12:31:28 IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
* * *
HOBART CORPORATION, et al. ,
Plaintiffs,
vs. CASE NO. 3:13-cv-00115-WHR
THE DAYTON POWER AND
LIGHT COMPANY, et al.,
Defendants.
* * *

Deposition of WILLIAM B. FLECKENSTEIN, Witness herein, called by the Plaintiffs for cross-examination pursuant to the Rules of Civil Procedure, taken before me, Michelle A. Elam, a Notary Public in and for the State of Ohio, at the offices of Sebaly, Shillito + Dyer, 1900 Kettering Tower, 40 North Main Street, Dayton, Ohio, on Tuesday, the 17th day of September, 2013, at 12:31 p.m.

* * *

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(Thereupon, Fleckenstein Exhibit Number 2 was marked for purposes of identification.)	17

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25

1 APPEARANCES: (Cont'd.)

2 ALSO PRESENT:

3 Jennifer Meyer
Nancy Fleckenstein

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1 WILLIAM B. FLECKENSTEIN
2 of lawful age, Witness herein, having been first
3 duly cautioned and sworn, as hereinafter
4 certified, was examined and said as follows:
5 CROSS-EXAMINATION
12:31:45 6 BY MR. SILVER:
12:31:45 7 Q. Mr. Fleckenstein , I'm going to try
12:31:50 8 to speak up for you .
12:31:52 9 A. Fleckenstein .
12:31:55 10 Q. I think you're hearing pretty
12:31:58 11 well .
12:31:59 12 A. Okay .
12:31:59 13 Q. Can you state your full name for
12:32:01 14 the record , please ?
12:32:02 15 A. William B. Fleckenstein .
12:32:05 16 Q. And what about your address ?
12:32:09 17 What's your address ?
12:32:10 18 A. 194 North Bickett Road.
12:32:13 19 Q. In what town , please ?
12:32:15 20 A. In Xenia .
12:32:16 21 Q. Ohio ?
12:32:18 22 A. Ohio . Yes .
12:32:19 23 Q. And what is your date of birth ?
12:32:25 24 A. 8-15-31 .
12:32:27 25 Q. And that would make you recently

12:32:34 1 eight y-two years young, right?
12:32:37 2 A. Yes, sir.
12:32:37 3 Q. All right. Well, what's going to
12:32:39 4 happen today is I'm going to ask you some
12:32:45 5 questions, and it's going to be a
12:32:47 6 question-and-answer period. I represent three
12:32:50 7 companies that are NCR Corporation, Hobart, and
12:32:56 8 Kelsey Hays that are doing an environmental
12:32:59 9 cleanup at the South Dayton dump and landfill.
12:33:03 10 Have you ever heard of the South
12:33:05 11 Dayton dump and landfill?
12:33:06 12 A. Yes, sir.
12:33:07 13 Q. And the other parties here are
12:33:11 14 parties we've included in some litigation with
12:33:15 15 the intention of trying to get them to help us
12:33:20 16 pay for the study and the remediation of the
12:33:23 17 South Dayton dump and landfill.
12:33:26 18 Do you understand what I just
12:33:27 19 said?
12:33:27 20 A. Yes, sir.
12:33:28 21 Q. Thank you. So what's going to
12:33:31 22 happen today is I'm going to ask you some
12:33:33 23 questions, and it will be a question-and-answer
12:33:37 24 period. Some of the other attorneys may also
12:33:40 25 ask you questions. I don't expect this is

12:33:42 1 going to go on for more than two or three
12:33:46 2 hours, and then we'll -- then you're going to
12:33:49 3 be free to go.
12:33:50 4 And during the time we're here, if
12:33:52 5 you need a break for any reason or your wife Nancy
12:33:56 6 thinks we should take a break, please just signal
12:33:59 7 and we can take a five- or ten-minute break or
12:34:02 8 whatever amount of time is needed.
12:34:04 9 Do you understand me so far?
12:34:05 10 A. So far.
12:34:06 11 Q. And I'm speaking loud enough?
12:34:09 12 A. It could be a little louder.
12:34:11 13 Q. I'll try. All right. Have you
12:34:14 14 ever had your deposition taken before?
12:34:16 15 A. At home.
12:34:18 16 Q. In another case?
12:34:21 17 A. I don't remember everything about
12:34:24 18 it, though.
12:34:24 19 Q. Somebody -- a lawyer was asking
12:34:27 20 you questions?
12:34:28 21 A. I don't know if it was a lawyer.
12:34:30 22 Q. Uh-huh. Do you know what the --
12:34:32 23 was it just an interview, perhaps? Maybe just
12:34:36 24 an interview? Was there a court reporter
12:34:38 25 taking everything down?

12:34:39 1 A. Just an interview that -- I don't
12:34:43 2 remember exactly how long it took, but asked me
12:34:49 3 questions about what's -- what I know about
12:34:52 4 what they dumped over there.
12:34:54 5 Q. Sure. Okay. All right. Have you
12:34:57 6 ever testified in court before?
12:34:58 7 A. No, sir.
12:34:59 8 Q. All right. Well, I just want to
12:35:02 9 give you a couple of simple instructions. The
12:35:06 10 first is, if you don't hear my question -- this
12:35:08 11 is an important one. If you don't hear my
12:35:11 12 question, just ask me to repeat it.
12:35:13 13 A. Okay.
12:35:14 14 Q. And the second is if you don't
12:35:17 15 understand my question, ask me to rephrase it
12:35:20 16 just so you'll understand what I'm asking.
12:35:23 17 A. Okay.
12:35:23 18 Q. The third important instruction
12:35:27 19 is -- and I don't think this is going to be a
12:35:29 20 problem -- but wait until I finish the whole
12:35:32 21 question before you answer because she needs to
12:35:36 22 be able to get everything down.
12:35:38 23 A. Okay.
12:35:38 24 Q. You got that?
12:35:39 25 A. I hope so.

12:35:40 1 Q. Me, too. All right. I think
12:35:49 2 we're ready to go.
12:35:51 3 Now, were you born in Ohio?
12:35:53 4 A. Yes.
12:35:54 5 Q. Where in Ohio?
12:35:55 6 A. In the Dayton area.
12:35:57 7 Q. And you grew up here?
12:35:59 8 A. Yes, sir.
12:35:59 9 Q. School here?
12:36:01 10 A. Yes, sir.
12:36:02 11 Q. Where did you go to school?
12:36:04 12 A. Our Lady of the Rosary did grade
12:36:08 13 school and Chaminade for two years.
12:36:11 14 Q. Chaminade.
12:36:13 15 A. Yeah.
12:36:13 16 Q. And then did you go to work after
12:36:14 17 you left Chaminade?
12:36:16 18 A. I worked for my father.
12:36:18 19 Q. What did he do?
12:36:19 20 A. He was in the poultry business.
12:36:22 21 Q. Oh, okay. Right in the Dayton
12:36:24 22 area, I take it --
12:36:25 23 A. Yes, sir.
12:36:26 24 Q. -- where you lived?
12:36:27 25 A. Third and Broadway. We had a

12:36:34 1 business at home on North Dixie, 5430 North
12:36:40 2 Dixie Drive.
12:36:40 3 Q. How long did you work with your
12:36:42 4 father?
12:36:42 5 A. Until I went in the military. I
12:36:44 6 was twenty -- twenty-three, I believe.
12:36:47 7 Q. So that would have been in 1954
12:36:53 8 you went into the military?
12:36:55 9 A. No. I'm sorry. '52. I got out
12:36:58 10 in '54.
12:37:01 11 Q. Okay.
12:37:02 12 A. I'm sorry. It's a little hard for
12:37:04 13 me to remember all these years.
12:37:05 14 Q. You're doing pretty good. What
12:37:07 15 branch of the military?
12:37:08 16 A. Marine Corps.
12:37:09 17 Q. And where were you stationed?
12:37:11 18 A. San Diego and Japan.
12:37:14 19 Q. Where at in Japan?
12:37:20 20 A. Right on the base at Mt. Fuji.
12:37:24 21 Q. Came back to Dayton?
12:37:27 22 A. Yes.
12:37:27 23 Q. And did you then find a job?
12:37:29 24 A. Yes.
12:37:33 25 Q. Did you go back to work with your

12:37:35 1 dad first ?
12:37:36 2 A. No. Well , for a little while .
12:37:39 3 But Dayton Power and Light after that . No ,
12:37:44 4 excuse me . I worked for 7-Up B ottling C ompany.
12:37:50 5 Q. 7-Up ?
12:37:51 6 A. Yeah , for a few years . And then
12:37:54 7 DP&L .
12:37:55 8 Q. What did you do for the Dayton --
12:37:57 9 for 7-Up ?
12:37:58 10 A. I'm sorry ? 7-Up ? Delivered --
12:38:03 11 Q. You delivered ?
12:38:04 12 A. -- beverage .
12:38:06 13 Q. Did you drive the truck ?
12:38:07 14 A. Yes, sir .
12:38:08 15 Q. And you did that for what , how
12:38:11 16 many years would you say ?
12:38:11 17 A. Oh, I'd say about a year .
12:38:13 18 Q. So when did you get married ?
12:38:15 19 A. Oh, you're asking a bad question .
12:38:19 20 Q. That means you didn't prepare for
12:38:21 21 this , did you ?
12:38:23 22 A. No. I didn't . What year ?
12:38:28 23 MRS. FLECKENSTEIN: May 26 , 1956 .
12:38:32 24 Q. All right . I'm going to write
12:38:35 25 this down for you and hand it to you . 1956 ,

12:38:39 1 huh?
12:38:39 2 A. Yes.
12:38:40 3 Q. And I take it you've been married
12:38:42 4 ever since?
12:38:43 5 A. Yes.
12:38:44 6 Q. And where did you meet Nancy?
12:38:47 7 A. Let's see. I'll forget. Oh, I
12:38:50 8 was going with another girl.
12:38:53 9 Q. Leave that off the record.
12:38:56 10 A. I was going with another girl.
12:38:59 11 They were buddies, the other girl and Nancy
12:39:01 12 were buddies, and the other girl went to
12:39:03 13 Florida and I stayed here.
12:39:05 14 Q. Her mistake.
12:39:10 15 A. Well, I don't know about that. I
12:39:12 16 got a good one right here.
12:39:14 17 Q. Hold on a second. I just want to
12:39:21 18 make sure I don't get any interruptions.
12:39:21 19 (Pause in proceedings.)
12:39:25 20 Q. Okay. You worked at 7-Up for
12:39:27 21 about a year?
12:39:28 22 A. I think it was a year, maybe a
12:39:31 23 little longer, but I can't recall.
12:39:32 24 Q. And then you applied for a job
12:39:35 25 with Dayton Power and Light?

12:39:37 1 A. Dayton Power and Light, yes.
12:39:39 2 Q. And they hired you?
12:39:40 3 A. Yes, sir.
12:39:40 4 Q. Now, that would have been, say,
12:39:44 5 around 1955, before you got married?
12:39:46 6 A. Yeah. That's pretty close.
12:39:47 7 Q. Now, where did you start working
12:39:52 8 at Dayton Power and Light?
12:39:54 9 A. '55. I forget exactly.
12:40:01 10 Q. Do you remember which location?
12:40:03 11 A. What location?
12:40:04 12 Q. Yeah. For Dayton Power and Light.
12:40:07 13 A. Yeah. It was on Monument Street.
12:40:09 14 Q. And what did you do for them on
12:40:12 15 Monument Street when you started working?
12:40:14 16 A. Worked as a laborer and then I got
12:40:22 17 a -- what they called helper first class, which
12:40:24 18 was truck driver.
12:40:26 19 Q. Uh-huh.
12:40:27 20 A. And I did operate some machinery,
12:40:32 21 bulldozers, overhead -- crane, mobile crane.
12:40:40 22 That's about it. Setting poles and digging,
12:40:44 23 digging holes by hand.
12:40:46 24 Q. Do you remember the department you
12:40:47 25 were in when you started?

12:40:48 1 A. It was overhead line department .
12:40:50 2 Q. Out of Monument Road ?
12:40:52 3 A. Yes .
12:40:53 4 Q. Did , at some point , you get
12:40:55 5 transferred to another location ?
12:40:59 6 A. Then I put in an application for
12:41:10 7 substation . Electric construction .
12:41:14 8 Q. The electric construction
12:41:15 9 department ?
12:41:16 10 A. Yes . Yes .
12:41:17 11 Q. Uh-huh . And did you get accepted ?
12:41:19 12 A. Sir ?
12:41:20 13 Q. Did you get accepted into that ?
12:41:21 14 A. Oh, yes . Yes .
12:41:23 15 Q. And what happened then ? Were you
12:41:24 16 still working out of --
12:41:26 17 A. Go around and build sub stations
12:41:29 18 around the Dayton Power and Light system .
12:41:31 19 Q. What was your home base ?
12:41:35 20 A. Dayton .
12:41:35 21 Q. Which facility ?
12:41:36 22 A. I'm sorry ?
12:41:38 23 Q. Which facility was your home base ?
12:41:41 24 A. South Broad way .
12:41:42 25 Q. So you moved from Monument Road to

12:41:45 1 South Broad way?
12:41:46 2 A. Well, when they moved out of the
12:41:47 3 building and they moved to Broadway, they built
12:41:50 4 a new building there. They moved everybody
12:41:53 5 down there.
12:41:55 6 Q. So you moved from Monument Road to
12:41:57 7 South Broad way --
12:41:58 8 A. On Dryden Road, I believe it --
12:42:01 9 not Dryden Road. South Broadway.
12:42:09 10 Q. Right. And did they change that
12:42:12 11 name eventually to Dryden Road?
12:42:13 12 A. Well, Dryden Road, they had a gate
12:42:15 13 off of Dryden and it went into the south --
12:42:22 14 south of the building.
12:42:23 15 Q. Okay. Let's show you a diagram.
12:42:30 16 We're going to mark this as Fleckenstein
12:42:56 17 Exhibit Number 1.
12:42:56 18 (Thereupon, Fleckenstein Exhibit
12:42:56 19 Number 1 was marked for purposes of
12:43:02 20 identification.)
12:43:02 21 Q. Bill, we were just looking at this
12:43:04 22 before the deposition. Do you recognize this
12:43:05 23 aerial photograph?
12:43:06 24 A. Pretty much so. Yes, sir.
12:43:08 25 Q. All right. I want you to do a

12:43:11 1 little drawing on it.
12:43:14 2 A. I don't know about that. I'm not
12:43:17 3 much of an artist.
12:43:18 4 Q. Well, we're not going to be
12:43:21 5 judging you by your artwork. Here's a pen.
12:43:26 6 Can you mark --
12:43:29 7 MR. SILVER: And, Frank , if you want
12:43:30 8 to come over and look at this.
12:43:31 9 Q. Can you mark where the Dayton
12:43:34 10 Power and Light facility was?
12:43:36 11 A. (Witness complies with request.)
12:43:43 12 This is it right along in here (indicating) .
12:43:47 13 I'm not -- no. I can't tell. Is this Broadway
12:43:51 14 here (indicating) or is this Broadway
12:43:54 15 (indicating) ?
12:43:55 16 Q. Well, I can't testify for you.
12:43:59 17 A. You're not allowed to tell me.
12:44:00 18 Q. I can show you something that's a
12:44:03 19 little clearer, if you want me to, if you're
12:44:05 20 having trouble with that one. Okay. I'm
12:44:38 21 marking Fleckenstein Exhibit Number 2.
12:44:38 22 (Thereupon, Fleckenstein Exhibit
12:44:38 23 Number 2 was marked for purposes of
12:44:40 24 identification.)
12:44:40 25 Q. This is another aerial photograph .

12:44:42 1 Take a look at that and see if it helps you
12:44:44 2 locate what you're trying to locate.
12:45:15 3 (Pause in proceedings.)
12:45:15 4 Q. Bill, do you see in Exhibit 2
12:45:16 5 where --
12:45:17 6 A. East River Road.
12:45:18 7 Q. Right. Bill, do you see in
12:45:31 8 Exhibit 2 where Dryden Road is labeled?
12:45:34 9 A. Yes. I see where Dryden Road is.
12:45:36 10 Q. Yes.
12:45:44 11 A. I believe this is it here
12:45:45 12 (indicating), Dayton Power and Light.
12:45:48 13 Q. Where don't you write DP&L where
12:45:51 14 you think DP&L was.
12:45:57 15 A. (Witness complies with request.)
12:45:59 16 Q. Bill, do you -- have you ever
12:46:01 17 heard the term service building?
12:46:03 18 A. I'm sorry?
12:46:05 19 Q. Have you ever heard the term
12:46:07 20 service building?
12:46:07 21 A. Yes. I -- there was a business
12:46:18 22 named Fleming that had trucks right across the
12:46:22 23 road from us.
12:46:22 24 Q. From the DP&L service building?
12:46:25 25 A. Yeah. And then just south of that

12:46:29 1 was the entrance into the dump.
12:46:30 2 Q. What dump was this?
12:46:32 3 A. I can tell you who owned it.
12:46:45 4 Q. Who owned it?
12:46:46 5 A. A lawyer. I spoke too soon now.
12:46:54 6 Q. Take your time.
12:46:56 7 A. The fellow that stayed at the
12:47:01 8 dump, his name was Grillot.
12:47:02 9 Q. Do you recognize the name Lacine
12:47:12 10 Grillot?
12:47:12 11 A. I just knew him by Grillot. I
12:47:15 12 didn't know anything else. And the other
12:47:18 13 fellow was a lawyer.
12:47:20 14 Q. We're going to have to take
12:47:28 15 Nancy's deposition next.
12:47:31 16 A. His secretary stood up with my
12:47:34 17 wife and I while we got married. What the heck
12:47:37 18 was his name?
12:47:38 19 Q. Do you remember the name Boesch,
12:47:43 20 B O E S C H?
12:47:47 21 A. Oh, Mr. Boesch. I believe that's
12:47:51 22 his name.
12:47:51 23 Q. Do you remember the secretary's
12:47:54 24 name who stood up with you for the wedding? I
12:47:58 25 bet Nancy does.

12:47:59 1 A. Nancy does, but -- Treva.
12:48:09 2 MRS. FLECKENSTEIN: (Nods head up and
12:48:09 3 down.)
12:48:09 4 Q. Treva. Okay. She's nodding her
12:48:12 5 head yes.
12:48:13 6 A. That's about all I can tell you
12:48:14 7 for now.
12:48:15 8 Q. So you went to work at the DP&L
12:48:17 9 service building after the transfer from
12:48:19 10 Monument Road; is that right?
12:48:20 11 A. Yes.
12:48:21 12 Q. Okay. And --
12:48:24 13 A. The whole company moved --
12:48:26 14 Q. And you moved into a brand-new
12:48:28 15 building?
12:48:28 16 A. Yes.
12:48:28 17 Q. Then how long did you work for
12:48:30 18 DP&L at the service building?
12:48:32 19 A. Twenty-eight years.
12:48:36 20 Q. Did you retire from DP&L?
12:48:39 21 A. No. I retired from DP&L in -- in
12:48:46 22 Wilmington. I was -- they had a big shake up,
12:48:49 23 and I ended up down in Wilmington.
12:48:51 24 Q. Okay. Where is Wilming -- is it
12:48:54 25 called Port Wilmington, did you say, or Fort

12:48:57 1 Wilmington ? I didn't hear what you said .
12:49:00 2 A. No , Wilmington --
12:49:03 3 Q. Wilmington , Ohio ?
12:49:06 4 A. -- Ohio , yes .
12:49:07 5 Q. And what kind of facility is down
12:49:09 6 in Wilmington , Ohio ?
12:49:11 7 A. Mostly maintenance people , worked
12:49:14 8 on lines and when they still had gas at that
12:49:18 9 time . I worked in the gas division at
12:49:24 10 Wilmington .
12:49:25 11 Q. So when you -- just so I have it
12:49:29 12 straight , from -- you moved into the service
12:49:35 13 building on what is now Dryden Road when the
12:49:37 14 building opened ?
12:49:38 15 A. Dryden and South Broad way .
12:49:42 16 Q. South Broad way . Right . Did you
12:49:44 17 ever hear it called Springboro , that same road ?
12:49:48 18 A. Yeah . Springboro Pike . That
12:49:51 19 sounds right .
12:49:52 20 Q. Okay . So you moved into the
12:49:55 21 service building when it was brand-new .
12:49:57 22 A. Yes .
12:49:57 23 Q. And then you worked there for
12:49:59 24 another twenty-eight years ?
12:50:01 25 A. Yes . Twenty -- yeah , twenty-eight

12:50:04 1 years .
12:50:04 2 Q. And then you got transferred in a
12:50:06 3 shake up down to Wilmington ?
12:50:08 4 A. I got transferred when they had a
12:50:10 5 big blowup with certain people .
12:50:13 6 Q. It's all right . We won't get into
12:50:17 7 all that .
12:50:17 8 A. I won't get into all that .
12:50:19 9 Q. I'm not interested in that . I'm
12:50:22 10 more interested in when you worked at the
12:50:26 11 service building .
12:50:27 12 A. I ended up in the gas division in
12:50:30 13 Wilmington .
12:50:30 14 Q. How long of a drive is it down to
12:50:33 15 Wilmington ?
12:50:34 16 A. I'm sorry ?
12:50:34 17 Q. How long of a drive is it down to
12:50:37 18 Wilmington ?
12:50:37 19 A. Four years .
12:50:38 20 Q. Oh, you were there four years in
12:50:40 21 Wilmington ?
12:50:40 22 A. Yeah .
12:50:40 23 Q. When did you move out to Xenia ?
12:50:46 24 A. What is it , three or four years ?
12:50:50 25 MRS. FLECKENSTEIN: It was eight .

12:50:51 1 THE WITNESS: Eight years.
12:50:52 2 Q. And before that you lived in
12:50:53 3 Dayton?
12:50:54 4 A. Fairborn.
12:50:55 5 Q. Fairborn. Okay. Okay. You're
12:50:59 6 doing great. All right.
12:51:05 7 So tell me where you were stationed
12:51:06 8 when you moved into the service building.
12:51:09 9 A. Where was I stationed?
12:51:11 10 Q. Yeah. Within the building.
12:51:12 11 A. In the service?
12:51:15 12 Q. In the service building.
12:51:17 13 A. California.
12:51:18 14 MRS. FLECKENSTEIN: No. You
12:51:20 15 misunderstood the question.
12:51:21 16 THE WITNESS: Yeah.
12:51:22 17 Q. I'll ask it again. When the
12:51:24 18 service building opened up in 1955 or '56 --
12:51:29 19 A. Yes.
12:51:29 20 Q. -- you got transferred down there
12:51:32 21 from Monument Road?
12:51:33 22 A. Yes, from Monument.
12:51:35 23 Q. So where were you stationed at the
12:51:37 24 service building, your job station?
12:51:39 25 A. Around the back of the building.

12:51:43 1 Q. Uh-huh . That's all right . Do you
12:51:45 2 remember what department that was ?
12:51:46 3 A. That was overhead line department .
12:51:48 4 Q. Overhead line department . Okay .
12:51:51 5 A. Yeah . Let's see . I worked
12:51:53 6 there -- I don't know how long . I forget . And
12:51:58 7 then when I transferred into electric
12:52:04 8 construction , it was toward the front of the
12:52:05 9 building or the roadway . I call that the
12:52:07 10 front .
12:52:08 11 Q. Along --
12:52:09 12 A. Where all the trucks parked .
12:52:12 13 Q. And you got transferred into which
12:52:14 14 department ?
12:52:15 15 A. Electric construction .
12:52:16 16 Q. Electric construction . And you
12:52:18 17 were located in the front of the building along
12:52:20 18 Broadway ?
12:52:21 19 A. Yeah .
12:52:22 20 Q. Along Broadway , right ?
12:52:24 21 A. Yes .
12:52:24 22 Q. All right . And how long -- how
12:52:27 23 long was it after you moved into the Broadway
12:52:32 24 service building did you get transferred into
12:52:36 25 this new department overhead --

12:52:41 1 A. How long? I don't recall exactly
12:52:44 2 how long.
12:52:44 3 Q. A year or two?
12:52:45 4 A. Oh, no. It was the next day or a
12:52:50 5 couple days after.
12:52:51 6 Q. I see.
12:52:53 7 A. I do believe that. I'm not
12:52:56 8 positive.
12:52:56 9 Q. That's all right. I'm just trying
12:52:58 10 to get the background here. So how long did
12:53:01 11 you work in electric construction?
12:53:05 12 A. Four or five years. Something
12:53:18 13 like that.
12:53:18 14 Q. What did you do in electric
12:53:20 15 construction?
12:53:20 16 A. Run a crane. Help construct the
12:53:28 17 steel with the crane and things like that.
12:53:33 18 Q. Did you run the crane right at the
12:53:35 19 service building area?
12:53:36 20 A. No. It was all over the Dayton
12:53:41 21 Power and Light system.
12:53:42 22 Q. Were you building -- helping to
12:53:45 23 build things?
12:53:45 24 A. I used to raise the iron up for
12:53:51 25 the constructors, the electricians, whatever.

12:53:56 1 Q. Were they building substations or
12:53:58 2 something else?
12:53:58 3 A. Yes, building substations. Help
12:54:05 4 move transformers, big transformers, the
12:54:10 5 rigging crew, things like that.
12:54:12 6 Q. And were you away for part of the
12:54:19 7 day doing that?
12:54:20 8 A. Probably about six and a half,
12:54:22 9 seven hours a day, depending upon how close it
12:54:26 10 was.
12:54:26 11 Q. So in the morning, during that
12:54:28 12 period of time, would you check into the
12:54:30 13 service building in the morning?
12:54:31 14 A. Check in the service building.
12:54:33 15 Q. And then go out to some
12:54:35 16 construction site?
12:54:36 17 A. Go out to some area, substation,
12:54:38 18 and work.
12:54:39 19 Q. And then come back at the end of
12:54:41 20 the day?
12:54:41 21 A. And come back at the end of the
12:54:44 22 day, around 4:00.
12:54:44 23 Q. Then what time would you -- what
12:54:48 24 time would you get off? Around 4:00?
12:54:51 25 A. 4:30.

12:54:53 1 Q. So you spent a little time at the
12:54:55 2 beginning of the day and at the end of the day
12:54:57 3 at the service building ?
12:54:57 4 A. Yes, sir .
12:54:58 5 Q. That was typical during that
12:54:59 6 period ?
12:55:00 7 A. I'm sorry ?
12:55:02 8 Q. Was that your typical day during
12:55:04 9 that period ?
12:55:04 10 A. Most of the time , yes . And then I
12:55:08 11 spent four hours in Wilmington , Ohio in the gas
12:55:13 12 division .
12:55:14 13 Q. When was that ?
12:55:15 14 A. Oh, geez . I don't recall . I'm
12:55:22 15 one that doesn't have a good idea of time .
12:55:25 16 Q. Okay . That's fine . Now , when you
12:55:30 17 were working in electric construction , did you
12:55:35 18 ever see a Dayton Power and Light like dump
12:55:42 19 truck parked along --
12:55:43 20 A. On the south end of the building .
12:55:45 21 Q. South end of the building ?
12:55:47 22 A. Yes, sir .
12:55:47 23 Q. Can you show me on that exhibit in
12:55:50 24 front of you where you saw it parked ? That's
12:55:53 25 Exhibit 2 , the one you're looking right at .

12:55:55 1 A. Well, if I can recall the other
12:56:00 2 names of these, but that would be -- if this --
12:56:12 3 okay. Yeah. It would be right here
12:56:14 4 (indicating).
12:56:14 5 Q. Why don't you draw a circle, maybe
12:56:17 6 just a little circle around it.
12:56:20 7 A. Okay. (Witness complies with
12:56:21 8 request.)
12:56:21 9 Q. And why don't you write in dump
12:56:24 10 truck. Or just DT. DT will do. That will
12:56:29 11 make it easier.
12:56:30 12 A. (Witness complies with request.)
12:56:34 13 I'm terrible.
12:56:35 14 Q. You're doing great. It's a work
12:56:38 15 of art.
12:56:40 16 A. Sir?
12:56:40 17 Q. I said it's a work of art.
12:56:42 18 A. Yeah. If it gets you what you
12:56:46 19 need.
12:56:46 20 Q. Exactly. So tell me -- tell me
12:56:53 21 about the truck dump. Why was it there?
12:56:55 22 A. The dump truck was used mostly for
12:57:02 23 material department. They would throw
12:57:10 24 cardboard, maybe pallets, wooden pallets, in
12:57:15 25 that. Now, when it was full, they took it over

12:57:22 1 to the dump.
12:57:22 2 Q. And what dump was that?
12:57:24 3 A. South Dayton.
12:57:25 4 Q. And show me on that same exhibit
12:57:31 5 where the dump was. If you want to look at the
12:57:38 6 bigger exhibit, Exhibit 1, yeah, why don't you
12:57:40 7 do that.
12:57:41 8 A. This right here (indicating).
12:57:43 9 Q. Let the record reflect that the
12:57:45 10 witness is looking at Exhibit 1. Why don't you
12:57:48 11 draw a circle where you feel the dump was.
12:57:50 12 A. Where I see -- on the big one?
12:57:55 13 Q. In the big one. Yeah.
12:58:06 14 A. Okay. Oh, my gosh. (Witness
12:58:16 15 complies with request.)
12:58:16 16 Q. Did you show me the dump?
12:58:18 17 A. It's right here (indicating).
12:58:19 18 Q. The dump truck? Is that the dump
12:58:21 19 truck or the dump?
12:58:25 20 A. That's the dump truck
12:58:28 21 (indicating). That's the dump (indicating).
12:58:29 22 Q. Why don't you circle where you
12:58:32 23 just pointed to the dump.
12:58:33 24 A. You want me to circle here?
12:58:35 25 Q. I do.

12:58:36 1 A. (Witness complies with request.)
12:58:37 2 Q. And write in dump, D U M P.
12:58:41 3 A. Yeah. I can't even write anymore.
12:58:50 4 Q. You're doing pretty well. You're
12:58:54 5 getting into Picasso range now, Bill. You're
12:59:00 6 doing fine. Do you want to rest -- relax a
12:59:04 7 little or should we keep going?
12:59:06 8 A. Keep going. I want to get it over
12:59:08 9 with.
12:59:09 10 Q. Okay. We will do that. What are
12:59:12 11 you doing tomorrow?
12:59:13 12 A. I have no idea. I hope I'm not
12:59:16 13 here tomorrow.
12:59:16 14 Q. Definitely not.
12:59:21 15 All right. How do you know that the
12:59:23 16 dump truck went to the dump you just identified?
12:59:27 17 A. How do I know that?
12:59:29 18 Q. Yeah.
12:59:29 19 A. Walking up and down the area where
12:59:37 20 the trucks were parked, they had a walkway
12:59:42 21 where you put material in your truck, where
12:59:46 22 you're going out to the job. Storeroom.
12:59:51 23 Q. Right.
12:59:52 24 A. Okay? And you'd walk up and down.
12:59:55 25 I knew a lot of the fellows there. I know

13:00:00 1 you'd see them throwing the cardboard and crap
13:00:03 2 in the truck when you were getting ready to go
13:00:08 3 out to your job -- or my job.
13:00:11 4 Q. So when you were getting ready to
13:00:12 5 go out to your job, you observe d --
13:00:15 6 A. Yeah, I could just look in it. It
13:00:18 7 was fairly high on the sides, but mostly --
13:00:23 8 like I said, mostly cardboard. I don't know of
13:00:27 9 anything else that they would put in that.
13:00:28 10 Q. Uh-huh. And let me ask you. What
13:00:34 11 color was the dump truck?
13:00:35 12 A. You don't want me to tell you my
13:00:38 13 version of it. It was brown.
13:00:40 14 Q. All right. I'll take it from
13:00:43 15 there. I understand. And do you know how old
13:00:47 16 the truck was?
13:00:49 17 A. No, I don't.
13:00:49 18 Q. Okay. Now, do you know any of the
13:01:07 19 drivers that drove the dump truck?
13:01:09 20 A. I'm sorry?
13:01:11 21 Q. Do you know any of the drivers
13:01:12 22 that drove --
13:01:13 23 A. I do not. They were furnished by
13:01:18 24 the material department there.
13:01:19 25 Q. Now, you mentioned material

13:01:21 1 department . Have you ever heard of the stores
13:01:23 2 department ?
13:01:23 3 A. Well , yeah . Stores . Stores
13:01:28 4 department .
13:01:28 5 Q. Is that the same or is that
13:01:30 6 different than --
13:01:31 7 A. That's the same . That's the same .
13:01:34 8 Q. Do you remember who used to work
13:01:36 9 with you that works in the stores department ?
13:01:38 10 A. Oh, gosh . No , I -- Norman . The
13:01:58 11 only way I know him , they call him Jughead
13:02:01 12 normally . And , of course , he's probably gone
13:02:04 13 by now .
13:02:05 14 Q. Any other names ?
13:02:07 15 A. Not that I can recall right
13:02:17 16 offhand .
13:02:18 17 Q. Do you remember a Jim South ?
13:02:20 18 A. Jim South? I know Jim South .
13:02:22 19 He's a good boy .
13:02:23 20 Q. Yeah . He's still around , right ?
13:02:25 21 A. Yes, sir .
13:02:26 22 Q. Did he work in stores ?
13:02:27 23 A. He may have worked in stores and
13:02:31 24 then I'm not positive . I'm not saying it -- he
13:02:38 25 may have worked in stores and then went to

13:02:40 1 electric construction .
13:02:40 2 Q. Okay . Any other names come to
13:02:43 3 mind from stores ?
13:02:44 4 A. From stores ?
13:02:45 5 Q. Yeah .
13:02:53 6 A. No , not really .
13:02:54 7 Q. If you think of any while we're
13:02:57 8 talking , just volunteer . Let me know . Also ,
13:02:59 9 if you have a picture in mind of anyone who
13:03:01 10 drove that truck , the dump truck , I'd be real
13:03:04 11 interested in knowing their names , too .
13:03:09 12 Well , when that truck was moved , it
13:03:11 13 was moved while I was away from the building . And
13:03:14 14 I don't know . I'll be honest . I don't know .
13:03:17 15 Q. During the day when you were away
13:03:19 16 from the building ?
13:03:20 17 A. Yeah , when I was away from the
13:03:22 18 building .
13:03:22 19 Q. Do you know if that truck was
13:03:24 20 ever -- you mentioned that it was parked at the
13:03:26 21 south end of the dock ; is that -- it --
13:03:30 22 A. Of the dock .
13:03:30 23 Q. I guess that would be the west
13:03:32 24 dock ?
13:03:32 25 A. Yes .

13:03:33 1 Q. Do you know if it was ever parked
13:03:37 2 in -- did you ever see it parked in other
13:03:39 3 locations at the service building ?
13:03:41 4 A. If it was , I don't recall .
13:03:43 5 Q. Maybe the south -- perhaps the
13:03:46 6 south -- the south end of the east dock ? Do
13:03:48 7 you have any memory of it being parked there ?
13:03:54 8 A. No , I don't recall .
13:03:55 9 Q. Do you remember ever seeing a
13:03:57 10 dumpster at the south end of the west dock or
13:04:00 11 the south end of the east dock ?
13:04:03 12 A. Yes . And that was mostly for
13:04:05 13 metal .
13:04:05 14 Q. And where was it ? Which dock ?
13:04:07 15 A. At the west side dock , west dock .
13:04:11 16 Q. Same -- same vicinity ?
13:04:13 17 A. Same location as the dump truck .
13:04:16 18 About in that same area .
13:04:18 19 Q. And can you tell , was it mostly --
13:04:20 20 do you know the size of that dumpster ?
13:04:23 21 A. No, I can't tell you .
13:04:24 22 Q. Length of it ?
13:04:25 23 A. It wasn't a big dumpster . Most of
13:04:34 24 the time they didn't have a whole lot of metal
13:04:36 25 to throw away , I didn't think .

13:04:39 1 Q. Where did the metals come from?
13:04:41 2 A. Used tools. Out-of-date metal,
13:04:53 3 things like that.
13:04:54 4 Q. Where did that come from, out of
13:04:57 5 the stores kept?
13:04:58 6 A. Well, it was probably things that
13:04:59 7 the line department brought in from a job or
13:05:02 8 something like that.
13:05:06 9 Q. And did you see that -- does that
13:05:08 10 dumpster go way back to when you first started
13:05:12 11 working at the service building?
13:05:14 12 A. Oh, yeah, it was there when I
13:05:16 13 worked there.
13:05:16 14 Q. And do you know where the -- who
13:05:18 15 picked up the materials in the dumpster?
13:05:22 16 A. I have no idea who picked that up.
13:05:26 17 Q. Or where it went?
13:05:27 18 A. I don't recall who did that.
13:05:28 19 Q. Did you see any dumpsters on the
13:05:34 20 service building property?
13:05:41 21 A. No, I don't.
13:05:41 22 Q. Do you know where the garage was?
13:05:49 23 Can you show me on -- well, let's look at
13:05:51 24 Exhibit 2 to begin with. Can you identify
13:05:54 25 where the garage was? If you're having

13:06:10 1 trouble , let me know because we can get you a
13:06:13 2 better photo . Just put a G next to that so we
13:06:16 3 know what you're referring to . Let the record
13:06:18 4 reflect that he's marking the location of the
13:06:21 5 garage on Exhibit 2 .
13:06:22 6 A. I'm sorry ?
13:06:24 7 Q. I was just talking to the court
13:06:25 8 reporter . Okay . Was there a dumpster near the
13:06:28 9 garage ?
13:06:28 10 A. Honestly , I don't recall .
13:06:38 11 Q. Was there a dumpster at the end of
13:06:40 12 the east -- do you know where the east dock
13:06:42 13 was ?
13:06:42 14 A. Yes .
13:06:43 15 Q. Was there a dumpster at the south
13:06:45 16 end of the east dock ?
13:06:47 17 A. I don't recall honestly .
13:06:58 18 Q. Do you recall any other dumpsters
13:07:00 19 on the --
13:07:01 20 A. On the property ?
13:07:02 21 Q. Yeah .
13:07:02 22 A. No , I don't recall any .
13:07:04 23 Q. Now , where we left off , you were
13:07:06 24 working in electric construction . Did you --
13:07:14 25 did you continue to work in electric

13:07:17 1 construction for the rest of your time ?
13:07:18 2 A. No, sir .
13:07:19 3 Q. Where did you go after electric
13:07:22 4 construction ?
13:07:22 5 A. After I left electric
13:07:24 6 construction , I was forced to move to
13:07:27 7 Wilmington , Ohio .
13:07:28 8 Q. So you were in electric
13:07:31 9 construction until you went to Wilmington ?
13:07:33 10 A. Yes .
13:07:33 11 Q. And that was what , after
13:07:35 12 twenty-eight years at the service building ?
13:07:38 13 A. About twenty-eight years , yes .
13:07:41 14 And four years at Wilmington .
13:07:43 15 Q. Did you ever work as a blacksmith
13:08:06 16 at DP&L ?
13:08:07 17 A. Yes .
13:08:07 18 Q. Okay . We forgot to -- we hadn't
13:08:12 19 talked about that yet .
13:08:13 20 A. That was -- I'm sorry . That
13:08:16 21 was -- that was in between leaving electric
13:08:21 22 construction and going to Wilmington . That was
13:08:23 23 in between . That was three or four years .
13:08:26 24 Q. And was that right at the service
13:08:28 25 building ?

13:08:28 1 A. Yeah, right at the service
13:08:30 2 building.
13:08:30 3 Q. Did DP&L at some point move out --
13:08:42 4 stop having a blacksmith shop at the service
13:08:45 5 building?
13:08:45 6 A. They -- they decided they wanted
13:08:53 7 that area for some office -- offices.
13:08:56 8 Q. And if you look at Exhibit 2, that
13:09:01 9 exhibit right in front of you, Bill, Exhibit 2,
13:09:04 10 can you draw a little circle around where the
13:09:13 11 blacksmith office was -- a blacksmith shop was?
13:09:16 12 I'm sorry.
13:09:17 13 A. Okay. It was -- it was right in
13:09:26 14 that corner (indicating).
13:09:26 15 Q. Put a B in there.
13:09:28 16 A. (Witness complies with request.)
13:09:29 17 Q. So you were at the south end of
13:09:31 18 the east dock? Is that where the blacksmith
13:09:34 19 shop was?
13:09:35 20 A. The east side of the building.
13:09:37 21 Q. Uh-huh. Okay.
13:09:40 22 A. On the back dock. Then the back
13:09:43 23 dock, they had transformer place where they
13:09:47 24 repaired transformers in this same -- about the
13:09:50 25 same area. Then they also had a wood shop in

13:09:55 1 that same area as the blacksmith shop.
13:09:57 2 Q. So there was a wood shop and
13:10:00 3 transformer repair shop close to where you were
13:10:03 4 working as black smiths?
13:10:04 5 A. It was actually called a
13:10:06 6 maintenance -- maintenance department.
13:10:08 7 Q. How is it that you ended up moving
13:10:15 8 from electric construction to blacksmith?
13:10:17 9 A. Well, at the time I was getting a
13:10:20 10 little older and I wanted to get inside. And I
13:10:27 11 had a little experience -- the days it rained,
13:10:32 12 sometimes we stayed at the building and I'd
13:10:40 13 always go back and look and watched the
13:10:42 14 blacksmith. That's how I learned.
13:10:43 15 Q. You enjoyed watching the
13:10:45 16 blacksmith?
13:10:46 17 A. I enjoyed a whole lot. That was
13:10:48 18 one of the most rewarding jobs I ever had.
13:10:50 19 Q. Why would you say that?
13:10:52 20 A. Why do I say that?
13:10:54 21 Q. Yeah.
13:10:54 22 A. Because if you made a mistake, it
13:10:56 23 was your fault and not nobody else's.
13:10:59 24 Q. I understand.
13:11:03 25 A. You understand that, too.

13:11:04 1 Q. I do. Yeah. I make a lot of
13:11:07 2 mistakes. I blame her.
13:11:12 3 A. Well, it was one of the most
13:11:14 4 enjoyable jobs I ever had.
13:11:16 5 Q. Good. How many years did you work
13:11:18 6 in the blacksmith shop?
13:11:19 7 A. Let's see. Probably -- I'm going
13:11:25 8 to guess about three to four years.
13:11:27 9 Q. I'm just wondering, when you were
13:11:29 10 working the blacksmith shop, was DP&L still
13:11:33 11 operating that dump truck we talked about
13:11:36 12 earlier?
13:11:36 13 A. As far as I know, yes.
13:11:39 14 Q. Did you ever see the dump truck on
13:11:47 15 the blacksmith side of the building?
13:11:47 16 A. No.
13:11:50 17 Q. Always on the west dock?
13:11:51 18 A. Yes.
13:11:51 19 Q. And was there any other -- did
13:11:55 20 DP&L run any other dump trucks, other than the
13:11:59 21 one you saw on the west dock?
13:12:01 22 A. Well, the gas division did a lot
13:12:04 23 of them, but they didn't have that high of
13:12:08 24 sides, were four or five foot high, see. Now,
13:12:11 25 the ones on the west side -- and you know those

13:12:20 1 were just normal dump trucks with front end
13:12:24 2 loaders or no kind of loader on them.
13:12:27 3 Q. Okay. So -- so just to make sure
13:12:31 4 that I have it straight, the dump truck that
13:12:33 5 was parked on the west dock had four or five
13:12:37 6 foot high sides?
13:12:38 7 A. Yeah. They were higher side
13:12:41 8 boards on them because they hauled probably
13:12:44 9 just cardboard from material department, stores
13:12:47 10 department.
13:12:47 11 Q. Then the gas station you said had
13:12:54 12 dump trucks without the sides on both?
13:12:58 13 A. Yeah. Normal sides on a dump
13:13:01 14 truck.
13:13:01 15 Q. Some with front-end loaders?
13:13:03 16 A. Yes.
13:13:03 17 Q. What did the gas division put in
13:13:07 18 the -- in those dump trucks with the lower
13:13:10 19 sides?
13:13:11 20 A. Dirt. Just dirt that they dug up
13:13:14 21 if they couldn't -- sometimes they didn't get a
13:13:18 22 hole filled up all the way or they did get it
13:13:21 23 filled up and they had excess dirt.
13:13:26 24 Q. Now, this would be dirt from when
13:13:29 25 they're out working on the --

13:13:31 1 A. On a job.
13:13:33 2 Q. On a job out on the streets
13:13:35 3 somewhere?
13:13:36 4 A. Yeah.
13:13:36 5 Q. And what about the gas division's
13:13:40 6 trucks, dump trucks with the front-end loaders,
13:13:43 7 what would those pick up?
13:13:44 8 A. I'm sorry?
13:13:46 9 Q. What about the gas construction
13:13:50 10 with the dump front-end loaders, what would
13:13:54 11 those trucks pick up?
13:13:56 12 A. Dirt. Just flip back over and go
13:14:01 13 back to the bed.
13:14:01 14 Q. Was the gas division -- how many
13:14:04 15 trucks -- dump trucks did the gas division
13:14:07 16 have?
13:14:08 17 A. Oh, I couldn't tell you.
13:14:09 18 Q. Well, let me ask you --
13:14:11 19 A. Half a dozen maybe.
13:14:13 20 Q. Half a dozen?
13:14:14 21 A. I'm guessing at that.
13:14:15 22 Q. You're approximating?
13:14:17 23 A. Yes. Approximate.
13:14:18 24 Q. And you observed these trucks when
13:14:20 25 you were at the service -- I'm sorry -- the

13:14:23 1 service --
13:14:24 2 A. I observe d them .
13:14:24 3 Q. You saw them ?
13:14:25 4 A. Yes .
13:14:26 5 Q. Eyewitness . You actually saw
13:14:28 6 them ?
13:14:28 7 A. Yes . They would be backed up to
13:14:30 8 the dock or be out in the south yard where they
13:14:36 9 parked excess vehicles .
13:14:37 10 Q. Okay .
13:14:38 11 A. Okay ?
13:14:39 12 Q. Do you know how other waste from
13:14:50 13 the service building got picked up for
13:14:53 14 disposal ?
13:14:53 15 A. Not that I can recall .
13:14:59 16 Q. So far you mentioned the dump
13:15:02 17 truck on the south --
13:15:03 18 A. Well , they would -- if somebody
13:15:08 19 wanted some dirt , they'd dump it on a different
13:15:11 20 property . What they did with the excess dirt ,
13:15:16 21 I couldn't tell you all of it, no .
13:15:18 22 Q. What about office trash coming out
13:15:24 23 of the service building ? How did that get
13:15:26 24 picked up and disposed of ?
13:15:28 25 A. I have no idea about that .

13:15:29 1 Q. So you don't know what -- what the
13:15:32 2 vehicle was that picked that up?
13:15:34 3 A. I couldn't tell you for sure.
13:15:43 4 Q. What about from the blacksmith
13:15:45 5 shop, if you had anything to throw away, where
13:15:48 6 would that go?
13:15:48 7 A. Most of the time there wasn't
13:15:51 8 nothing you would throw away except the burnt
13:15:55 9 coal.
13:15:55 10 Q. What would you do with that?
13:15:56 11 A. They had a container I put it in.
13:16:00 12 Where it went, I don't know. Whether it went
13:16:03 13 over to the dump or not, I don't know.
13:16:06 14 Q. Did you pick up the container and
13:16:08 15 take it somewhere?
13:16:09 16 A. No, sir.
13:16:10 17 Q. And do you know who did that?
13:16:11 18 A. I have no idea.
13:16:13 19 Q. Somebody from maintenance,
13:16:15 20 perhaps?
13:16:15 21 A. Probably -- could have been -- we
13:16:21 22 did have a dumpster out back, too. Throw it in
13:16:25 23 the dumpster. Most of the time you didn't have
13:16:28 24 much ash left. It's pretty well burnt up.
13:16:32 25 Q. In the blacksmith shop?

13:16:34 1 A. Yes.
13:16:34 2 Q. Now, you mentioned a dumpster out
13:16:38 3 back.
13:16:39 4 A. It was outside the back of the
13:16:41 5 transformer shop.
13:16:42 6 Q. Okay. Can you show me where that
13:16:46 7 was on the --
13:16:46 8 A. Oh, God.
13:16:47 9 Q. Well, before we do that, can you
13:16:50 10 find --
13:16:50 11 A. Well, transform er shop -- I think
13:16:53 12 I might have this wrong.
13:16:54 13 Q. Yeah, I was thinking that, too.
13:16:56 14 A. And I do. Do you want to correct
13:17:01 15 it. How do I correct this?
13:17:05 16 Q. You just cross it out if you think
13:17:07 17 that's not right. But show me first where you
13:17:10 18 think the blacksmith shop could have been.
13:17:13 19 A. Okay. I got you here on this
13:17:17 20 corner.
13:17:17 21 Q. Put a B next to that.
13:17:19 22 A. (Witness complies with request.)
13:17:19 23 And then the transform er shop was in -- was in
13:17:23 24 this area (indicating). And the carpenter shop
13:17:26 25 was in there (indicating).

13:17:27 1 Q. All right. I'm going to ask you
13:17:29 2 to do something complicated. Put a T anywhere
13:17:32 3 you think the transformer shop is, if you can.
13:17:41 4 A. (Witness complies with request.)
13:17:42 5 Q. Put a B where you think the
13:17:44 6 blacksmith shop is and a C where you think
13:17:47 7 where the carpentry shop was.
13:17:50 8 A. (Witness complies with request.)
13:17:51 9 Q. Okay. Then cross out the old B if
13:17:54 10 you don't think that's where the blacksmith
13:17:56 11 shop is.
13:17:57 12 A. This here (indicating)?
13:18:00 13 Q. Yes.
13:18:00 14 A. Yes, that was still part of the
13:18:03 15 stores department.
13:18:03 16 Q. Okay. We're getting ourselves
13:18:05 17 straight.
13:18:06 18 A. I'm kind of old, you know.
13:18:08 19 Q. No, you're not. You fooled me.
13:18:15 20 A. I remember some of it. I don't
13:18:16 21 remember it all.
13:18:17 22 Q. That's all right. You're doing
13:18:19 23 very well. Have you heard of the oil house?
13:18:21 24 A. Oil house. That's the --
13:18:24 25 Q. Why don't you circle the oil house

13:18:26 1 on Exhibit 2 . And just put an OH next to it.
13:18:31 2 A. (Witness complies with request.)
13:18:37 3 Q. So now you got your bearings ,
13:18:40 4 right ?
13:18:40 5 A. I hope . But my bearings could get
13:18:45 6 all balled up . I'm not supposed to put that in
13:18:48 7 there .
13:18:49 8 Q. That's all right . That's a little
13:18:50 9 humor . It's a joke about ball bearings , if I
13:18:56 10 got it correctly .
13:18:58 11 You mentioned a dumpster outside
13:19:00 12 the transformer shop .
13:19:02 13 A. Yes .
13:19:02 14 Q. Can you show me where -- maybe
13:19:07 15 we'll use a different color . Let's use a blue
13:19:14 16 here .
13:19:16 17 MRS. FLECKENSTEIN: Pay attention .
13:19:17 18 THE WITNESS: Excuse me ?
13:19:18 19 Q. We're going to use a brown marker
13:19:20 20 this time . The same color as the dump truck .
13:19:38 21 Let the record reflect that the exhibit is
13:19:42 22 marked in brown , the location of the dumpster .
13:19:44 23 Is that right , Bill?
13:19:45 24 A. Sir ?
13:19:46 25 Q. Did you just mark the location of

13:19:49 1 the dumpster outside the transformer shop?
13:19:51 2 A. Well, sort of.
13:19:52 3 Q. What do you mean by sort of?
13:19:54 4 A. The transformer shop is here
13:19:56 5 (indicating), they had a crane here
13:19:57 6 (indicating), oil house (indicating) and a
13:19:58 7 dumpster (indicating) and then a coal bin of --
13:20:02 8 of -- up there on the dock (indicating).
13:20:03 9 Q. Is that where the coal from the
13:20:05 10 blacksmith shop went?
13:20:06 11 A. Yes.
13:20:07 12 Q. And there's a dumpster right next
13:20:09 13 to it?
13:20:11 14 A. No. It was off of the dock.
13:20:12 15 Q. And what else -- first, what went
13:20:16 16 into that coal bin was strictly coal?
13:20:19 17 A. Yes.
13:20:19 18 Q. And where did that get truck ed off
13:20:22 19 to, do you know?
13:20:23 20 A. Where did it get what?
13:20:27 21 Q. Maybe I'm -- maybe I have it --
13:20:30 22 I'm assuming.
13:20:30 23 A. It was up against the wall.
13:20:33 24 Q. Did it just stay there forever or
13:20:36 25 at some point did it get emptied out is my

13:20:39 1 question ?
13:20:39 2 A. Right .
13:20:40 3 Q. We're talking about the coal bin .
13:20:41 4 At some point , did it get emptied out and taken
13:20:45 5 somewhere ?
13:20:45 6 A. That I couldn't tell you . When I
13:20:51 7 left , it was still there .
13:20:52 8 Q. Did it keep getting filled ?
13:20:54 9 A. I tried to get it to take home ,
13:20:57 10 but they wouldn't let me .
13:20:59 11 Q. What about that dumpster ? What
13:21:06 12 went in that dumpster outside the transformer
13:21:11 13 shop ?
13:21:11 14 A. Anything that they couldn't fix .
13:21:13 15 Q. When you say anything , you mean
13:21:16 16 including transformers ?
13:21:17 17 A. I'm sorry ?
13:21:18 18 Q. You mean including broken
13:21:20 19 transformers ?
13:21:20 20 A. No . No . No .
13:21:22 21 Q. Go ahead .
13:21:24 22 A. The transformers that they junk ed ,
13:21:28 23 there was a black gentleman and a friend of his
13:21:32 24 that picked them up on a truck . What he did
13:21:35 25 with them , I'm not positive . But I was told

13:21:38 1 that he took them out to the old Dayton Rubber.
13:21:43 2 And that's where he tore them apart for the
13:21:46 3 copper out of them. If I'm right, he dumped --
13:21:50 4 whatever oil was in them was dumped in there.
13:21:54 5 Q. Do you remember the name of the
13:21:56 6 black gentleman?
13:21:57 7 A. No. I never knew his name.
13:21:58 8 Q. He had somebody he worked with on
13:22:01 9 that?
13:22:01 10 A. Some other black gentleman helped
13:22:04 11 them load the junk transformers.
13:22:07 12 Q. What kind of truck did they
13:22:11 13 operate?
13:22:11 14 A. An old Ford. Racks on the back.
13:22:15 15 Probably a ton and a half truck.
13:22:17 16 Q. How many tons was the DP&L truck
13:22:21 17 on the west -- at the bottom of the west dock?
13:22:24 18 A. Now, run that by me again.
13:22:26 19 Q. I'm sorry.
13:22:27 20 A. I'm sorry.
13:22:28 21 Q. I'm switching back to the brown
13:22:30 22 truck that --
13:22:31 23 A. The dump truck?
13:22:32 24 Q. Yeah. How many tons was that?
13:22:34 25 A. How many tons was that?

13:22:36 1 Q. Yeah .
13:22:37 2 A. Boy , I don't know .
13:22:38 3 Q. Okay . Either one . I thought you
13:22:41 4 might know the answer .
13:22:43 5 A. Just whatever a dump truck weighs ,
13:22:46 6 I guess .
13:22:46 7 Q. Sure . And so there were two black
13:22:52 8 gentlemen that ran the dump truck with the
13:22:54 9 broken transformers , right ?
13:22:55 10 A. No , that wasn't a dump truck .
13:22:57 11 Q. No , we're going back to the
13:22:59 12 transformer shop now .
13:23:01 13 A. That was probably a two ton truck .
13:23:03 14 Q. What color ?
13:23:04 15 A. Probably had about a twelve - or
13:23:07 16 fourteen -foot bed on it .
13:23:08 17 Q. Do you remember what color it was ?
13:23:12 18 A. No, I don't remember that .
13:23:13 19 Q. Do you remember how often the --
13:23:17 20 A. That I can't tell you either .
13:23:18 21 Q. You couldn't remember how many --
13:23:21 22 or how often they made runs ?
13:23:21 23 A. No.
13:23:24 24 Q. Do you know what -- did you see
13:23:26 25 them from the beginning of your time at the

13:23:29 1 service building ?
13:23:30 2 A. Yeah . Whenever I was in that area
13:23:34 3 and when I was in the blacksmith shop .
13:23:38 4 Q. You'd observe them occasionally ?
13:23:40 5 A. Yes . I'd be in and out of the
13:23:45 6 back dock there . What for , I don't know . I
13:23:52 7 may have went out there to smoke a cigarette
13:23:54 8 when I smoke d. But I don't recall everything .
13:23:57 9 Q. Sure . That's okay . Who worked in
13:24:00 10 woodworking ?
13:24:02 11 A. One of them . One I know most is
13:24:14 12 Mike Moody . He's since passed away . Bob Long .
13:24:27 13 He lived in Covington . There was another black
13:24:33 14 gentleman that worked in -- I can't think of
13:24:36 15 his name .
13:24:36 16 Q. And blacksmith , were you all by
13:24:41 17 yourself in --
13:24:42 18 A. Yeah . I worked all by myself .
13:24:45 19 Q. And you -- but you used to hang
13:24:48 20 out there when you said it was raining to
13:24:52 21 watch --
13:24:53 22 A. Well , that was when I was in
13:24:55 23 electric construction . I would go back and
13:24:57 24 watch the other blacksmith .
13:24:59 25 Q. And who was that ?

13:25:00 1 A. I can't tell you his name. He was
13:25:02 2 a -- he come out of the coal country. He did a
13:25:06 3 lot of their air hammer bits and things like
13:25:10 4 that to sharpen them. He was a good old guy
13:25:23 5 and home boy, really. It just doesn't come to
13:25:29 6 me.
13:25:29 7 Q. If it comes to you, just let me
13:25:31 8 know.
13:25:32 9 A. Okay.
13:25:32 10 Q. Now, when you were working in
13:25:34 11 blacksmith, the blacksmith shop, what were you
13:25:37 12 making or repairing and doing and for whom at
13:25:41 13 DP&L?
13:25:42 14 A. Doing mostly the same special
13:25:52 15 tools, days that they open and close the gas
13:25:59 16 tops. Different tools that need to be fixed,
13:26:03 17 repaired. Shovel handles. That's -- it's a
13:26:09 18 lot of things. I just don't recall all of it.
13:26:12 19 Q. Did you on occasion walk to the
13:26:22 20 transformer shop next to the blacksmith shop?
13:26:26 21 A. I never hung out there.
13:26:27 22 Q. Never even walked through?
13:26:29 23 A. I walked through. When you had
13:26:31 24 lunch, you had to walk by that side but most of
13:26:34 25 it was behind you when you walked through. And

13:26:37 1 the restroom was in that area, too.
13:26:39 2 Q. What about when you left for the
13:26:44 3 day or came in in the morning? Would you have
13:26:47 4 to walk through the transformer shop?
13:26:49 5 A. Yes.
13:26:49 6 Q. How many people would you see
13:26:57 7 working in the transformer shop?
13:26:59 8 A. Maybe three to four. Just depend
13:27:02 9 on how busy they were. They also had a crane
13:27:09 10 bay that they did the big transformers launched
13:27:14 11 from substations and all that where they had to
13:27:18 12 do some work on them.
13:27:20 13 Q. And was that crane bay right next
13:27:24 14 to the transformer maintenance shop?
13:27:26 15 A. Yeah. It was all one big area.
13:27:28 16 Q. So three or four people would be
13:27:30 17 there at once, would you say?
13:27:32 18 A. Yes, but I can't -- I don't recall
13:27:37 19 all their names. And they had a paint booth in
13:27:40 20 there, too, in that same area that they painted
13:27:44 21 the transformers if they needed to paint.
13:27:46 22 Q. Sure. Do you know approximately
13:27:51 23 how many transformers they'd be working on at a
13:27:54 24 time?
13:27:55 25 A. No, I couldn't tell you that.

13:27:56 1 Q. But sometimes big ones and
13:27:58 2 sometimes small ones ?
13:27:59 3 A. Well , the big ones , it wasn't very
13:28:03 4 often . But the small ones that were out in the
13:28:06 5 residential area , there was three to four
13:28:09 6 people working on transformers .
13:28:11 7 Q. Sure .
13:28:12 8 A. And then they had one of the
13:28:14 9 fellow s do the rest of them , make sure they
13:28:17 10 were correct .
13:28:18 11 Q. So they had a test strip after
13:28:21 12 they were repaired ?
13:28:22 13 A. Sir ?
13:28:24 14 Q. They had somebody to test them
13:28:25 15 after they were repaired ?
13:28:27 16 A. Yes . Yes . That was in the back ,
13:28:31 17 towards the back dock , just inside the back
13:28:36 18 door or the dock .
13:28:37 19 Q. Well, you mentioned that you can't
13:28:40 20 remember all their names . Do you remember any
13:28:43 21 of the names of the employees in transformers ?
13:28:49 22 A. No .
13:28:50 23 Q. If you think of any , just shout
13:28:53 24 them out .
13:28:54 25 A. I can't think of the one

13:28:56 1 gentleman 's name , the one that was a carpentry .
13:29:07 2 MR. SILVER: Are you okay ? Is it
13:29:08 3 time for a break , Nancy ?
13:29:10 4 MRS. FLECKENSTEIN: Yeah , I think so .
13:29:15 5 (Thereupon, a break was had.)
13:44:13 6 Q. Bill , I'm going to go back to that
13:44:15 7 brown dump truck that was parked at the end of
13:44:23 8 the west dock .
13:44:23 9 A. Yeah , I remember it . But I don't
13:44:26 10 know what else you're trying to get me to put
13:44:28 11 in .
13:44:29 12 Q. I'm just asking how you knew it
13:44:32 13 went across the street to the dump that you
13:44:34 14 marked ?
13:44:34 15 A. How I know that ? I mean,
13:44:38 16 sometimes you stand around when you're not real
13:44:41 17 busy and you watch things , you know . You watch
13:44:44 18 them going up South Dayton , go over -- that's
13:44:48 19 the way only I can tell you .
13:44:51 20 Q. Just from what you saw , is that
13:44:54 21 what you're saying ?
13:44:55 22 A. Huh?
13:44:58 23 Q. Just from what you saw , is that
13:44:59 24 what you're saying ?
13:45:00 25 A. Yeah .

13:45:01 1 Q. Back to the transformer shop. You
13:45:03 2 mentioned a paint booth. The paint booth in
13:45:07 3 the transformer shop?
13:45:08 4 A. Yes.
13:45:09 5 Q. Who ran that paint booth?
13:45:11 6 A. I cannot recall any of their
13:45:14 7 names. I didn't -- I just didn't recall their
13:45:26 8 names. That's all.
13:45:27 9 Q. That's all right. Was it the
13:45:29 10 people that worked in the transformer shop that
13:45:32 11 also ran the paint booth?
13:45:33 12 A. Run the what?
13:45:36 13 Q. Did the people that you mentioned,
13:45:38 14 the three or four people that worked in the
13:45:40 15 transformer shop --
13:45:41 16 A. Yes.
13:45:42 17 Q. -- did they also run the paint
13:45:45 18 booth in the transformer shop?
13:45:46 19 A. No, it was a different painter.
13:45:48 20 They had a painter.
13:45:49 21 Q. Special painter?
13:45:50 22 A. Yes. As a matter of fact, they
13:45:54 23 had two of them, but one of them retired.
13:45:57 24 Another one ended up with lead poison. I can't
13:46:02 25 think of his last name. His first name was

13:46:05 1 Tom, but I can't think of his last name.
13:46:08 2 Q. Is he still alive?
13:46:09 3 A. I don't know.
13:46:12 4 Q. What about the one that retired,
13:46:14 5 do you know if he's still alive?
13:46:16 6 A. I doubt if he is. I doubt if he
13:46:18 7 is because he retired a long time after I was
13:46:21 8 still there.
13:46:21 9 Q. Do you know whether there are any
13:46:25 10 other paint booths at the DP&L service
13:46:28 11 building?
13:46:28 12 A. In the garage.
13:46:29 13 Q. They had one in the garage?
13:46:30 14 A. Yeah. They painted trucks.
13:46:34 15 Q. Uh-huh. Do you know if there was
13:46:38 16 a different painter who ran the one in the
13:46:41 17 garage?
13:46:41 18 A. Uh-huh. Different painters run
13:46:45 19 both of them.
13:46:46 20 Q. There was different painters for
13:46:49 21 each one, right?
13:46:49 22 A. Yes.
13:46:50 23 Q. Do you remember the names of the
13:46:53 24 ones -- the painters in the paint booth in the
13:46:58 25 garage?

13:46:58 1 A. He was a big black gentleman . He
13:47:09 2 would paint a truck , and he was the only one
13:47:12 3 that was allowed to have whiskey in the whole
13:47:15 4 outfit . And he --
13:47:20 5 Q. That's all right . I'm interested
13:47:22 6 in whiskey . Come on .
13:47:28 7 A. He would take a drink , but he
13:47:31 8 never got inebriated. But he said that cuts
13:47:37 9 the pain down his throat . I mean, it helped
13:47:40 10 clear his throat from breathing the paint
13:47:42 11 fumes . Now , he did wear a mask , but you know
13:47:46 12 how masks are . They don't fit right half the
13:47:51 13 time . And that's it .
13:47:51 14 Q. You can't remember his name , can
13:47:53 15 you ?
13:47:53 16 A. Now , I can recall one of the
13:48:05 17 carpenters. Brownell . But his first name , I
13:48:10 18 didn't know .
13:48:11 19 Q. Do you know if he's still alive ?
13:48:13 20 A. I couldn't tell you .
13:48:14 21 Q. All right . You see there , they're
13:48:19 22 coming back a little bit . So the paint booth
13:48:21 23 in the transformer shop , do you know how that
13:48:29 24 got cleaned up ?
13:48:29 25 A. I have no idea . It was probably

13:48:32 1 cleaned up after I left to go to Wilmington .
13:48:35 2 That's the only thing I know .
13:48:37 3 Q. Even on a daily basis --
13:48:40 4 A. No .
13:48:41 5 Q. -- scraped up or how about the
13:48:43 6 paint guns , did they have to be cleaned ?
13:48:44 7 A. Oh, yes .
13:48:45 8 Q. How did that happen ?
13:48:46 9 A. I have no idea . I imagine they
13:48:50 10 had some kind of paint cleaner .
13:48:52 11 Q. Right .
13:48:57 12 A. They did have a spray booth that
13:49:01 13 was water operated and when they sprayed , the
13:49:07 14 excess went in and out and it went clean
13:49:10 15 through the water .
13:49:11 16 Q. Did it go to some sort of a drum
13:49:15 17 or a tank ?
13:49:15 18 A. I'm sorry ?
13:49:15 19 Q. Did it go to some sort of a drum
13:49:17 20 or a tank?
13:49:17 21 A. I don't know where it went .
13:49:19 22 Q. Have you ever heard of a
13:49:20 23 degreaser ?
13:49:22 24 A. A degreaser ?
13:49:24 25 Q. Yeah .

13:49:25 1 A. Have I ever heard of it?
13:49:27 2 Q. Yeah.
13:49:27 3 A. Yes.
13:49:28 4 Q. Did the transformer shop have a
13:49:31 5 degreaser?
13:49:32 6 A. I don't know. I'll be honest, I
13:49:35 7 don't know.
13:49:35 8 Q. How about a dip tank?
13:49:37 9 A. A dip tank?
13:49:40 10 Q. Yeah.
13:49:47 11 A. I don't -- I don't recall that.
13:49:49 12 Q. Do you know if the garage had a
13:49:52 13 Steam Jenny?
13:49:52 14 A. A who? Steam Jenny? It did. It
13:49:56 15 didn't work half the time, I think.
13:49:58 16 Q. How did you know about the Steam
13:50:00 17 Jenny?
13:50:00 18 A. Just walking through the garage,
13:50:03 19 you'd see it sitting there. That's all I know.
13:50:05 20 Q. What did it look like?
13:50:07 21 A. Oh, God. That I don't recall.
13:50:11 22 Q. Do you remember who operated it?
13:50:14 23 A. Probably one of the mechanics, I
13:50:17 24 guess.
13:50:17 25 Q. Do you know what it was used for?

13:50:22 1 A. Huh ?
13:50:24 2 Q. Do you know what it was used for ?
13:50:26 3 A. Could be for steaming engines . It
13:50:29 4 could be used for a lot of things .
13:50:31 5 Q. You just knew one was there ,
13:50:32 6 right ?
13:50:33 7 A. Yes . They could have used it to
13:50:36 8 cut mud off equipment , I guess .
13:50:39 9 Q. Do you remember any of the names
13:50:45 10 of the mechanics in the garage ?
13:50:46 11 A. You know , I can see their faces ,
13:51:00 12 but I can't re call their names .
13:51:02 13 Q. I know that feeling . Are you
13:51:25 14 thinking about it ?
13:51:26 15 A. Sir ?
13:51:27 16 Q. Are you thinking about those
13:51:28 17 mechanics ?
13:51:28 18 A. Yeah . I'm thinking , but I'm --
13:51:31 19 it's not coming . It's not coming back to me .
13:51:34 20 Q. Okay . I'm going to ask you about
13:51:46 21 the oil house . Do we have a photo? What
13:51:55 22 happened to the oil ?
13:51:55 23 A. The oil that came from the
13:51:58 24 transformers , big and small was -- they
13:52:04 25 re claimed the oil .

13:52:05 1 Q. Filtered it? They filtered it?
13:52:11 2 A. Yes.
13:52:11 3 Q. How did they filter it?
13:52:13 4 A. With some kind of a machine they
13:52:16 5 have.
13:52:16 6 Q. Did they use sand?
13:52:18 7 A. Sir?
13:52:19 8 Q. Did they use sand to filter it?
13:52:21 9 A. No. No. It was more like a felt
13:52:31 10 paper. It was about yeah wide (indicating).
13:52:32 11 It was run through a machine of all these
13:52:35 12 filters about that wide (indicating) and then
13:52:38 13 they had other ways. They had ways to test the
13:52:44 14 oil for different things, for water or anything
13:52:47 15 like that, I guess.
13:52:48 16 Q. Did you observe this process from
13:52:56 17 time to time?
13:52:57 18 A. I'm sorry?
13:52:57 19 Q. Did you observe this process from
13:52:59 20 time to time?
13:52:59 21 A. No, I never did.
13:53:00 22 Q. How did you know about the
13:53:01 23 filters?
13:53:02 24 A. We also used a filter machine in
13:53:05 25 electric construction for the big transformers.

13:53:08 1 Q. Oh, you filtered your own
13:53:10 2 transformer oil ?
13:53:10 3 A. Yes .
13:53:11 4 Q. When you say you did it in
13:53:13 5 electric construction , where was that on the --
13:53:15 6 was that at the service building ?
13:53:17 7 A. In the substation mostly .
13:53:18 8 Q. Oh, okay .
13:53:20 9 A. They would put a -- it's a hard
13:53:29 10 thing to describe . They would have one back in
13:53:31 11 transformers that they could get out , off a
13:53:34 12 line , they would be work ing , change the
13:53:41 13 bushings, and while they were doing that , they
13:53:43 14 took the oil through this filter and run it
13:53:46 15 back in . They just filtered all the oil back
13:53:48 16 into the transformer .
13:53:49 17 Q. And they did that in the oil
13:53:51 18 house ?
13:53:51 19 A. No, it was done on the job .
13:53:52 20 Q. At the sub stations ?
13:53:53 21 A. Yes .
13:53:54 22 Q. The oil house --
13:53:56 23 A. They also did it in oil house .
13:53:58 24 Q. So have you heard the term
13:54:02 25 fuller 's earth ?

13:54:03 1 A. Huh ?
13:54:04 2 Q. Fuller 's earth ? F U L L E R.
13:54:07 3 A. Yeah , I know what fuller 's earth
13:54:09 4 is . Now , if they had had a spill , they used
13:54:17 5 that .
13:54:17 6 Q. To clean up the spill ?
13:54:20 7 A. Yeah . Clean up the spill with
13:54:24 8 fuller 's earth . The garage used that mostly .
13:54:26 9 Q. What did they do with the fuller 's
13:54:30 10 earth after they soaked up the spill ?
13:54:32 11 A. They bagged it . Where it went ,
13:54:35 12 I'm not sure . I don't know .
13:54:36 13 Q. Do you know whether they used
13:54:38 14 fuller 's earth in the oil house ?
13:54:42 15 A. Huh ?
13:54:44 16 Q. Do you know whether they used
13:54:45 17 fuller 's earth in the oil house ?
13:54:48 18 A. I imagine they did . I'm not sure .
13:54:50 19 Q. Do you know what they did with the
13:54:52 20 used filters in the oil house ?
13:54:53 21 A. Put them in bags .
13:54:55 22 Q. And then did what ?
13:54:56 23 A. Disposed of them . Where , I don't
13:54:59 24 know .
13:54:59 25 Q. Take a look at what we've marked

13:55:03 1 as your Exhibit Number 3. And I'm wondering if
13:55:09 2 you recognize that rectangular building in the
13:55:13 3 center of the photograph .
13:55:14 4 A. Yeah , that's -- I believe that's
13:55:37 5 the oil house .
13:55:37 6 Q. Do you see there's a window on the
13:55:42 7 oil house there ? Do you see that window ?
13:55:45 8 A. Yes .
13:55:45 9 Q. Do you see below the window to
13:55:48 10 the -- you're looking at -- to the right .
13:55:50 11 There's a couple of -- it looks like metal
13:55:56 12 port als. I can come around an d show you what
13:56:01 13 I'm talking about . Right on the building wall
13:56:03 14 there , sort of down near the bottom to the
13:56:06 15 right of the window .
13:56:07 16 A. I couldn't tell you what --
13:56:08 17 Q. I'm sorry , that would not be --
13:56:10 18 left of the window .
13:56:10 19 A. I couldn't tell you what that is .
13:56:12 20 Q. You don't know what those are ?
13:56:14 21 A. I couldn't tell you .
13:56:16 22 Q. Do you know whether there was a
13:56:17 23 clean -out at the oil house ?
13:56:19 24 A. The only thing I can tell you
13:56:21 25 about the oil house now is I know that they

13:56:24 1 filtered oil there. That's all I can tell you.
13:56:27 2 Q. Uh-huh.
13:56:31 3 A. And they had an old gentleman --
13:56:34 4 he's dead now -- but the old gentleman stayed
13:56:38 5 in the oil house. That was part of his job, to
13:56:41 6 look it over and make sure everything was
13:56:43 7 moving.
13:56:44 8 Q. You don't remember his name?
13:56:44 9 A. No.
13:56:47 10 Q. Did they -- was there one -- was
13:56:50 11 he there the entire time you were there at the
13:56:53 12 service building, the old gentleman?
13:56:56 13 A. I don't understand your question.
13:56:57 14 Q. I guess I'm wondering if anyone
13:57:00 15 else had that job after him in the oil house,
13:57:05 16 the old gentleman?
13:57:07 17 A. If they did, it was on and off.
13:57:10 18 Q. Uh-huh.
13:57:12 19 A. But who replaced him, I can't tell
13:57:15 20 you.
13:57:15 21 Q. Okay. All right. And that man
13:57:17 22 was there when you started, when --
13:57:19 23 A. He was there when I started and he
13:57:22 24 retired before I did.
13:57:24 25 Q. Uh-huh.

13:57:33 1 A. If that helps a little .
13:57:34 2 Q. That helps a little . A few more
13:57:36 3 questions . We're getting close to the end .
13:57:38 4 A. Oh, good . Happy new year . Let me
13:57:46 5 wet my whistle here .
13:57:56 6 (Thereupon, an off-the-record
13:57:56 7 discussion was had.)
13:58:17 8 THE WITNESS: I do worry some . I
13:58:18 9 want to be as exact as I can be . I love my
13:58:21 10 company , don't get me wrong .
13:58:23 11 Q. I got it . Okay . I appreciate
13:58:26 12 that . Thanks . All right . I want to ask you
13:58:31 13 about the gas meter and measurement shop .
13:58:34 14 A. Gas meter shop .
13:58:34 15 Q. Yeah .
13:58:47 16 A. One of them boys is still living .
13:58:48 17 Q. Who would that be ?
13:58:49 18 A. But I couldn't tell you his name .
13:58:52 19 And she -- she saw him at a luncheon here a
13:58:56 20 while back .
13:58:57 21 Q. Who saw him ? Your wife ?
13:58:59 22 A. Yes .
13:59:00 23 Q. Was it Jenkins ?
13:59:03 24 A. I try to go to all the luncheons
13:59:06 25 for retirees .

13:59:08 1 Q. Was it Jenkins ?
13:59:10 2 A. I couldn't hear him .
13:59:14 3 MRS. FLECKENSTEIN: Jenkins .
13:59:15 4 THE WITNESS: Jenkins ?
13:59:17 5 MRS. FLECKENSTEIN: Uh-huh . I saw
13:59:18 6 him ?
13:59:20 7 THE WITNESS: Huh ?
13:59:21 8 MRS. FLECKENSTEIN: I saw him at the
13:59:22 9 luncheon ?
13:59:23 10 THE WITNESS: No, it wasn't Jenkins ,
13:59:24 11 though . I don't know who it was .
13:59:26 12 Q. If it comes to you , let me know .
13:59:29 13 Okay ?
13:59:30 14 A. Okay .
13:59:31 15 Q. So you remember the gas meter and
13:59:34 16 measurement shop , right ?
13:59:35 17 A. Gas meter shop .
13:59:36 18 Q. Yeah . Was that near the
13:59:40 19 blacksmith shop ?
13:59:40 20 A. No . That was on the other side .
13:59:42 21 Q. That was only on the --
13:59:44 22 A. That was on the west side of the
13:59:45 23 building .
13:59:46 24 Q. Did it move at one point from --
13:59:48 25 A. West side meter shop and electric

13:59:51 1 construction and stores department .
13:59:53 2 Q. So it was somewhere along the west
13:59:57 3 dock , right ?
13:59:57 4 A. Yes .
13:59:58 5 Q. Did you ever go in there?
14:00:00 6 A. Did I ever go in there ?
14:00:02 7 Q. Gas meter .
14:00:05 8 A. Well , they had -- they had moved
14:00:09 9 that out . And what they did with it , they
14:00:18 10 abandoned that .
14:00:25 11 Q. Do you remember what they did with
14:00:26 12 it ? Did they move it to another location at
14:00:29 13 the service building ?
14:00:29 14 A. I don't know whether they did or
14:00:31 15 not . See , that's in a period of time when I
14:00:36 16 had to leave from Dayton to Wilmington , and I
14:00:45 17 don't know what happened with the shop , whether
14:00:53 18 they decided to quit repairing them or what . I
14:00:56 19 don't know .
14:00:57 20 Q. But before that , when you were
14:00:58 21 still at Dayton , before you went to Wilmington ,
14:01:02 22 the shop was there on the west -- west dock ?
14:01:05 23 A. West dock .
14:01:06 24 Q. And did you ever have a -- did you
14:01:18 25 ever have the opportunity to visit the gas

14:01:20 1 meter shop ?
14:01:21 2 A. Oh, yeah . When they abandoned --
14:01:25 3 I shouldn't -- when they abandoned that shop ,
14:01:29 4 they had an anvil and the construction people
14:01:35 5 didn't know what to do with it .
14:01:36 6 Q. With the anvil ?
14:01:37 7 A. And I ended up with the anvil .
14:01:39 8 Q. In the blacksmith shop ?
14:01:41 9 A. No . No . From electric meter
14:01:44 10 shop -- or gas meter shop . Now , the other
14:01:47 11 stuff --
14:01:47 12 Q. Did you bring it home ?
14:01:48 13 A. Oh, yeah . Sure .
14:01:50 14 Q. So you've got that anvil at home ?
14:01:53 15 A. No. I don't have it anymore .
14:01:54 16 Q. Well, back when the gas meter shop
14:02:04 17 was on the west dock , do you remember the gas
14:02:06 18 meter shop having a paint booth ?
14:02:08 19 A. No, I don't know if they did or
14:02:09 20 not .
14:02:10 21 Q. How about a degreaser ?
14:02:11 22 A. No , I couldn't tell you either . I
14:02:14 23 just knew faces . When I'd walk by, they were
14:02:19 24 working on them .
14:02:20 25 Q. Okay . And what about the gas

14:02:23 1 operations regulator shop? Do you remember
14:02:25 2 that? Gas operations regulator shop.
14:02:29 3 A. That was ahead of the gas meter
14:02:37 4 shop. That was just on the west side, but it
14:02:39 5 was the beginning of the whole west dock, was
14:02:42 6 in that little area there they had a meter
14:02:45 7 shop. But now -- or a shop.
14:02:49 8 Q. Regulator shop?
14:02:51 9 A. I think they worked on the
14:02:53 10 regulators, the big regulators. But I can't
14:02:59 11 swear to that either.
14:03:00 12 Q. Ever been inside that regulator
14:03:02 13 shop?
14:03:02 14 A. Walk through it.
14:03:04 15 Q. Do you remember seeing --
14:03:05 16 A. Just walking from the corridor
14:03:10 17 down and cut through there.
14:03:11 18 Q. Do you remember seeing any paint
14:03:13 19 booth in there?
14:03:14 20 A. No, I don't.
14:03:15 21 Q. Or degreaser?
14:03:16 22 A. Not that I can recall.
14:03:33 23 MR. SILVER: I'm going to take five
14:03:35 24 minutes and see if there's any more questions and
14:03:37 25 then shut it down.

14:03:38 1 (Thereupon, a break was had.)
14:08:39 2 Q. All right. Bill, we're in the
14:08:41 3 homestretch. I just want to ask you a few
14:08:44 4 questions.
14:08:45 5 You mentioned a couple names while we
14:08:47 6 were off the record. A Jim Elliott working in the
14:08:51 7 garage.
14:08:51 8 A. He worked as a mechanic and then
14:08:55 9 he become foreman.
14:08:57 10 Q. Do you know if he's still alive?
14:08:59 11 A. I doubt it. I would doubt it.
14:09:02 12 Q. But you don't know one way or
14:09:05 13 another?
14:09:05 14 A. No. The one I'm trying to think
14:09:08 15 of, I know he's gone. And I can -- I should
14:09:15 16 know him. The reason I should know him, his
14:09:20 17 wife used to buy chickens off of my dad.
14:09:22 18 Q. That's all right. Especially if
14:09:24 19 he's deceased. It probably isn't going to help
14:09:27 20 us that much anyhow.
14:09:32 21 A. No, I doubt it.
14:09:32 22 Q. You mentioned Bill the painter.
14:09:35 23 You can't remember his last name?
14:09:36 24 A. I can't remember.
14:09:37 25 Q. Was that somebody in the

14:09:38 1 transformer shop or --
14:09:40 2 A. No. No. He was in the garage
14:09:43 3 truck -- he painted the trucks and cars.
14:09:45 4 Q. Yeah.
14:09:46 5 A. They had their own body shop.
14:09:49 6 Q. Was he the one with the whiskey?
14:09:51 7 A. Yes.
14:09:52 8 Q. All right.
14:09:55 9 A. Now, he'd only take a little drink
14:09:59 10 because I watched him. So I know it. He was a
14:10:04 11 wonderful man. He was a good man.
14:10:07 12 Q. You kept your eye on him?
14:10:09 13 A. No, I didn't keep my eye on him.
14:10:12 14 Some people you can be friends with and some
14:10:14 15 you can't. Okay?
14:10:16 16 Q. Yep.
14:10:17 17 A. And you -- let's see. How do I
14:10:20 18 put this? You relate to them some way. There
14:10:24 19 was a gentleman that worked -- that boarded
14:10:28 20 with my father. I can't tell you his name
14:10:32 21 either. But --
14:10:34 22 Q. And then you mentioned a fellow
14:10:35 23 that came over from Vandrum in Trotwood to work
14:10:40 24 on the Ford trucks? Is that Bill the painter
14:10:44 25 or somebody else?

14:10:45 1 A. Bill the painter, and the other
14:10:47 2 one was a painter.
14:10:48 3 Q. And that was Jim Elliott?
14:10:50 4 A. Jim Elliott.
14:10:53 5 MR. SILVER: Okay. I don't have any
14:10:55 6 more questions. All right, Bill. You've done
14:10:59 7 great. I've enjoyed talking to you. And I'm
14:11:02 8 going to see if --
14:11:03 9 THE WITNESS: Well, when you're
14:11:05 10 eighty-two years old and live in the same area,
14:11:08 11 you remember a lot of things.
14:11:10 12 MR. SILVER: I understand.
14:11:13 13 THE WITNESS: Fun things, both.
14:11:14 14 MR. SILVER: I'm going to pass --
14:11:16 15 pass the baton over to Frank Merrill, the attorney
14:11:20 16 who represents DP&L, to see if he has any
14:11:23 17 questions.
14:11:23 18 CROSS-EXAMINATION
14:11:41 19 BY MR. MERRILL:
14:11:41 20 Q. Good afternoon, Mr. Fleckenstein.
14:11:45 21 My name is Frank Merrill, and I represent The
14:11:49 22 Dayton Power and Light Company. I'm going to
14:11:51 23 ask you a couple questions along the lines that
14:11:53 24 Mr. Silver just asked you.
14:11:56 25 First of all, I'd like to

14:11:57 1 apologize for requiring your attendance here
14:12:01 2 today that --
14:12:03 3 A. No, that's -- whatever has to be,
14:12:06 4 has to be.
14:12:07 5 Q. Okay. I'm glad that you
14:12:10 6 understood that and that this is not being done
14:12:14 7 at the behest of Dayton Power and Light
14:12:17 8 Company, that we did not ask for your
14:12:20 9 deposition. We're here just like you because
14:12:23 10 we've been asked to be here.
14:12:25 11 A. Okay.
14:12:25 12 Q. You indicated in one of the
14:12:32 13 exhibits, I believe, maybe in Exhibit 1, the
14:12:38 14 large aerial photo the general location of what
14:12:42 15 you called the dump?
14:12:43 16 A. The dump.
14:12:44 17 Q. Yeah. Do you recall that,
14:12:46 18 Mr. Fleckenstein?
14:12:47 19 A. It's in this area here
14:12:50 20 (indicating), I do believe if this is the river
14:12:53 21 running behind it. I think. I don't know what
14:12:56 22 they call the river, but --
14:12:58 23 Q. And this is the dump that's across
14:13:00 24 the street from the DP&L service center?
14:13:04 25 A. Yes.

14:13:04 1 Q. Were you ever at this dump?
14:13:09 2 A. Was I ever at it? Not that I can
14:13:12 3 recall.
14:13:14 4 MR. MERRILL: I have no further
14:13:14 5 questions.
14:13:16 6 THE WITNESS: Is that it?
14:13:17 7 MR. MERRILL: That's it.
14:13:18 8 THE WITNESS: Thank you.
14:13:19 9 MR. SILVER: We're going to see if
14:13:20 10 anyone else has any questions, Bill. I don't
14:13:23 11 think so, but we got to go around the room and
14:13:25 12 have a chance to say no.
14:13:27 13 THE WITNESS: Okay. That's fine.
14:13:29 14 MR. SILVER: Anybody else?
14:13:30 15 MS. SMARDA: I have no questions on
14:13:31 16 behalf of Cox Media Group.
14:13:34 17 MR. SILVER: And what about on the
14:13:35 18 phone?
14:13:36 19 MR. WINELAND: No questions on behalf
14:13:38 20 of the Sherwin-Williams Company.
14:13:41 21 MS. BAIRD: No questions on behalf of
14:13:43 22 Pharmacia, LLC.
14:13:44 23 MR. NES: No questions for
14:13:48 24 P-Americas.
14:13:48 25 MR. HARBECK: No questions for Waste

14:13:50 1 Management of Ohio.
14:13:53 2 MR. SILVER: All right. I think
14:13:54 3 that's no questions for Fickert Devro and Dayton
14:13:59 4 Industrial Drum. Anybody else? All right. I
14:14:02 5 think we're done, Bill. You're free to go. It's
14:14:05 6 new year's.
14:14:08 7 (Thereupon, an off-the-record
14:14:08 8 discussion was had.)
14:14:08 9 (Thereupon, signature was waived.)
14:14:08 10 (Thereupon, the deposition was
14:14:08 11 concluded at 2:14 p.m.)
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STATE OF OHIO)
COUNTY OF MONTGOMERY) SS: CERTIFICATE

I, Michelle A. Elam, a Notary Public within and for the State of Ohio, duly commissioned and qualified,

DO HEREBY CERTIFY that the above-named WILLIAM FLECKENSTEIN, was by me first duly sworn to testify the truth, the whole truth and nothing but the truth.

Said testimony was reduced to writing by me stenographically in the presence of the witness and thereafter reduced to typewriting.

I FURTHER CERTIFY that I am not a relative or Attorney of either party, in any manner interested in the event of this action, nor am I, or the court reporting firm with which I am affiliated, under a contract as defined in Civil Rule 28(D).

1 IN WITNESS WHEREOF, I have hereunto set
2 my hand and seal of office at Dayton, Ohio, on
3 this _____ day of _____, 2013.
4
5 _____
MICHELLE A. ELAM
6 NOTARY PUBLIC, STATE OF OHIO
My commission expires 5-2-2015
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