <p>2 MR. FARRELL: I just objected it was ambiguous.</p> <p>3 But you understood it, so that's fine.</p> <p>4 MR. GRAHAM: I just wanted you to give him a</p> <p>5 second to put in the objection.</p> <p>6 THE WITNESS: I'm a bit confused. You're</p> <p>7 objecting for your clients.</p> <p>8 MR. FARRELL: Just to the form of the question</p> <p>9 only. But if you understand it, you're free to respond.</p> <p>10 THE WITNESS: Okay.</p> <p>11 BY MR. GRAHAM:</p> <p>12 Q. Again, Mr. Duensing, they're only making</p> <p>13 objections so that they can take it to a judge at a</p> <p>14 later point in time and argue that my question was</p> <p>15 improper. So please don't let them distract you.</p> <p>16 A. Okay.</p> <p>17 Q. It's merely for the record, and it's just</p> <p>18 merely to preserve their objections.</p> <p>19 A. Okay. I just -- okay.</p> <p>20 MR. FARRELL: Could you read that one back so</p> <p>21 that we're all refreshed on it?</p> <p>22 (Whereupon the reporter read back the following</p> <p>23 testimony:</p> <p>24 "Q. Okay. Were there any</p> <p>25 machines -- when you purchased the</p>	<p style="text-align: right;">77</p> <p>1 A. To the best of my knowledge, no.</p> <p>2 Q. During your conversation --</p> <p>3 A. Now, Doyle, let me -- let me insert,</p> <p>4 Mr. Turigliatto ran that business for 20 years. I was</p> <p>5 not in that business until approximately 1979. I -- I</p> <p>6 would have to say I cannot absolutely say anything</p> <p>7 didn't happen, okay, during his operation.</p> <p>8 I don't want to let anybody know that I'm the</p> <p>9 absolute answer for how he ran his business. I can't</p> <p>10 say that for a fact.</p> <p>11 When I took over the business, there was no</p> <p>12 storage of PERC in the building.</p> <p>13 Q. Okay. Was there any -- when you took over the</p> <p>14 business, was there any storage of PERC outside of the</p> <p>15 building?</p> <p>16 A. No.</p> <p>17 Q. And during the time that you operated at</p> <p>18 712 Madison, did you store any excess PERC within the</p> <p>19 building?</p> <p>20 A. No.</p> <p>21 Q. Other than what was in the dry cleaning</p> <p>22 machine?</p> <p>23 A. No.</p> <p>24 Q. Okay. And during your operations at</p> <p>25 712 Madison, did you ever store any additional PERC</p>

<p style="text-align: right;">78</p> <p>1 outside of the building?</p> <p>2 A. No.</p> <p>3 Q. Okay. In your conversations with</p> <p>4 Mr. Turigliatto, did he ever tell you of how he disposed</p> <p>5 of wastewater that was generated by the dry cleaning</p> <p>6 operations?</p> <p>7 A. The term wastewater is -- I don't think the</p> <p>8 term -- it's a term I'm not familiar with.</p> <p>9 Q. Okay. Sure. What I'm getting at is you</p> <p>10 understand that the reclaimer that Mr. Turigliatto had</p> <p>11 during his operations at 712 Madison, that that</p> <p>12 reclaimer would essentially reclaim PERC from the</p> <p>13 washing unit, or the dry cleaning unit, correct?</p> <p>14 A. Correct.</p> <p>15 Q. Okay. And it did that by -- by way of a</p> <p>16 heating coil and a cooling coil, correct?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. And what were the purposes of those</p> <p>19 heating coils and cooling coils?</p> <p>20 A. Separate solvent from moisture.</p> <p>21 Q. Okay. And when it separated the solvent from</p> <p>22 the moisture, that moisture I'm talking about, that</p> <p>23 wouldn't go back into the dry cleaning machine, correct?</p> <p>24 A. There was a percentage, I mean very minuscule,</p> <p>25 but there was some.</p>	<p style="text-align: right;">80</p> <p>1 MR. FARRELL: Objection, vague as to "plumb,"</p> <p>2 but you're free to respond.</p> <p>3 BY MR. GRAHAM:</p> <p>4 Q. So just to be clear, you don't know one way or</p> <p>5 the other how any of the dry cleaning equipment during</p> <p>6 Mr. Turigliatto's operations, whether or not that</p> <p>7 equipment was plumbed to the sewer?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. Now, you took over -- strike that.</p> <p>10 You purchased the business from Mr. Turigliatto</p> <p>11 in approximately 1979, correct?</p> <p>12 A. Correct.</p> <p>13 Q. Okay. And you used the same machines that he</p> <p>14 had when you first purchased the business?</p> <p>15 A. Correct.</p> <p>16 Q. What year did you first make any changes to the</p> <p>17 type of PERC dry cleaning equipment that was used? An</p> <p>18 estimate is fine, Mr. Duensing, I don't need an exact</p> <p>19 date.</p> <p>20 A. I'd say within about the first five years.</p> <p>21 Maybe, maybe eight years.</p> <p>22 Q. So late '80s?</p> <p>23 A. Oh, I would say early '80s.</p> <p>24 Q. Early '80s. Okay. Well, you purchased the</p> <p>25 business in 1979, correct?</p>
<p style="text-align: right;">79</p> <p>1 Q. And the PERC would go back into the dry</p> <p>2 cleaning unit, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And then there would be the moisture or the</p> <p>5 water, the residual moisture of the water that would</p> <p>6 come out of that unit, correct?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. That's what I'm referring to as</p> <p>9 wastewater.</p> <p>10 A. Okay.</p> <p>11 Q. Okay. So this wastewater stream that would</p> <p>12 come off of the reclaimer during Mr. Turigliatto's</p> <p>13 operations, did you ever have any conversations with</p> <p>14 Mr. Turigliatto discussing how he disposed of this</p> <p>15 wastewater, this moisture that was coming out of the</p> <p>16 reclaimer?</p> <p>17 A. No.</p> <p>18 Q. During Mr. Turigliatto's operations at</p> <p>19 712 Madison, do you know whether the reclaimer was</p> <p>20 plumbed to the sewer?</p> <p>21 A. No.</p> <p>22 Q. You don't know one way or the other?</p> <p>23 Do you know if the dry cleaning unit was</p> <p>24 presumed to the sewer?</p> <p>25 A. No.</p>	<p style="text-align: right;">81</p> <p>1 A. Correct.</p> <p>2 Q. Okay. And then you said within the first five</p> <p>3 to eight years, so that would put us about --</p> <p>4 A. Okay, so mid '80s.</p> <p>5 Q. Mid '80s, that's fine.</p> <p>6 A. Okay.</p> <p>7 Q. Now, from 1979 when you first purchased the</p> <p>8 business up until the mid '80s when you purchased some</p> <p>9 additional equipment, did you move any of the equipment</p> <p>10 that was originally there, Mr. Turigliatto's old</p> <p>11 equipment? Did you move that to a different location</p> <p>12 within the building?</p> <p>13 A. No.</p> <p>14 Q. Okay. So if we look at Exhibit No. 6, that</p> <p>15 equipment, that dry cleaning equipment was in that</p> <p>16 location up until the time that you purchased additional</p> <p>17 equipment or newer equipment in the mid '80s?</p> <p>18 A. Correct.</p> <p>19 Q. Okay. During the time that you operated at</p> <p>20 712 Madison, did you make any modifications whatsoever</p> <p>21 to any of the plumbing or piping that was located within</p> <p>22 the interior of 712 Madison?</p> <p>23 A. No.</p> <p>24 Q. Do you know if the landlords, Ragle or</p> <p>25 Tomasini, during the time that you operated at</p>

<p style="text-align: right;">82</p> <p>1 712 Madison made any modifications to any of the</p> <p>2 plumbing within the interior of 712 Madison?</p> <p>3 A. Within the interior, no.</p> <p>4 Q. What about within the exter- -- strike that.</p> <p>5 What about the exterior?</p> <p>6 MR. FARRELL: Those are plumbing and piping</p> <p>7 modifications?</p> <p>8 MR. GRAHAM: Yes.</p> <p>9 THE WITNESS: Not that I'm aware of.</p> <p>10 BY MR. GRAHAM:</p> <p>11 Q. Okay.</p> <p>12 A. I will have to say they were -- they were very</p> <p>13 good about notifying their tenants when anything was</p> <p>14 going to happen.</p> <p>15 So from that standpoint, I can pretty much say,</p> <p>16 I don't believe there were any modifications.</p> <p>17 Q. Because you weren't notified, correct?</p> <p>18 A. Correct.</p> <p>19 Q. All right. And during the time that you</p> <p>20 operated at 712 Madison, was there any work whatsoever</p> <p>21 done to the foundation of the building?</p> <p>22 A. I don't believe so.</p> <p>23 Q. Okay. Now what I'd kind of like to go over,</p> <p>24 Mr. Duensing, is some of the operations that</p> <p>25 Mr. Turigliatto conducted during the time that he</p>	<p style="text-align: right;">84</p> <p>1 A. Seal Cote just popped into my head.</p> <p>2 Q. Okay.</p> <p>3 A. We obtained that from our vendors and --</p> <p>4 Q. I just want to stop you. I want to be clear</p> <p>5 that I'm talking about Mr. Turigliatto's operations.</p> <p>6 A. Yes.</p> <p>7 Q. Okay. You said "we," so --</p> <p>8 A. We, yes. Well -- yes.</p> <p>9 Q. Okay.</p> <p>10 A. He purchased Seal Cote, Swan Cote, from our</p> <p>11 vendors.</p> <p>12 Q. Who would that be?</p> <p>13 A. One -- I don't know exactly who he might have</p> <p>14 purchased it from. We had Echo Sales, Goss-Jewett, Work</p> <p>15 Room Supply.</p> <p>16 Q. Anyone else?</p> <p>17 A. Those -- those were the three major vendors</p> <p>18 that we dealt with.</p> <p>19 Q. Okay.</p> <p>20 A. "We," here we go again.</p> <p>21 Q. That's fine. And again, we're just talking</p> <p>22 about Mr. Turigliatto's --</p> <p>23 A. Sure.</p> <p>24 Q. -- waterproofing operation.</p> <p>25 A. Sure. I'm confident he dealt with the same</p>
<p style="text-align: right;">83</p> <p>1 operated the business.</p> <p>2 And I know you probably won't know all the</p> <p>3 operations, but I want to go through some and try to get</p> <p>4 an idea as to what you know and don't know --</p> <p>5 A. Sure.</p> <p>6 Q. -- with respect to his operations.</p> <p>7 Did Mr. Turigliatto in his operation of</p> <p>8 One-Hour Cleaners, did he provide waterproofing</p> <p>9 services?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And do you have any personal knowledge</p> <p>12 as to how Mr. Turigliatto conducted waterproofing</p> <p>13 operations during the time that he operated at</p> <p>14 712 Madison?</p> <p>15 A. Yes, I do.</p> <p>16 Q. Go ahead and tell me.</p> <p>17 A. There was a -- let's call it a chemical, a</p> <p>18 waterproofing chemical.</p> <p>19 Q. Let me stop you right there.</p> <p>20 Do you know what the name of that waterproofing</p> <p>21 chemical was?</p> <p>22 A. I want to say Seal Cote.</p> <p>23 Q. How about Swan Cote? Swan Cote?</p> <p>24 A. It could be. Could be.</p> <p>25 Q. Go ahead.</p>	<p style="text-align: right;">85</p> <p>1 same vendors as I did.</p> <p>2 Q. Okay. And how did Mr. Turigliatto conduct the</p> <p>3 waterproofing operations? What was done?</p> <p>4 A. Per the directions on the product. It was a</p> <p>5 five-to-one mixture perchloroethylene and Seal Cote.</p> <p>6 Q. How did he mix these?</p> <p>7 A. In a bucket.</p> <p>8 Q. And then what was done?</p> <p>9 A. The garment was soaked in that bucket, left for</p> <p>10 a period of time, I don't recall how long. It was</p> <p>11 removed from the bucket, put in the dry cleaning</p> <p>12 machine, and extracted.</p> <p>13 Q. Put in the dry cleaning machine or put in the</p> <p>14 reclaimer?</p> <p>15 A. Dry cleaning machine.</p> <p>16 Q. The dry cleaning. And then after it was put in</p> <p>17 the dry cleaning machine, was it also put in the</p> <p>18 reclaimer?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. And approximately where within the</p> <p>21 building were these waterproofing operations conducted?</p> <p>22 MR. FARRELL: If you know. Objection, calls</p> <p>23 for speculation.</p> <p>24 THE WITNESS: Generally, right between the dry</p> <p>25 cleaning machine and the reclaimer.</p>

<p style="text-align: right;">86</p> <p>1 BY MR. GRAHAM:</p> <p>2 Q. Okay. As depicted on Exhibit No. 6 there?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. Do you recognize a product by the name</p> <p>5 of Sta-Dri? Sta-Dri, S-t-a-D-r-i?</p> <p>6 A. Doesn't sound familiar.</p> <p>7 Q. What about Adco, A-d-c-o, water repellant?</p> <p>8 A. No.</p> <p>9 Q. How big was this bucket that you would mix your</p> <p>10 five parts PERC with -- well, strike that.</p> <p>11 You said the mixture was a mixture of five</p> <p>12 parts PERC and one part what?</p> <p>13 A. Seal Cote.</p> <p>14 Q. Seal Cote. Okay.</p> <p>15 So how big was this bucket that Mr. Turigliatto</p> <p>16 would mix the Seal Cote with the PERC?</p> <p>17 A. Maybe two-gallon bucket. And trust me, it was</p> <p>18 not an exact science. Well, I can't vouch for</p> <p>19 Mr. Turigliatto, so we'll just leave it at that.</p> <p>20 Q. Okay. That's fine. And during</p> <p>21 Mr. Turigliatto's operations at 712 Madison with respect</p> <p>22 to waterproofing, did he waterproof one garment at a</p> <p>23 time, or were there multiple garments put in this</p> <p>24 two-gallon bucket?</p> <p>25 A. I, again, can't vouch for how Mr. Turigliatto</p>	<p style="text-align: right;">88</p> <p>1 Q. And were there times during the operations at</p> <p>2 712 Madison where accidents happened that resulted in</p> <p>3 the spillage of PERC during the waterproofing</p> <p>4 operations?</p> <p>5 A. No, I'm referring to taking the garment out of</p> <p>6 the bucket, putting it in the reclaimer, there was</p> <p>7 spillage.</p> <p>8 Q. Okay. Of this five-one mixture that we were</p> <p>9 speaking of earlier?</p> <p>10 A. Correct, correct.</p> <p>11 Q. And those accidental spills happened during the</p> <p>12 time that you operated at 712 Madison?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So you provided waterproofing operations</p> <p>15 for a couple years after you purchased approximately</p> <p>16 till 1981; is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. And then you stopped waterproofing -- providing</p> <p>19 waterproofing services to your customers?</p> <p>20 A. No.</p> <p>21 Q. You did it in a different manner?</p> <p>22 A. Yes.</p> <p>23 Q. And what manner did you do it?</p> <p>24 A. Spray can, aerosol spray can.</p> <p>25 MR. SHAMIYEH: I couldn't hear that, please?</p>
<p style="text-align: right;">87</p> <p>1 waterproofed garments.</p> <p>2 Q. Okay. Let's switch now and then talk about</p> <p>3 your operations.</p> <p>4 Did you also provide waterproofing services</p> <p>5 during your operations at 712 Madison?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. For how long?</p> <p>8 A. For how long?</p> <p>9 Q. Strike that.</p> <p>10 Did you provide those services during the</p> <p>11 entirety of your operations at 712 Madison?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And did you also use a Seal Cote or Swan</p> <p>14 Cote as a product for waterproofing?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. During the whole time?</p> <p>17 A. No.</p> <p>18 Q. Okay. When did that stop?</p> <p>19 A. I used Swan Cote, the waterproofing product,</p> <p>20 for probably only a couple years after I took over.</p> <p>21 Through '81, let's say.</p> <p>22 Q. And why did you stop using Swan Cote?</p> <p>23 A. I didn't care for the process.</p> <p>24 Q. Why? What bothered you about the process?</p> <p>25 A. Spillage.</p>	<p style="text-align: right;">89</p> <p>1 THE WITNESS: I'm --</p> <p>2 MR. GRAHAM: Aerosol spray.</p> <p>3 THE WITNESS: Aerosol spray can.</p> <p>4 MR. SHAMIYEH: Okay.</p> <p>5 BY MR. GRAHAM:</p> <p>6 Q. Okay. And so could you describe for me the</p> <p>7 processes whereby you would waterproof using an aerosol</p> <p>8 spray can?</p> <p>9 A. Garment was hung up and sprayed with the</p> <p>10 aerosol spray can.</p> <p>11 Q. And what product was contained within this</p> <p>12 aerosol spray can?</p> <p>13 A. I don't recall.</p> <p>14 Q. It wasn't the same one that you'd used in the</p> <p>15 liquid for the five-one mixture?</p> <p>16 A. No. It was a product that you could still buy</p> <p>17 today in the stores for waterproofing.</p> <p>18 Q. Okay.</p> <p>19 A. I don't recall the brand, to be honest with</p> <p>20 you.</p> <p>21 Q. That's fine. And where did your</p> <p>22 waterproofing -- strike that.</p> <p>23 With respect to your waterproofing operations</p> <p>24 related to the spray aerosol can, where approximately</p> <p>25 within the 712 Madison building, where did those</p>

<p style="text-align: right;">90</p> <p>1 operations take place?</p> <p>2 A. Generally, in the back door.</p> <p>3 Q. Right by the back door? Okay.</p> <p>4 Did you actually hang the garment, open the</p> <p>5 door and hang the garment there for aeration purposes?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 MR. GRAHAM: Why don't we go off the record for</p> <p>9 a second.</p> <p>10 (Discussion off the record.)</p> <p>11 MR. GRAHAM: All right. Back on.</p> <p>12 Q. Mr. Duensing, during Mr. Turigliatto's</p> <p>13 operations at 712 Madison, did he perform any drapery</p> <p>14 cleaning services?</p> <p>15 A. Yes.</p> <p>16 Q. And do you know how he performed those drapery</p> <p>17 cleaning services?</p> <p>18 MR. FARRELL: Objection, calls for speculation.</p> <p>19 THE WITNESS: No.</p> <p>20 BY MR. GRAHAM:</p> <p>21 Q. Okay. That's fine. I don't want you to guess</p> <p>22 at anything. But if you have personal knowledge or you</p> <p>23 spoke to him about how he cleaned his draperies, I'd</p> <p>24 like to know that.</p> <p>25 A. Part of the process during his 30-day stay</p>	<p style="text-align: right;">92</p> <p>1 A. Right.</p> <p>2 Q. Okay. And during your operations at</p> <p>3 712 Madison did you also provide drapery cleaning</p> <p>4 services?</p> <p>5 A. Yes.</p> <p>6 Q. And did you do it in the same manner that</p> <p>7 Mr. Turigliatto had?</p> <p>8 A. Yes.</p> <p>9 Q. And did you provide drapery cleaning services</p> <p>10 throughout the whole time that you operated at</p> <p>11 712 Madison?</p> <p>12 A. Yes.</p> <p>13 Q. There was no period of time, like the</p> <p>14 waterproofing, whereby you stopped or changed the</p> <p>15 processes?</p> <p>16 A. No.</p> <p>17 Q. Okay. Did Mr. Turigliatto during the time he</p> <p>18 operated at 712 Madison provide any moth proofing</p> <p>19 services?</p> <p>20 A. Not to my knowledge.</p> <p>21 Q. Did you?</p> <p>22 A. No.</p> <p>23 Q. Did Mr. Turigliatto during his operations at</p> <p>24 712 Madison provide any restoration or preservation of</p> <p>25 wedding gowns?</p>
<p style="text-align: right;">91</p> <p>1 included drapery cleaning.</p> <p>2 Q. When you say "included drapery cleaning," do</p> <p>3 you mean that he was the one that did it or he</p> <p>4 was the --</p> <p>5 A. He was telling me how to clean drapes,</p> <p>6 instructing me.</p> <p>7 Q. What were his instructions?</p> <p>8 A. Obviously, care was critical because draperies</p> <p>9 that are hung in a window that have constant sun, the</p> <p>10 fabric is weakened. And in regards to our process here,</p> <p>11 they're not treated any differently. They're put in the</p> <p>12 dry cleaning machine. They are tumbled; they are</p> <p>13 cleaned.</p> <p>14 They are -- in the transfer machine they are</p> <p>15 taken out and put in the reclaimer, and then they are</p> <p>16 hung up on a machine to pleat them.</p> <p>17 And that's how that will process was completed.</p> <p>18 Q. During the time that Mr. Turigliatto operated</p> <p>19 712 Madison, do you know where he hung the drapes, where</p> <p>20 the pleating machine was located?</p> <p>21 A. Pretty much midway in the building.</p> <p>22 Q. Okay. And you're pointing to Exhibit No. 6, to</p> <p>23 the right-hand sidewall?</p> <p>24 A. Correct.</p> <p>25 Q. About the middle of the building?</p>	<p style="text-align: right;">93</p> <p>1 A. Yes.</p> <p>2 Q. Okay. And how was that done during the time</p> <p>3 that he operated, if you know?</p> <p>4 A. I can only respond how he instructed me to do</p> <p>5 it.</p> <p>6 Q. Okay. How did he instruct you?</p> <p>7 A. A wedding gown is the same as any other</p> <p>8 garment. It was dry cleaned, dried, obviously caution</p> <p>9 with a wedding gown, and then it was put into a box and</p> <p>10 sealed up.</p> <p>11 These boxes we got from vendors, and it had</p> <p>12 forms inside the box -- she's smiling. I think she</p> <p>13 knows exactly what I'm talking about.</p> <p>14 The box is sealed up and preserved. There's no</p> <p>15 air. It isn't vacuumed out or anything, but with this</p> <p>16 box being sealed up, it preserves the gown from</p> <p>17 yellowing and insects or --</p> <p>18 Q. And that is -- what you've just described,</p> <p>19 those are the operations -- strike that.</p> <p>20 What you've just described, that is how you</p> <p>21 conducted restoration and preservation of wedding gowns</p> <p>22 during the time that you operated at 712 Madison?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. During the time that Mr. Turigliatto</p> <p>25 operated at 712 Madison, did he provide any rubberizing</p>

<p style="text-align: right;">94</p> <p>1 services?</p> <p>2 A. Rubberizing?</p> <p>3 Q. Yeah.</p> <p>4 A. No.</p> <p>5 Q. Did you?</p> <p>6 A. No.</p> <p>7 Q. Did Mr. Turigliatto during the time that he</p> <p>8 operated at 712 Madison provide any plasticizing</p> <p>9 services?</p> <p>10 A. No.</p> <p>11 Q. Did you?</p> <p>12 A. No.</p> <p>13 Q. Do you know what plasticizing is?</p> <p>14 A. No.</p> <p>15 Q. During Mr. Turigliatto's operations at</p> <p>16 712 Madison, did he provide any services with respect to</p> <p>17 flame retardant?</p> <p>18 A. I want to say yes.</p> <p>19 Q. What makes you want to say "yes"?</p> <p>20 A. Because I believe there was a conversation</p> <p>21 somewhere along the line about -- this 30 days included</p> <p>22 a lot of things.</p> <p>23 Q. A lot of time to talk to Mr. Turigliatto?</p> <p>24 A. I think during his tenure he did do some flame</p> <p>25 retarding.</p>	<p style="text-align: right;">96</p> <p>1 do not recall any of the names.</p> <p>2 Q. So to your knowledge, no suede or leather</p> <p>3 cleaning services were provided by Mr. Turigliatto when</p> <p>4 he operated at 712 Madison?</p> <p>5 A. No.</p> <p>6 Q. And what about with respect to your operations</p> <p>7 at 712 Madison, did you provide any suede or leather</p> <p>8 cleaning?</p> <p>9 A. No.</p> <p>10 Let me add to that, it was a very expensive</p> <p>11 proposition from the customer's standpoint. Obviously,</p> <p>12 there was a margin involved that we adhered to. If for</p> <p>13 any reason the directions -- there were some leathers</p> <p>14 that could be dry cleaned.</p> <p>15 But perchloroethylene removes oil, okay. So if</p> <p>16 you took a standard leather garment and put it in</p> <p>17 perchloroethylene, it would be stiff as a board because</p> <p>18 it would take all the oil out of it.</p> <p>19 There were some leathers around that were</p> <p>20 dry-cleanable. So if we came across one of those, we</p> <p>21 would dry clean it in the same solvent that we used day</p> <p>22 in and day out.</p> <p>23 95 percent of the time it was outsourced.</p> <p>24 Q. Okay. Because those were the types of leathers</p> <p>25 that required a special application rather than --</p>
<p style="text-align: right;">95</p> <p>1 Q. And do you know how he performed those</p> <p>2 operations?</p> <p>3 A. No.</p> <p>4 Q. Did you have any discussions with --</p> <p>5 A. Because I did not. So I wasn't the least bit</p> <p>6 interested in how it was performed.</p> <p>7 Q. You said, "Because I did not." You mean you</p> <p>8 did not provide those types of services --</p> <p>9 A. Correct.</p> <p>10 Q. -- the flame retardant services?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. During the time that Mr. Turigliatto</p> <p>13 operated at 712 Madison, did he provide any suede or</p> <p>14 leather cleaning?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Do you know how he conducted those</p> <p>17 services?</p> <p>18 A. We contracted it out.</p> <p>19 Q. Oh, you contracted it out?</p> <p>20 A. Outsourced.</p> <p>21 Q. To whom?</p> <p>22 A. Oh, my goodness. There were two or three</p> <p>23 different suede and leather cleaners that came around</p> <p>24 the area. I cannot recall the names. I may be able to</p> <p>25 come up with it going through my canceled checks, but I</p>	<p style="text-align: right;">97</p> <p>1 A. Correct.</p> <p>2 Q. During Mr. Turigliatto's operations at</p> <p>3 712 Madison, did he provide any -- strike that.</p> <p>4 During Mr. Turigliatto's operations at</p> <p>5 712 Madison, did he provide any sizing services?</p> <p>6 A. Not that I'm aware of.</p> <p>7 Q. Okay. In that 30-day period where he was</p> <p>8 instructing you as to the ins and outs of the dry</p> <p>9 cleaning operations, did you have any conversations with</p> <p>10 Mr. Turigliatto with respect to sizing?</p> <p>11 A. No.</p> <p>12 Q. And during your operations at 712 Madison, did</p> <p>13 you perform any sizing operations?</p> <p>14 A. Yes.</p> <p>15 Q. And did you use a solid or a liquid in those</p> <p>16 sizing operations? Strike that. That's not --</p> <p>17 During the time that you operated at</p> <p>18 712 Madison, I'm speaking of the entire time, did your</p> <p>19 sizing -- the way in which you performed sizing</p> <p>20 operations, did that change at any point in time?</p> <p>21 A. No.</p> <p>22 Q. Okay. So it was the same the entire way</p> <p>23 through?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And in the processes related to sizing</p>

<p style="text-align: right;">98</p> <p>1 that you performed at 712 Madison, did you use a solid 2 or liquid for that process? 3 A. It was an aerosol, so I guess you could term 4 that as liquid. 5 Sizing, Doyle, is just one step down from 6 starch. There were occasions when customers didn't want 7 their garments starched. We did do dress shirts. The 8 majority of our laundry was contracted out, outsourced, 9 because I was strictly dry cleaning. 10 If we had a customer that was unhappy with the 11 outsource, we did it ourselves, we would use an aerosol 12 sizing or a spray starch. Spray sizing, spray starch. 13 Q. Okay. Do you recall the name of the product 14 that you used as an aerosol sizing? 15 A. No. Over-the-counter. 16 Q. Okay. So you didn't perform sizing by using 17 the dry cleaning machines? 18 A. No. 19 Q. Okay. And you didn't add any sizing beads to 20 the dry cleaning machines to help you perform any 21 sizing? 22 A. No. 23 Q. Okay. And all of your sizing was strictly 24 aerosol? 25 A. Correct.</p>	<p style="text-align: right;">100</p> <p>1 A. Pressing and waiting on the counter. 2 Q. That's it? 3 A. Yes. 4 Q. Okay. So then I take it -- strike that. 5 Other than yourself and your wife, were there 6 any other people that worked at One-Hour Cleaners during 7 the time that you owned and operated One-Hour Cleaners? 8 A. Yes. 9 Q. And who were those folks? 10 A. I had a part-time presser. Her name was Alma 11 Porter. 12 Q. Okay. Do you know if Alma Porter is still 13 alive? 14 A. She's deceased. 15 Q. Okay. Anyone else? 16 A. And that was -- that was the only other person. 17 My daughter came in when she was a teenager and pressed 18 some clothes and assembled clothes. 19 When I say "assembled," obviously, you've got 20 tickets for customers, and she would take the finished 21 product and assemble those with the tickets. She was 22 never involved in any of the production end of it. 23 Q. You said this was your daughter or 24 daughter-in-law? 25 A. Daughter.</p>
<p style="text-align: right;">99</p> <p>1 Q. Are you familiar with a product called 2 Gelatone? 3 A. No. 4 Q. And this aerosol sizing that you described, 5 that's a process that occurs after the dry cleaning 6 process on the garment, correct? 7 A. Correct. 8 Q. And then are those garments hung like the 9 drapes were hung or -- 10 A. No. 11 Q. Okay. 12 A. The sizing and/or starch was applied during the 13 pressing process. 14 Q. Okay. Now, I believe you had indicated 15 earlier, Mr. Duensing, that during your operations at 16 712 Madison that it was your wife who was in charge of 17 the spotting, the spotting tables? 18 A. No, I never said that. 19 Q. You didn't testify -- okay, I'm sorry. 20 Well, let me ask you. During the time that you 21 operated at 712 Madison, you indicated that your wife 22 also worked there, correct? 23 A. Yes. 24 Q. Okay. And what were her responsibilities 25 during the time that you operated at 712 Madison?</p>	<p style="text-align: right;">101</p> <p>1 Q. Daughter. And what is her name? 2 A. Marlee, M-a-r-l-e-e, Gradias, G-r-a-d-i-a-s. 3 Doyle, I could probably count on one hand the 4 number of days that she was there, but she wasn't paid. 5 So I don't know if you want to consider that an employee 6 or not. I mean, you're talking about people that 7 were -- 8 Q. People that worked there, whether they were on 9 the payroll or not -- 10 A. Okay. 11 Q. -- I want to know people that worked there. 12 A. Sure. 13 Q. Anyone else besides Alma and Marlee? 14 A. No. 15 Q. Okay. During your operations at 712 Madison, 16 were you the person responsible for wet spotting or dry 17 spotting? 18 A. Yes. 19 Q. What I'd like to do is run down a list of kind 20 of chemicals, products, and see if you recognize any of 21 these, if these were any of the stuff that you may have 22 used during your operations. 23 A. Okay. 24 Q. Let me ask you first, during Mr. Turigliatto's 25 operations at 712 Madison, do you know who did his</p>

<p style="text-align: right;">102</p> <p>1 spotting?</p> <p>2 MR. FARRELL: Objection, calls for speculation.</p> <p>3 THE WITNESS: Honestly, no.</p> <p>4 BY MR. GRAHAM:</p> <p>5 Q. Okay.</p> <p>6 A. His components were the same as mine. It was</p> <p>7 he and his wife.</p> <p>8 Q. Okay.</p> <p>9 A. Who actually did the spotting, I do not know.</p> <p>10 Or whether they both did the spotting, I don't know.</p> <p>11 Q. All right. Let's go through some of these and</p> <p>12 see if you recognize any of these.</p> <p>13 During your operations at 712 Madison, did you</p> <p>14 ever use a product called Fast PR?</p> <p>15 A. No.</p> <p>16 Q. "No"?</p> <p>17 A. No.</p> <p>18 Q. Did you ever use in your operations at</p> <p>19 712 Madison any catatonic injection detergent?</p> <p>20 A. No.</p> <p>21 Q. "No"? Do you know what that is?</p> <p>22 A. No, I don't. I know I never had anything</p> <p>23 called that.</p> <p>24 Q. No, that's fine. I just want to know if you</p> <p>25 were familiar with that product and --</p>	<p style="text-align: right;">104</p> <p>1 the primary folks that you ordered the spotting agents</p> <p>2 from?</p> <p>3 A. Those three names that I mentioned earlier:</p> <p>4 Echo Sales, Goss-Jewett, G-o-s-s-J-e-w-e-t-t, and Work</p> <p>5 Room Supply.</p> <p>6 Q. Do you recall in your operations at 712 Madison</p> <p>7 ever using a product called Laidlaw POG?</p> <p>8 A. Laidlaw was one of the brands. I'm not sure</p> <p>9 whether there was an individual bottle called POG. I</p> <p>10 had some Laidlaw products. I don't ever recall using</p> <p>11 something called POG, though. I broke it down into, you</p> <p>12 know -- I never used a POG, no.</p> <p>13 Q. Do you recall any specific products that you</p> <p>14 used that were manufactured by Laidlaw?</p> <p>15 A. I think at one point I used a Laidlaw</p> <p>16 waterproofer. I think Laidlaw was one of the vendors</p> <p>17 that provided waterproofer.</p> <p>18 Q. But nevertheless, you did use POG spotting</p> <p>19 agents?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 A. Street's, just like Street's. That was the</p> <p>23 major brand of the products I used. Street's had a line</p> <p>24 of products for mustard, paint, oil, and each one came</p> <p>25 in a bottle, and that's what I used, Street's products.</p>
<p style="text-align: right;">103</p> <p>1 A. No.</p> <p>2 Q. -- what it was used for.</p> <p>3 Did you -- in your spotting operations at</p> <p>4 712 Madison, did you ever use any leveling agents?</p> <p>5 A. Leveling agent?</p> <p>6 Q. Uh-huh. A spot and stain leveler?</p> <p>7 A. I'm sorry?</p> <p>8 Q. A spot and stain leveler?</p> <p>9 A. No.</p> <p>10 Q. Did you use any POG spotting agents?</p> <p>11 A. Correct me. POG is a brand name, isn't it?</p> <p>12 Q. Paint-oil-grease?</p> <p>13 A. Oh, paint -- okay. Yes.</p> <p>14 Q. Do you recall what names of POG products that</p> <p>15 you used, specific names?</p> <p>16 A. I thought you were going to tell me.</p> <p>17 Q. Maybe not yet. We'll see.</p> <p>18 A. Doyle, I can't remember the names, per se, but</p> <p>19 POG, yes.</p> <p>20 Q. Okay.</p> <p>21 A. Obviously, those were some of the stains</p> <p>22 that -- I can't remember the names.</p> <p>23 Q. Let me ask you, did you ever order -- or strike</p> <p>24 that.</p> <p>25 During your operations at 712 Madison, who were</p>	<p style="text-align: right;">105</p> <p>1 Q. Do you know how much POG spotting agent that</p> <p>2 you would use say in a typical year, or month, or</p> <p>3 however you want to break it down? Just to give me an</p> <p>4 idea of how much was being used.</p> <p>5 A. I would say I probably went through two gallons</p> <p>6 a year? That may be on the high side. Obviously, some</p> <p>7 stains are more frequent than others, and you're going</p> <p>8 to use that staining agent more than the others. But it</p> <p>9 wouldn't have been any more than that.</p> <p>10 Q. Okay.</p> <p>11 MR. FARRELL: Could I ask a question to clarify</p> <p>12 here? Mr. Duensing, the Street products you just</p> <p>13 referred to, were those spotting products or were you</p> <p>14 referring to dry cleaning products, generally?</p> <p>15 THE WITNESS: Spotting products.</p> <p>16 MR. FARRELL: Thank you.</p> <p>17 BY MR. GRAHAM:</p> <p>18 Q. In your operations at 712 Madison,</p> <p>19 Mr. Duensing, did you ever use any silk prespotters?</p> <p>20 A. Silk prespotters?</p> <p>21 Q. Yes.</p> <p>22 A. Yes.</p> <p>23 Q. Okay. What types of silk prespotters did you</p> <p>24 use? The names?</p> <p>25 A. I don't recall the name.</p>

<p style="text-align: right;">106</p> <p>1 Q. Do you recall --</p> <p>2 A. I'm trying to think of the context that we</p> <p>3 used -- I can remember silk prespotters -- no, let's go</p> <p>4 back. It wasn't a prespotter. What it was, was -- silk</p> <p>5 is tough to spot to begin with, colorwise, particularly</p> <p>6 the color red.</p> <p>7 If there was a stain, you could get the spot</p> <p>8 out, but the chances of the color coming out with it</p> <p>9 were real great, and you would not know that until after</p> <p>10 you dry cleaned it. You dry clean it, and the color</p> <p>11 comes out.</p> <p>12 There was a product that we used, I'm not sure</p> <p>13 if it was a prespotter, but we could take that garment,</p> <p>14 put it in that product, and it would kind of bleed the</p> <p>15 dye in that garment so that you would not lose the -- it</p> <p>16 would cover up the spot that you put in it from spotting</p> <p>17 it.</p> <p>18 Q. So you actually immerse the garment in this</p> <p>19 product?</p> <p>20 A. Yes.</p> <p>21 Q. Okay.</p> <p>22 A. Very much like the waterproofing.</p> <p>23 Q. And what size container did you use for that?</p> <p>24 A. Same, same size.</p> <p>25 Q. Are you familiar with a product called SSS Silk</p>	<p style="text-align: right;">108</p> <p>1 Q. Manufactured by Street.</p> <p>2 A. Yes.</p> <p>3 Q. Okay.</p> <p>4 A. Let's go back to Laidlaw one time.</p> <p>5 Q. Yes, sir.</p> <p>6 A. I believe the rust removal spotter that I used</p> <p>7 was also a Laidlaw product.</p> <p>8 Q. Okay. Thank you. Did you -- strike that.</p> <p>9 In your operations at 712 Madison, did you use</p> <p>10 any product called WetSpo?</p> <p>11 A. I believe so. Sounds very familiar.</p> <p>12 Q. Did you use any semi wet spotters?</p> <p>13 A. No.</p> <p>14 Q. Do you have an estimate as to how much volatile</p> <p>15 dry spotter that you would use per year, in your</p> <p>16 operations at 712?</p> <p>17 A. A gallon.</p> <p>18 Q. You were referring to this company called</p> <p>19 Street's. Is it RR Street?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. Did you ever use any product from</p> <p>22 RR Street called a 2/1 Formula?</p> <p>23 A. Two in one. Yes, that sounds familiar.</p> <p>24 Q. And do you recall -- or do you have an estimate</p> <p>25 as to how much of that product you would use, say, per</p>
<p style="text-align: right;">107</p> <p>1 Spotter?</p> <p>2 A. No.</p> <p>3 Q. Okay. In your operations at 712 Madison, do</p> <p>4 you recall using any products that were manufactured by</p> <p>5 Chem Brite?</p> <p>6 A. No.</p> <p>7 Q. Do you recall using in your operations any</p> <p>8 product called Chem Dry?</p> <p>9 A. That sounds familiar.</p> <p>10 Q. What about volatile dry spotters, did you use</p> <p>11 those?</p> <p>12 A. No -- oh, wait a minute. Volatile dry spotter.</p> <p>13 Q. Sometimes referred to as VDS?</p> <p>14 A. Yes.</p> <p>15 Q. Do you recall any of the names of those?</p> <p>16 A. I gotta go back to Street's again. I mean, I</p> <p>17 was almost totally Street products.</p> <p>18 Q. Do you remember any brand name -- it was called</p> <p>19 Street?</p> <p>20 A. Yes.</p> <p>21 Q. So to your knowledge, the volatile dry spotters</p> <p>22 that you would use, they were called Street volatile dry</p> <p>23 spotters?</p> <p>24 A. It probably had some kind of tricky name to it,</p> <p>25 but it was a volatile dry --</p>	<p style="text-align: right;">109</p> <p>1 year in your operations?</p> <p>2 A. Every one of these products that sound familiar</p> <p>3 that I probably used, Doyle, I would say no more than a</p> <p>4 gallon a year.</p> <p>5 Q. Were they sold in gallon containers?</p> <p>6 A. Yes, I had to buy a gallon.</p> <p>7 Q. Right, right.</p> <p>8 Did you ever in your operations at 712 Madison</p> <p>9 use a product called TarGo?</p> <p>10 A. The name sounds familiar, but if I had some, I</p> <p>11 didn't use very much of it.</p> <p>12 Q. Okay. Do you know what that product was used</p> <p>13 for?</p> <p>14 A. Sounds like to me it would be for removing tar.</p> <p>15 But the name sounds familiar, Doyle, but I wouldn't have</p> <p>16 used very much of it.</p> <p>17 Q. Okay. What about a product called Spol,</p> <p>18 S-p-o-l?</p> <p>19 A. No.</p> <p>20 Q. What about Picrin?</p> <p>21 A. Yes.</p> <p>22 Q. And that was an RR Street product?</p> <p>23 A. Yes.</p> <p>24 Q. And do you recall about how much of that you</p> <p>25 would typically use in a year?</p>

<p style="text-align: right;">110</p> <p>1 A. Less than a gallon.</p> <p>2 Q. In your operations at 712 Madison, did you ever</p> <p>3 use a product called Puro?</p> <p>4 A. No.</p> <p>5 Q. What about Spray Dry?</p> <p>6 A. No.</p> <p>7 Q. SCAN, S-C-A-N?</p> <p>8 A. No.</p> <p>9 Q. And in your -- you indicated that you did have</p> <p>10 a boiler at 712 Madison, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And did you ever add any Boiler Guard to</p> <p>13 that boiler?</p> <p>14 A. Yes.</p> <p>15 Q. And do you know what type of Boiler Guard that</p> <p>16 was?</p> <p>17 A. No. That could have been Laidlaw, also.</p> <p>18 Q. Do you recall how much Boiler Guard you would</p> <p>19 typically use within a year of operations at</p> <p>20 712 Madison?</p> <p>21 A. There was a prescribed amount that was added</p> <p>22 per hours of operations. And I don't recall what that</p> <p>23 was.</p> <p>24 Q. Okay.</p> <p>25 A. And you would just add this chemical right to</p>	<p style="text-align: right;">112</p> <p>1 in which you cleaned out this reservoir on the spotting</p> <p>2 table that contained liquid?</p> <p>3 A. It was -- I'm trying to think now. There was a</p> <p>4 sludge, so to speak, that would accumulate. In the</p> <p>5 beginning, that probably went in the toilet.</p> <p>6 Q. Okay. And you recall putting that -- strike</p> <p>7 that.</p> <p>8 And you recall that the sludge from the</p> <p>9 spotting table, in the beginning of your operations,</p> <p>10 that was placed in the toilet?</p> <p>11 A. I don't recall doing it, but I can't imagine</p> <p>12 where else I might have put it, in the beginning.</p> <p>13 Q. And then later on?</p> <p>14 A. It went into the container that was required by</p> <p>15 Bay Area Air Quality Control.</p> <p>16 Q. And what type of container was required by Bay</p> <p>17 Area Air Quality Control?</p> <p>18 A. It was a five-gallon sealed metal container.</p> <p>19 Q. And approximately what year do you first recall</p> <p>20 using this five-gallon sealed container?</p> <p>21 A. I want to say at approximately the same time as</p> <p>22 the dry cleaner, the new dry cleaner went in, because</p> <p>23 that's what prompted the new dry cleaner was new</p> <p>24 restrictions.</p> <p>25 So mid, mid to early '80s.</p>
<p style="text-align: right;">111</p> <p>1 the water that went right through the boiler. And the</p> <p>2 boiler chemical was more substantial than the spotting</p> <p>3 chemicals, let's put it that way.</p> <p>4 I mean, if I -- I probably ordered a case of</p> <p>5 boiler chemical at a time, which contained four gallons,</p> <p>6 and I probably -- maybe twice a year I'd order a case.</p> <p>7 I don't recall.</p> <p>8 Q. That's fine.</p> <p>9 A. But there was a prescribed, you know, pattern</p> <p>10 for when you added boiler chemical to the boiler.</p> <p>11 Q. And I think you indicated earlier, and correct</p> <p>12 me if I'm wrong, that when you purchased the business,</p> <p>13 you purchased two spotting tables?</p> <p>14 A. One.</p> <p>15 Q. One. Did you ever increase that --</p> <p>16 A. No.</p> <p>17 Q. -- by an additional spotting table?</p> <p>18 A. No.</p> <p>19 Q. Now, on this spotting table, was there a place</p> <p>20 on the spotting table where the liquid would be captured</p> <p>21 from your spotting operations?</p> <p>22 A. Yes.</p> <p>23 Q. And how often was that cleaned out?</p> <p>24 A. Once a week. Generally as needed.</p> <p>25 Q. Okay. And can you describe for me the method</p>	<p style="text-align: right;">113</p> <p>1 Q. And other than disposal into the toilet, were</p> <p>2 there other ways of which you disposed -- prior to you</p> <p>3 getting this five-gallon sealed bucket, were there other</p> <p>4 ways in which that sludge was dis- --</p> <p>5 A. Could have gone into the garbage, also.</p> <p>6 Q. Just give me a second to finish my question.</p> <p>7 Give me one second to finish my question.</p> <p>8 A. Oh, I'm sorry.</p> <p>9 Q. That's fine. I just want to keep it clean</p> <p>10 here.</p> <p>11 MR. FARRELL: And I'll assert a belated</p> <p>12 objection as calling for speculation.</p> <p>13 BY MR. GRAHAM:</p> <p>14 Q. Who else other than yourself would know more</p> <p>15 information with respect to how these sludge from the</p> <p>16 spotting table operations, how that was disposed?</p> <p>17 During your operations.</p> <p>18 A. During my operations?</p> <p>19 Q. Yes.</p> <p>20 A. Nobody.</p> <p>21 Q. During those 30 days that Mr. Turigliatto came</p> <p>22 on board to assist you, did he have any conversations</p> <p>23 with you whereby he instructed you as to how to dispose</p> <p>24 of that sludge?</p> <p>25 A. No.</p>

<p style="text-align: right;">114</p> <p>1 Q. And you indicated that you were the only one</p> <p>2 performing spotting operations at 712 Madison?</p> <p>3 A. Yes.</p> <p>4 Q. And during your spotting operations at</p> <p>5 712 Madison, during your whole time of your operations,</p> <p>6 did you ever keep a small bottle of PCE at the spotting</p> <p>7 table for stains?</p> <p>8 A. PCE?</p> <p>9 Q. PERC?</p> <p>10 A. Oh, no, no.</p> <p>11 Q. You never kept a small bottle of PERC on the</p> <p>12 spotting table?</p> <p>13 A. (Witness shook head.)</p> <p>14 MR. GRAHAM: Okay. Perfect, it's 1 o'clock.</p> <p>15 Let's take a lunch break. We'll go off record.</p> <p>16 (Luncheon recess taken.)</p> <p>17 MR. GRAHAM: Let's go back on the record.</p> <p>18 Q. I just want to clear up one question. In</p> <p>19 looking at the record here, Mr. Duensing, I asked you</p> <p>20 whether you ever kept a small bottle of PERC on the</p> <p>21 spotting table for spotting purposes while you operated</p> <p>22 at 712 Madison.</p> <p>23 A. No.</p> <p>24 Q. Before we took the lunch break we were talking</p> <p>25 about some of the spotting operations and some of the</p>	<p style="text-align: right;">116</p> <p>1 A. The bone -- there was also an item called a</p> <p>2 bone which was actual bone, I guess, that was an eighth</p> <p>3 of an inch thick, round on one end, pointed on the</p> <p>4 other, which was a device that was used for picking at</p> <p>5 spots or scraping of spots.</p> <p>6 I did -- and obviously over a period of time</p> <p>7 that bone would wear. I replaced that one time. But I</p> <p>8 don't ever recall replacing spotting brushes.</p> <p>9 Q. And when -- how did you dispose of the bone?</p> <p>10 A. The bone?</p> <p>11 Q. Yes.</p> <p>12 A. Garbage can.</p> <p>13 Q. Okay. Did you use any cheese cloth in your</p> <p>14 operations at the spotting table?</p> <p>15 A. No.</p> <p>16 Q. Never used cheese cloth?</p> <p>17 A. No.</p> <p>18 Q. All right. Now, I recall from your previous</p> <p>19 testimony, and correct me if I'm wrong, that somewhere</p> <p>20 around the mid '80s you replaced some dry cleaning</p> <p>21 equipment that you had purchased from Mr. Turigliatto.</p> <p>22 A. Correct.</p> <p>23 Q. That was sometime in the mid '80s, right?</p> <p>24 Again, I'm just looking for an estimate.</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">115</p> <p>1 chemicals or products that were used in the spotting</p> <p>2 operations.</p> <p>3 Do you recall that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. In the spotting operations conducted</p> <p>6 during the time that you operated the business at</p> <p>7 712 Madison, did you use any spotting brushes for</p> <p>8 purposes of spotting?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. And during the time that you operated at</p> <p>11 712 Madison Street, how were those spotting brushes</p> <p>12 cleaned?</p> <p>13 A. At the spotting board itself. The spotting</p> <p>14 board includes a steam gun, I guess you could call it a</p> <p>15 mini power washer, shoots out a pressurized wand of</p> <p>16 steam. And that's what the brushes were cleaned with.</p> <p>17 Q. And where were those brushes stored when they</p> <p>18 were not in use?</p> <p>19 A. On the spotting board itself.</p> <p>20 Q. And when it came time -- well, strike that.</p> <p>21 There would come a time where those spotting</p> <p>22 brushes would need to be replaced, correct?</p> <p>23 A. I don't know that I ever replaced a spotting</p> <p>24 brush.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">117</p> <p>1 Q. Mr. Duensing, what type of machines did you buy</p> <p>2 in addition to -- well, strike that.</p> <p>3 I presume in the mid '80s you replaced the</p> <p>4 transfer equipment with a dry-to-dry system --</p> <p>5 A. Yes.</p> <p>6 Q. -- is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. That's one of the changes that you made in the</p> <p>9 mid '80s to the equipment?</p> <p>10 A. Correct.</p> <p>11 Q. Did you purchase any other additional equipment</p> <p>12 at that time?</p> <p>13 A. On or about the same time as when I purchased</p> <p>14 the sniffer.</p> <p>15 Q. Did you also purchase -- strike that.</p> <p>16 In the mid '80s when you purchased the</p> <p>17 dry-to-dry system and the sniffer, did you also purchase</p> <p>18 a still?</p> <p>19 A. No.</p> <p>20 Q. What about a muck cooker, did you ever purchase</p> <p>21 a muck cooker?</p> <p>22 A. No.</p> <p>23 Q. So during your operations at 712 Madison, there</p> <p>24 was never a muck cooker that was used in your dry</p> <p>25 cleaning operations?</p>

<p style="text-align: right;">118</p> <p>1 A. No.</p> <p>2 Q. Okay.</p> <p>3 A. Now, again, the dry cleaning machine that I</p> <p>4 purchased had a still built in.</p> <p>5 Q. Right.</p> <p>6 A. And I never had a separate piece of equipment</p> <p>7 that was called a muck cooker or --</p> <p>8 Q. Do you know what a muck cooker is?</p> <p>9 A. I can only assume that the function is the same</p> <p>10 as the still that's on the dry cleaning machine. It</p> <p>11 cooks down the solvent to a muck.</p> <p>12 You -- you distill the solvents, remove all the</p> <p>13 impurities, and clean solvent goes back in the machine,</p> <p>14 and you're left with a residue.</p> <p>15 Q. In the mid '80s, do you know what type of</p> <p>16 dry-to-dry unit you purchased?</p> <p>17 A. I do not recall the name of the machine that I</p> <p>18 bought.</p> <p>19 Q. Do you recall who manufactured it?</p> <p>20 A. It was foreign.</p> <p>21 Q. It was foreign?</p> <p>22 A. Foreign. German or --</p> <p>23 Q. Was it a Bowe?</p> <p>24 A. No.</p> <p>25 Q. Permac?</p>	<p style="text-align: right;">120</p> <p>1 Q. Other than the dry-to-dry system, the sniffer,</p> <p>2 and the still that was actually part of the dry-to-dry</p> <p>3 unit, is there any other equipment, dry cleaning</p> <p>4 equipment, that you purchased in the time that you</p> <p>5 operated at 712 Madison?</p> <p>6 A. No.</p> <p>7 Q. You didn't have a separate reclaimer for that</p> <p>8 dry-to-dry?</p> <p>9 A. I never removed the old reclaimer, only because</p> <p>10 I thought in an emergency if anything ever happened to</p> <p>11 this used dry cleaning machine that I had, I could</p> <p>12 always revert to the old reclaimer to dry garments.</p> <p>13 Never did -- I don't recall ever using it.</p> <p>14 Q. The old reclaimer?</p> <p>15 A. The old reclaimer, but I never took it out,</p> <p>16 just as a backup, plan B.</p> <p>17 Q. Right. But it wasn't piped or plumbed to that</p> <p>18 dry-to-dry system?</p> <p>19 A. No.</p> <p>20 Q. Okay. That's what I was trying to get to.</p> <p>21 From whom did you purchase the used dry-to-dry</p> <p>22 equipment?</p> <p>23 A. There was a dry cleaner down West Texas Avenue</p> <p>24 that went out of business.</p> <p>25 Q. In Fairfield?</p>
<p style="text-align: right;">119</p> <p>1 A. Permac sounds familiar. It could very easily</p> <p>2 have been a Permac.</p> <p>3 Q. It was a German unit, you recall?</p> <p>4 A. I -- it had foreign languages on it.</p> <p>5 Q. On the backplate?</p> <p>6 A. Yeah.</p> <p>7 Q. Do you recall as you sit here today what type</p> <p>8 of language that was?</p> <p>9 A. No. I thought it was German.</p> <p>10 Q. It didn't look Korean or --</p> <p>11 A. No, no, no.</p> <p>12 Q. And you also indicated that you had purchased a</p> <p>13 sniffer.</p> <p>14 A. Correct.</p> <p>15 Q. Okay. Is that also referred to as a carbon</p> <p>16 adsorber?</p> <p>17 A. Yes.</p> <p>18 Q. Do you know what type of -- would you prefer</p> <p>19 that we call it a sniffer or carbon adsorber?</p> <p>20 A. Sniffer.</p> <p>21 Q. I just want to stay consistent. Okay.</p> <p>22 Do you recall what type of a -- strike that.</p> <p>23 Do you recall who manufactured the sniffer that</p> <p>24 you purchased in the mid '80s?</p> <p>25 A. No, I don't.</p>	<p style="text-align: right;">121</p> <p>1 A. In Fairfield. The name of the cleaners was</p> <p>2 Bunny's, and I purchased their dry cleaning machine.</p> <p>3 MR. SHAMIYEH: Excuse me, I didn't get that</p> <p>4 name, please.</p> <p>5 THE WITNESS: Bunny's, B-u-n-n-y, apostrophe s.</p> <p>6 BY MR. GRAHAM:</p> <p>7 Q. And -- I'm sorry, go ahead.</p> <p>8 A. I do not recall the owner's name that owned it,</p> <p>9 but that was the name of the cleaners, anyway.</p> <p>10 Q. And did you also purchase the sniffer from</p> <p>11 Bunny's Cleaners?</p> <p>12 A. No. The sniffer I got from a gentleman that</p> <p>13 did periodic maintenance for me.</p> <p>14 Q. And what is that gentleman's name?</p> <p>15 A. I'm not sure I still have the card. I</p> <p>16 submitted the card to Mr. Farrell -- oh, here it is.</p> <p>17 His name is Ernest Edgar, E-d-g-a-r.</p> <p>18 Q. Okay. And do you have a contact number for</p> <p>19 Mr. Edgar?</p> <p>20 A. I'm not sure this is still good, but I have</p> <p>21 (916)427-6858. The name of his company is V&E Service</p> <p>22 Company.</p> <p>23 Q. That's V as in Victor --</p> <p>24 A. V as in Victor; E as in --</p> <p>25 Q. Edward?</p>

<p style="text-align: right;">122</p> <p>1 A. Elephant.</p> <p>2 Q. Okay.</p> <p>3 A. This gentleman, during my tenure at</p> <p>4 712 Madison, did periodic maintenance and repairs and so</p> <p>5 forth for me.</p> <p>6 Q. Okay. Now, this dry-to-dry unit that you</p> <p>7 purchased from Bunny's Cleaners in the mid 1980s, when</p> <p>8 that was installed at 712 Madison, was that bolted to</p> <p>9 the floor?</p> <p>10 A. Yes.</p> <p>11 Q. Did you place any type of barrier around that</p> <p>12 machine?</p> <p>13 MR. FARRELL: I'll object as vague and</p> <p>14 ambiguous.</p> <p>15 BY MR. GRAHAM:</p> <p>16 Q. Did you have any sort of containment around the</p> <p>17 machine that the machine sat into?</p> <p>18 A. I want to say yes, only because I think it was</p> <p>19 mandatory from Bay Area Air Quality Control at that time</p> <p>20 that there be containment. And when I changed</p> <p>21 equipment, it fell under those guidelines.</p> <p>22 But to sit here today and tell you, yes, there</p> <p>23 was a containment, I can't swear to it.</p> <p>24 Q. And, again, Mr. Duensing, we don't want you to</p> <p>25 guess at anything. So if you don't know, just --</p>	<p style="text-align: right;">124</p> <p>1 condensed. The PCE would go back into the tank, and</p> <p>2 then we'd be left with a wastewater stream, or processed</p> <p>3 water that would result in that process.</p> <p>4 Do you recall that?</p> <p>5 A. No. I don't -- the still, I don't ever recall</p> <p>6 having to take water out of the still at all. I mean,</p> <p>7 it heated up the solvent, and the moisture evaporated.</p> <p>8 I don't ever recall taking wastewater -- I don't ever</p> <p>9 recall taking wastewater out of the reclaimer.</p> <p>10 Q. Right. And it wouldn't be a process where you</p> <p>11 would take water out of the reclaimer.</p> <p>12 A. It would be piped somewhere.</p> <p>13 Q. Right. Have you ever heard of a water</p> <p>14 separator?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. And what is the function of a water</p> <p>17 separator?</p> <p>18 A. Separates water from the solvent.</p> <p>19 Q. Okay. And is it your understanding that on a</p> <p>20 dry-to-dry unit you would have a water separator on that</p> <p>21 unit?</p> <p>22 A. And obviously, there would be a place where the</p> <p>23 water -- okay. I believe that went into my sink into</p> <p>24 the bathroom.</p> <p>25 Q. So the dry-to-dry unit was located close enough</p>
<p style="text-align: right;">123</p> <p>1 A. I don't know.</p> <p>2 Q. Okay. Now, this dry-to-dry unit that you</p> <p>3 purchased in the mid 1980s, was that plumbed to the</p> <p>4 sewer?</p> <p>5 A. No.</p> <p>6 Q. And we spoke a little bit earlier about</p> <p>7 wastewater that was generated through the process of</p> <p>8 reclaiming.</p> <p>9 Is it your understanding that there was also</p> <p>10 wastewater that resulted in the dry cleaning processes,</p> <p>11 the same way it did from a transfer unit, the same</p> <p>12 process with a dry-to-dry, except it was just on one</p> <p>13 unit?</p> <p>14 A. I don't -- I don't recall ever having</p> <p>15 wastewater from the dry cleaning machine. If I ever --</p> <p>16 pardon me. If I ever got excessive moisture, it was</p> <p>17 time to distill the solvent, and you could distill the</p> <p>18 solvent and remove the moisture.</p> <p>19 Q. Right. And what I'm speaking about,</p> <p>20 Mr. Duensing, is as an operation of the dry-to-dry,</p> <p>21 there was a process whereby that solvent would be</p> <p>22 reclaimed, kind of in the same way we described earlier</p> <p>23 this morning with respect to a transfer machine, whereby</p> <p>24 there would be a heated coil and a cooling coil.</p> <p>25 And the vapors would be heated and then</p>	<p style="text-align: right;">125</p> <p>1 to the bathroom whereby the water from the water</p> <p>2 separator could be easily discharged into that sink into</p> <p>3 the bathroom?</p> <p>4 A. (Witness nodded head.) Yes.</p> <p>5 MR. GRAHAM: Can we go off the record just for</p> <p>6 a second?</p> <p>7 (Off the record.)</p> <p>8 MR. GRAHAM: All right. Back on.</p> <p>9 Q. Mr. Duensing, what I'd like you to do, I'm</p> <p>10 going to hand to you another copy of the diagram of the</p> <p>11 interior of 712 Madison that was Bates RT 19.</p> <p>12 I'll hand this to you, and what I'd like you to</p> <p>13 do, we're going to go kind of through the same routine</p> <p>14 we did last time.</p> <p>15 Well, let me first ask you, when -- after you</p> <p>16 purchased the dry-to-dry unit, did it remain in the same</p> <p>17 location throughout your tenancy at 712 Madison?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And the sniffer that you purchased, did</p> <p>20 that remain in the same location?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. What I would like you to do for me on</p> <p>23 this picture, is if you would identify approximately the</p> <p>24 location where that used dry-to-dry machine was placed</p> <p>25 after you purchased it?</p>

<p style="text-align: right;">126</p> <p>1 A. (Witness complied.)</p> <p>2 Q. Then if you could -- thank you.</p> <p>3 And then the old reclaimer that you purchased</p> <p>4 from Mr. Turigliatto, but that you still kept at the</p> <p>5 property, could you identify the location of where that</p> <p>6 was.</p> <p>7 A. It didn't move.</p> <p>8 Q. Oh, okay. So it was in the same location?</p> <p>9 A. Yes.</p> <p>10 Q. And then the carbon adsorber, or the sniffer</p> <p>11 you purchased, could you identify the location as to</p> <p>12 where that was at 712 Madison?</p> <p>13 A. (Witness complied.)</p> <p>14 Do you want me to put fluorocarbon adsorber?</p> <p>15 Q. Sniffer is fine.</p> <p>16 And then the boiler remained in the same spot</p> <p>17 as it was after you had purchased it from</p> <p>18 Mr. Turigliatto?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. And --</p> <p>21 A. There was a boiler change.</p> <p>22 Q. Okay.</p> <p>23 A. But it -- I had to get a new boiler, but it</p> <p>24 remained in the same position.</p> <p>25 Q. Okay. Terrific.</p>	<p style="text-align: right;">128</p> <p>1 BY MR. GRAHAM:</p> <p>2 Q. Let me ask you, Mr. Duensing, the -- and I'll</p> <p>3 just refer to it as the water separator water; is that</p> <p>4 fine? Okay.</p> <p>5 The water that would come out of the water</p> <p>6 separator, did you ever use that separator water as a</p> <p>7 prespotting agent?</p> <p>8 A. No.</p> <p>9 Q. No. Do you know whether Mr. Turigliatto had</p> <p>10 ever used separator water as a prespotting agent?</p> <p>11 A. I don't know.</p> <p>12 Q. In the 30 days that Mr. Turigliatto was there</p> <p>13 supervising the transition, did you ever have any</p> <p>14 conversations with him with respect to the use of</p> <p>15 separator water as a spotting agent?</p> <p>16 A. No.</p> <p>17 Q. The machines that were in there that you</p> <p>18 purchased from Mr. Turigliatto, who removed those</p> <p>19 machines prior to the new machines coming in?</p> <p>20 A. The gentleman that I spoke of earlier, Ernest</p> <p>21 Edgar.</p> <p>22 Q. Okay. And was there any leftover solvent from</p> <p>23 those machines when he moved the old transfer machines?</p> <p>24 A. There would have had to have been some. We</p> <p>25 pumped it. Perchloroethylene was about 6.50, \$7 a</p>
<p style="text-align: right;">127</p> <p>1 Now, if you would just mark this in the same</p> <p>2 fashion, kind of machinery at location at time of your</p> <p>3 operations.</p> <p>4 A. Updated?</p> <p>5 Q. Huh?</p> <p>6 A. Updated machinery?</p> <p>7 Q. Oh, no, no, no, just -- I'm sorry, if you'd</p> <p>8 just identify it as machinery at location during your</p> <p>9 operation, so we can differentiate between that and</p> <p>10 Mr. Turigliatto's.</p> <p>11 A. (Witness complied.)</p> <p>12 MS. McADAM: That's all subsequent to the</p> <p>13 equipment change, correct?</p> <p>14 MR. GRAHAM: This was, yes.</p> <p>15 MS. McADAM: Okay.</p> <p>16 MR. FARRELL: Is this going to be 6?</p> <p>17 MR. GRAHAM: 7.</p> <p>18 Q. All right. One more question. With respect to</p> <p>19 the restroom that was here, was that an enclosed space?</p> <p>20 Were there walls?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 MR. GRAHAM: Would you mark this as 7?</p> <p>24 (Whereupon Exhibit No. 7 was then marked for</p> <p>25 identification.)</p>	<p style="text-align: right;">129</p> <p>1 gallon, as I recall.</p> <p>2 So we did our darnedest to get everything out</p> <p>3 of that old machine. We just used an electric pump, but</p> <p>4 I can imagine there was something left in it when it</p> <p>5 left the facility.</p> <p>6 Q. Now, were you actually hands-on involved in</p> <p>7 removing the PERC from those old transfer units?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And that was done just with a small pump</p> <p>10 you say?</p> <p>11 A. Yep.</p> <p>12 Q. Okay. And placed into what?</p> <p>13 A. Hose to hose. I mean, hosed into the old</p> <p>14 machine, hosed into the new machine.</p> <p>15 Q. Oh, okay. Okay.</p> <p>16 The dry-to-dry machine that you purchased, do</p> <p>17 you know whether that was a manual or whether that was</p> <p>18 an automatic machine?</p> <p>19 A. A little bit of both. It was old enough there</p> <p>20 were automatic features on it that did not work.</p> <p>21 Q. Okay.</p> <p>22 A. And it had to be manually operated.</p> <p>23 Q. And when you first purchased that dry-to-dry</p> <p>24 unit, did you purchase the carbon adsorber at the same</p> <p>25 time?</p>

<p style="text-align: right;">130</p> <p>1 A. I'd have to say yes. It was just a -- if there 2 was any space between the two purchases, it was not 3 significant. 4 Q. Okay. Do you know whether that dry-to-dry 5 machine was a vented machine or non-vented machine? 6 A. Non-vented. 7 Q. It didn't have a refrigerator condenser, did 8 it? 9 A. Yes, it did have a refrigerator condenser, but 10 I don't believe it was functioning. 11 Q. Okay. And that dry-to-dry unit had two tanks 12 on it, correct, two -- 13 A. Correct. 14 Q. -- PCE tanks? 15 A. Correct. 16 Q. Do you know the capacity of each of those 17 tanks? 18 A. I don't recall. 19 Q. The old transfer machines that you used prior 20 to your purchase of the dry-to-dry units, when PCE or 21 PERC was delivered to 712 Madison, can you just kind of 22 walk me through the processes of how the PERC was 23 delivered and how it was -- once on site, how it was 24 taken from wherever it was delivered, whether 55-gallon 25 tanks or -- 55-gallon drums or tanker truck, how that</p>	<p style="text-align: right;">132</p> <p>1 And we had to run a hose in the front door all 2 the way -- he had to park -- he couldn't get into the 3 back of the shop. He had to park out on the main 4 street, and we ran a hose all the way through the 5 building to the machine. 6 Q. Okay. I may have asked you this before, 7 forgive me if I did. Did you ever -- during your tenure 8 at 712 Madison, did you ever store any extra PERC on the 9 premises? 10 A. No. 11 Q. Okay. So other than the one-time delivery 12 through the front door when the truck couldn't fit into 13 the back alley, other than that incident, all the other 14 deliveries of PCE to 712 Madison occurred through the 15 back door. 16 A. Correct. 17 Q. Do you recall in your tenure at 712 Madison 18 whereby there were any accidents that resulted in any 19 releases of PERC during the delivery of PERC to 20 712 Madison? 21 A. Nothing that was reported to me. I didn't 22 stand by and watch while it was unloaded. Most of the 23 time I was busy either pressing or waiting on the 24 counter. I -- I was not witness to one. 25 Q. Did you ever hear of one?</p>
<p style="text-align: right;">131</p> <p>1 PCE or PERC got into the transfer unit? 2 A. The vendor pulled up to the back door. I want 3 to say he had 55-gallon drums on his vehicle. And there 4 was a hose taken from that tank and ran straight into 5 the machine, and like a gasoline nozzle was put right 6 down into my machine. And he filled it up then. 7 I can recall him having to switch containers. 8 If I was going to take more than 30 or 40 gallons, he 9 wanted to know because he would put it on a full 10 55-gallon drum as opposed to one that was partially 11 empty so we didn't have to switch. 12 Q. And, now, these were ways that deliveries of 13 PERC were made to 712 Madison when you first started 14 operating? 15 A. Yes. 16 Q. Okay. And did it continue that way throughout 17 the entire time that you were there? 18 A. Yes. 19 Q. Okay. It was always delivered through the 20 back? 21 A. Yes. 22 Q. Okay. And it was always delivered -- 23 A. I take that back. One time, the particular 24 truck that normally did the deliveries was unavailable, 25 and they had a tractor/trailer rig.</p>	<p style="text-align: right;">133</p> <p>1 A. I'm sorry? 2 Q. Did you ever hear of one? 3 A. No. 4 Q. Did you ever see any documents that would have 5 indicated that such a spill or accident had happened in 6 the delivery of PERC to 712 Madison? 7 A. No. There was -- pardon me. There was, I 8 recall, a conversation one time. I felt there was a 9 difference in what I was billed for than what I got, but 10 that was almost two or three weeks after the delivery 11 when I got the bill. 12 I was billed for what I thought was -- and I -- 13 ten or 15 gallons more than what I actually got. Yes, I 14 received a bill upon his departure, I signed it, never 15 paid any attention. I knew I had -- I had a level of 16 solvent in my machine, but I didn't -- I didn't think I 17 got that much. 18 But that's as far as it went. I paid the bill, 19 and we went forward from there. 20 Q. As you sit here today, do you have any reason 21 to believe that there were any accidents -- 22 accidents, strike that. 23 As you sit here today, Mr. Duensing, do you 24 have any reason to believe that there were any accidents 25 that occurred that resulted in the release of PERC at</p>

<p style="text-align: right;">134</p> <p>1 712 Madison through the delivery process?</p> <p>2 A. No.</p> <p>3 Q. Can you name for me any of the vendors from</p> <p>4 whom you purchased PERC for your operations at</p> <p>5 712 Madison?</p> <p>6 A. Echo Sales, Goss-Jewett. I believe those are</p> <p>7 the only two I ever got solvent from.</p> <p>8 Q. Did you ever use any recycled PCE in your</p> <p>9 operations at 712?</p> <p>10 A. No.</p> <p>11 Q. Do you know if Mr. Turigliatto ever used any</p> <p>12 recycled PCE in his operations at 712 Madison?</p> <p>13 A. No.</p> <p>14 Q. You don't know, or no, he didn't?</p> <p>15 A. I don't know.</p> <p>16 Q. Okay.</p> <p>17 A. Just a comment of my own. I'm not sure back in</p> <p>18 that time that recycled perchloroethylene was even</p> <p>19 available. I'm not sure anybody had even invented it</p> <p>20 yet.</p> <p>21 Q. Are you speaking -- when you say "that time,"</p> <p>22 are you speaking during the time of Mr. Turigliatto's</p> <p>23 operation?</p> <p>24 A. That's correct.</p> <p>25 Q. Okay.</p>	<p style="text-align: right;">136</p> <p>1 was removed, and the hose was inserted right in that</p> <p>2 hole, which obviously went right into the tank.</p> <p>3 Q. Through the button trap?</p> <p>4 A. No. That was on the transfer unit.</p> <p>5 Q. Okay.</p> <p>6 A. The transfer unit, we loaded PERC through the</p> <p>7 button trap.</p> <p>8 Q. Okay. So this was -- I'm trying to understand</p> <p>9 the cap.</p> <p>10 A. Like a gas cap on top of the tank, on the side,</p> <p>11 on the side of the machine.</p> <p>12 Q. Okay. Because it couldn't be on top of the</p> <p>13 tank. I mean the unit was on top of the tank, correct?</p> <p>14 A. Well, there was -- as I recall there was an</p> <p>15 opening where you could get to this cap, or it may have</p> <p>16 even been around on the back side, but there was --</p> <p>17 there was a cap that was taken off to load PERC.</p> <p>18 Q. Okay. And you don't recall any accidents</p> <p>19 during the delivery of PERC where the hose would come</p> <p>20 uncoupled from the truck or the drum or anything that</p> <p>21 resulted in an accidental releases of PERC?</p> <p>22 A. No.</p> <p>23 Q. Okay. So you indicated that on your dry-to-dry</p> <p>24 machine that you actually -- that the still was actually</p> <p>25 built into that unit --</p>
<p style="text-align: right;">135</p> <p>1 A. I heard -- I heard about recycled</p> <p>2 perchloroethylene, but I didn't want to deal with it.</p> <p>3 Q. Okay. Why not?</p> <p>4 A. Just had a -- had a connotation that didn't</p> <p>5 agree with me.</p> <p>6 Q. On your dry-to-dry unit, when the PCE</p> <p>7 deliveries would come in through the back door, you said</p> <p>8 they ran a hose from the 55-gallon drum right into the</p> <p>9 machine; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Could you be -- thank you.</p> <p>12 Could be operating that machine at the same</p> <p>13 time that deliveries were taking place, or would you</p> <p>14 have to shut your dry cleaning machine down?</p> <p>15 A. It could be operating, yes.</p> <p>16 Q. Okay. And at what location of the machine did</p> <p>17 they insert the hose to deliver PERC into the machine,</p> <p>18 on the dry-to-dry unit -- I'm sorry, on the trans- -- on</p> <p>19 the dry to dry unit?</p> <p>20 A. On the dry-to-dry unit?</p> <p>21 Q. Yes, sir.</p> <p>22 A. There was a cap that was un- -- I'm trying to</p> <p>23 recall. The two different machines were entirely</p> <p>24 different.</p> <p>25 On the dry-to-dry machine, there was a cap that</p>	<p style="text-align: right;">137</p> <p>1 A. Yes.</p> <p>2 Q. -- is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And how often during your operations</p> <p>5 with the dry-to-dry unit, how often would you estimate</p> <p>6 that solvent was distilled?</p> <p>7 A. With the dry-to-dry unit, it wasn't distilled</p> <p>8 that often, only because the operation of that machine</p> <p>9 ate up a lot of solvent, and I ended up having to buy</p> <p>10 solvent as opposed to distill it.</p> <p>11 I would go through the solvent before I had to</p> <p>12 distill it, with that machine.</p> <p>13 Q. And with respect to the transfer unit, how</p> <p>14 often would you say that you had to distill your solvent</p> <p>15 with that machine?</p> <p>16 A. Obviously, it depended on the poundage that</p> <p>17 went through the machine, but once a month.</p> <p>18 Q. Was there a general rule of thumb as to how</p> <p>19 many gallons used or how many loads or pounds?</p> <p>20 A. Coloration.</p> <p>21 Q. Coloration. If it got milky white, you'd</p> <p>22 distill?</p> <p>23 A. Oh, no. Milky white, you got trouble.</p> <p>24 Q. What coloration --</p> <p>25 A. When -- when it wasn't a good crisp golden</p>

<p style="text-align: right;">138</p> <p>1 color, when it started to fade in brightness and 2 clarity, you could tell that you had, you know -- 3 redeposition isn't the word, but you had -- you had 4 impurities, and you needed to distill it. 5 Q. With the transfer unit, did you have any method 6 to check the fatty acid content of that solvent? 7 A. No. 8 Q. How about with the dry-to-dry? 9 A. (Witness shook head.) 10 Q. You didn't have any solvent test kits? 11 A. I probably did. I didn't use them. 12 Q. Okay. Now, with the transfer unit, did you 13 have to manually remove the solvent from the unit in 14 order to distill it? 15 A. No. 16 Q. I guess your answer would be the same for the 17 dry-to-dry? 18 A. Correct. 19 Q. It was part of the unit, correct? 20 A. (Witness nodded head). You could pump the 21 solvent right into the still by opening a series of 22 valves. 23 Q. This was on the transfer or on the -- 24 A. Either one. 25 Q. Okay. And with the transfer unit how often</p>	<p style="text-align: right;">140</p> <p>1 those still bottoms disposed of? 2 A. Depending on the amount and the viscosity, 3 either a garbage can or toilet. 4 Q. Okay. And what about with respect to the 5 dry-to-dry? 6 A. I don't remember honestly, because, like I say, 7 the operation of that machine was so hit and miss, I was 8 forced into buying it. 9 I got an inferior product, but for the money 10 that I put out on it, I had to have it. I never was 11 happy with the operation because it didn't operate 12 correctly. 13 I might have distilled twice, Doyle, and 14 honestly, I don't remember if there was residue in the 15 bottom of that still or not. 16 But if -- I would have disposed of it the same 17 way. 18 Q. Okay. You made the statement, you said you 19 never were -- you never were happy with the operation 20 because it didn't operate correctly, your used 21 dry-to-dry? 22 A. Right. It didn't operate correctly from the 23 standpoint that there were automatic features on it that 24 didn't work, so there was time spent standing by the 25 machine to go to the next formula, or go to the next</p>
<p style="text-align: right;">139</p> <p>1 would you say -- well, strike that. 2 Are you familiar with the process whereby you 3 rake out the still bottoms? 4 A. Break out -- 5 Q. Rake out the still bottoms? 6 A. Oh, no. 7 Q. You've never heard of that? 8 A. Oh, I've heard of it. 9 Q. Oh, okay. But you never did that? 10 A. No. 11 Q. In your entire operation? 12 A. Correct. 13 Q. Okay. Was there any still residue that was 14 built up due to the distillation process? 15 A. Yes, there was. 16 Let's go back to your rake out the still 17 bottom. The term is unfamiliar, but obviously, the 18 residue that was left in the still when you got finished 19 with the distillation process had to be removed. If 20 that's what you're terming raking out the still, then 21 yes, I did do that. 22 Q. Okay. And that was done both on the dry-to-dry 23 and the transfer machine? 24 A. Yes. 25 Q. Okay. And with the transfer machine, how were</p>	<p style="text-align: right;">141</p> <p>1 stage of a formula as opposed to being able to go over 2 and -- 3 Q. Gotcha. 4 A. -- do my work and let it run its course. 5 Q. Chat up the counter girl? 6 A. Pardon me? 7 Q. Nothing. 8 A. If I might add? 9 Q. Yes, sir. 10 A. That was a -- I believe that was a 50-pound 11 machine that I bought. A brand new 50-pound machine at 12 that time was going for 75 or \$80,000. I did not have 13 75 or \$80,000. I spent 5,000 on that one. 14 Q. Okay. 15 A. At that point in time that was the avenue I 16 took. 17 Q. I gotcha. 18 Did you ever have any conversations with 19 Mr. Turigliatto whereby he informed you as to how he 20 disposed of his still bottoms? 21 A. I'm pretty sure that's why I started disposing 22 of them the way I did, is because that's the way I was 23 instructed. 24 Q. Is it your understanding that on the still, on 25 the dry-to-dry machine, on the still that was</p>

<p style="text-align: right;">142</p> <p>1 encompassed within the unit, that that also had a water 2 separator on it? 3 A. I don't know. 4 Q. Okay. Did you ever have any boil-overs with 5 any of the stills, either with the transfer unit or the 6 dry-to-dry? 7 A. Transfer, yes. 8 Q. Transfer. And you indicated that during your 9 operation at 712 Madison that you never had a muck 10 cooker? 11 A. No. 12 Q. Now I'd like to talk about the transfer unit, 13 specifically with regard to the filters that were used 14 on that transfer unit. 15 You purchased those filters from, I presume, 16 one of the three entities that you had given us before? 17 A. Yes. 18 Q. Goss-Jewett, Echo. And what was the third one? 19 A. Work Room Supply. 20 Q. Work Room. 21 And on the transfer unit you indicated that 22 when the pressure got too great, that you knew that it 23 was time to change the filters, correct? 24 A. Yes. 25 Q. Okay. Did you ever put the -- well, strike</p>	<p style="text-align: right;">144</p> <p>1 A. Same thing. 2 Q. Same thing. 3 Were those filters warm when you pulled them 4 out? 5 A. No. 6 Q. In the transfer unit, did you ever use filter 7 powder in that unit? 8 A. No. 9 Q. You didn't at all? 10 A. No, never. 11 Q. Really? 12 A. Yep. 13 Q. Why not? 14 A. Filter powder was used in a different 15 configuration than what I had. 16 Q. Okay. Did you ever hear of a product called 17 Magnesol? 18 A. No. 19 Q. High Flow? 20 A. High Flow, yes. I want to say that's the brand 21 of the filters that I got. 22 Q. So you never prepared any -- I'm sorry, you 23 looked like you wanted to say something. Oh. 24 So you never prepared any filter powder and put 25 that into the filter unit?</p>
<p style="text-align: right;">143</p> <p>1 that. 2 What type of filters were used in this transfer 3 unit? 4 A. The transfer unit had three paper type filters 5 and one carbon core filter. 6 Q. Now, the paper filters, when the pressure got 7 too high, you would merely replace those filters, the 8 paper filters? 9 A. Yes. 10 Q. Okay. And the carbon core, you replaced that, 11 also? 12 A. Yes. 13 Q. Okay. There was no recycling or any process 14 whereby you could get some more life out of those 15 filters? 16 A. No. 17 Q. Okay. And then you indicated earlier in your 18 testimony that you would drain the PCE out of the unit 19 so that those filters were dry? 20 A. The night before. 21 Q. The night before. 22 And then the paper filters, those would just go 23 in the trash can? 24 A. Yes. 25 Q. Okay. And what about the carbon core?</p>	<p style="text-align: right;">145</p> <p>1 A. Never. 2 Q. Okay. Now, these three paper filters, they 3 were in a unit that was connected to the transfer 4 machine; is that correct? 5 A. Correct. 6 Q. It was kind of almost a standalone unit? 7 A. Yes. 8 Q. Okay. 9 A. Well, it was attached to the machine, but 10 obviously, it was on a -- I wouldn't classify it as 11 standalone. 12 Q. Maybe that wasn't the proper term. But it 13 was -- it wasn't built in as we were speaking of, let's 14 say, the stills in the new dry-to-dry? 15 A. Correct. 16 Q. Okay. 17 A. It had to be accessible, let's put it that way, 18 so it was up a little bit higher or over to one side or 19 whatever so you could access the cartridges. 20 Q. Kind of a rectangular, tall unit? 21 A. Yes. 22 Q. Was there ever -- did you ever, in an attempt 23 to reclaim solvent from the filters, throw those filters 24 into the reclaimers? 25 A. Please repeat that.</p>

<p style="text-align: right;">146</p> <p>1 Q. Sure.</p> <p>2 In an attempt to reclaim solvent off of those</p> <p>3 used filters, did you ever take the filters and place</p> <p>4 them into the reclaim, run a cycle to reclaim --</p> <p>5 A. Never.</p> <p>6 Q. And I think your testimony was that you don't</p> <p>7 ever recall back-washing that filter unit?</p> <p>8 A. Never did.</p> <p>9 Q. Okay. Are you familiar with a product called</p> <p>10 Darco?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. What is Darco used for?</p> <p>13 A. If I'm not mistaken, Darco was the carbon that</p> <p>14 was inside of the carbon filter. That was the product</p> <p>15 that was in that carbon filter.</p> <p>16 Q. The filter unit that we've been discussing, is</p> <p>17 it your understanding that there was a sludge drawer</p> <p>18 underneath there?</p> <p>19 A. No.</p> <p>20 Q. No, there was not?</p> <p>21 A. No.</p> <p>22 I want to change my count.</p> <p>23 Q. Yes.</p> <p>24 A. I believe it was four paper, because the</p> <p>25 cartridges -- each cartridge contained two filters, and</p>	<p style="text-align: right;">148</p> <p>1 Q. I beg your pardon.</p> <p>2 Was there a lint bag on that sniffer?</p> <p>3 A. On the sniffer?</p> <p>4 Q. Yes.</p> <p>5 A. No.</p> <p>6 Q. Do you know how many pounds of carbon that your</p> <p>7 sniffer held?</p> <p>8 A. No. I know it had two of the carbon core</p> <p>9 filters in it, but as far as poundage, no.</p> <p>10 Q. It had two carbon core filters?</p> <p>11 A. (Witness nodded head.)</p> <p>12 Q. Are you familiar with a process called</p> <p>13 stripping or desorbing that would apply to sniffers?</p> <p>14 A. No.</p> <p>15 Q. So I take it you never desorbed or stripped</p> <p>16 your sniffer?</p> <p>17 A. No.</p> <p>18 Q. You don't know -- okay?</p> <p>19 A. No.</p> <p>20 Q. Did you ever -- let's see if I can -- did you</p> <p>21 ever hit the carbon core filters with steam to get some</p> <p>22 of the PERC off of there?</p> <p>23 A. No.</p> <p>24 Q. "No"?</p> <p>25 And was there a water separator connected to</p>
<p style="text-align: right;">147</p> <p>1 then there was a single for the carbon.</p> <p>2 Q. Okay. And the carbon went into the same filter</p> <p>3 unit?</p> <p>4 A. Went in where?</p> <p>5 Q. To the same filter unit that the papers --</p> <p>6 A. Same unit, yes, but it had a cartridge all to</p> <p>7 its own.</p> <p>8 Q. Mr. Duensing, you didn't have a simple washer</p> <p>9 and dryer at your location, did you?</p> <p>10 A. No.</p> <p>11 Q. Now I want to talk about the sniffer that you</p> <p>12 spoke of earlier that you purchased. What is the</p> <p>13 purpose of a sniffer?</p> <p>14 A. Hybrid filter and -- honestly, that's all I</p> <p>15 know. I knew I had to have it. Had to have it to</p> <p>16 continue operating. And had it installed and was told</p> <p>17 how to maintain it, and that's all I know.</p> <p>18 Q. And did Mr. Ernest Edgar or Edgar Ernest</p> <p>19 install that unit for you?</p> <p>20 A. Yes. In fact, he was the one that negotiated</p> <p>21 the deal for that. He knew someone that had one.</p> <p>22 Q. Now, that sniffer, was that hooked up to the</p> <p>23 cleaning machine or the reclaim?</p> <p>24 A. Dry cleaning machine. The reclaim is out of</p> <p>25 the picture now.</p>	<p style="text-align: right;">149</p> <p>1 this sniffer?</p> <p>2 A. No.</p> <p>3 Q. There was not?</p> <p>4 A. No.</p> <p>5 Q. Did you have a condenser on the carbon --</p> <p>6 strike that.</p> <p>7 Did you have a condenser on the sniffer?</p> <p>8 A. I don't know.</p> <p>9 Q. Okay. Did you -- during the time that you</p> <p>10 operated with the sniffer in place, did you ever employ</p> <p>11 any methods whereby you would test the exhaust of the</p> <p>12 sniffer?</p> <p>13 A. One more time.</p> <p>14 Q. Sure.</p> <p>15 During the time that you used the sniffer at</p> <p>16 712 Madison in your PERC dry cleaning operations, did</p> <p>17 you ever test the exhaust on the carbon adsorber, on the</p> <p>18 sniffer?</p> <p>19 A. No. There were, I believe, two times EPA came</p> <p>20 in and tested my facility for exhaust or whatever. And</p> <p>21 honestly, I don't recall the results.</p> <p>22 I was never fined or anything, but I know -- I</p> <p>23 know there were tests done within the facility after the</p> <p>24 dry -- after the dry-to-dry machine was put in because</p> <p>25 they were not going to issue a new license until that</p>

<p style="text-align: right;">150</p> <p>1 was installed.</p> <p>2 So once it was installed, then they did testing</p> <p>3 to make sure it was operating to the standards that need</p> <p>4 be at the time.</p> <p>5 Q. And when you say "that," are you speaking of</p> <p>6 the sniffer?</p> <p>7 A. No -- well, the whole system.</p> <p>8 Q. Okay.</p> <p>9 A. The sniffer and the dry cleaner. Both of those</p> <p>10 pieces of equipment were mandated by Bay Area -- Bay</p> <p>11 Area Quality -- Air Quality Control, or they were not</p> <p>12 going to issue my license.</p> <p>13 Q. But you don't recall any instances whereby you,</p> <p>14 yourself, would be testing the sniffer --</p> <p>15 A. No.</p> <p>16 Q. -- for any of the exhaust?</p> <p>17 A. I had no equipment to test.</p> <p>18 Q. Okay. In your operations at 712 Madison, did</p> <p>19 you have a photo ionization detector?</p> <p>20 A. No.</p> <p>21 Q. I take it you had an air compressor at</p> <p>22 712 Madison?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And where was that air compressor kept?</p> <p>25 A. By the back door.</p>	<p style="text-align: right;">152</p> <p>1 Do you recognize this picture?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And what is this?</p> <p>4 A. It's the back door of 712 Madison.</p> <p>5 Q. All right. Now, on Exhibit 8, do you see on</p> <p>6 the left-hand side of the door, if we go one, two bricks</p> <p>7 up, kind of a patch job there?</p> <p>8 Do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. Okay. In your dry cleaning operations at</p> <p>11 712 Madison, was there any sort of exhaust or pipe or</p> <p>12 anything that went out at that location that we're</p> <p>13 looking at in Exhibit No. 8?</p> <p>14 A. No.</p> <p>15 Q. Do you know what that hole is there for?</p> <p>16 A. No.</p> <p>17 Q. In your operations at 712 Madison, had you ever</p> <p>18 noticed that patch job --</p> <p>19 A. Yes.</p> <p>20 Q. -- at that location?</p> <p>21 Oh, you had?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And was that there at the time that you</p> <p>24 purchased the business from Mr. Turigliatto?</p> <p>25 A. I believe so.</p>
<p style="text-align: right;">151</p> <p>1 Q. Okay. If we're looking at Exhibit -- can you</p> <p>2 identify that exhibit for me?</p> <p>3 The number's in the bottom right-hand corner,</p> <p>4 Mr. Duensing.</p> <p>5 A. Upper left-hand corner --</p> <p>6 Q. Mr. Duensing, could you identify the exhibit</p> <p>7 you're looking at?</p> <p>8 A. Oh, I'm sorry. It's RT 19, Exhibit 7.</p> <p>9 Q. Thank you. Go ahead.</p> <p>10 A. The upper left-hand corner --</p> <p>11 Q. Don't mark on that one, please.</p> <p>12 A. -- close enough to the door -- close enough to</p> <p>13 the door where it would still open and close, but that</p> <p>14 far back on the wall.</p> <p>15 Q. Okay.</p> <p>16 MR. GRAHAM: Let's go off the record for a</p> <p>17 second.</p> <p>18 (Off the record.)</p> <p>19 MR. GRAHAM: Let's go back on.</p> <p>20 (Whereupon Exhibit No. 8 was then marked for</p> <p>21 identification.)</p> <p>22 BY MR. GRAHAM:</p> <p>23 Q. Mr. Duensing, we're showing to you what's been</p> <p>24 marked as Exhibit No. 8. This is kind of a -- well, let</p> <p>25 me ask you first.</p>	<p style="text-align: right;">153</p> <p>1 Q. Okay. That's all I have for that one then.</p> <p>2 (Whereupon Exhibit No. 9 was then marked for</p> <p>3 identification.)</p> <p>4 BY MR. GRAHAM:</p> <p>5 Q. Mr. Duensing, I've handed to you what's been</p> <p>6 marked as Exhibit No. 9.</p> <p>7 Do you recognize this photo?</p> <p>8 A. Yes.</p> <p>9 Q. What is this?</p> <p>10 A. It's the back door of 712 Madison.</p> <p>11 Q. Right. Do you see the hole -- or not the hole,</p> <p>12 but the discoloration in the wall to the right-hand side</p> <p>13 of the upper part of the door there? We spoke about</p> <p>14 that earlier.</p> <p>15 A. Above the door or to the right?</p> <p>16 Q. To the right of the door. See the gray</p> <p>17 discoloration?</p> <p>18 A. I'm not sure that I know what you're referring</p> <p>19 to.</p> <p>20 Q. If you look -- see the first meter box to the</p> <p>21 right of the door?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. If you look -- go three bricks up or</p> <p>24 maybe four?</p> <p>25 A. Okay. Right at the corner of the door?</p>

<p style="text-align: right;">154</p> <p>1 Q. Yeah. See the gray discolored area?</p> <p>2 A. Okay.</p> <p>3 Q. Do you see that? We were talking about it</p> <p>4 earlier in your deposition? You thought a pipe had at</p> <p>5 some time --</p> <p>6 A. Oh, the round, the round --</p> <p>7 Q. Yes, sir.</p> <p>8 A. Oh, okay. Yeah.</p> <p>9 Q. I'm sorry, I didn't mean to confuse you there.</p> <p>10 A. I thought you were talking the discoloration</p> <p>11 right around the door there.</p> <p>12 Q. Oh, no, we'll get to that.</p> <p>13 A. Okay.</p> <p>14 Q. Just first, the gray --</p> <p>15 A. Yes.</p> <p>16 Q. Does this refresh your recollection as to what</p> <p>17 that -- as to why that discolorization was there?</p> <p>18 A. There was at one time a pipe that came out of</p> <p>19 that hole, and as I think I mentioned earlier in the</p> <p>20 deposition, it had something to do with steam because I</p> <p>21 can recollect days and days and days of seeing just a</p> <p>22 wisp of steam emitted from that pipe.</p> <p>23 Now, what that pipe was hooked to, I don't</p> <p>24 recall.</p> <p>25 Q. Now, if you look at the door itself in Exhibit</p>	<p style="text-align: right;">156</p> <p>1 MR. FARRELL: Can I ask a question just to</p> <p>2 clarify before you move on?</p> <p>3 MR. GRAHAM: Sure.</p> <p>4 MR. FARRELL: Mr. Duensing, are you saying that</p> <p>5 the area we see above the door in Exhibit 9, the</p> <p>6 discolored area, that was basically open for a period of</p> <p>7 years?</p> <p>8 THE WITNESS: Yes.</p> <p>9 MR. FARRELL: What about the area to the side</p> <p>10 of the door, was that also open?</p> <p>11 THE WITNESS: I know nothing about that. That</p> <p>12 door -- that door that we see in that exhibit right</p> <p>13 there, I know nothing about. Who put that door in, how</p> <p>14 it got there, I don't know.</p> <p>15 MR. FARRELL: Thank you.</p> <p>16 (Whereupon Exhibit No. 10 was then marked for</p> <p>17 identification.)</p> <p>18 BY MR. GRAHAM:</p> <p>19 Q. Mr. Duensing, we're showing you what's been</p> <p>20 marked as Exhibit 10.</p> <p>21 Do you recognize this photo?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And what is it?</p> <p>24 A. It's a different angle of the back door and the</p> <p>25 back of the building at 712 Madison.</p>
<p style="text-align: right;">155</p> <p>1 No. 9, it looks to me as if it was at one point replaced</p> <p>2 or removed.</p> <p>3 Does it appear that way to you, looking at this</p> <p>4 photo?</p> <p>5 A. Yes.</p> <p>6 Q. And what would indicate that to you?</p> <p>7 A. Because the door was not that large when I</p> <p>8 bought the business.</p> <p>9 Q. This door as we see depicted in Exhibit No. 9</p> <p>10 was not that large?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. It was a smaller door?</p> <p>13 A. Correct.</p> <p>14 Q. At some point in time the landlords replaced</p> <p>15 that door?</p> <p>16 MR. FARRELL: Objection, calls for speculation.</p> <p>17 THE WITNESS: I don't know who replaced the</p> <p>18 door. If you'll notice -- if I might go on, the area at</p> <p>19 the top of that door in the photograph of Exhibit 9, I</p> <p>20 had to remove one row of brick across the top of that</p> <p>21 door to bring in the new dry cleaning machine.</p> <p>22 So at that point there was -- I never removed</p> <p>23 the old door. The old door was a wooden door. There</p> <p>24 was a gap at the top of the door where I removed the</p> <p>25 brick. It was like that till I left in 1995.</p>	<p style="text-align: right;">157</p> <p>1 Q. If I can direct your attention to the utility</p> <p>2 pole, kind of on the right-hand side of the picture, do</p> <p>3 you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And my question is, looking at Exhibit</p> <p>6 No. 10, we see that there's pavement that extends past</p> <p>7 that utility pole.</p> <p>8 A. You mean --</p> <p>9 Q. The asphalt parking lot?</p> <p>10 A. On the left-hand side?</p> <p>11 Q. No, on the right-hand side.</p> <p>12 A. Oh, on the right-hand side. Yes.</p> <p>13 Q. Going from the right -- from the utility pole</p> <p>14 to the right-hand side of Exhibit 10. See how it's</p> <p>15 paved there, and there's a parking lot?</p> <p>16 A. From the pole to the right-hand side of the</p> <p>17 photo?</p> <p>18 Q. Yes.</p> <p>19 A. Yes.</p> <p>20 Q. Was that area of the back lot always paved</p> <p>21 during your tenure at 712 Madison?</p> <p>22 A. Yes.</p> <p>23 Q. It was.</p> <p>24 Did you have any outside dumpsters at the</p> <p>25 location of 712 Madison during your tenure at that</p>

<p style="text-align: right;">158</p> <p>1 location?</p> <p>2 A. There were dumpsters. They weren't mine, but</p> <p>3 there were dumpsters.</p> <p>4 As you can see by this photo, the building</p> <p>5 behind the pickup, the photo in Exhibit 10, behind the</p> <p>6 pickup there is another row of buildings that were all</p> <p>7 businesses.</p> <p>8 At the time that I was there, where that pickup</p> <p>9 is parked, there wasn't parking there. There was a --</p> <p>10 that fenced-in area contained dumpsters for those</p> <p>11 buildings. Obviously, they weren't accessible to me</p> <p>12 because the gates -- you know, I mean, they -- that was</p> <p>13 for them.</p> <p>14 The building that we discussed earlier that was</p> <p>15 perpendicular -- let see, let's go back to -- let's go</p> <p>16 back to Exhibit 4. I spoke of buildings on the</p> <p>17 left-hand side of this photo (indicating) that ran</p> <p>18 perpendicular to 712.</p> <p>19 They had a -- down in the corner they had a</p> <p>20 dumpster for whatever businesses. There was a carpet</p> <p>21 store. There was a Mexican restaurant at one time.</p> <p>22 There was a dumpster down there.</p> <p>23 Q. Did you use either the dumpster by the Mexican</p> <p>24 restaurant and the carpet store or the dumpster that was</p> <p>25 in the padded -- or gated area of Exhibit No. 10, did</p>	<p style="text-align: right;">160</p> <p>1 Q. Just one?</p> <p>2 A. Yeah.</p> <p>3 Q. And the garbage service would pick it up every</p> <p>4 week?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. And is that the location where -- well,</p> <p>7 strike that.</p> <p>8 So when you used -- when the filters were used</p> <p>9 from your dry-to-dry and your transfer machine, you</p> <p>10 would put them in a trash can that sat out in this area</p> <p>11 that you've just described on Exhibit 10?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. And that practice was followed year</p> <p>14 round? I mean, there was no separate summer practice as</p> <p>15 opposed to winter practice as opposed to spring</p> <p>16 practice?</p> <p>17 A. No.</p> <p>18 Q. Okay. During your operations at 712 Madison,</p> <p>19 did you have any portable PERC detectors?</p> <p>20 A. No.</p> <p>21 Q. Do you know what a T-I-F detector is, TIF</p> <p>22 detector?</p> <p>23 A. No.</p> <p>24 Q. Okay. In your operations at 712 Madison, did</p> <p>25 you have any prepared checklist that you followed to</p>
<p style="text-align: right;">159</p> <p>1 you use either of those dumpsters?</p> <p>2 A. No.</p> <p>3 Q. Okay. Did you have a separate dumpster that</p> <p>4 was provided to you by the landlord for your use as a</p> <p>5 tenant at 712 Madison?</p> <p>6 A. No.</p> <p>7 Q. So when your garbage cans got filled up inside,</p> <p>8 where did you dump them?</p> <p>9 A. The garbage can would pick them up. I had</p> <p>10 garbage service, but I didn't have a dumpster. I had a</p> <p>11 garbage can.</p> <p>12 Q. Okay. Now, what type of cans, the old metal</p> <p>13 aluminum?</p> <p>14 A. Uh-huh.</p> <p>15 Q. Okay. And where did you store those?</p> <p>16 A. Right out in back of the building.</p> <p>17 Q. If we looked at Exhibit 10, could you kind of</p> <p>18 point me to the location?</p> <p>19 A. Right below that window, where it's the bars on</p> <p>20 the window.</p> <p>21 Q. Okay. Near the blue area or to the right of</p> <p>22 the door?</p> <p>23 A. No, blue area.</p> <p>24 Q. Okay.</p> <p>25 A. I did just have one garbage can.</p>	<p style="text-align: right;">161</p> <p>1 inspect your equipment?</p> <p>2 A. No.</p> <p>3 Q. Okay. Did you have any types of written</p> <p>4 checklists with respect to ongoing maintenance that</p> <p>5 occurred on any of your machines?</p> <p>6 A. No.</p> <p>7 Q. Any type of maintenance logs, written</p> <p>8 maintenance logs that you had prepared for --</p> <p>9 A. No.</p> <p>10 Q. I'm sorry -- for work on those machines?</p> <p>11 A. No.</p> <p>12 Q. Did you maintain any -- during your operations</p> <p>13 at 712 Madison, during the entirety of your operations,</p> <p>14 did you keep any logs for use that reflected your use of</p> <p>15 PERC, say, for a monthly basis?</p> <p>16 A. No. But at one point for a period of maybe a</p> <p>17 year, I tracked it personally just to see what I was</p> <p>18 using.</p> <p>19 Q. Sure.</p> <p>20 A. But it wasn't an ongoing practice, no.</p> <p>21 Q. Okay.</p> <p>22 A. It was very easy to determine how much by going</p> <p>23 through the bills.</p> <p>24 Q. So did you ever keep any written log of the</p> <p>25 number of cleaning cycles that you performed on a</p>

<p style="text-align: right;">162</p> <p>1 certain week or a month?</p> <p>2 A. No.</p> <p>3 Q. Going back to your sniffer just for a second.</p> <p>4 Did you ever have reason to replace any of the carbon in</p> <p>5 that sniffer?</p> <p>6 A. No.</p> <p>7 Q. Did you replace any of the carbon filters?</p> <p>8 A. Yes.</p> <p>9 Q. You did replace those?</p> <p>10 A. Yes.</p> <p>11 Q. Did you understand that there was an activated</p> <p>12 carbon bed within that sniffer?</p> <p>13 A. I guess not because I never replaced anything</p> <p>14 in that.</p> <p>15 Q. Okay. In the dry-to-dry machines that you</p> <p>16 operated at 712 Madison, how often would you say that</p> <p>17 you checked the button traps?</p> <p>18 A. Checked the what?</p> <p>19 Q. The button traps.</p> <p>20 A. Boy, that was probably checked on a daily</p> <p>21 basis.</p> <p>22 Q. Because you had to clean the lint out of there,</p> <p>23 correct?</p> <p>24 A. Sure, sure.</p> <p>25 Q. Okay. And how did you clean the lint out of</p>	<p style="text-align: right;">164</p> <p>1 recall him -- strike that.</p> <p>2 Do you recall Mr. Turigliatto ever discussing</p> <p>3 with you his operations whereby an accident occurred</p> <p>4 that resulted in a release of PCE due to any seals</p> <p>5 failing?</p> <p>6 A. Heat seals?</p> <p>7 Q. Seals, yeah.</p> <p>8 A. No.</p> <p>9 Q. Any -- strike that.</p> <p>10 Did you have any conversations with</p> <p>11 Mr. Turigliatto whereby Mr. Turigliatto informed you</p> <p>12 that PCE was released because of an accident related to</p> <p>13 seals on the pump malfunctioning?</p> <p>14 A. I -- I don't recall a conversation about that,</p> <p>15 no.</p> <p>16 Q. Any conversations with Mr. Turigliatto whereby</p> <p>17 he informed you that accidents occurred because of hoses</p> <p>18 breaking on the machines?</p> <p>19 A. No.</p> <p>20 Q. Or leaking -- hoses leaking?</p> <p>21 A. No.</p> <p>22 Q. Okay. Any conversations with Mr. Turigliatto</p> <p>23 whereby you were informed that there were releases of</p> <p>24 PCE because valves were left open on the machine?</p> <p>25 A. No.</p>
<p style="text-align: right;">163</p> <p>1 there? I mean, describe to me what you did.</p> <p>2 A. Generally, with a spotting brush.</p> <p>3 Q. Okay.</p> <p>4 A. And it was brushed over a garbage can, interior</p> <p>5 garbage can.</p> <p>6 Q. Okay. That was later disposed of outside into</p> <p>7 the outside trash can --</p> <p>8 A. Correct.</p> <p>9 Q. -- that you pointed out to us --</p> <p>10 A. Correct.</p> <p>11 Q. -- as existing in Exhibit 10?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Did your transfer machine also have a</p> <p>14 button trap?</p> <p>15 A. Yes.</p> <p>16 Q. And it was cleaned in the same manner?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Do you ever recall any incidents whereby</p> <p>19 an accident resulted whereby the button trap in either</p> <p>20 your dry-to-dry or your transfer machine overflowed?</p> <p>21 A. No.</p> <p>22 Q. Okay. And your dry-to-dry machine, did that</p> <p>23 have an exhaust damper?</p> <p>24 A. I don't know.</p> <p>25 Q. During Mr. Turigliatto's operations, do you</p>	<p style="text-align: right;">165</p> <p>1 Q. Any conversations with Mr. Turigliatto whereby</p> <p>2 you were informed by Mr. Turigliatto that releases of</p> <p>3 PERC occurred at 712 Madison because of accidents</p> <p>4 related to any of the pipes associated with the dry</p> <p>5 cleaning equipment?</p> <p>6 A. No.</p> <p>7 Q. Well, let's do it the quick way.</p> <p>8 Did Mr. Turigliatto ever discuss with you any</p> <p>9 accidents whatsoever that happened during the time that</p> <p>10 he operated whereby PCE was released?</p> <p>11 A. The term "spill" was used in a conversation. I</p> <p>12 remember talking about "spill." Quantity, don't have a</p> <p>13 clue.</p> <p>14 Q. Machine? As to which machine it occurred from?</p> <p>15 A. Transfer.</p> <p>16 Q. Okay. Anything more than that?</p> <p>17 A. If there was, I don't -- I don't recall.</p> <p>18 Q. Okay.</p> <p>19 A. Yeah.</p> <p>20 Q. Mr. Turigliatto ever inform you that he had</p> <p>21 problems with leaking door gaskets?</p> <p>22 A. Yes.</p> <p>23 Q. Mr. Turigliatto ever inform you -- or strike</p> <p>24 that.</p> <p>25 Did Mr. Turigliatto -- strike that.</p>

<p style="text-align: right;">166</p> <p>1 Did you have any conversations with</p> <p>2 Mr. Turigliatto whereby Mr. Turigliatto informed you</p> <p>3 that there was an accident whereby PCE was released</p> <p>4 because clothes got caught in the door?</p> <p>5 A. No.</p> <p>6 Q. Did you ever have any accidents during your</p> <p>7 operation at 712 Madison whereby any seals gave way and</p> <p>8 released PERC?</p> <p>9 A. Door gasket.</p> <p>10 Q. Door gasket. Any problems with any hoses</p> <p>11 or any --</p> <p>12 A. No.</p> <p>13 Q. Okay. Any problems with any other machine --</p> <p>14 I'm sorry, did you want to say anything?</p> <p>15 A. No, just trying to hear.</p> <p>16 Q. Okay. Any problems with any other machines</p> <p>17 during your operations at 712 that resulted in any</p> <p>18 accidental spills?</p> <p>19 A. No.</p> <p>20 Q. Okay. No accidents with the filters?</p> <p>21 A. What is the definition of "accident"?</p> <p>22 Q. Something that you didn't intend to occur.</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And what?</p> <p>25 A. Let me explain -- let me explain why I'm</p>	<p style="text-align: right;">168</p> <p>1 that occurred by way of accident during your operations</p> <p>2 that we haven't discussed?</p> <p>3 A. No.</p> <p>4 Q. Okay.</p> <p>5 (Whereupon Exhibit No. 11 was then marked for</p> <p>6 identification.)</p> <p>7 BY MR. GRAHAM:</p> <p>8 Q. Mr. Duensing, showing to you what's been marked</p> <p>9 as Exhibit 11.</p> <p>10 Do you recognize this photo?</p> <p>11 A. Yes, I do.</p> <p>12 Q. Ah, you do. What is this?</p> <p>13 A. This is the inner wall of the discoloration you</p> <p>14 were asking me about on the exterior wall of</p> <p>15 712 Madison.</p> <p>16 Q. All right. And we see right above the door</p> <p>17 frame, there's the crack in the blocks. Is that the</p> <p>18 opening to which you were referring to earlier in your</p> <p>19 testimony?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. But that was just open space for after</p> <p>22 you put in the dry-to-dry unit?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. And that went straight out to the</p> <p>25 outside, there was no barrier?</p>
<p style="text-align: right;">167</p> <p>1 questioning.</p> <p>2 Q. Sure.</p> <p>3 A. When the filters are replaced, I mentioned</p> <p>4 opening a petcock and a drain, obviously, you have to</p> <p>5 have a vent, or it's not going to drain. Okay? Filters</p> <p>6 are replaced.</p> <p>7 Then you have to fill up that containment area</p> <p>8 again or the filter won't operate properly.</p> <p>9 Consequently, you have to keep the petcock open, keep</p> <p>10 the vent open, and begin pumping solvent through the</p> <p>11 system.</p> <p>12 And the only way you're going to know when that</p> <p>13 cartridge is full is when it begins to trickle out the</p> <p>14 vent, boom, close the vent.</p> <p>15 So did I have accidents? Yes, every time I</p> <p>16 changed the filters, there was a dribble of solvent that</p> <p>17 came out of there, and the -- and the petcock was</p> <p>18 closed.</p> <p>19 Q. So during your operations at 712 Madison, did</p> <p>20 you have any accidents whereby PCE was released from the</p> <p>21 still?</p> <p>22 A. From the still?</p> <p>23 Q. Yes, sir.</p> <p>24 A. No.</p> <p>25 Q. Okay. Any other accidents or releases of PCE</p>	<p style="text-align: right;">169</p> <p>1 A. Correct.</p> <p>2 Q. Okay. Does this refresh your recollection as</p> <p>3 to what that hole is in the -- about the middle of the</p> <p>4 page, to the left-hand side of the door frame?</p> <p>5 A. No, it doesn't.</p> <p>6 Q. Okay.</p> <p>7 A. There was -- no, it doesn't.</p> <p>8 (Whereupon Exhibit No. 12 was then marked for</p> <p>9 identification.)</p> <p>10 BY MR. GRAHAM:</p> <p>11 Q. Mr. Turigliatto -- I beg your pardon --</p> <p>12 Mr. Duensing, I'm showing to you what's been marked as</p> <p>13 Exhibit 12.</p> <p>14 Do you recognize this photo?</p> <p>15 A. Yes, I do.</p> <p>16 Q. And what is this?</p> <p>17 A. It's the back door at 712 Madison.</p> <p>18 Q. All right. Does this photo accurately depict</p> <p>19 the back -- looking out the back door of 712 Madison?</p> <p>20 Does that area look substantially the same as it did</p> <p>21 during the time that you operated at 712?</p> <p>22 A. That parking block was not there.</p> <p>23 Q. Okay.</p> <p>24 A. And as you can see, the parking lines have been</p> <p>25 changed. They weren't perpendicular to the building;</p>

<p style="text-align: right;">170</p> <p>1 they were diagonal.</p> <p>2 Q. Okay.</p> <p>3 A. And like I say, that parking strip right there</p> <p>4 (indicating) was not there.</p> <p>5 Q. The parking strip --</p> <p>6 A. The blocks.</p> <p>7 Q. Okay. Anything else?</p> <p>8 A. No, not that I recall.</p> <p>9 Q. Do you recall that the parking lot was paved</p> <p>10 all the way back to the blue car that we see on the</p> <p>11 right?</p> <p>12 A. Oh, yes.</p> <p>13 Q. It extended that far?</p> <p>14 A. Yes.</p> <p>15 Q. Okay.</p> <p>16 (Whereupon Exhibit No. 13 was then marked for</p> <p>17 identification.)</p> <p>18 THE WITNESS: One thing I just noticed, and one</p> <p>19 thing I probably need to bring up. Right in back --</p> <p>20 let's -- Exhibit 9.</p> <p>21 BY MR. GRAHAM:</p> <p>22 Q. Thank you.</p> <p>23 A. I'm not sure. Right out that back door, there</p> <p>24 used to be a cement -- cement. I don't believe it was</p> <p>25 paved all the way up to the door.</p>	<p style="text-align: right;">172</p> <p>1 Q. You don't recognize, you don't know what --</p> <p>2 A. No.</p> <p>3 Q. So let me ask you, your dry-to-dry unit that</p> <p>4 you operated with at 712 Madison Street, taking --</p> <p>5 strike that.</p> <p>6 Not taking into consideration all the staining</p> <p>7 on the back of this unit, did your dry-to-dry unit at</p> <p>8 712 Madison Street, did the back of that unit look</p> <p>9 similar to the back of this unit?</p> <p>10 A. No -- oh, pardon me. Other than the staining?</p> <p>11 Q. Uh-huh.</p> <p>12 A. Yes, it does.</p> <p>13 Q. It does?</p> <p>14 A. Yes. My machine was never that dirty, though.</p> <p>15 Q. No, no, and I'm not trying to imply that, sir.</p> <p>16 A. Oh, okay. I didn't know what you were getting</p> <p>17 at.</p> <p>18 Q. No, no, no. I understand this is not your</p> <p>19 machine.</p> <p>20 A. Oh, okay.</p> <p>21 Q. And I'm not trying to imply and I don't want</p> <p>22 you to infer that I'm trying to say that your machine</p> <p>23 was this dirty or this clean, either way.</p> <p>24 I just wanted to know if you recognize what</p> <p>25 type of machine this is.</p>
<p style="text-align: right;">171</p> <p>1 Q. There used to be a what? I'm sorry, I --</p> <p>2 A. Right out the back door.</p> <p>3 Q. Yes, sir.</p> <p>4 A. There was like a cement footing, like a -- not</p> <p>5 a patio, but, you know, you step out of a doorway --</p> <p>6 Q. Okay.</p> <p>7 A. -- and there's a landing. That's not there in</p> <p>8 this picture. It's all -- it's all blacktop right up to</p> <p>9 the back door. That wasn't -- I don't believe it was</p> <p>10 like that when I was there.</p> <p>11 Q. Do you recall it being bare dirt outside that</p> <p>12 door, other than the cement block that you've just</p> <p>13 described?</p> <p>14 A. I'm not sure it was dirt or not, but I know --</p> <p>15 I know there wasn't blacktop right there at the back</p> <p>16 door.</p> <p>17 Q. Was there some sort of subgrade, or do you</p> <p>18 recall what was out there?</p> <p>19 A. I don't know.</p> <p>20 Q. Okay. All right. I'd like to direct your</p> <p>21 attention to what has been marked as Exhibit 13.</p> <p>22 Let me ask you, do you recognize this?</p> <p>23 A. From the back side, no.</p> <p>24 Q. Okay. You don't know what this is?</p> <p>25 A. Pardon me?</p>	<p style="text-align: right;">173</p> <p>1 A. I recognize that that is a dry -- or</p> <p>2 apparently, a dry cleaning machine, yes.</p> <p>3 Q. Do you recognize it as a specific brand of dry</p> <p>4 cleaning machine?</p> <p>5 A. No.</p> <p>6 Q. You don't?</p> <p>7 A. No.</p> <p>8 Q. Can you tell me whether this machine was</p> <p>9 manufactured in the United States or overseas?</p> <p>10 MR. FARRELL: Objection, calls for speculation.</p> <p>11 BY MR. GRAHAM:</p> <p>12 Q. Is there anything in this photograph that would</p> <p>13 indicate to you one way or the other whether this</p> <p>14 machine was manufactured in the United States as opposed</p> <p>15 to overseas?</p> <p>16 A. No.</p> <p>17 Q. Look right about the middle of the picture.</p> <p>18 There's a piece of the unit that has a yellow sticker on</p> <p>19 it.</p> <p>20 A. Yes.</p> <p>21 Q. Do you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know what that is?</p> <p>24 A. I think that's the water separator.</p> <p>25 Q. Okay. If you look to the right of the water</p>

<p style="text-align: right;">174</p> <p>1 separator, you see that cylindrical unit?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. Do you know what that is?</p> <p>4 A. I want to say that is probably -- it could be</p> <p>5 the still. Awful small for a still, though. I don't</p> <p>6 know.</p> <p>7 Q. Do you recognize it as a button trap?</p> <p>8 A. No.</p> <p>9 Q. "No"? If you look at --</p> <p>10 A. It's --</p> <p>11 Q. Go ahead.</p> <p>12 A. That's huge for a button trap, in my opinion.</p> <p>13 A button trap that I'm -- maybe I'm totally -- totally</p> <p>14 gone here, but maybe something about this deep</p> <p>15 (indicating), as opposed to being something that -- that</p> <p>16 tall.</p> <p>17 Q. Let me ask you. The dry-to-dry unit that you</p> <p>18 used at 712 Madison, was that dry unit, do you know, was</p> <p>19 that manufactured in the United States, or was it</p> <p>20 manufactured overseas?</p> <p>21 A. I -- I believe it was overseas.</p> <p>22 Q. Because of the German -- what you identified as</p> <p>23 the German writing on the backplate?</p> <p>24 A. Correct, or a foreign language, and it seemed</p> <p>25 to me like it was German.</p>	<p style="text-align: right;">176</p> <p>1 MR. GRAHAM: Let me get a clear question on the</p> <p>2 record. Just one second.</p> <p>3 Q. And let me ask you, Mr. Duensing. Did you have</p> <p>4 any procedures in place, whether written or not, that</p> <p>5 you discussed with your wife with regards to addressing</p> <p>6 any spills of PCE at 712 Madison?</p> <p>7 A. No.</p> <p>8 Q. Okay. Did you all keep blankets or drapes or</p> <p>9 sheets or anything of that nature in a specific area or</p> <p>10 handy to sop up any spills of PCE?</p> <p>11 A. No.</p> <p>12 Q. "No"?</p> <p>13 Any mops? Strike that.</p> <p>14 Did you keep any mops on hand for specifically</p> <p>15 addressing releases of PCE?</p> <p>16 A. No.</p> <p>17 Q. Okay. Where -- did you have mops on hand?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And where were those stored?</p> <p>20 A. In the restroom.</p> <p>21 Q. In the restroom?</p> <p>22 A. Uh-huh.</p> <p>23 Q. Okay. Mr. Duensing, what year did you sell the</p> <p>24 business?</p> <p>25 A. 1995.</p>
<p style="text-align: right;">175</p> <p>1 Q. If you look at Exhibit 13 in the top left-hand</p> <p>2 corner, you see those two cylindrical units.</p> <p>3 A. Yes.</p> <p>4 Q. Do you know what those are?</p> <p>5 A. Filter cartridges.</p> <p>6 Q. Good job. All right.</p> <p>7 Did you have any written plan or written</p> <p>8 procedures for addressing spills of PERC at 712 Madison</p> <p>9 during the time that you operated?</p> <p>10 A. No.</p> <p>11 Q. Okay. What were the plans in case of a spill</p> <p>12 of PERC, whether they were written or not? What did you</p> <p>13 do to address any spills? Or what would you have done</p> <p>14 to address any spills?</p> <p>15 A. Well, it would depend on the size. Obviously,</p> <p>16 we had tenants on both sides. I mean, if there was</p> <p>17 anything monumental, they would need to be notified,</p> <p>18 because that building there, although there were walls,</p> <p>19 I can -- I'd be pretty sure that it wouldn't take very</p> <p>20 long for solvent to seep through the walls, you know.</p> <p>21 Q. Sure. Okay. Other than notifying your</p> <p>22 neighbors, what other producers would you have</p> <p>23 implemented --</p> <p>24 MR. FARRELL: I'll object to this line of</p> <p>25 questioning as calling for speculation.</p>	<p style="text-align: right;">177</p> <p>1 Q. And to whom did you sell the business?</p> <p>2 A. My stepson.</p> <p>3 Q. And his name is?</p> <p>4 A. I'm sorry?</p> <p>5 Q. His name is?</p> <p>6 A. Darren Miller, M-i-l-l-e-r.</p> <p>7 Q. Was it he alone that solely purchased the</p> <p>8 business, or did he have a partner? If you know.</p> <p>9 A. He had a wife. I'm not sure if both of their</p> <p>10 names were on the business or not. I don't know.</p> <p>11 Q. After you sold the business to Mr. Miller in</p> <p>12 approximately 1995, did you stay around, kind of like</p> <p>13 Mr. Turigliatto did with you, to train him and show him</p> <p>14 the ropes, so to speak?</p> <p>15 A. Not for 30 days.</p> <p>16 Q. For any amount of time?</p> <p>17 A. Yes.</p> <p>18 Q. For how long?</p> <p>19 A. Three or four days.</p> <p>20 Q. Three or four days.</p> <p>21 And when Mr. Miller purchased the business, he</p> <p>22 also purchased the dry cleaning equipment, I take it?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. At that time it was still the same</p> <p>25 dry-to-dry machine that we've been talking about</p>

<p style="text-align: right;">178</p> <p>1 throughout this deposition?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. And he also purchased the sniffer, I</p> <p>4 take it?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Let me ask you, when you bought that</p> <p>7 used dry-to-dry machine, did it come with a manual?</p> <p>8 A. No. It had an electrical schematic that I got,</p> <p>9 but as far as an operating manual, no.</p> <p>10 Q. And so to your knowledge, in those three or</p> <p>11 four days that you stuck around at 712 Madison to help</p> <p>12 Mr. Miller, he used the same equipment as you had in</p> <p>13 place, correct?</p> <p>14 A. Yes.</p> <p>15 Q. Okay. Do you have any knowledge of Mr. Miller</p> <p>16 purchasing any additional equipment?</p> <p>17 A. No.</p> <p>18 Q. Any -- do you have any knowledge of Mr. Miller</p> <p>19 purchasing any replacement equipment?</p> <p>20 A. No.</p> <p>21 Q. Do you have any -- do you have contact</p> <p>22 information for Mr. Miller?</p> <p>23 A. Not at my fingertips, no.</p> <p>24 Q. Okay. But if I asked you to provide that to me</p> <p>25 at a later date, that's something that you could get to</p>	<p style="text-align: right;">180</p> <p>1 BY MR. GRAHAM:</p> <p>2 Q. Mr. Duensing, I've handed to you what's been</p> <p>3 marked as Exhibit No. 14. You can take as much time as</p> <p>4 you want to review this or as little time as you want.</p> <p>5 I only have a couple questions.</p> <p>6 Let me know when you're ready.</p> <p>7 A. (Witness complied.) Okay.</p> <p>8 Q. First I want to ask you, Mr. Duensing, we were</p> <p>9 speaking earlier about wastewater, water separator</p> <p>10 water, processed water, and you indicated earlier in</p> <p>11 your testimony that that had gone into the sink.</p> <p>12 Do you ever recall using that water that came</p> <p>13 from the water separator, did you ever take that water</p> <p>14 and put it back into the boiler?</p> <p>15 A. No.</p> <p>16 Q. Okay. That wasn't a practice that you</p> <p>17 maintained?</p> <p>18 A. No.</p> <p>19 Q. Okay. I'd like to direct your attention to</p> <p>20 Exhibit No. 14.</p> <p>21 First of all, have you ever seen this document</p> <p>22 before?</p> <p>23 A. I saw it the day that you and I met, and you</p> <p>24 showed me.</p> <p>25 Q. Okay. Is this your signature on the front page</p>
<p style="text-align: right;">179</p> <p>1 me?</p> <p>2 A. I don't see why not.</p> <p>3 Q. Okay. When you sold the business in 1995 to</p> <p>4 Mr. Miller, did you leave any 55-gallon drums behind at</p> <p>5 the property?</p> <p>6 A. The drums that the filters were stored in from</p> <p>7 the waste haulers. I'm sure they were there.</p> <p>8 Q. Okay. But that wasn't an 55-gallon drum, was</p> <p>9 it?</p> <p>10 A. Yes.</p> <p>11 Q. Oh, it was?</p> <p>12 A. Yes. The containers that the filters -- the</p> <p>13 used filters were transported in were 55-gallon drums</p> <p>14 with a seal ring.</p> <p>15 Q. And when did you first start using those</p> <p>16 55-gallon drums with the sealed rings for disposal of</p> <p>17 filters?</p> <p>18 A. Mid '80s.</p> <p>19 Q. When all these new regulations were coming into</p> <p>20 place --</p> <p>21 A. Yes.</p> <p>22 Q. -- that you were speaking of earlier?</p> <p>23 A. Yes.</p> <p>24 (Whereupon Exhibit No. 14 was then marked for</p> <p>25 identification.)</p>	<p style="text-align: right;">181</p> <p>1 under No. 8?</p> <p>2 A. Yes, it is.</p> <p>3 Q. Okay. And you recognize that as your</p> <p>4 handwriting?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Do you recall any conversations at any</p> <p>7 time during your operations at 712 Madison, any</p> <p>8 conversations with a Cynthia Herrick from the</p> <p>9 Fairfield-Suisun Water District -- Sewer District, I beg</p> <p>10 your pardon?</p> <p>11 A. No.</p> <p>12 Q. Okay. You don't remember Fairfield-Suisun</p> <p>13 Sewer District ever inspecting your facility at</p> <p>14 712 Madison?</p> <p>15 A. No.</p> <p>16 Q. Okay. If I could get you to turn -- again, the</p> <p>17 Bates No. is JH 10773.</p> <p>18 A. (Witness complied.)</p> <p>19 Q. Under No. 4, it says -- do you see where I'm</p> <p>20 looking, sir?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. It says, "Solvent and water separator</p> <p>23 servicing a 30-pound capacity transfer drying unit."</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">182</p> <p>1 Q. Okay. Was your transfer unit actually</p> <p>2 30 pound?</p> <p>3 A. I don't believe so.</p> <p>4 Q. I believe your testimony earlier today was it</p> <p>5 was 25 --</p> <p>6 A. 25-pound.</p> <p>7 Q. -- pound, correct?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. That's all I have for that.</p> <p>10 (Whereupon Exhibit No. 15 was then marked for</p> <p>11 identification.)</p> <p>12 BY MR. GRAHAM:</p> <p>13 Q. Mr. Duensing, I've handed to you what's been</p> <p>14 marked as Exhibit No. 15. Take as much time to review</p> <p>15 that and let me know when you're ready.</p> <p>16 A. (Witness complied.) Okay.</p> <p>17 Q. All right. Let me ask you if you've ever seen</p> <p>18 this document before.</p> <p>19 A. I don't recall, no.</p> <p>20 Q. Okay. And does this refresh your recollection</p> <p>21 that you had any conversations or any interactions with</p> <p>22 a Cynthia D. Herrick, Industrial Waste Inspector from</p> <p>23 Fairfield-Suisun Sewer District?</p> <p>24 A. I don't recall this meeting.</p> <p>25 Q. Okay. And, again, it makes reference in the</p>	<p style="text-align: right;">184</p> <p>1 Q. Bullet point No. 4, it states -- well, let me</p> <p>2 ask you this: In seeing this document, does this</p> <p>3 refresh your recollection that you had conversations</p> <p>4 with Ms. Herrick?</p> <p>5 A. Not at all.</p> <p>6 MR. FARRELL: Objection, asked and answered.</p> <p>7 BY MR. GRAHAM:</p> <p>8 Q. Bullet point No. 4, it states,</p> <p>9 "Approximately 300 gallons of</p> <p>10 perchloroethylene are used each year."</p> <p>11 Is that a -- do you find that statement to be</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. That at the time in 1986 you were using</p> <p>15 approximately 300 gallons of PERC each year?</p> <p>16 A. I don't think that is a statement of fact. I</p> <p>17 probably used more than that.</p> <p>18 But with all the regulations, I fell into an</p> <p>19 entirely different category if I used more than</p> <p>20 300 gallons of PERC a year. Anytime anyone asked me how</p> <p>21 much I used, 300 gallons a year.</p> <p>22 Q. Okay. And No. 5, it states,</p> <p>23 "There's no direct discharge to the</p> <p>24 sanitary sewer. Water separator drains</p> <p>25 into a bucket. All overflow discharges</p>
<p style="text-align: right;">183</p> <p>1 first bullet point to a 30-pound capacity transfer</p> <p>2 machine.</p> <p>3 To your knowledge, that statement's not</p> <p>4 correct, is it?</p> <p>5 A. In looking back at Exhibit 14, the wording, I</p> <p>6 believe they're referring to the reclaimer. It says</p> <p>7 drying unit. That could very easily have been a</p> <p>8 30-pound drying unit.</p> <p>9 Q. And that would tend to indicate to me that it</p> <p>10 would be a transfer machine.</p> <p>11 A. Well, it appears to me what she was</p> <p>12 inspecting --</p> <p>13 Q. Uh-huh.</p> <p>14 A. -- was the drying unit of a transfer situation.</p> <p>15 Q. Okay.</p> <p>16 A. I had the reclaimer still there, so that</p> <p>17 portion was still transfer in anybody's eyes but mine.</p> <p>18 Q. I gotcha.</p> <p>19 A. Now, I see nothing here -- although -- this</p> <p>20 holds true, she interviewed me, and I told her I hadn't</p> <p>21 used the still in a year and a half.</p> <p>22 That would refer to the dry-to-dry unit that in</p> <p>23 earlier testimony I said I very rarely used it because</p> <p>24 the machine went through so much solvent, and I never</p> <p>25 had the occasion to use the still.</p>	<p style="text-align: right;">185</p> <p>1 onto the ground behind the building."</p> <p>2 Do you see that?</p> <p>3 A. I see that, yes.</p> <p>4 Q. Okay. Is that a true statement?</p> <p>5 A. I would say no.</p> <p>6 Q. Because as you testified earlier, your water</p> <p>7 separator was discharging into the sink?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. And then No. 6,</p> <p>10 "Carbon core filters are aired out</p> <p>11 and disposed with regular garbage."</p> <p>12 Is that a true statement?</p> <p>13 A. True.</p> <p>14 Q. Okay. That's all I have on that.</p> <p>15 MR. GRAHAM: Let's take about a five- to</p> <p>16 seven-minute break, and I'll try to get you out of here.</p> <p>17 (Recess taken.)</p> <p>18 BY MR. GRAHAM:</p> <p>19 Q. Mr. Duensing, you ready to continue?</p> <p>20 A. Correct, yes.</p> <p>21 Q. All right. You understand that even though we</p> <p>22 took our break, you are still under oath?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. Mr. Duensing, are you familiar with</p> <p>25 another cleaners that operated within Fairfield known as</p>

<p style="text-align: right;">186</p> <p>1 Bertain Cleaners?</p> <p>2 A. By name only.</p> <p>3 Q. Okay.</p> <p>4 MR. SHAMIYEH: What was the response, please?</p> <p>5 THE WITNESS: My response was "by name only."</p> <p>6 BY MR. GRAHAM:</p> <p>7 Q. And what do you mean "by name only"?</p> <p>8 A. I knew there was a Bertain Cleaners. I never</p> <p>9 had contact with them.</p> <p>10 Q. Do you know if they used PERC dry cleaning</p> <p>11 machines in their operations?</p> <p>12 A. I have no knowledge.</p> <p>13 Q. Okay. Do you have any personal knowledge with</p> <p>14 respect to a Bernard -- strike that.</p> <p>15 Do you have any personal knowledge with respect</p> <p>16 to a Gillespie Cleaners that was located on Jackson</p> <p>17 Street?</p> <p>18 A. By name only.</p> <p>19 Q. Okay.</p> <p>20 MR. SHAMIYEH: Excuse me, I couldn't hear the</p> <p>21 name. The name?</p> <p>22 MR. GRAHAM: Gillespie.</p> <p>23 Q. "By name only," meaning you knew that there was</p> <p>24 a Gillespie Cleaners, but that's it?</p> <p>25 A. Yes. I believe those two cleaners you just</p>	<p style="text-align: right;">188</p> <p>1 Q. Okay. On the second line there, it's written,</p> <p>2 "51 Martin 30 # washer."</p> <p>3 Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. Does that refresh your recollection as</p> <p>6 to any equipment that you may have used at One-Hour</p> <p>7 Cleaners during your operations?</p> <p>8 A. That indicates to me that that Martin machine</p> <p>9 was a 30-pound.</p> <p>10 Q. Okay.</p> <p>11 A. Not a 25, like I said.</p> <p>12 Q. And the 51 that precedes that Martin, does that</p> <p>13 mean anything to you?</p> <p>14 A. No.</p> <p>15 Q. Okay. Then we see next, it says, "Hoyt 50 #</p> <p>16 reclaimer."</p> <p>17 Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. And does that refresh your recollection</p> <p>20 as to any type of the equipment that you had at</p> <p>21 712 Madison?</p> <p>22 A. That recollects my memory as to the brand of</p> <p>23 the reclaimer that I had, that I purchased from</p> <p>24 Mr. Turigliatto.</p> <p>25 Q. So this would be making reference to the</p>
<p style="text-align: right;">187</p> <p>1 mentioned were earlier on before I got into the</p> <p>2 business. Prior to 1979.</p> <p>3 Q. Okay. Did you ever hear of a company that</p> <p>4 operated in Fairfield by the name of Tick Tock Watch</p> <p>5 Repair?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And do you know where they were located?</p> <p>8 A. On West Texas, between Madison and Jackson.</p> <p>9 Q. And did you know anybody that worked at Tick</p> <p>10 Tock Watch Repair?</p> <p>11 A. Not by name. I did use them once.</p> <p>12 Q. Okay.</p> <p>13 (Whereupon Exhibit No. 16 was then marked for</p> <p>14 identification.)</p> <p>15 BY MR. GRAHAM:</p> <p>16 Q. Mr. Duensing, we handed you what's been marked</p> <p>17 as Exhibit No. 16.</p> <p>18 And let me ask you, do you recognize this</p> <p>19 document?</p> <p>20 A. No.</p> <p>21 Q. Okay. I'd like to direct your attention to a</p> <p>22 condition -- I'm sorry -- I'd like to direct your</p> <p>23 attention to bullet point 5, "Authority To Construct."</p> <p>24 Do you see that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">189</p> <p>1 transfer unit?</p> <p>2 A. Correct.</p> <p>3 Q. And then below that, it says, "Bowe" --</p> <p>4 B-o-w-e -- "A60 carbon adsorber."</p> <p>5 Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Does that refresh your recollection as to the</p> <p>8 manufacturer of the type of carbon adsorber you utilized</p> <p>9 at 712 Madison?</p> <p>10 A. No, it doesn't.</p> <p>11 Q. Do you have any understanding -- or strike</p> <p>12 that.</p> <p>13 Did you utilize the carbon adsorber at</p> <p>14 712 Madison Street with your dry-to-dry system?</p> <p>15 A. No.</p> <p>16 Q. If you look at the signature block, it says,</p> <p>17 "PSD Engineer."</p> <p>18 I know we can't read, unfortunately, the</p> <p>19 signature above that, but does "PSD Engineer," does that</p> <p>20 mean anything to you?</p> <p>21 A. No.</p> <p>22 Q. Okay. Can you make out the date on this</p> <p>23 document?</p> <p>24 A. No.</p> <p>25 Q. Okay. And under bullet point 3, it states,</p>

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<p>1 "Statement Of Compliance."</p> <p>2 Do you see that?</p> <p>3 A. Yes.</p> <p>4 Q. And then the second line down in parens, it</p> <p>5 says, "Waste Hauler Technichem," close paren.</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Is Technichem a waste hauler that you</p> <p>9 utilized in your operations at 712 Madison?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. And did you utilize any other waste</p> <p>12 hauler other than Technichem during the entirety of your</p> <p>13 operations at 712 Madison?</p> <p>14 A. Yes.</p> <p>15 Q. And what were the names of other waste haulers</p> <p>16 that you utilized?</p> <p>17 A. The other one I recall was Safety-Kleen.</p> <p>18 Q. Any others?</p> <p>19 A. No.</p> <p>20 Q. Was there a specific period in time whereby you</p> <p>21 utilized Technichem as opposed to Safety-Kleen or</p> <p>22 Safety-Kleen as opposed to Technichem?</p> <p>23 Does any line of demarcation stand out in your</p> <p>24 mind?</p> <p>25 A. No.</p>	<p>1 time that you quit operating at 712 Madison, was there</p> <p>2 an occasion whereby you would have more than one</p> <p>3 55-gallon drum?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And how many 55-gallon -- well, strike</p> <p>6 that.</p> <p>7 What was the maximum amount of 55-gallon drums</p> <p>8 that you kept on site at one time?</p> <p>9 A. Two.</p> <p>10 Q. Two. Both for filters?</p> <p>11 A. Yes.</p> <p>12 Q. Did you put anything else in those 55-gallon</p> <p>13 drums other than used filters?</p> <p>14 A. No.</p> <p>15 MR. GRAHAM: Mr. Duensing, I'm going to pass my</p> <p>16 questioning now to other counsel. I'm going to review</p> <p>17 my notes, kind of go over some of the exhibits.</p> <p>18 I reserve my right to ask you any follow-up</p> <p>19 questions based upon information that I still have in my</p> <p>20 note that I haven't covered or based upon what other</p> <p>21 counsel ask you.</p> <p>22 So as of now, I'm through. Thank you very much</p> <p>23 for coming. And I'll pass it down to the next counsel.</p> <p>24 THE WITNESS: Sure.</p> <p>25</p>
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<p>1 Q. Okay. All right. And that's all I have for</p> <p>2 that.</p> <p>3 So earlier we were talking, Mr. Duensing, that</p> <p>4 you had -- you kept a 55-gallon drum on the site for</p> <p>5 purposes of disposing of filters; is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. And where was that 55-gallon drum</p> <p>8 located? Inside or outside?</p> <p>9 A. Oh, inside.</p> <p>10 Q. It was inside?</p> <p>11 A. Yes.</p> <p>12 Q. Whereabouts inside?</p> <p>13 A. Between the compressor. I want to say between</p> <p>14 the compressor and the back door, or between the</p> <p>15 compressor and the first piece of equipment that we used</p> <p>16 to press. I know it was in the back half of the</p> <p>17 building.</p> <p>18 Q. Back half of the building, okay.</p> <p>19 And during the entirety of your operations --</p> <p>20 well, strike that.</p> <p>21 You began utilizing the 55-gallon drum for the</p> <p>22 disposal of filters somewhere in the mid '80s; is that</p> <p>23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. And at any time from the mid '80s up until the</p>	<p>1 EXAMINATION</p> <p>2 BY MS. McADAM:</p> <p>3 Q. Mr. Duensing, are you ready?</p> <p>4 A. I'm sorry.</p> <p>5 Q. Are you ready --</p> <p>6 A. Yes.</p> <p>7 Q. -- to proceed? Okay.</p> <p>8 We met earlier today. I'm Allison McAdam, and</p> <p>9 I represent Jewel Hirsch in this matter.</p> <p>10 A. Yes.</p> <p>11 Q. And I just have a few follow-up questions. I'm</p> <p>12 going to skip around. So if you're not following along</p> <p>13 with me, let me know.</p> <p>14 A. Okay.</p> <p>15 Q. We'll try to get you out of here.</p> <p>16 Earlier this morning, which seems like a while</p> <p>17 ago now, we talked about a box of documents that you</p> <p>18 have in your possession.</p> <p>19 A. Yes.</p> <p>20 Q. Is that something you'll make available for --</p> <p>21 to me for copying so that all of us may look at those</p> <p>22 documents?</p> <p>23 A. Sure.</p> <p>24 Q. All right. All right. If you will refer back</p> <p>25 to Exhibit 15.</p>

<p style="text-align: right;">194</p> <p>1 A. (Witness complied.) Yes.</p> <p>2 Q. Is it your understanding that as of the date of</p> <p>3 Exhibit 15 you were actually operating the dry-to-dry</p> <p>4 machine? Was that your testimony, that that was your</p> <p>5 understanding?</p> <p>6 A. I don't quite understand the question.</p> <p>7 Q. As -- if you'll look at Exhibit 15, it's dated</p> <p>8 1986.</p> <p>9 A. Correct.</p> <p>10 Q. And when we were talking about it before, I</p> <p>11 thought I understood your testimony to be that although</p> <p>12 this references -- that this references a transfer</p> <p>13 machine, but that you thought the reference to the still</p> <p>14 not operating at this time meant that you were actually</p> <p>15 using the dry-to-dry unit at this time?</p> <p>16 A. Correct.</p> <p>17 Q. Was my understanding correct?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. Now, you mentioned that several vendors</p> <p>20 that you used, specifically you recalled Echo,</p> <p>21 Goss-Jewett and Work Room Supply.</p> <p>22 Did Van Waters & Rogers ever deliver any</p> <p>23 supplies to you during your operations at 712?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. How about a company named MBL?</p>	<p style="text-align: right;">196</p> <p>1 rolled back to the truck, did you ever see any sort of</p> <p>2 liquid being released from the hose?</p> <p>3 A. Yes.</p> <p>4 Q. Do you recall specifically what company you</p> <p>5 might have seen PERC being released from the hose during</p> <p>6 the time that it was being rolled back to the delivery</p> <p>7 truck?</p> <p>8 A. No.</p> <p>9 Q. It could have been MBL --</p> <p>10 A. Echo Sales.</p> <p>11 Q. Echo Sales or --</p> <p>12 A. Goss-Jewett.</p> <p>13 Q. Or Goss-Jewett.</p> <p>14 A. I think I -- in producing these -- this box,</p> <p>15 I've got check stubs in there for I have no idea how</p> <p>16 many years.</p> <p>17 The statement I'm going to make, I think most</p> <p>18 of my PERC was delivered by Echo or MBL. I had</p> <p>19 completely forgotten about MBL till you mentioned it.</p> <p>20 But we'll be able to prove that out by my check stubs.</p> <p>21 Q. Those were the companies you used the most</p> <p>22 frequent?</p> <p>23 A. Primarily, yes, for solvent. I mean, I got</p> <p>24 supplies from all of those at one time or another, from</p> <p>25 all of those individuals. Supplies being hangers,</p>
<p style="text-align: right;">195</p> <p>1 A. Oh, yes, yes.</p> <p>2 Q. Did MBL ever deliver PERC to you?</p> <p>3 A. Yes.</p> <p>4 Q. Did MBL deliver PERC to you using a truck with</p> <p>5 a hose that went through the back door?</p> <p>6 A. Yes.</p> <p>7 Q. All right. Did Van Waters deliver PERC to you</p> <p>8 at 712 Madison?</p> <p>9 A. Allison, Van Waters, I don't recall. I only</p> <p>10 used them once or twice in the whole time, but the name</p> <p>11 just -- and I don't recall whether I got supplies from</p> <p>12 them, if I got PERC from them. I don't recall.</p> <p>13 Q. Do you recall any of the supply delivery</p> <p>14 companies when they were delivering PERC using a nozzle</p> <p>15 to get the PERC into the dry cleaning machine?</p> <p>16 A. Yes.</p> <p>17 Q. Do you recall during any of those deliveries</p> <p>18 witnessing PERC being released from the nozzle?</p> <p>19 A. The actual entry?</p> <p>20 Q. Outside of the machine?</p> <p>21 A. Oh, no.</p> <p>22 Q. Did you ever see them wind up the hose back to</p> <p>23 the truck so that the hose dragged on the ground?</p> <p>24 A. Yes.</p> <p>25 Q. During any of the times where you saw the hose</p>	<p style="text-align: right;">197</p> <p>1 struts that go on the hangers, paper that -- tapes that</p> <p>2 go on the hangers, spotting supplies, press pads.</p> <p>3 Q. When you saw PERC being released from the hose</p> <p>4 as it was being recoiled, did you see the delivery</p> <p>5 company do anything to address the PERC on the ground?</p> <p>6 A. No.</p> <p>7 Q. Did you see that on more than one occasion?</p> <p>8 And when I say "that," I mean PERC being</p> <p>9 released during the recoiling of the hose back to the</p> <p>10 delivery truck.</p> <p>11 A. I don't know. I don't recall. I do remember</p> <p>12 it happening, no.</p> <p>13 Q. And I don't suppose you remember when you saw</p> <p>14 that?</p> <p>15 A. No.</p> <p>16 Q. Bear with me as I look through my notes.</p> <p>17 MR. GRAHAM: Let me ask you a question,</p> <p>18 Mr. Duensing. Do you recall that occurrence happening,</p> <p>19 where you saw liquid coming out of the delivery hose, do</p> <p>20 you recall that instance to be at the time that you were</p> <p>21 using the dry-to-dry system or the transfer system?</p> <p>22 THE WITNESS: I don't recall.</p> <p>23 MR. GRAHAM: Okay.</p> <p>24 BY MS. McADAM:</p> <p>25 Q. All right. Now, we talked earlier today about</p>

<p style="text-align: right;">198</p> <p>1 the waterproofing mixture, the five-to-one PERC mixture, 2 and I believe you mentioned that you used that from 3 approximately 1979 through 1981 and that you ceased that 4 process due to spillage. 5 Is that a correct understanding of your 6 testimony? Let me rephrase. 7 A. I didn't like the process because the 8 possibility was there. 9 Q. Do you recall an occurrence where there was 10 spillage during that process? 11 A. Every time that there was a garment dipped in 12 that bucket and returned to the dry cleaner, the space 13 between the bucket and the dry cleaner, which was 14 probably that far (indicating), there was a trail of 15 PERC that went across. 16 You took the garment out of the bucket, wrung 17 it out as best as possible into the bucket, and -- but 18 as you were returning it to the dry cleaner to go ahead 19 and extract, there was a trail of solvent that went 20 across the floor. 21 That's why I didn't like that system. 22 Q. Was there a containment system for the transfer 23 system? 24 A. No. 25 Q. Do you recall during your use of the transfer</p>	<p style="text-align: right;">200</p> <p>1 So the vendor would be there longer than a half 2 hour because he had to unload hangers or whatever on top 3 of the pumping of PERC. 4 Q. Okay. During the time that you operated the 5 dry-to-dry system, how often did you receive deliveries 6 of PERC? 7 A. Maybe every three weeks. More often than the 8 transfer. 9 Q. And how long was that process? How long did 10 that take from start of the delivery to the end of the 11 delivery? 12 A. Same time. 13 Q. 20 minutes? 14 A. Yeah. 15 Q. During the time that you operated the transfer 16 system -- strike that. 17 Each time PERC was delivered to your business 18 during the time you operated it, was the mechanism by 19 which it was delivered through a hose? Was it always 20 through a hose? 21 A. Yes. 22 Q. Okay. 23 A. I never received drums of PERC. How it got off 24 the truck, I can't swear that it was always 55-gallon 25 drums. It might have been a larger container.</p>
<p style="text-align: right;">199</p> <p>1 system any need to notify the neighbors regarding a 2 spill? 3 A. No. 4 MS. McADAM: All right. I think those are my 5 questions for now. Thank you very much. 6 EXAMINATION 7 BY MR. PRICE: 8 Q. Good afternoon, Mr. Duensing. You and I met 9 earlier today. My name is Jeremy Price, and I represent 10 Obie Goins, Lucilla Hazard, Judy Lawing and Ray Johnson. 11 I just have a couple of quick questions, follow-up 12 questions for you. 13 During the time you operated the transfer 14 system, how often did you receive deliveries of PERC? 15 A. I would get PERC, as best as I can remember, 16 about once a month. 17 Q. And how long was the process -- how long did 18 the process take from the start of the delivery to the 19 end of the delivery of the PERC? 20 A. Oh, maybe 20 minutes, half hour. 21 Q. Okay. 22 A. Now, that would all depend on whether the 23 individual vendor was just delivering PERC or whether 24 the particular -- I can remember instances where the 25 particular vehicle had PERC plus my other items on it.</p>	<p style="text-align: right;">201</p> <p>1 I couldn't bear witness to that exactly, but it 2 was always in a hose. 3 MR. PRICE: Thank you, Mr. Duensing. That's 4 all I have. 5 MR. SHAMIYEH: You done? 6 MR. PRICE: Yeah. 7 EXAMINATION 8 BY MR. SHAMIYEH: 9 Q. Hi, Mr. Duensing. I'm again, Nick Shamiyeh. I 10 represent Mr. and Mrs. Assad, who own the property at 11 716 Jackson Street, the next block over from you. 12 When you purchased the business, did you have 13 to take a test from the State? 14 A. To my knowledge, it wasn't the State. It was 15 the school that I went to. Whether the State was 16 funding and operating that school, I don't know. 17 I never took -- boy. No, the only test I ever 18 took for the license was at the school. That was the 19 only one I ever took. 20 Q. Do you recall whether or not you received a 21 license in your name as an operator of a dry cleaning 22 from the State? 23 A. Yes, I did. 24 Q. Okay. Was that renewed annually; do you know? 25 Do you recall?</p>

<p style="text-align: right;">202</p> <p>1 A. No, one time.</p> <p>2 Q. Do you know which agency issued that license to</p> <p>3 you?</p> <p>4 A. No, I don't.</p> <p>5 Q. Do you have copies of that license by any</p> <p>6 chance?</p> <p>7 A. No, I don't.</p> <p>8 Q. Okay. You mentioned earlier that sometimes</p> <p>9 there were some spills from the hose, and also when you</p> <p>10 filled the filler, there was some dripping.</p> <p>11 Did you do anything about those drippings or</p> <p>12 those spills?</p> <p>13 A. I wiped them up.</p> <p>14 Q. Okay. What, with a cloth or a mop or what?</p> <p>15 A. Cloth.</p> <p>16 Q. What did you do with that cloth?</p> <p>17 A. Garbage can. Either that -- garbage can.</p> <p>18 Q. These drops, would they also disappear -- I</p> <p>19 mean, evaporate?</p> <p>20 A. I was going to recant what I just said.</p> <p>21 PERC, or PCE as an element, evaporates rapidly.</p> <p>22 So the procedure that I discussed earlier about the</p> <p>23 filters and pumping till they were full, I got to the</p> <p>24 point where I held a rag at the base of that vent until</p> <p>25 it dribbled out, shut the vent.</p>	<p style="text-align: right;">204</p> <p>1 ever receive a citation from any governmental agency for</p> <p>2 any wrongdoing at your cleaners?</p> <p>3 A. No.</p> <p>4 And if I might add, they even stopped the</p> <p>5 boiler inspection, the annual boiler inspections,</p> <p>6 because I didn't have any employees.</p> <p>7 Q. Do you know, do you recall when Mr. Turigliatto</p> <p>8 opened the business first --</p> <p>9 A. I didn't.</p> <p>10 Q. How long did he operate the business before you</p> <p>11 bought it, your father-in-law?</p> <p>12 A. How long did I operate it --</p> <p>13 Q. Your father-in-law?</p> <p>14 A. Oh, how long did he operate it?</p> <p>15 Q. Yes.</p> <p>16 A. Real close to 20 years. When he actually</p> <p>17 bought it, I don't know, but --</p> <p>18 Q. He bought it from someone else, or did he</p> <p>19 establish the business?</p> <p>20 A. He bought it from someone else.</p> <p>21 Q. Do you happen to know the name of the person</p> <p>22 that he bought it from?</p> <p>23 A. The two names that came up earlier were Leigh.</p> <p>24 And the other name was Gene Carter, but I didn't</p> <p>25 recognize him as being in the dry cleaning business.</p>
<p style="text-align: right;">203</p> <p>1 And then that cloth -- I can't imagine I threw</p> <p>2 them away. I just set it out and let it evaporate, and</p> <p>3 then used the cloth again because PERC or PCE evaporated</p> <p>4 rapidly.</p> <p>5 Now, I'm -- I'm sorry, you had a question</p> <p>6 before I started.</p> <p>7 Q. That is my question, whether or not it</p> <p>8 evaporates or you clean it up, or both.</p> <p>9 A. No, it evaporated. But obviously, I didn't</p> <p>10 want liquid floating around on the floor for somebody --</p> <p>11 it affected rubber and plastic terribly.</p> <p>12 I mean, if you could -- there were garments</p> <p>13 that came through that if you didn't pay real close</p> <p>14 attention to the instructions, they would have a plastic</p> <p>15 clasp or but- -- I don't want to say button, but a clasp</p> <p>16 or something on a coat. PERC would eat it up, it would</p> <p>17 just melt it.</p> <p>18 So obviously, anything that was around in the</p> <p>19 area, I wanted to clean up so that nobody stepped in it,</p> <p>20 because it would affect their shoes.</p> <p>21 Q. Okay. During the period that you operated the</p> <p>22 cleaners, did you have occasions where either the toilet</p> <p>23 or the sink ever clogged up or spills over?</p> <p>24 A. Not to my knowledge.</p> <p>25 Q. During your operation of the cleaners, did you</p>	<p style="text-align: right;">205</p> <p>1 Harry, Harry Leigh.</p> <p>2 Q. Are they still around; do you know?</p> <p>3 A. When that took place?</p> <p>4 Q. No, no. Do you know whether or not Harry Leigh</p> <p>5 or Gene Carter are still around?</p> <p>6 A. No, I don't.</p> <p>7 Q. Did you do any cleaning and pressing for other</p> <p>8 cleaners in the area?</p> <p>9 A. Upon occasion when there was a breakdown. I</p> <p>10 can remember -- I can remember doing some dry cleaning</p> <p>11 and pressing for Jewel Hirsch and vice-versa.</p> <p>12 Q. Anybody else you can remember? Anybody else?</p> <p>13 A. This Bunny's Cleaners, I can remember one time</p> <p>14 that she broke down, and I dry cleaned some clothes for</p> <p>15 her.</p> <p>16 Q. Do you know her name?</p> <p>17 A. No, I don't.</p> <p>18 Q. Did you ever do any work for a company named</p> <p>19 Service Cleaners?</p> <p>20 A. Service Cleaners. No, that doesn't ring a</p> <p>21 bell.</p> <p>22 Q. How about Bertain Cleaners, you were asked</p> <p>23 about earlier?</p> <p>24 A. Bertain, by name only. I never -- I never had</p> <p>25 any dealings with them.</p>

<p style="text-align: right;">206</p> <p>1 Q. Were they in business when you were in business 2 there; do you know? 3 A. I don't recall if they were or not. In fact, I 4 couldn't even tell you where they were located, to be 5 honest. That's why -- by name only, I know the name 6 Bertain Cleaners, but I don't know where they were 7 located. 8 Q. How about Gillespie Cleaners? 9 A. That's another one. Gillespie Cleaners I 10 believe was before my time. And I know that one by 11 name, but I don't know the location of that one either. 12 Q. I think I'm done, but just let me take a look 13 at my notes for a second. 14 You mentioned Tick Tock Watch and Clock 15 Repairs. Did they have any solvents in there that you 16 know of? 17 A. Not to my -- I have no knowledge. 18 Q. Okay. Were there any other cleaners in the 19 area, dry cleaners other than Hirsch and Bunny's, that 20 you know of while you were there? 21 MR. FARRELL: I'll object as vague as to 22 location. 23 MS. McADAM: And I'll object to the 24 description. 25 THE WITNESS: One more time, please?</p>	<p style="text-align: right;">208</p> <p>1 Thank you. 2 THE WITNESS: Okay. 3 EXAMINATION 4 BY MR. FARRELL: 5 Q. I do have a few, Mr. Duensing. You want to 6 take a quick break or just roll forward? It's your 7 decision. 8 A. No, let's go. 9 Q. Okay. As you know, I represent Mr. Tomasini 10 and Mr. Ragle, the owners of the 712 Madison property. 11 During the period you operated the dry cleaner 12 at 712 Madison, were either Mr. Ragle or Mr. Tomasini 13 involved in any way in the operation of the dry cleaning 14 business? 15 A. No. 16 Q. Did at any time during the period you operated 17 the dry cleaner, did Mr. Ragle or Mr. Tomasini direct in 18 any way the manner in which you conducted your business 19 operations? 20 A. No. 21 Q. During the period you operated the dry cleaner, 22 did Mr. Ragle or Mr. Tomasini receive a percentage of 23 your monthly profits as payment toward the rent for 24 property? 25 A. I don't know exactly what you mean by that</p>
<p style="text-align: right;">207</p> <p>1 BY MR. SHAMIYEH: 2 Q. Any other cleaners, are you aware of any other 3 dry cleaners in the downtown -- 4 A. In the downtown area? 5 Q. Yes. 6 MR. FARRELL: Same objection. 7 MR. GRAHAM: Join. 8 MS. McADAM: Join. 9 THE WITNESS: No, not -- I don't know what kind 10 of radius you might be talking but -- 11 BY SHAMIYEH: 12 Q. Five-block radius? 13 A. Five blocks? Possibly. Bunny's -- the Bunny's 14 Cleaners that I referred to earlier was probably five 15 blocks away. 16 Q. Okay. Other than Bunny's and Hirsch that you 17 recall? 18 MS. McADAM: I'll object -- 19 MR. SHAMIYEH: Other than Bunny's and Hirsch? 20 MS. McADAM: -- object as vague. 21 THE WITNESS: Which one was closer? 22 BY MR. SHAMIYEH: 23 Q. No, do you know of any other? 24 A. Oh, other. No. 25 MR. SHAMIYEH: I have no other questions.</p>	<p style="text-align: right;">209</p> <p>1 because -- 2 Q. Well, let me try it a different way. 3 You -- during the period of time that you 4 rented or leased 712 Madison to operate the dry cleaner, 5 I believe you testified earlier for a few years that was 6 written pursuant to a written lease, and then after 7 that, it was essentially an oral month-to-month tenancy. 8 Is that accurate? 9 A. Correct. 10 Q. Okay. Did you pay the landlords a straight 11 amount per month for rental of the property during that 12 period? 13 A. Yes. 14 Q. Was there any other consideration you paid to 15 the owners at any time during your occupancy of the 16 property for use of the premises? 17 A. No. 18 Q. Do you recall that what your rent was when you 19 started renting the property in 1979? 20 A. I was looking at this document, which is 21 Exhibit 5, and was amazed that it's dated 2001, and it 22 is an agreement for \$925 a month. 23 And I believe in the final year or two that I 24 leased 712 Madison from Mr. Ragle and Mr. Tomasini, that 25 was the rent I was paying then, \$925 a month.</p>

<p style="text-align: right;">210</p> <p>1 18 years earlier, we were probably in the \$700 2 range. But I believe -- I believe 925 was what I was 3 paying. 4 Q. At the end? 5 A. At the end. 6 Q. To the box of documents you referenced earlier 7 that Ms. McAdam was asking you about, are there records 8 in there of what you paid monthly to the property owners 9 for rent? 10 A. The check stubs, yeah. 11 Q. And how far back in time to those go, if you 12 know? 13 A. Probably mid '80s. 14 Q. Do you recall as you sit here today what the 15 dimensions of 712 Madison, the length and width? 16 A. The dimensions? 17 Q. Right, just the size of the unit, if you 18 recall. 19 A. I'm sure -- I'm sure there were discussions 20 because there was something mentioned about having the 21 interior painted, having the interior carpeted. But I 22 can't recall those dimensions, no. 23 Q. While you operated the dry cleaning business at 24 712 Madison, did you do any commercial dry cleaning? 25 A. Any commercial what?</p>	<p style="text-align: right;">212</p> <p>1 being rolled up after delivery. 2 You may have answered this, let me ask it 3 again, because I didn't hear the answer if you did. 4 Do you recall on how many occasions you 5 witnessed that hose leaking a little bit of PERC as it 6 was rolled up? 7 A. No, I don't recall. 8 Q. Can you give me your best estimate of how many 9 times you recall seeing that over the course of the 10 years that you operated? Less than ten? Less than -- 11 A. I would say -- I would say less than ten. 12 Q. Less than five? 13 A. It's hard to say because I wasn't always there 14 when it was rolled up. There were many occasions that I 15 directed -- the only reason I'm saying what I said, is 16 there were many occasions where I directed the hose out 17 for the guy so that he didn't knock over all my stuff 18 and drag his dirty hose over my clothes and -- so that's 19 why I'm saying I saw -- you know, how many times it was, 20 I'm going to go with less than 10. 21 Q. More than one time? 22 A. Yes. 23 Q. All right. So more than once but less than 10? 24 A. Yes. 25 Q. You personally observed that happening?</p>
<p style="text-align: right;">211</p> <p>1 Q. Dry cleaning? In other words, did you clean on 2 a commercial basis, or was it strictly retail? 3 A. Yes. 4 Q. Maybe that's a bad distinction. 5 MR. SHAMIYEH: Wholesale? 6 BY MR. FARRELL: 7 Q. Wholesale versus retail, how about that, or 8 does that -- 9 A. Well, I don't know if you want to call it 10 wholesale versus retail -- oh, I see what you're getting 11 at. No. 12 Q. What percentage of your dry cleaning business 13 at 712 Madison was devoted to just individual customers 14 walking in with orders versus an industrial client 15 bringing in a large quantity per month or per week or 16 something like that? 17 A. Probably I want to say 75 percent was walk-in 18 traffic. 19 Q. You were asked a series of questions a little 20 bit ago about the process of loading the PERC into the 21 equipment, the transfer unit and then also the 22 dry-to-dry system through the use of the hose from the 23 truck at the back of the lot. 24 And you also testified that there were 25 occasions when the hose would leak some PERC when it was</p>	<p style="text-align: right;">213</p> <p>1 A. Yes. 2 Q. Okay. All right. Just give me a minute here 3 to just quickly do some follow-up. 4 You were asked earlier today -- look back at 5 Exhibit 2, which is a photograph, I believe, of the 6 front of that 712 Madison. 7 Do you see that? 8 A. Yes. 9 Q. You were asked some questions by Mr. Doyle 10 about the sewer project that took place out in front of 11 Madison. 12 Do you recall that? 13 A. Yes. 14 Q. That resulted in this new brick work that we 15 see. 16 The alleyway off to the left of the building 17 that you see in Exhibit 2, did that sewer work encompass 18 that area, if you recall, or was it just on Madison 19 Street itself? 20 A. No, just Madison Street itself. 21 Q. Anytime during your period of operation at 22 712 Madison, do you recall that alleyway next to I guess 23 that's seven -- is that 710? 24 A. I think it went 10, 12, 14. 25 Q. So 710 would be the unit on the far left that</p>

<p style="text-align: right;">214</p> <p>1 we see in this picture?</p> <p>2 A. Correct.</p> <p>3 Q. All right. Anytime during your period of</p> <p>4 operation do you recall that alleyway that we see next</p> <p>5 to 710 Madison being -- having any sewer work done or</p> <p>6 what appeared to be sewer line work done?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recall when that was?</p> <p>9 A. No.</p> <p>10 Q. Was it separate and apart from that project</p> <p>11 that you described earlier where Madison and some other</p> <p>12 main streets were dug up?</p> <p>13 A. Yes, it was.</p> <p>14 Q. Do you recall whether that was before or</p> <p>15 after -- the alley-related work was before or after the</p> <p>16 Madison Street work was done?</p> <p>17 A. I want to say before.</p> <p>18 Q. Do you know what that work involved, the work</p> <p>19 in the alley?</p> <p>20 A. No, I don't. I know the alley was blocked off,</p> <p>21 though. We couldn't use the alley because it was dug up</p> <p>22 for construction. Now --</p> <p>23 Q. Do you recall when that work took place</p> <p>24 relative to when you started operating the dry cleaner?</p> <p>25 A. No.</p>	<p style="text-align: right;">216</p> <p>1 Q. Okay. Do you know Harry Leigh, or did you know</p> <p>2 him?</p> <p>3 A. No.</p> <p>4 Q. Have you ever met Mr. Leigh?</p> <p>5 A. No.</p> <p>6 Q. Do you know if he's alive or deceased?</p> <p>7 A. No, I don't.</p> <p>8 Q. Do you have any contact information for</p> <p>9 Mr. Leigh or any of his relatives?</p> <p>10 A. No.</p> <p>11 Q. Do you happen to know the name of the dry</p> <p>12 cleaning business during the period before</p> <p>13 Mr. Turigliatto took it over?</p> <p>14 A. No.</p> <p>15 Q. And very briefly, you were questioned this</p> <p>16 morning about the Martinizing, One-Hour Martinizing</p> <p>17 franchise, versus the operation of a dry cleaner using a</p> <p>18 Martin machine.</p> <p>19 Do you know if there were actual franchised</p> <p>20 Martin dry cleaning establishments in existence during</p> <p>21 the period of time that you were operating the</p> <p>22 712 Madison?</p> <p>23 A. No, I don't.</p> <p>24 Q. Your understanding is the term Martinizing</p> <p>25 referred to a dry cleaning technique that utilized a</p>
<p style="text-align: right;">215</p> <p>1 Q. Do you recall anything about the work in terms</p> <p>2 of how deep they -- that area was excavated?</p> <p>3 A. I don't recall how deep, but I do recall</p> <p>4 piping. Whether this was -- and I don't know if it was</p> <p>5 sewer. I can't tell you.</p> <p>6 Q. But you recall seeing some piping go in that</p> <p>7 alleyway --</p> <p>8 A. Yes.</p> <p>9 Q. -- as part of that project?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know who performed that work? Was it</p> <p>12 the City of Fairfield or the Sewer District or --</p> <p>13 A. Oh, I'm almost sure it was the City.</p> <p>14 Q. Do you recall having any conversations with</p> <p>15 anybody related -- or with the City related to that</p> <p>16 work?</p> <p>17 A. No, except how long is it going to take you,</p> <p>18 and when's the alley going to be open. I -- yeah, I</p> <p>19 just -- no, I don't recall any conversations.</p> <p>20 Q. All right. There was some discussion earlier</p> <p>21 about the operator of the dry cleaner before</p> <p>22 Mr. Turigliatto. I believe you mentioned Mr. Harry</p> <p>23 Leigh in response to Mr. Graham's questions.</p> <p>24 Do you recall that?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">217</p> <p>1 Martin machine?</p> <p>2 A. Oh, I'm confident that that's what it refers</p> <p>3 to. That information was given to me -- given to me by</p> <p>4 Mr. Turigliatto, that that's what it referred to.</p> <p>5 One-Hour Martinizing referred to the machine</p> <p>6 because it was Martin equipment that was in the</p> <p>7 facility.</p> <p>8 Q. Does Mr. Turigliatto have any documents that</p> <p>9 you know of related to his operation of the dry cleaning</p> <p>10 business at 712 Madison?</p> <p>11 A. He's told me no.</p> <p>12 MR. FARRELL: I think I have nothing further.</p> <p>13 I'll look over my notes quickly while we go around one</p> <p>14 last time. Thank you.</p> <p>15 FURTHER EXAMINATION</p> <p>16 BY MR. GRAHAM:</p> <p>17 Q. Mr. Duensing, I just wanted to follow up on</p> <p>18 some questions Mr. Farrell was asking you with respect</p> <p>19 to work that was being done in the alley adjacent to the</p> <p>20 building that encompasses 712 Madison.</p> <p>21 Is it the case that the work that was done in</p> <p>22 that alley stopped at the point of the building that --</p> <p>23 what I'm trying to say is, did it only encompass the</p> <p>24 area right adjacent to the building, or did it continue</p> <p>25 down further into the parking lot?</p>

<p style="text-align: right;">218</p> <p>1 If you look at Exhibit 12, I'm just trying to 2 get an idea -- you see the cars parked to the left-hand 3 side of that, that photograph that's depicted in 4 Exhibit 12. 5 And that if we were to keep coming towards 6 where the photographer is taking the picture, we'd run 7 up against that alley, correct? 8 A. Correct. 9 Q. Okay. And what I'm just trying to do is get an 10 idea of where this alley work stopped. Did it go all 11 the way back by this line of cars? Did it stop at the 12 building? 13 A. I don't recall. 14 Q. Good enough. 15 A. Now, putting my lawyer hat on for just a 16 minute, it seems to me like it would be fairly easy to 17 figure that out, or at least -- I haven't been back to 18 the building in quite a while. 19 But -- and I don't know how many times that 20 parking lot has been asphalted or patched or whatever. 21 But when they fill in the work and asphalt it, it's 22 going to be -- leave a definite mark as to where the 23 construction was. 24 Like I say, I don't know how many times that 25 parking lot's been redone, but, you know, I'd be</p>	<p style="text-align: right;">220</p> <p>1 called Fairfield Cleaners? 2 A. Yes. 3 Q. Are you aware of any instances where there was 4 release of PERC at Fairfield Cleaners? 5 A. No. 6 Q. Okay. Do you know a gentleman by the name of 7 Obie Goins? 8 A. By name only. 9 Q. Okay. Do you know a gentleman by the name of 10 Ray Johnson? 11 A. By name only. 12 Q. And do you know a gentleman by the name of John 13 Blue, B-I-u-e? 14 A. No. 15 Q. Have you ever met Obie Goins? 16 A. I don't think so. 17 Q. How did you know his name? 18 A. Through Jewel Hirsch, I believe, is where I 19 heard the name. 20 Q. Okay. Have you ever met Ray Johnson? 21 A. No. 22 Q. How do you know his name? 23 A. Same -- same way. They were -- I think both of 24 those gentleman somehow were associated with Jewel 25 Hirsch. Don't ask me how because I don't even know</p>
<p style="text-align: right;">219</p> <p>1 interested myself to go and look and see if there's any 2 telltale lines of asphalt where it might be determined 3 that the work started here and continued on to this 4 area. 5 I don't recall -- back to your question, I 6 don't recall how far that construction went. 7 MR. GRAHAM: Okay. That's all I have. 8 FURTHER EXAMINATION 9 BY MS. McADAM: 10 Q. I have two follow-up questions, I believe. 11 If you'll pull Exhibit 6 and 7 just to clarify. 12 A. (Witness complied.) Oh, 6 and 7. Okay. 13 Q. Okay. The private office reflected on 14 Exhibits 6 and 7, was that there during your operations 15 at 712 Madison? 16 A. No. 17 Q. Okay. Do you know anything about the 18 operations of a business known as Fairfield Printing, 19 Fairfield Printers on Jackson Street, during your 20 operations on Madison Avenue? 21 A. No. 22 MS. McADAM: Thank you very much. 23 FURTHER EXAMINATION 24 BY MR. PRICE: 25 Q. Mr. Duensing, are you familiar with a company</p>	<p style="text-align: right;">221</p> <p>1 that, except -- well, I'm only surmising. 2 I think -- I think I was told that Obie -- 3 MS. McADAM: Object to the extent it calls for 4 speculation. 5 THE WITNESS: No. 6 MR. PRICE: Thank you. That's it. 7 FURTHER EXAMINATION 8 BY MR. SHAMIYEH: 9 Q. One clean-up question. At any time while you 10 operated the cleaners, did you have any knowledge of any 11 leakage in the sewer line? 12 A. No. 13 Q. Any breakage in the sewer line that you know 14 of? 15 A. No. 16 Q. Inside or outside the store, both? 17 A. What now? 18 Q. Inside or outside the store? 19 A. Oh. No. 20 MR. SHAMIYEH: Okay. That's it. Thank you. 21 MR. GRAHAM: Last chance? 22 MR. FARRELL: Nothing further. Thank you. 23 MR. GRAHAM: Thank you. 24 (The deposition was concluded at 4:50 p.m.) 25 --o0o--</p>

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<p>1 Pursuant to Section 2025 (q) (1) of the code of</p> <p>2 Civil Procedure of the State of California, I hereby</p> <p>3 certify that I have read my deposition transcript, pages</p> <p>4 6 - 221, made those changes and corrections that I deem</p> <p>5 necessary, and approve the same as now true and correct.</p> <p>6</p> <p>7 Dated this _____ day of _____, 2011.</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 _____</p> <p>13 GERALD DUENSING</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 June 15, 2011</p> <p>2</p> <p>3 GERALD DUENSING</p> <p>4 5861 Lupin Lane</p> <p>5 Pollock Pines, CA 95726</p> <p>6</p> <p>7 Re: MICHAEL McINNIS and ROBERT DITTMER vs.</p> <p>8 JEWEL HIRSCH, etc., et al.</p> <p>9 Case No. FCS033636</p> <p>10</p> <p>11 Dear Mr. Duensing,</p> <p>12</p> <p>13 The transcript of your deposition taken on</p> <p>14 Friday, June 10, 2011, is now available at this office</p> <p>15 for your review, correction (if necessary) and</p> <p>16 signature. A copy of your deposition has been forwarded</p> <p>17 to counsel.</p> <p>18 If you have any questions about reading or</p> <p>19 signing your deposition, you may wish to discuss with</p> <p>20 counsel whether it is desirable for you to review,</p> <p>21 correct, and sign the transcript before it is filed with</p> <p>22 the court.</p> <p>23 You have thirty days from the date of this</p> <p>24 letter within which to review the transcript. If you so</p> <p>25 wish to review it, please call this office to arrange</p> <p>for an appointment.</p> <p>Very truly yours,</p> <p>Toni A. Sarris</p> <p>Office Manager</p> <p>Delta Deposition</p> <p>cc - all counsel</p>
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<p>1 I, ANTONIA SEVERSON, a licensed Certified</p> <p>2 Shorthand Reporter, duly qualified and certified as such</p> <p>3 by the State of California, do hereby certify: That</p> <p>4 prior to being examined, the witness named in the</p> <p>5 foregoing deposition was by me duly sworn to testify to</p> <p>6 the truth, the whole truth, and nothing but the truth;</p> <p>7 That the said deposition was by me recorded</p> <p>8 stenographically at the time and place herein mentioned,</p> <p>9 and the foregoing pages constitute a full, true, complete</p> <p>10 and correct record of the testimony given by the said</p> <p>11 witness;</p> <p>12 That I am a disinterested person, not being in</p> <p>13 any way interested in the outcome of said action, nor</p> <p>14 connected with, nor related to any of the parties in said</p> <p>15 action, or to their counsel, in any manner whatsoever.</p> <p>16</p> <p>17 Dated this 15th day of June, 2011.</p> <p>18</p> <p>19</p> <p>20</p> <p>21 _____</p> <p>22 ANTONIA SEVERSON, CSR NO. 3430</p> <p>23 CERTIFIED SHORTHAND REPORTER</p> <p>24</p> <p>25</p>	<p>1 Delta Deposition Reporting</p> <p>2 P.O. Box 7312</p> <p>3 Stockton, California 95267</p> <p>4 Phone: (209) 477-0837 (888) 477-0856</p> <p>5 Fax: (209) 477-0856</p> <p>6</p> <p>7 Case Name: MICHAEL McINNIS and ROBERT DITTMER vs.</p> <p>8 JEWEL HIRSCH, etc., et al.</p> <p>9 Case No: FCS033636</p> <p>10 Date of Deposition: JUNE 10, 2011</p> <p>11 Deponent: GERALD DUENSING</p> <p>12</p> <p>13 The Original transcript of this deposition was</p> <p>14 available in this office during business hours on</p> <p>15 business days for a period of 40 calendar days, and that</p> <p>16 all counsel and deponent were given written notice, in</p> <p>17 which the following occurred:</p> <p>18</p> <p>19 The witness and parties waived examination</p> <p>20 and reading of the deposition.</p> <p>21</p> <p>22 The witness corrected, approved or refused</p> <p>23 to approve the deposition by letter to</p> <p>24 this office, hereunto attached.</p> <p>25</p> <p>26 The witness appeared in this office,</p> <p>27 corrected and signed the deposition</p> <p>28 as indicated herein.</p> <p>29</p> <p>30 The witness refused to sign the</p> <p>31 deposition.</p> <p>32</p> <p>33 The witness failed to appear at this</p> <p>34 office.</p> <p>35</p> <p>36 Date: _____</p>

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