

**Exh. SH Rply T-6X
Docket UW-170924
Witness: Sarah Hand**

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BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

SARAH HAND,

Complainant(s),

DOCKET UW-170924

v.

**EXHIBIT 6X TO REPLY TESTIMONY OF
SARAH HAND**

RAINIER VIEW WATER COMPANY, INC.,

Respondent(s).

EXHIBIT 6X TO REPLY TESTIMONY OF

SARAH HAND

July 20, 2018

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

SARAH HAND,)
)
 Complainant,)
)
 vs.) NO. UW-170924
)
 RAINIER VIEW WATER)
 COMPANY, INC.,)
)
 Respondent.)

DEPOSITION UPON ORAL EXAMINATION OF
 SARAJ E.J. HAND
 APRIL 20, 2018
 TACOMA, WASHINGTON
 PAGES 1 TO 126

Taken Before:
 Laura L. Stewart, CCR, RPR, CRR
 Registered Professional Reporter

Job No. CS2864635

APPEARANCES

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ALSO PRESENT:

Gretchen Hand

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EXAMINATION INDEX

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EXHIBIT INDEX

NO.	DESCRIPTION	MARKED	IDENTIFIED
A	7-page After Hours Call Log: Sarah Hand	26	26
B	4-page March 2015 Rainier Water Company, Inc. The Pipe Line	91	91
C	7-page Rainier View Water Quality Annual Water Quality Report: 2016	95	95

1 BE IT REMEMBERED that on Friday, April 20,
2 2018, at 9:11 A.M., at 705 South 9th Street, Suite 1B,
3 Tacoma, Washington, appeared the above-named witness before
4 Laura L. Stewart, Washington State Certified Court Reporter,
5 residing at Graham, authorized to administer oaths and
6 affirmations pursuant to RCW 5.28.010.

7 WHEREUPON the following proceedings were had, to
8 wit:

9 * * * * *

10 SARAH E.J. HAND, having been first duly sworn
11 by the court reporter, testified
12 as follows:

13
14 EXAMINATION

15 BY MR. RANKIN:

16 Q. Good morning. My name is Dan Rankin. I'm the attorney
17 representing Rainier View Water Company.

18 Would you please state your name for the record?

19 A. Sarah E.J. Hand, 7202 201st Street East, Spanaway,
20 Washington 98287.

21 Q. That's the address of the house that we're going to be
22 talking about today; correct?

23 A. Yes.

24 Q. Have you ever had your deposition taken before?

25 A. Yes.

1 Q. How many times?

2 A. Twice.

3 Q. I'll go through the regular ground rules anyway.

4 You can see that we've got a court reporter taking
5 a stenographic record of everything. With that in mind,
6 it's important to give verbal answers. Full words, rather
7 than "uh-huh," things like that. It's also important that
8 we speak one at a time. Not over each other.

9 We can take breaks whenever you need to. My only
10 request is that if I've got a question out there, I'd like
11 you to answer it before we take a break.

12 If there's any question you don't understand,
13 please tell me. I would rather get a clear question to you
14 than have you answer the wrong question or make a guess.

15 Who else do you live with at that address?

16 A. I live with my wife, and then we have three children.

17 Q. What is your wife's name?

18 A. Gretchen G. Hand.

19 Q. How old are your children?

20 A. Phoebe Smith is 17 years old. We care for Malia Maeda.
21 She is 14 years old. And we have Lilian Hand, who is 13
22 years old.

23 Q. What was the last education that you completed?

24 A. Some college.

25 Q. Where did you go to college?

1 A. Bremerton Community College.

2 Q. How much is "some"?

3 A. Oh, about a year.

4 Q. Where did you go to high school?

5 A. Wilson High School.

6 Q. Where is that?

7 A. In Tacoma, Washington.

8 Q. You graduated?

9 A. Yes, I did.

10 Q. Do you have any informal education or training, other
11 than community college?

12 A. Yes. Loss prevention.

13 Q. Could you explain that to me, please?

14 A. So in -- in the '90s, 2000s I was loss prevention for
15 several retail stores, and also, I was a district manager
16 for a retail store as loss prevention.

17 Q. Which retail store?

18 A. Actually, the Dollar Store.

19 Q. Was that plain clothes security or uniformed security?

20 A. It was actually, like, a regional. So I could wear
21 whatever I want.

22 Q. Do you have any legal training, possibly from that
23 prior career?

24 A. Just like a prosecution of shoplifters and employee
25 theft.

1 Q. Nothing other than that?

2 A. No.

3 Q. What about anything specific to engineering?

4 A. No.

5 Q. Water science?

6 A. No.

7 Q. Are you currently employed?

8 A. No.

9 Q. When were you last employed?

10 A. 2012. I'm going to -- I can't -- 2012, I can put.

11 MR. MALDEN: As I said before, when answering
12 something, just do the best you can.

13 THE WITNESS: Okay. So I estimate 2012.

14 BY MR. RANKIN:

15 Q. Was that with Dollar Store or someplace else?

16 A. It was someplace else.

17 Q. Where was that?

18 A. Skookum Educational Program.

19 Q. What is that?

20 A. Essentially, we issued gear to all the soldiers for the
21 Army.

22 Q. How long were you employed there?

23 A. Three years.

24 Q. What was your job title or role?

25 A. So basically, I'd issue the gear to the Army when they

1 would go through in-processing. And then I would take it
2 back when they would go through out-processing or they
3 would, like, get ready to retire or move to a different
4 unit.

5 Q. So kind of like a contracted-out quarter master?

6 A. Kind of, yeah. Um-hmm.

7 Q. Why did you leave there?

8 A. I left there because I got fired.

9 Q. Was it a matter of job performance or misconduct?

10 A. I'd say neither.

11 Q. Fair enough.

12 What was your income when you worked there?

13 A. In the 40 -- 40,000. Something like 40,000, 42,000 a
14 year.

15 Q. Salaried?

16 A. No. Hourly.

17 Q. And you haven't held a job since then?

18 A. No.

19 Q. I understand you've been involved in some prior
20 litigation. I note your discovery answers mentioned a
21 personal injury matter in 2014.

22 A. Um-hmm.

23 Q. Could you tell me briefly about that?

24 MR. MALDEN: You know, one thing that I might
25 suggest here. I mean, I don't have to explain this to you.

1 Unless I say something -- unless I speak up and object, it
2 means you should go ahead and answer the question. Okay?
3 In other words, I don't need to approve you answering each
4 individual question.

5 I say that only because you're looking at me at
6 times, and you don't need to worry about me approving a
7 question. If I object to it, I object to it. So he's
8 asking you about this other litigation, and that's a fair
9 topic.

10 THE WITNESS: Okay.

11 BY MR. RANKIN:

12 Q. I'll also mention, to piggyback off of that, your
13 attorney will object, and nearly all of them will be to
14 preserve the record for him and I to argue about later.

15 A. Um-hmm.

16 Q. If he instructs you not to answer a question,
17 particularly on the basis of attorney/client privilege, do
18 not answer it. I do not want you to answer it. But
19 otherwise, if he's objecting to the form of my question,
20 it's an appropriate question to answer and he and I will
21 work that out later.

22 A. Okay. So can you repeat the question, please?

23 Q. Yes. I asked you to tell me about your 2014 personal
24 injury claim.

25 A. It was with the Skookum Educational Program.

1 Q. What was the nature of the claim?

2 A. Discrimination and sexual harassment and undue firing.

3 Q. Did that matter go all the way through trial?

4 A. No.

5 Q. Was it settled, or was it --

6 A. Yes.

7 Q. What were the terms of that settlement?

8 MR. MALDEN: I've got to interject here. Sarah was
9 required to sign a confidentiality agreement. So the terms
10 are confidential.

11 You know, we could give you more specific
12 information, like the exact date of the settlement. There's
13 also things that would be available in the court file. But
14 the actual terms, I've got to instruct her not to answer,
15 because that I know she had to promise to keep confidential.

16 MR. RANKIN: Understood. I don't want to get into
17 that mess.

18 BY MR. RANKIN:

19 Q. I also understand you had a personal injury matter in
20 1998; is that correct?

21 A. Yes.

22 Q. Could you tell me about the nature of that litigation?

23 A. Yeah. I was raped as a child. So I sued the person
24 that raped me.

25 Q. I'm sorry to hear that.

1 Have you been involved in other court matters aside
2 from those two lawsuits?

3 A. Just the lawsuits.

4 Q. Were you ever a defendant in a matter?

5 A. Oh, wait. Can you go back to the other question?

6 Q. Sure.

7 Were you involved in other court proceedings?

8 A. Yes, I was.

9 Q. What were the nature of those proceedings?

10 A. Adoption of my daughter.

11 Q. How many times?

12 A. We went back and forth to court for three or four years
13 before the adoption. Third party custody, to the, you know,
14 home study to the adoption process.

15 Q. Was that the only other court proceeding that you've
16 been a part of?

17 A. No. I was a part of a couple domestic issues. Like,
18 restraining orders and whatnot.

19 Q. Would you say you're comfortable using the court
20 system?

21 A. Yes.

22 Q. You're familiar with it?

23 A. Yes.

24 Q. You mentioned that you haven't worked since 2012. How
25 do you pay your bills?

1 A. I'm on Social Security Disability. And then also my
2 wife's income.

3 Q. What's her occupation?

4 A. Restaurant manager.

5 Q. I think that's all the background I need. I'd like to
6 talk about the house.

7 Can you describe the subdivision that it's in,
8 please?

9 A. Springwood Estates.

10 Q. Is that what you call a "big subdivision" or "small
11 subdivision"?

12 A. So Springwood Estates has -- actually, it's considered,
13 like, three divisions. We live in Division I and II. And
14 then there's also a third division. But it's across the
15 street from us.

16 So there's approximately -- so we have 140 homes.
17 But they're, like -- some are in Division I and II. And
18 some would be across the street in the other division. And
19 they are -- it is a gated community.

20 Q. The whole thing is gated?

21 A. Yes. Both divisions. The I and II are together, is
22 gated, and III across the street is gated.

23 Q. Can you describe your house for me, please?

24 A. Just -- we have a upstairs, downstairs.

25 Q. How many bedrooms?

1 A. We have three bedrooms and a bonus room.

2 Q. How many bathrooms?

3 A. Two and a half baths.

4 Q. Do you know the estimate of the square footage?

5 A. I'm going to estimate at 1854.

6 Q. That's a precise estimate.

7 Do you know when it was built?

8 A. I'm going to estimate '97.

9 Q. So about 20 years ago?

10 A. Yes.

11 Q. What was the purchase price you paid?

12 A. 227.

13 Q. How did you select that house?

14 A. My wife wanted it.

15 Q. How did she select that house?

16 A. She got tired of looking at other houses.

17 Q. How did you find that house?

18 A. Real estate agent.

19 Q. Who was your real estate agent?

20 A. Tim Hermison.

21 Q. What brokerage is he with?

22 A. I don't want to guess at that. I think he's with
23 Cold -- Coldwell.

24 Q. I can figure out, if I need to.

25 A. Yeah.

1 Q. How many houses did you look at?

2 A. Several houses.

3 Q. More than five?

4 A. Oh, yes.

5 Q. More than 10?

6 A. Oh, yes.

7 Q. And your wife decided that this was the one?

8 A. My wife is very picky. So this was the one.

9 Q. So of the more than 10 houses you looked at, this
10 checked all the boxes and was the right price?

11 A. I guess it checked all the right boxes for her.

12 Q. Was it more or less expensive than you were intending
13 to spend on a house?

14 A. It was the right price of what I wanted to spend on a
15 house.

16 Q. Were you looking at houses above where you were looking
17 to spend?

18 A. Yes, I did.

19 Q. Did you look at many houses below where you were
20 looking to spend?

21 A. Yes, I did.

22 Q. And this was the one that did it for you?

23 A. This was the one my wife wanted.

24 Q. Do you know -- compared to your neighbors, is your
25 house more or less valuable or costly?

1 A. I -- you know, with the housing market, I think we're
2 all, like, on a pretty level playing field.

3 Q. Did you have your eyes set on a particular subdivision
4 when you were looking?

5 A. Well, we didn't -- so, yes. We were -- there were
6 certain criterias (sic) that had to check the boxes for my
7 wife.

8 Q. It's called Springwood Estates; right?

9 A. Right.

10 Q. Was Springwood Estates a target place you were looking
11 for?

12 A. Anywhere but the Spanaway School District. So if it
13 was Bethel or whatnot. So education was important to my
14 wife.

15 Q. But you didn't say, "I want to live in that particular
16 neighborhood or subdivision"?

17 A. No. My wife wanted to.

18 Q. Did you finance the house through a bank?

19 A. Yes, we did.

20 Q. With a mortgage?

21 A. Yes, we did.

22 Q. What bank?

23 A. I don't know.

24 Q. Who do you write mortgage checks to?

25 A. It changed last month. So we had our loan sold three

1 times already. So now we're writing them to Freedom
2 Mortgage. Before we write them to Century Mortgage.

3 Q. Maybe I should have asked a different question.

4 Did you get your mortgage through a bank or a
5 mortgage broker?

6 A. A mortgage broker.

7 Q. Did your mortgage require that the home be appraised?

8 A. Yes.

9 Q. Do you recall the appraised value?

10 A. No.

11 Q. Do you have any paperwork from that appraisal?

12 A. Yes.

13 Q. Do you know if you've produced that in discovery
14 already, in either this or the prior Superior Court matter?

15 A. No.

16 Q. Did your mortgage require you have a home inspection?

17 A. Yes.

18 Q. Did you have a home inspection?

19 A. Yes.

20 Q. Do you know who your home inspector was?

21 A. No.

22 Q. Do you have the inspector's report?

23 A. Yes.

24 Q. Do you recall any recommendations by your home
25 inspector pre-purchase?

1 A. Yes.

2 Q. What were those?

3 A. So cut an electrical cord that somebody dug into the
4 ground to make a pond, and to also fix a couple of the vents
5 where birds can possibly get in.

6 Q. Did your home inspector look at the plumbing at all?

7 A. No. Anything 20 years below, they're not required to
8 camera look at it.

9 Q. Did you turn on a faucet?

10 A. Yes, he did.

11 Q. Did he see brown water?

12 A. Yes, he did.

13 Q. Did ne note that in the report?

14 A. I don't know if he did.

15 Q. Did he tell you that?

16 A. Yes. He said it was from sitting. Because the house
17 was on the market for a long time.

18 Q. Do you know how long it was on the market?

19 A. No.

20 Q. Do you know if he tried multiple faucets?

21 A. Yes, he did. He checked every faucet.

22 Q. Flushed the toilets?

23 A. Yes, he did.

24 Q. Do you know how long he ran the faucets for?

25 A. No, I don't.

1 Q. Were you with him when you did that?

2 A. Yes. I was in the home during the inspection, taking
3 notes.

4 Q. But you don't remember how long he ran the water?

5 A. No.

6 Q. Did you voice concerns to him about brown water?

7 A. No.

8 Q. Why not?

9 A. Made sense that the house was sitting. Like, things
10 could happen. Like, if the house sits, maybe -- you know.

11 Q. When you were touring the house with the realtor, did
12 you flush a toilet or try the water in any faucet?

13 A. No.

14 Q. Did your home come with a warranty of any sort?

15 A. No.

16 Q. I assume you're required to have homeowner's insurance?

17 A. Yes.

18 Q. Who is that through?

19 A. Farmers Insurance.

20 Q. Do you have mortgage insurance, as well, on the house?

21 A. Yes.

22 Q. Who is that through?

23 A. The same mortgage company.

24 Q. Did the inspector or the realtor talk to you about
25 preventative maintenance to do as a homeowner?

1 A. Well, yes.

2 Q. What sorts of things did they suggest to you?

3 A. To, like, flush the water heater. Change the furnace
4 filter.

5 Q. Did they show you how to flush the water heater?

6 A. Yeah. He showed me how.

7 Q. Did you do it?

8 A. Yes.

9 Q. How often?

10 A. Well, since we've lived there, we've done it every
11 other month.

12 Q. How often did he suggest you do it?

13 A. About once a year.

14 Q. What did you find when you flushed the water heater?

15 A. A lot of brown water.

16 Q. When did you start doing that? When did you first
17 flush the water heater?

18 A. Well, we started right when we moved in, because we're,
19 like, "Hey, the water is brown. Maybe it sat too long. So
20 let's flush this bad boy."

21 Q. So when you first moved in, you noticed the water was
22 brown?

23 A. Yes.

24 Q. How did you notice that it was brown?

25 A. If you pick up a cup that's clear, it's brown.

1 Q. At what point did you suspect that the brown water was
2 from something other than the house just sitting?

3 A. When we had to replace the pressure release valve.

4 Q. When was that?

5 A. 2016? 2016.

6 Q. I'm sorry. I don't think I asked you the date that you
7 purchased the house.

8 A. May 27th, 2015.

9 Q. Do you remember what part of 2016 you replaced the
10 pressure release valve?

11 A. I remember it was in November.

12 Q. And that's when you believed that the problem with the
13 water was not a result of it just sitting?

14 A. Yeah. After they pulled out the pipe and showed me the
15 pipe and showed me all the manganese filled up, I was, like,
16 "That's definitely that."

17 Q. So in the time from May 2015 through November
18 2016 -- that's about 16, 17 months -- you just thought the
19 brown water that you had all the time was a result of it
20 sitting on the market for --

21 A. No. We kept draining it. We didn't drink it. If it
22 smelt bad, we definitely didn't drink it.

23 Q. You told me in November 2016 when you replaced the
24 pressure release valve is when you thought the brown water
25 was something other than the house just sitting?

1 A. That's when we couldn't prove that it was other than
2 from the house just sitting. Like, we obviously knew
3 something was wrong with the water. But we didn't know what
4 was wrong. We just knew not to drink it.

5 Q. How frequently did you have brown water?

6 A. It would go, like, in spurts. Like, three days would
7 be constant. And then it'd clear up. And then it would be
8 right back at it.

9 Q. So it would be a couple days of brown, and how long
10 when it clears up?

11 A. You get, like, about -- after you drain your hot water
12 heater, you get about 48 hours of relief. About 48 hours.

13 Q. What about cold water?

14 A. Same.

15 Q. So draining the hot water heater improves the quality
16 of your cold water?

17 A. No. So, like, your hot water -- just your -- your --
18 your water heater holds hot water. It doesn't hold your
19 cold water.

20 Q. That's why I'm asking why --

21 A. No. Your cold water is still brown. Your hot water is
22 not.

23 Q. Okay. Because you just told me that when you drained
24 the hot water heater --

25 A. You get --

1 Q. -- it would be clear up for a couple days.

2 A. If you turn on the hot water. So you turn on the hot
3 water valve, you're good. You turn on the cold water valve,
4 you're not good. So we tell the kids, "Turn on the hot
5 water because we drained it so we should have some relief."
6 But if you turn on the cold water, you get to have brown
7 water.

8 Q. So I just want to make sure I understand what you're
9 telling me exactly.

10 A. Right.

11 Q. You always have brown cold water?

12 A. Right.

13 Q. And you have brown hot water, except for about 24 to 48
14 hours after you drain your water heater?

15 A. Exactly. Unless -- now, there is times where we can
16 get Rainier to come out and give us a flushing. So when
17 they flush, we can get cold water and hot water that's not
18 brown.

19 Q. We'll come back to that shortly.

20 Aside from draining the hot water heater, and aside
21 from having the water company come out and flush, you have
22 brown water every day?

23 A. Yeah.

24 Q. In all your faucets and all your toilets?

25 A. Well, it's mostly -- so, like, downstairs, you can get

1 clear water. Upstairs, you've got dirty water. And I don't
2 know why. We're still trying to figure out why.

3 Q. When you say "downstairs," do you mean first floor, or
4 is there a basement?

5 A. No. First floor. And I think it's because we had
6 those always on or always -- like, you know, you do your
7 dishes, you run your laundry, you use the downstairs
8 bathroom. Like most people come home, they don't run and
9 hide to their bedrooms and hide, like -- you know? They all
10 convert downstairs.

11 Q. So your experience, as I'm hearing you tell me, is that
12 the more often you run the water --

13 A. The clearer it gets.

14 Q. -- the better the quality?

15 A. Exactly.

16 Q. Do you ever keep a journal or a log of when you have
17 brown water?

18 A. Not a constant one. We had, like, noted it when it's
19 really bad.

20 Q. Where have you noted that?

21 A. In a book. Oh, one other thing. We also have our news
22 thing on our DVR. The news -- like, when the news came out
23 to our house. That's on our DVR. So we also have that
24 notated. It's in our DVR.

25 Q. You saved the video clip?

1 A. Exactly.

2 Q. So you started noticing brown water when you moved in
3 in May 27th of 2015, and you had to replace your pressure
4 release valve in November of 2016.

5 What did you do about the brown water during that
6 period of time in between?

7 A. We bought bottled water and five-gallon water. And we
8 boiled our water. And we added a lot of good, smelly great
9 fabric softeners to our laundry. We replaced our kids'
10 clothing. So we just dealt with it.

11 Q. During that time, you were also draining the water
12 heater?

13 A. Exactly.

14 Q. And you said -- I'm sorry. How often did you do that?

15 A. We were doing it, like, every other month.

16 Q. Every other month? Okay.

17 You also mentioned that you called Rainier View
18 Water Company to come out and flush?

19 A. Yes.

20 Q. When was the first call that you made for that?

21 A. I do believe in November.

22 Q. Of which year?

23 A. Of the -- November of 2000 -- November of 2016.

24 Q. Around the time the pressure release valve was
25 replaced?

1 A. Yeah.

2 Q. So you had brown water from May 27th, 2015, through the
3 remainder of 2015, and up until November of 2016, but you
4 didn't call the water company about it?

5 A. No. So we didn't know that they'd come out and flush
6 our lines. Because we weren't, like -- we didn't know that.
7 So when we found out that they would, we then started
8 calling them to come out and flush it.

9 Q. You didn't call and tell them that there was a problem?

10 A. No.

11 Q. So when they started coming out to flush your lines,
12 did that help?

13 A. Yes.

14 Q. How long did that help for?

15 A. It kind of just depended on, like, the timing,
16 and -- so, like, sometimes it would last a couple days.
17 Sometimes it would last like a week. It just kind of
18 depended on how much buildup would go back into our line.

19 Q. How often did you call them to come out and flush?

20 A. I can't give you an exact number.

21 Q. Can you ballpark it for me?

22 A. No.

23 Q. Was it once a month?

24 A. I'm not sure. It's, like, whenever the problem was the
25 most, that's when we'd call.

1 Q. Well, your testimony is that it's every day.

2 A. Right. But when it's like where we can't -- like, our
3 kids' clothes are getting, like, completely ruined and we're
4 sitting there draining out our washing machine because of
5 all the buildup or the hot water heater's not, then we call
6 them out. So, like, when you're completely frustrated, you
7 call them. But they don't always come when you call them.

8 Q. How long would it take them to respond?

9 A. Sometimes it takes them a day. Sometimes a few hours.
10 Depends on who is working.

11 MR. RANKIN: I would like to mark this packet as
12 Exhibit A, please.

13 (Exhibit A marked for
14 identification.)

15 BY MR. RANKIN:

16 Q. So you've been handed Exhibit A, which is a packet of
17 documents that my client produced in discovery in the prior
18 Superior Court litigation. You'll see at the bottom right
19 corner of page 1 it's marked "RVWC000003."

20 A. Um-hmm.

21 Q. And it goes on through 000009.

22 If you'll turn to page, I guess, 2 of the packet.
23 We can go in reverse chronological order. At the bottom
24 half, you see, "Customer Notes," and it looks like there's a
25 date entry of 3/1/2017. "Customer called complaining of

1 brown water." And then 1/24/17, it looks like the response
2 to your previous call, that they flushed the service and the
3 water was clean the entire time.

4 Do you recall technicians from Rainier View Water
5 Company out at your house those days?

6 A. Yes.

7 Q. And then the next one down is 1/17/17. You called to
8 report "extreme brown water"?

9 A. Yes.

10 Q. Were there other calls that you made to them in this
11 time period that are not listed here?

12 A. So we called in 11 -- we called several times in 11/16.
13 I had a full-on conversation with Bob Blackman on 11/16.
14 So, yeah, they didn't document all the times they came out
15 to our house.

16 Q. Were you calling Bob Blackman directly?

17 A. I was calling Bob Blackman, and then he would send a
18 service tech. Or we'd call the emergency line, and they
19 would send out -- kind of depends on hours.

20 So, like, if you call -- so, like, you call at 5:00
21 at night. Then obviously Bob Blackman is not there. But
22 they have, like -- you know, "Leave a message, technician
23 will call you back." You'll tell them the issue. And then
24 they'll tell you if it's an emergency to them, or if they
25 can come out today or not.

1 So it kind of depends on if it's an emergency to
2 them.

3 Q. You mentioned that there are calls, you believe,
4 missing --

5 A. Yes.

6 Q. -- from this list?

7 A. Yes, there are.

8 Q. How many do you think there are?

9 A. I have to go back and -- several calls.

10 Q. "Several," being more than five or less than five?

11 A. Probably more than five.

12 Q. More than 10 or less than 10?

13 A. Probably less than 10.

14 Q. Of that less than 10 calls that you believe are missing
15 from this list, were any of those calls that you would have
16 registered to the customer support?

17 A. Like, after hours. Well, the technician calls you
18 back. It's not really customer support. It's like they
19 call you back or they answer. So leave a message, or
20 they'll answer the phone, depending how busy they are.

21 Q. During business hours, who would you call?

22 A. The main line.

23 Q. But the --

24 A. I guess there's, like, three people that work there. I
25 don't know, like, their full names. But there's three

1 people you can talk to. There's, like, Bob and two other
2 people that will serve -- or send people out to your house
3 to flush your lines.

4 Q. So the five to ten reports that you believe are not
5 listed here, were those called into the main line or were
6 they called into either Bob directly or after hours?

7 A. After hours. And also, like, if they're out flushing
8 our mains -- like, all the mains in our whole neighborhood,
9 we'd ask them to flush our line.

10 Because when they flushed the main, unfortunately,
11 our line gets dirty, because we're, like, on an inline for
12 you guys -- or Rainier.

13 So unfortunately, we live in a cul-de-sac. So our
14 line is the last line in that cul-de-sac. So everything
15 that builds up goes to our line, for some reason. Mine and
16 my neighbor's line.

17 Q. You said that when they were flushing the main, you
18 would have them come down there.

19 How would you contact them?

20 A. I would ask them to.

21 Q. You would walk down to where they were working?

22 A. Right. Or drive by. Like, "Hey, guys would you mind
23 doing 7202 201st Street? Cool. Thank you."

24 Q. You'd talk in person to the technician?

25 A. Yeah. Totally. "While you're here, might as well,

1 like" -- you know, "if you're going to do all this blow off
2 and flood my line. So please flush it."

3 Q. So if we consider the 5 to 10 times that you called
4 that you believe are not listed here, plus, the ones that
5 are listed here, fair to say you've contacted my client less
6 than 15 times --

7 A. Yes.

8 Q. -- about the water quality?

9 A. Yes.

10 Q. Did you ever submit work orders on behalf of other
11 people?

12 A. Yes. When they weren't calling back our neighbor,
13 David, we actually called for him, because there's kind of a
14 language barrier. So we -- we would, like -- he would be
15 like, "Oh, they won't come to my house." So we'd go, "Okay.
16 We'll call them, and then maybe they'll come over to your
17 house." Because he's our next door neighbor. So there's
18 kind of a language barrier. So we'd help him out.

19 Q. What language does he speak?

20 A. Puerto Rican.

21 Q. When you would call, would you direct the complaint --
22 the work order, the technician -- strike that. I'll ask a
23 better question.

24 When you would call on his behalf, would you notify
25 my client that it was your house or it was his house that

1 was having the problem?

2 A. So both of our -- both of our water things are right
3 next to each other. But we would tell them, "Hey, it's
4 their house." We only had to do that one time. It wasn't
5 like we were calling every day for our neighbor. We did it
6 one time for our neighbor.

7 Q. And it was just that one neighbor?

8 A. One time, yes, for our neighbor.

9 Q. And technicians came out?

10 A. From what I understand, they came out 48 hours later.

11 So . . .

12 Q. How many letters have you written to Rainier View Water
13 Company?

14 A. One.

15 Q. What was the substance of that letter?

16 A. A demand for payment.

17 Q. For what?

18 A. For our pressure release valve and the damage it had
19 caused to our house with the brown water.

20 Q. Have you previously spoken to somebody?

21 A. Bob Blackman.

22 Q. What did you tell Bob when you first spoke to him?

23 A. I told him about the brown water. How it caused our
24 pressure release valve to break. He said, "I" -- "Give me
25 the work" -- "Give me the copy of your invoice. I will take

1 it to my board, and we will decide if we will compensate you
2 or not for the breakage of the pressure release valve."

3 So then he called me back and said if he paid my
4 bill for the damages, he'd have to pay everyone's bill. And
5 so I said, "Okay. Then I will sue you." And then he
6 said -- and I -- the first thing I said is -- this is in
7 November.

8 So this is causing a hardship for not only me, but
9 my family. Because November's when you save for December,
10 for Christmas for your children. So when you're paying out
11 an extra \$650 for a pressure release valve, that's a
12 hardship.

13 So he told me that if it was a hardship, then I
14 should go to the food bank. Because I said, "Well, how do
15 you want me to pay for food, pay for Christmas, pay for all
16 this stuff?" after he said no, that his board was not going
17 to pay for a pressure release valve.

18 And he goes, "Honestly, if you have a hard time
19 paying your bills, then go to a food bank."

20 Q. Was that in person or was that in writing or was
21 that --

22 A. Over the phone.

23 Q. -- over the phone?

24 A. Um-hmm.

25 Q. When was that?

1 A. In November.

2 Q. Was that your first interaction with Bob Blackman?

3 A. Yes.

4 Q. Had you talked to any other employees there about the
5 pressure release valve?

6 A. He was the only person that would talk about it. He
7 was like some -- I guess he's director of operations or
8 whatnot. But he said he'd go to his board.

9 So I asked him if he'd go to his board -- he didn't
10 make it sound like he was on the board. He was just going
11 to go to his board. He didn't say, "I'm on the board."

12 Q. How much time passed from when you told him about the
13 problem and that you wanted them to compensate you until
14 when he told you no and that other stuff?

15 A. It was, like, 72 hours he told me that.

16 Q. So just a couple of days?

17 A. Yeah. Well, he said he was going to go to his board.
18 Take about a week or whatever. When he told me no, that's
19 when I submitted the demand for payment, or I'd take him to
20 small claims court. Then he told me that he couldn't be
21 sued. So . . .

22 Q. When he said he couldn't be sued --

23 A. Yeah.

24 Q. -- do you remember what words he used?

25 A. He said, "You cannot sue a water company," is exactly

1 what he said. "You cannot sue Rainier Water Company."

2 Q. Did he tell you why?

3 A. He said he's protected.

4 Q. By what?

5 A. By -- I don't know. He just said he was protected. We
6 couldn't sue them.

7 Q. Did he explain anything more about that?

8 A. No. Um-hmm. He just said he couldn't be sued. That
9 he was protected. His company was protected.

10 Q. Did he tell you that his assertion was based on past
11 experience?

12 A. He didn't explain. He just said he was protected. He
13 wasn't paying our bills. He could not be sued. We could
14 not sue a water company.

15 So he pretty much said, "You can't do anything to
16 me." And then I offered for him to come over and drink our
17 brown water. He said he was good. He'll drink his filtered
18 water.

19 Q. Did you ever swear at Bob Blackman?

20 A. I probably got a little mad. Not really sure, like,
21 what -- what -- like the full level was, but I was
22 pretty -- pretty upset.

23 Q. You don't recall whether you swore at him or cursed at
24 him?

25 A. Probably dropped a couple bad words. Probably.

1 Q. What about other employees there?

2 A. No, I did not.

3 Q. Only Bob?

4 A. Yeah. Because he kind of -- he took it to another
5 level, when you're telling someone who has children to go to
6 a food bank. Like, that's a whole other level.

7 Then when you laugh at them and say, "I can't be
8 sued," that's like a whole other level. He took it to a
9 whole other level.

10 Q. Were you threatening to sue him?

11 A. Sue him? I asked him for payment, or I'll take him to
12 small claims court.

13 Q. What were you seeking at small claims court?

14 A. Damages.

15 Q. How much?

16 A. I wanted the cost of my water, plus the cost of the
17 pressure release valve.

18 Q. Do you remember the dollars you asked for?

19 A. No.

20 Q. How often did technicians come to your house? You
21 mentioned that there were the ones on the list, plus, a
22 couple others. But you also said that you would flag them
23 down in person?

24 A. Yeah. So, like, whenever they come -- so until we had
25 a problem, they weren't flushing our lines. And so then

1 when we said, "Oh, wow, we have brown water," that's when
2 they located actually our street blow off. They didn't even
3 know about that -- the blow off on our street until they
4 started to flush.

5 Q. When?

6 A. When we threatened to sue.

7 Q. When was that?

8 A. When we threatened to sue? After we talked to the UTC.
9 That's when they finally started flushing our system, like,
10 on a regular basis. And then that's when they found our
11 blow off for our street, was when the UTC got involved and
12 the health department got involved.

13 They didn't even know there was a blow off on our
14 street. They did not know that they had a blow off on our
15 street. That's how mapped out it was.

16 Q. So all of that said, my question was, how often did
17 technicians come to your house?

18 A. When we'd flag them down. So I would say, like --
19 besides the calls? Besides the calls and the times
20 we -- we'd probably flag them down when they were through.
21 So they'd come about -- well, now they're coming monthly.
22 So we see them monthly. I don't know. Maybe four or five
23 times.

24 Q. That you flagged them down in person?

25 A. Yes.

1 Q. So we're talking about the work orders you submitted in
2 Exhibit A, plus the ones that you believe are not in Exhibit
3 A, plus the times you flagged them down?

4 A. Yes.

5 Q. Less than 20?

6 A. Okay.

7 Q. Is that right?

8 A. I'd say, yeah, about 20 times.

9 Q. And that started in November of 2016?

10 A. Yes.

11 Q. When they would come to your house, what would they do?

12 A. They would flush our lines. They'd pull the meter and
13 flush it.

14 Q. From outside your house?

15 A. Yes.

16 Q. At the point of the meter, and not from, say, a hydrant
17 or a blow off valve or something like that?

18 A. Just from our meter.

19 Q. Did they talk about other potential solutions?

20 A. Who? The technician?

21 Q. Technician or Bob.

22 A. He said he was going to put in a five-thousand-dollar
23 filtration system and everything was going to be wonderful.

24 Q. Say that again.

25 A. He told me he was going to put in a five-thousand-dollar

1 filtration system, and everything was going to be wonderful.

2 Q. At your house?

3 A. No. At the new -- at one of their little, I guess,
4 substations that would go -- like, services our house.

5 Q. When did he tell you that?

6 A. In November. He said it was in the works in November.
7 So in November, when I called and said, "Hey, I want you to
8 pay for this," he said, "Everything's going to start
9 clearing up in your guy's neighborhood because we have in
10 the works a five-hundred-thousand-dollar filtration system."

11 Q. Five-hundred-thousand-dollar?

12 A. Five-hundred-thousand. Yes.
13 Five-hundred-thousand-dollar filtration system.

14 Q. At what point did you involve local news media?

15 A. In November.

16 Q. How many times did you contact them?

17 A. You mean talk to them?

18 Q. Sure.

19 A. Oh, me and Henry talked a few times.

20 Q. Who is "Henry"?

21 A. The guy that did our story.

22 Q. What's his last name?

23 A. Roth? Roth. I'll have to get you the last name
24 spelling correctly.

25 Q. Do you remember what news agency he's with?

1 A. KOMO? KIRO? KIRO.

2 Q. One of the Seattle-based news companies?

3 A. Yeah.

4 Q. Did you talk to any other news crews?

5 A. So I talked to Henry, because he already did a news
6 story on Springwood Estates the year prior. They were
7 having problems.

8 Q. When did you talk to him? 2016?

9 A. Yeah. That's when he told me that, "Oh, I already did
10 a news story on Springwood Estates and Rainier Water. We
11 already had this news story," and he told me when I was
12 talking to him -- he was, like, "Yeah, they told me that
13 they were putting in this filtration system back in 2015,"
14 whenever he did his first news story on Rainier.

15 And he said, "They told me they're putting in this
16 filtration system," and then -- so when we were having our
17 problems, that filtration system was never put in. So he
18 was -- he didn't understand why Rainier had empty promises.

19 Q. How often did you bring the news crew around to Rainier
20 View Water Company?

21 A. You mean to their -- to them? Me, personally? They
22 only went to their office one time.

23 Q. Were they at your home other times?

24 A. They came to our house one time.

25 Q. Were you working with the news crew at all for other

1 investigations or other news pieces that they did, other
2 than at your home or at my client's office?

3 A. No.

4 Q. Did you read Rainier Water Company's 2015 Consumer
5 Confidence Report?

6 A. No.

7 Q. What about the 2016 Consumer Confidence Report?

8 A. No.

9 Q. So you sent a demand letter to Bob at Rainier View
10 Water Company. He took the demand to his board, and then
11 told you, "No, we're not going to pay for that"?

12 A. Um-hmm.

13 Q. And then you went to the UTC; correct?

14 A. I filed a complaint over the phone.

15 Q. How did you know to call the UTC?

16 A. Bob Blackman told me to.

17 Q. Did he tell you who there to call?

18 A. He didn't give me a name, no. He just told me to call
19 UTC, because he couldn't be sued.

20 Q. Did he give you the number to call?

21 A. No, he did not.

22 Q. How did you find the number?

23 A. On Google.

24 Q. Did you look at your bill?

25 A. No.

1 Q. So when you called the UTC, you filed an informal
2 complaint; correct?

3 A. That's where -- that's what I'm confused about.
4 Because I felt like I was filing a formal report. I didn't
5 know there was a difference between formal and informal. So
6 that wasn't really disclosed. "Okay. So this is a formal
7 one. This is a nonformal one." So I guess that's where I'm
8 confused.

9 So I guess there's not really -- I didn't get the
10 real instruction on what a formal complaint is to a
11 nonformal complaint. So maybe if you have brown water, that
12 would be a formal complaint. Right?

13 Q. So walk me through what happened.

14 You called the UTC, and then what?

15 A. So I called the UTC. Talked to a person on the phone.
16 They said they would file a complaint --

17 Q. Who did you talk to --

18 A. -- and also do like a -- a secretary, from what I
19 understand. A woman. I don't know what her -- let me
20 rephrase that. I talked to a woman, not knowing what her
21 title is.

22 Q. Was she somebody that answered the phone when you first
23 called, or did you let somebody know, "I am calling to file
24 a report" --

25 A. Right.

1 Q. -- "can you direct me to the right person?"

2 A. Right.

3 Q. So you were directed to that person?

4 A. Yes.

5 Q. Does the name Rachel Stark sound familiar?

6 A. It does.

7 Q. Does it sound familiar in that that would have been who
8 you spoke to?

9 A. I don't want to -- I'm not sure who I spoke to. I'm
10 not going to be, like, "Yeah, that's her name." It could be
11 Rachel whatever. I'm not going to get into that. I'm not
12 really sure.

13 Q. When you spoke to that person, what did you say?

14 A. Told them we had brown water.

15 Q. That was it?

16 A. Well, yeah. I wanted to file a complaint because we
17 had brown water. That was pretty much it. Offered -- she
18 was, like, "What do you mean by brown water?" And I'm,
19 like, "It's brown. Like, we had a pressure release valve
20 blow. Like, we're having brown water. We're adding all
21 this extra stuff to our laundry. All our appliances are
22 going out. Our kids can't drink it. Our dogs can't even
23 drink the water." That was my complaint.

24 If I can't drink it, my dogs can't drink it, we
25 have to, like -- you know, the smell of it is bad. Our

1 laundry smells like -- like, real bad, unless you add
2 everything in America to it to make it not smell bad. Our
3 kids' clothes are getting ruined.

4 Like, this is brown water. I told her I felt like
5 I lived in a non foreign country. Like, I thought we had
6 clean water.

7 Q. What was her response?

8 A. Okay. She'll file that as a complaint.

9 Q. Did she follow up with you at all after that?

10 A. Yes. So she did. She asked me if I wanted to drop my
11 complaint before you guy's -- before the commission hearing.

12 Q. Explain that, please. I don't understand.

13 A. So she said, "Do you want me to" -- she was, like, she
14 was going to look into the complaint from -- I guess there's
15 like some kind of investigative-like thing that happens.
16 And I'm not really sure of the process of that.

17 So then she called me the day before the commission
18 hearing and said that she was going to look into the
19 complaint, but she was going to drop the complaint on the
20 day before the commission meeting or their hearing. And I
21 said, "Absolutely not. I do not want you to close this
22 complaint until after that hearing." I said, "Please do not
23 close my complaint until after that hearing."

24 Q. When was that?

25 A. I can't remember the exact date. It would be the day

1 before the hearing that took place in Olympia.

2 Q. What hearing?

3 A. There was a -- it was like a commissioner, like,
4 hearing, on, like, the brown water. Like, you could call
5 in, testify. I -- basically, what happened was everyone got
6 a letter, except for us, for some reason -- like, magically
7 our letter didn't come in the mail.

8 So my neighbor gave me the letter saying there was
9 going to be a hearing on a tariff. Like, if you wanted to
10 raise my rates. Basically, Rainier Water is, like, "Hey
11 we're going to raise your rates so we can pay for this
12 filtration system," that was supposed to be built last year,
13 but now all the sudden they're going to fund it this year.

14 Q. Why do you say it was supposed to be funded last year?

15 A. Because that's what he told the news last year. That
16 they were going to build this great filtration system.

17 Q. So let me make sure I have these dates roughly correct.

18 It was on November 9th, 2016 that you called the
19 UTC and opened a consumer complaint; correct?

20 A. Correct.

21 Q. And that complaint investigator, to your knowledge, did
22 some investigation; correct?

23 A. I don't know what she did. I can't answer that
24 question, like what she did.

25 Q. But she called you back and told you, "I investigated.

1 I'm going to close your complaint"?

2 A. Um-hmm.

3 Q. Did she explain why --

4 A. No.

5 Q. -- she was closing your complaint?

6 A. I asked her to not close the complaint. I never got
7 the whys. I just told her not to until the hearing.

8 Q. She told you that that hearing was about brown water?

9 A. Well, no. It was -- the hearing was -- we got a
10 letter -- well, not -- we didn't get a letter. Like,
11 everyone in our neighborhood got a letter, but the letter
12 was never sent to our mailbox. Why we didn't get a letter
13 and everyone in the neighborhood got a letter saying that
14 they were going to add, like, a tariff. Like you were going
15 to pay more. So I guess a surcharge. Right?

16 So there was a hearing about that, to either allow
17 Rainier Water to pay -- to charge their customers a
18 surcharge or not. And so at that hearing, I testified,
19 saying, "Why am I going to give them more money to have
20 brown water?"

21 Q. We'll come around to that hearing shortly. I want to
22 try and book end this complaint with the UTC.

23 So at what point did you understand your complaint
24 was closed?

25 A. I didn't. Because I asked her not to close it until

1 after the hearing.

2 Q. Would that have been on January 9th, 2017?

3 A. Right. The hearing date. Whatever the hearing date
4 was.

5 Q. Was that the last communication you had with somebody
6 from the UTC?

7 A. I think we got, like, a survey in the mail.

8 Q. What kind of survey?

9 A. Like, "How great of a job did we do?"

10 Q. Did you fill that out?

11 A. No, I did not fill that out. No, I didn't. No.

12 Q. Were you happy with the work they did?

13 A. I don't find it's the UTC's fault that Rainier Water
14 has brown water. Like, I don't feel that's their fault.

15 MR. RANKIN: I'm going to move to strike the answer
16 as nonresponsive.

17 BY MR. RANKIN:

18 Q. My question was, were you happy with how the UTC
19 handled your complaint?

20 A. No. I guess not.

21 Q. But you didn't fill out the survey to that effect?

22 A. No. Why waste my time?

23 Q. So the last conversation you had with somebody at the
24 UTC was the day before the hearing, where that representative
25 told you she was going to close your complaint and you asked

1 her not to.

2 Is that correct?

3 A. That's right. I do believe so, yes.

4 Q. After that, they never communicated with you again,
5 other than sending you the survey?

6 A. I do believe so. I do believe so.

7 Q. You do believe that they did not communicate with you?

8 A. I'd have to double check, but I do not believe they
9 communicated, other than the survey.

10 Q. Did you ever call them to follow up on the status of
11 your complaint that you asked to not be closed?

12 A. I don't believe so.

13 Q. Why not?

14 A. Because I -- I really -- well, you would think that if
15 you asked someone not to close your case until after the
16 hearing, and then they would call you back to say they're
17 going to close your case. I think that would be a process.

18 Q. But after some time passes and you believe your
19 complaint is still open, you don't follow up to see where
20 it's at?

21 A. Well, the UTC might be still investigating.

22 Q. At no point did you think, "Hey, it's been a couple
23 months. Maybe I should check"?

24 A. I figured it would take a long time to investigate
25 brown water. That takes a long time, I would assume.

1 Q. Even though they told you that they had investigated it
2 and they were going to close the complaint?

3 A. Maybe after the hearing they took it seriously.

4 Q. Was that the only UTC hearing you attended?

5 A. It was actual -- I didn't actually attend it. I was on
6 the phone. Via phone.

7 Q. Including phone attendance, was that the only UTC
8 hearing you attended?

9 A. Other than the one where we called in for this
10 particular lawsuit.

11 Q. When was that?

12 A. When, like, the train fell down on the tracks. Nigel
13 represented us during that time. We were just on the phone
14 call.

15 MR. MALDEN: I think she's talking there about the
16 hearing that we had with Judge Kopta.

17 MR. RANKIN: I understand now.

18 BY MR. RANKIN:

19 Q. But as far as open hearings in front of the UTC, where
20 they're seeking consumer notice and comment, just the one
21 that you called in regarding the tariff surcharge?

22 A. Yeah. Because I missed the other one where they wanted
23 to charge us again. I was unable to testify at that one. I
24 believe so.

25 Q. When you called into that one hearing, what was the

1 substance of your statements?

2 A. That we had brown water. That it needed to be fixed.
3 I didn't understand why we were paying more -- like, why
4 would we give them more money if the problem's not fixed?

5 Like, it made no sense to me of why we would give
6 Rainier more money for them to fix something that they said
7 they're going to fix a year before that, and we still have
8 brown water. So why are we giving them more money?

9 Q. When you say they said they were going to fix it the
10 year before that, was that solely based on Henry's
11 statement?

12 A. Yeah. And promises that they made to the community.

13 Q. How did they make those promises?

14 A. From, like, telling everyone in the community they were
15 going to fix this problem.

16 Q. How did they tell the community that?

17 A. When they came and did, like, the flushes. People
18 would ask them, "Hey, I got brown water. When is it going
19 to be fixed?" "We're building this filtration system."

20 Q. When was that? After November 2016?

21 A. Exactly.

22 Q. The hearing, as I understand it, was in January 2017;
23 correct?

24 A. Yes.

25 Q. And at that hearing, they were requesting a surcharge

1 extension --

2 A. Yes.

3 Q. -- is that correct?

4 A. Yes. They wanted to keep charging.

5 Q. Do you recall the dollar amount of that surcharge
6 extension?

7 A. I want to say .75 cents.

8 Q. So Rainier View Water Company was requesting a
9 surcharge extension of .75 cents -- is it a month?

10 A. I don't know. I'd have to look at the paper.

11 Q. So they were requesting a surcharge extension of .75
12 cents to implement a filtration system to solve your brown
13 water.

14 Correct?

15 A. No.

16 Q. That's not --

17 A. No.

18 Q. How is that not correct?

19 A. Because when they told me that they were putting in a
20 filtration system, they also told me they were going to
21 blend. So they're going to still blend.

22 So from what I understand, you guys have
23 wells -- Rainier Water has wells everywhere. Like, they
24 have a well, like, in this neighborhood. They might have a
25 well over here, (Indicating). They might have a well over

1 there, (Indicating). A well over there, (Indicating).

2 Well, they put in a filtration system, which is great. But
3 then they are allowed to legally blend all the wells. They
4 can open up one well, shut off one well. So, no. That's --

5 Q. So is it your belief that this filtration system was
6 not something that would be useful because they were able to
7 blend?

8 A. Exactly.

9 Q. So when you called in and opposed the tariff surcharge,
10 you did so on the belief that it was an unnecessary expense?

11 A. Exactly.

12 Q. Because they could blend from other wells?

13 A. Exactly.

14 Q. Why did you think that blending would solve the problem
15 to your home?

16 A. No. Not blending. What I'm saying is they are allowed
17 to blend. So they don't have to use that well with the
18 filtration system on it. They aren't going to just use the
19 well they put the five-hundred-thousand-dollar filtration on
20 and give me that water. They're going to still blend.

21 So they're still going to use other wells within
22 our neighborhood. So, no, that's not going to work.

23 Q. I'm trying to understand the basis of that belief.

24 A. That's what the technicians said they would do when
25 they came to our house.

1 Q. That they would --

2 A. They're still going to blend.

3 Q. -- blend from other systems --

4 A. Yes.

5 Q. -- and you interpreted that to mean this filtration
6 system was unnecessary?

7 A. Exactly. If you're not going to put it on every single
8 well, it's not going to work. You can turn off your
9 filtration system and be, like, "Okay. It's summertime so
10 I'm going to turn on all these other wells for lack of
11 water," it ain't gonna work.

12 Q. Do you know how deep the well was that they were going
13 to put a filtration system on?

14 A. No.

15 Q. Do you know how deep the other wells they were blending
16 from were?

17 A. No.

18 Q. Do you know where they were located?

19 A. They told us -- the technician told us a couple
20 different places they were located in.

21 Q. So you were assuming that every well has high
22 manganese; correct?

23 A. Yeah. Probably.

24 Q. And that's why you believed that putting in a
25 filtration system on one, but then blending with others

1 would not solve the problem?

2 A. Exactly.

3 Q. But if that's not correct, and the other wells don't
4 have high manganese, then putting a filtration system on the
5 one well that does have high manganese would solve the
6 problem; right?

7 A. But if they aren't using that one all the time, it
8 would not solve the problem. Correct?

9 Q. I'm saying if you've got six wells --

10 A. Um-hmm.

11 Q. -- and five of them do not have high manganese water,
12 and you filter the sixth one that does, you've got no
13 manganese problem; correct?

14 A. This is what my point is. If I'm going to pay extra
15 money on my bill, then I should only have to use the well
16 that has the five-hundred-thousand-dollar system going to my
17 home. I shouldn't have to use the other wells. That well
18 should be the only one going to my house.

19 Q. So your position is that because you're paying
20 a .75-cent surcharge for a filtration system, you want a
21 hundred percent of your water to come through that
22 filtration system?

23 A. Exactly.

24 Q. Did anybody else call into the hearing on your behalf?

25 A. I think -- I think the -- I think the news station was

1 on there. And I think -- I know for sure that Anna was on
2 there. But not on my behalf, no.

3 Q. I'm sorry. Who was the second person you said?

4 A. Anna was on the line, too.

5 Q. Who is Anna?

6 A. Nigel's legal -- paralegal.

7 Q. I don't want to know what you and Nigel or you and Anna
8 had talked about prior, but did Anna speak on your behalf at
9 that hearing?

10 A. I can't remember. I don't think she did. No.

11 Q. Did Nigel speak on your behalf at a hearing?

12 A. Just the one that was called in.

13 Q. Was that different than the surcharge extension
14 hearing?

15 A. Yes.

16 Q. Was that different than the day the train came off the
17 tracks hearing?

18 A. No. That was -- yeah. No. That was -- he -- he spoke
19 at the hearing for us.

20 Q. There were no others?

21 A. No.

22 MR. RANKIN: We're about --

23 THE WITNESS: Can we strike that? Because I
24 don't -- I don't know if he spoke on the day -- did you
25 speak at the hearing when my mom passed away?

1 MR. MALDEN: Actually, do you want me to explain
2 this?

3 THE WITNESS: Because my mom -- the problem was, my
4 mom was in the hospital and dying. My mom died. So I'm not
5 sure -- like, during that time I gave Nigel the rights to
6 speak on our behalf.

7 So when my mom was dying, I was saying, "I'm not
8 going to be on the phone with that." So I gave permission
9 for someone to speak on our behalf. So if Nigel called in
10 on my behalf, he had every right to do so.

11 BY MR. RANKIN:

12 Q. I'm just trying to understand the extent of testimony
13 by you or somebody on your behalf, as far as in front of the
14 UTC.

15 A. So I gave Nigel all rights to talk on my behalf. So if
16 Nigel talked on my behalf, he had rights to do so.

17 MR. MALDEN: My recollection is that is what
18 happened at a second hearing in 2017. That Sarah did not
19 appear on the phone, but I did, and I introduced myself as
20 calling on her behalf.

21 We actually don't have a transcript of that
22 hearing, but we do have a transcript of the hearing from
23 December 22nd, where she did testify by phone. And
24 actually, I think we may have given you a copy of that
25 transcript. But if we didn't, we'll be happy to get you

1 one.

2 MR. RANKIN: I do have that. That was the tariff
3 surcharge hearing, I believe.

4 MR. MALDEN: Right.

5 THE WITNESS: Right. The other one was my mom was
6 in the hospital, and she was passing away. So I was not
7 going to be on the phone. So I'm not sure if Nigel spoke on
8 that -- on that occasion on my behalf or not.

9 MR. RANKIN: I want to take a break in a minute,
10 but I have one quick question now that we've identified the
11 date of that hearing. I think you're right. It was --
12 December 22nd was the surcharge hearing.

13 BY MR. RANKIN:

14 Q. If you'll look at Exhibit A, the page marked in the
15 bottom right corner "005," the top of this is an e-mail, it
16 looks like, from Rachel Stark to Bob Blackman, letting him
17 know that the complaint is now closed.

18 A. Um-hmm.

19 Q. At that point, Ms. Stark or nobody else from the UTC
20 communicated that to you; that is correct?

21 A. That's correct.

22 Q. And you said the one time they tried to close the
23 complaint was the day before the hearing?

24 A. Yes.

25 Q. So that would have been December 21st, 2016; right?

1 A. Yes.

2 Q. So it looks like they kept the complaint open through
3 the hearing, and then on January 5th, 2017, closed it, at
4 least with my client.

5 A. Okay.

6 Q. Does that sound right?

7 A. I don't know. I wasn't there when they closed it with
8 your client.

9 Q. They never told you anything after that --

10 A. I wasn't --

11 Q. -- December 21st --

12 A. -- part of that. I didn't get that e-mail.

13 MR. RANKIN: I think now is probably a good time
14 for a break. We're about an hour and 20 in. So we can go
15 off the record.

16 (Off the record from 10:19 A.M.
17 to 10:30 A.M.)

18 BY MR. RANKIN:

19 Q. We're back on the record. I'd like to switch gears a
20 little bit and talk about the UTC and the Department of
21 Health and my client and how they all relate.

22 Have you done any research into the UTC?

23 A. A little bit.

24 Q. What have you found out about their role?

25 A. They're the -- they commission the water. Utilities.

1 Utilities Commission.

2 Q. Do you understand that they regulate investor-owned
3 water utility providers?

4 A. Yes.

5 Q. What do you understand is the scope of their
6 regulation?

7 A. They regulate the water that Rainier -- Rainier View
8 guarantees that's clear. They regulate you guys.

9 Q. When you say "regulate," what does that mean?

10 A. So I guess they test your guy's water and, like, follow
11 up to make sure that you guys are within the legal standard,
12 and then they would take any complaints to communicate with
13 you guys on how to fix that -- your said problems. And they
14 would regulate that.

15 Q. What is your understanding of the Department of
16 Health's role in that?

17 A. We didn't know the Department of Health was part of the
18 UTC, or we would go to the Department of Health to complain
19 about water quality. We didn't find that out until January.

20 Q. And in January did you contact the Department of
21 Health?

22 A. No. They were on the line. They were on the
23 commission for the tariff.

24 Q. They were at --

25 A. They were actually -- I think -- either they were there

1 or -- I was on the phone. So I don't know if the Department
2 of Health was at the meeting or at the hearing for the
3 tariff or not.

4 Q. So in some capacity, the Department of Health attended
5 the tariff surcharge extension hearing; correct?

6 A. Exactly.

7 Q. And that's the extent of your communications with the
8 Department of Health?

9 A. We did -- I think we did make a complaint with the
10 Department of Health, after we found out they were, in fact,
11 in charge of regulating the water, also.

12 Q. When was that?

13 A. After -- probably after January, when we found out we
14 could make a complaint.

15 Q. January of 2017?

16 A. Yeah.

17 Q. Do you know who you talked to?

18 A. No, I don't.

19 Q. Or which office you called?

20 A. No.

21 Q. When you called, what was the substance of your
22 complaint?

23 A. Brown water.

24 Q. What was the Department of Health's response?

25 A. That they would look into it.

1 Q. Did they look into it, to your knowledge?

2 A. Don't know.

3 Q. Did they ever call you to give you an update on your
4 complaint?

5 A. No.

6 Q. Did you ever call them to follow up on your complaint?

7 A. No.

8 Q. So you just filed the complaint and let it go?

9 A. Yep.

10 Q. So in January of 2017 you had, to your knowledge, an
11 open complaint with the UTC and the Department of Health
12 regarding brown water; correct?

13 A. Right.

14 Q. And you didn't follow up with either one of those to
15 see what the status of your complaint was at any time?

16 A. We felt like they were open.

17 Q. And you never began to wonder what these agencies were
18 doing?

19 A. No.

20 Q. At what point did you file suit originally?

21 A. I think we filed suit right after -- December? I don't
22 know the exact date we filed suit.

23 Q. Early in 2017, though; right?

24 A. Yes.

25 Q. You sued Rainier View Water Company as your water

1 provider; correct?

2 A. Correct.

3 Q. What is your understanding of Rainier View Water
4 Company's relationship with Richardson Bottling?

5 A. We understand that they -- the person that owns Rainier
6 View Water is Anderson. Right? So they also would have a
7 partnership or owners of Mountain Mist. The family would
8 own both.

9 Q. So it's your understanding that Mountain Mist and
10 Rainier View Water Company have common ownership?

11 A. Right.

12 Q. But one doesn't own the other?

13 A. Right. It's just common ownership.

14 Q. Is that the same for Richardson Drilling?

15 A. You know, I didn't do research on it. Obviously --
16 obviously, they have ownership in both.

17 Q. So how did you discover that my client and Richardson
18 Bottling have common ownership?

19 A. Google.

20 Q. So you Googled it. So you did do some research?

21 A. Oh, yeah. I wanted to know why, like, you can drill in
22 Spanaway on one side of the railroad track and get clean
23 water, but at my house, you get brown water. So it's really
24 interesting.

25 Q. What did you find out?

1 A. That I guess you guys can get really clean water, and I
2 can't.

3 Q. What did Google tell you as to why?

4 A. Why they have clean water?

5 Q. Yes.

6 A. I'm trying to figure it out. I was going to find out
7 how much it cost to drill in my back yard.

8 Q. You've mentioned a couple times the tariff governing
9 Rainier View Water Company's operations.

10 A. Um-hmm.

11 Q. How familiar are you with that document?

12 A. With how much I'm paying for brown water?

13 Q. No. With the tariff.

14 A. Like, the extra that we're paying?

15 Q. No. That's the surcharge.

16 A. Okay.

17 Q. You maybe answered my question, in fact, because I'm
18 referring to a legal document that governs my client's
19 services --

20 A. Um-hmm.

21 Q. -- and I think you're referring to a surcharge.

22 A. Um-hmm.

23 Q. Are you aware of the legal document that governs my
24 client's services?

25 A. No.

1 Q. So when you use the word "tariff," you're talking about
2 a rate of pay?

3 A. Right. From my understanding, they wanted to keep
4 the .75-cent surcharge on for the five-thousand-dollar
5 filtration system that was supposed to fix everything that
6 has not fixed everything.

7 So to me, it was, like, why are we giving more
8 money? And then I think after that, there was another -- we
9 got another letter in the mail saying there was going to be
10 an additional surcharge fee.

11 And then we were wondering if that was going to go
12 to the filtration system, also. Like, maybe you guys didn't
13 collect enough money. But then after doing research, it was
14 actually to give the employees a raise.

15 Q. You opposed that, also?

16 A. I -- my mother was passing away, so I asked my lawyer
17 to be part of that. Because I didn't feel like we should
18 give the lawyer -- I don't feel like we should give the CEOs
19 and the board members and everybody more money, if I still
20 have brown water. That made no sense.

21 Q. So, yes, you opposed that; right?

22 A. Oh, yeah. Totally opposed that.

23 Honestly, I didn't even know about that letter.

24 Because we aren't -- for some reason Rainier Water says they
25 mail everyone all these great letters. Right? But we find

1 out about these letters through -- we have a Springwood
2 Estates Facebook, and if people didn't post, "Oh, we got a
3 letter in the mail saying they want raises," or, "We got a
4 letter in the mail saying there's a meeting," that's what we
5 get. But for some reason, like, before we went to an online
6 billing system -- because now we don't even want to walk
7 into Rainier Water because who wants to look at people that
8 give you brown water? So we pay online.

9 So before -- like, they were fine with sending us
10 our bill to pay. But then when it comes to, like, important
11 things like tariffs and extra money, for some reason we
12 don't get those. And that's not -- if you go into your
13 Express Pay, it doesn't say, "Oh, by the way, we're going to
14 have this meeting."

15 Like, when you go on Express Pay, "Here's your
16 letter for that meeting." Like, it's supposed to be mailed
17 out to everybody. But we're only getting it because
18 Springwood Estates people are posting, like, "Hey, make sure
19 you make this meeting."

20 Q. So your neighbors are all getting these notices?

21 A. Some. It's like a hit and miss. It's like five people
22 over here may get it. They'll tell these people, "Did you
23 get this in the mail?" "No, I never received it." So for
24 some reason they're not mailing everybody.

25 Q. How do you know that?

1 A. Because I'm not getting them and other people are
2 saying they're not getting them.

3 Q. Because you've talked to them?

4 A. Yes.

5 Q. Who have you talked to?

6 A. Every time we go to the mailbox, there's people there.
7 "Hey, did you get the letter from Rainier?" Like, the
8 people across the street or --

9 Q. Who did you talk to?

10 A. My neighbors.

11 Q. What are their names?

12 A. We talked to Tina and Mike. Talked to Danny. Talked
13 to Shari. We talked to a lot of people in our neighborhood.

14 Q. And they've told you that they did not receive these
15 notices either?

16 A. Yeah. They told us they were not receiving notices.

17 Q. Do you know those folks' last names?

18 A. No.

19 Q. But they all live on your cul-de-sac?

20 A. All within our neighborhood. So, like, out of 140
21 homes, not everyone's getting their mail.

22 Q. And you know that because you've talked to some people
23 who have told you --

24 A. Yeah. They didn't get that notice.

25 MR. MALDEN: One thing I might suggest is you've

1 got to wait until he's done with his entire question.

2 THE WITNESS: Okay.

3 MR. MALDEN: Sometimes you guys are cutting each
4 other off a little bit.

5 THE WITNESS: Okay.

6 MR. MALDEN: So just be a little cautious with
7 that.

8 THE WITNESS: Okay.

9 BY MR. RANKIN:

10 Q. You're claiming several types of damages; correct?

11 A. Yes.

12 Q. Property damage is one of them?

13 A. Yes.

14 Q. What property are you claiming was damaged?

15 A. 7202 201st Street East, Spanaway, Washington 98387.

16 Q. Can you be more specific?

17 A. My home is damaged.

18 Q. Can you be more specific?

19 A. I cannot sell my home to anybody if I told them, "Hey,
20 once you buy this home from me with brown water" -- no one's
21 going to buy my home. So I've got depreciation of value.
22 I've got damaged pipes. I've got damaged clothing. I have
23 damaged appliances.

24 Q. What's the value you're claiming for damaged clothing?

25 A. I'll have to get you the exact number with that.

1 Q. What's the value you're claiming for damaged
2 appliances?

3 A. I'll get you the exact number for that. We had to
4 replace our -- so far we've replaced our washer. We
5 replaced our dishwasher. We replaced the pressure release
6 valve. We replaced a toilet. We're getting ready to
7 replace a couple sinks. And we also are getting ready to
8 replace two -- replace two more toilets upstairs.

9 Q. Did you ever get an estimate for the installation of a
10 home filtration system?

11 A. Yes.

12 Q. How much did that cost?

13 A. From the people we -- so we put out a couple e-mails to
14 get, like, how much it would cost for, like, a home
15 filtration system. We're looking at about \$10,000. But
16 then with that \$10,000, they only guarantee it for, like,
17 the life of this amount or per gallon like you use.

18 Say, like, your home is, like -- say, like, you
19 have like a 30,000 square foot home. Then your life span
20 of -- it would be less than, like, our size home. But it
21 also depends on water usage, if that makes sense.

22 Q. Understanding that there's some variation based on
23 usage and square footage --

24 A. Right.

25 Q. -- and the like, it was 10,000, and what was the life

1 they estimated for you?

2 A. They can't estimate it because they don't know usage.

3 Like, you have to go with usage.

4 Q. They can't look at your water bills to determine your
5 usage?

6 A. Well, honestly, if you look at my water bill, it would
7 be 26 bucks. But when you also take into account I buy
8 bottled water, I buy five-gallon bottles -- we don't use
9 Rainier Water, other than to wash our clothes that get
10 damaged, or to take a shower and you're under the water for
11 five minutes, and to flush the toilets. We can use the
12 toilets, because we're not going to drink that.

13 Q. Let me make sure I understand this.

14 You e-mailed several people, and they told you it
15 cost \$10,000, but they couldn't tell you how long it would
16 be good for?

17 A. Exactly. I could take them my bill and I can be, like,
18 "Here's my bill for" -- let's say on average we're paying --
19 let's just say -- 30 bucks. I think that's about what we're
20 averaging right now, is about \$30. Right?

21 So I can tell them, "I really like Rainier Water to
22 water my grass. It's great. My grass grows great. All
23 those minerals make my grass grow beautifully. Like a golf
24 course." But for consumption, I buy water from the store.
25 We have it delivered to our house.

1 Like, you know, then I would have to tell them,
2 like -- so let's calculate how many bottles of water I buy.
3 Let's calculate all the five gallons I buy, and that would
4 be the usage.

5 Q. And this is too difficult for somebody trying to sell
6 you a ten-thousand-dollar product?

7 A. Yeah. Sure.

8 Q. Would did you e-mail?

9 A. I e-mailed, like, five different places.

10 Q. Who?

11 A. I would have to look on our estimator. My e-mails.

12 Q. Do you have that accessible?

13 A. No. Not for, like, who we e-mailed. They always say
14 they'll call you back. You put in your name and e-mail, and
15 then they call you back.

16 Q. Who is "they"?

17 A. Like, if you were to go buy a filtration system, you
18 could go online, you could fill out a whole bunch of
19 surveys, and then you put in your e-mail, and then your
20 phone number.

21 Q. Did you talk to a plumber?

22 A. The only plumber we talked to is the one that did our
23 pressure release valve.

24 Q. Did he quote you for a home filtration system?

25 A. No. He's not qualified to do that.

1 Q. You don't know the name of the companies that quoted
2 you \$10,000 for a home filtration system?

3 A. There's several.

4 Q. You don't know the names?

5 A. No. I wish I had \$10,000 to buy a filtration system.

6 Q. You mentioned washer, dishwasher, pressure release
7 valve, toilets, sinks, two more toilets. You mentioned
8 clothing. You didn't know the extent of the dollars there.

9 You mentioned you have damaged pipes. How do you
10 know that?

11 A. So recently, our toilet in the downstairs went out. So
12 we had to repipe it to make it so that it would work. So we
13 had to, like, take out one of the pipes, cut that off, and
14 then we had to redo it. Like, put a shark bite on and redo
15 it.

16 We took the pipe out, and if you lift it up to the
17 light, you can see all the manganese in there. So it's,
18 like -- it was so brittle -- like, when we actually went to
19 cut it, it just, like, fell apart by itself. So it was easy
20 to fix. We put a new coupling on there, replaced the
21 toilet.

22 Q. So it's your assertion that manganese in the pipe makes
23 it damaged?

24 A. Well, the whole problem was when we lifted the toilet
25 up -- I don't know if you've changed toilets before. We

1 lifted the toilet up. There's, like, a piece right --
2 there's like a piece where you put your O ring on. So
3 there's like a -- it's like metal. And you hook your O ring
4 on that. Okay?

5 So when you lift that off, and all of that is,
6 like, corroded -- like it was, like, all the way corroded --
7 when you have to replace that, then you have to put your O
8 ring on, then you put your toilet on. So I had to turn off
9 all the water to my house to replace the toilet.

10 So we turn off the water. Then when we turned on
11 the toilet, I never seen so much brown water in my entire
12 life in my brand new toilet.

13 Q. I appreciate the tutorial on changing the toilet.

14 My question was, it's your assertion that manganese
15 in pipes inherently damages the pipes; right?

16 A. Yes.

17 Q. I need you to answer the questions that I ask you,
18 please.

19 A. Correct.

20 Q. Do you know the extent of the damage you're claiming to
21 your pipes?

22 A. We have to get an estimate.

23 Q. So you don't know the extent?

24 A. No. When I talked to Bob Blackman, he said the only
25 way to fix the pipes was to have them picked.

1 Q. Have them what?

2 A. Picked.

3 Q. What does that mean?

4 A. He said take a scope and have them picked.

5 Q. Was he referring to within your home --

6 A. Yes.

7 Q. -- or --

8 A. He said he could -- he could do it -- we could have it
9 done in our home, and he said they were looking into the
10 option of doing that in the street.

11 Q. Picked?

12 A. Picked.

13 Q. It doesn't make sense. But pig, like an animal?

14 A. Yeah. Okay. So that would be --

15 Q. Now I understand what you're saying.

16 A. Okay.

17 Q. What is the dollar value of the property damage you're
18 claiming?

19 A. Well, I'd have to say, like, I can't sell my home.
20 So -- without disclosing. And then property damage for my
21 appliances and my kids' clothes. I would have to, like -- I
22 don't know how much I could give an estimate. I would have
23 to get an appraisal. A new appraisal.

24 Q. So I want to separate diminished value. Because we'll
25 talk about that in a minute. But pure damage to your

1 property, do you have a dollar value that you are claiming
2 in damages for the plumbing, other fixtures, and other
3 things like clothes?

4 A. So you want, like, just the property part? Not, like,
5 the pain and suffering for the depreciation of my house?

6 Q. I am asking you for property damage. If you don't have
7 an answer, you don't have an answer.

8 A. No.

9 Q. If you have an answer, I would like to know it.

10 A. No, I don't.

11 Q. So let's now talk about diminished value. Your
12 position is that you can't sell your home. Therefore, its's
13 valueless.

14 Is that --

15 A. Well, I feel like you'd have to disclose there's brown
16 water.

17 Q. Why do you feel that way?

18 A. Because we're on the news. Like, who wouldn't know
19 that we have brown water? Like, how would you sell your
20 home -- like, you think anyone would come to your home if
21 you did an open house and the realtor walks around. It's,
22 like, "Oh, they've been using this house all along, but
23 look at all the brown water." No one's going to buy that
24 house.

25 Q. You did, didn't you?

1 A. Because we thought it sat.

2 Q. Did the prior seller disclose anything to you?

3 A. No. Or I wouldn't have bought that house.

4 Q. Did the seller's agent disclose anything to you?

5 A. No.

6 Q. Did you ask?

7 A. I didn't know you -- no. Because you don't ask -- the
8 cameras go in the pipes at a 20-year -- at 20 years, then
9 you would have your pipes looked at. They would actually
10 scope your pipes with, like, a camera.

11 Our house didn't meet that criteria. If it did, we
12 would have had it done, and we would not have bought the
13 house that my wife wanted.

14 Q. So neither you, nor your home inspector who -- you both
15 turned on the faucets and saw brown water -- neither one of
16 you thought to ask the seller's agent, "Hey, is this an
17 ongoing problem?"

18 A. From when -- so the seller that we bought the house
19 from, he was stationed -- from my understanding -- in Hawaii
20 or Alaska. He was a soldier.

21 Q. So he had an agent; right?

22 A. Yes.

23 Q. And nobody bothered to ask the agent if this was a
24 known problem?

25 A. No.

1 Q. You had your home appraised when you purchased it?

2 A. Um-hmm.

3 Q. "Yes"?

4 A. Yes.

5 Q. But you have not had it appraised since --

6 A. No.

7 Q. -- correct?

8 A. No.

9 Q. So this idea that it's diminished in value is based on
10 your own speculation; correct?

11 A. Well, I wouldn't buy a house with brown water, would
12 you? So, yeah, I would assume so. Yeah.

13 Q. You don't have anybody telling you that it has
14 diminished by X number of dollars?

15 A. No.

16 Q. Have you noticed other homes in your neighborhood for
17 sale?

18 A. Yeah.

19 Q. How long are they usually on the market for?

20 A. You know, honestly, we could go to the open house and
21 be, like, "By the way, you all have brown water. Don't buy
22 this house." But we feel that would be a real conflict of
23 interest.

24 MR. RANKIN: I'm going to strike that answer as
25 nonresponsive.

1 BY MR. RANKIN:

2 Q. My question was, how long have they been on the market?

3 A. I don't know.

4 Q. They are sold, though, aren't they?

5 A. Yeah. I don't know. So -- maybe.

6 Q. You see the sale signs come down; right?

7 A. Yeah.

8 Q. What's the closest in physical proximity to your house
9 that a house has been for sale?

10 A. Next door there was one, like -- sold at an auction.

11 Q. It was sold at foreclosure auction?

12 A. Yeah.

13 Q. It was purchased?

14 A. Yes. Honestly, I get the -- I get the monthly reports,
15 because I am the vice president of the homeowner's
16 association.

17 Q. What monthly reports?

18 A. So I get like a -- a profit and loss. And it will tell
19 me, like, if it switches ownership, if it's in foreclosure.
20 Like, I have details on every house. But that is, like,
21 confidential paper that we have. Only board members have
22 that.

23 Because it's like, you know, people's financials
24 and fines or liens or whatever. So I get that report.

25 Q. That's all public record, isn't it?

1 A. Sure. I don't think -- no. I don't think fines and
2 liens are. Well, a lien would be. But, like, someone's
3 fine for not mowing their grass. That wouldn't really be
4 public record, I wouldn't think.

5 Q. Sure. I'll tell you, I don't care about fines for not
6 mowing grass. I'm interested in the house closest to you
7 that has been sold --

8 A. Was next door.

9 Q. And it was sold at foreclosure sale; correct?

10 A. Yes.

11 Q. Was it flipped?

12 A. Yes.

13 Q. Did somebody renovate it?

14 A. Yes, it was flipped. And it was amazing. You know
15 those -- you know those -- okay. So when the lady bought
16 it, she was, like, "I have to replace every single pipe in
17 this house."

18 Q. How much did that cost her?

19 A. You know, I don't know. But I have her phone number,
20 so I can give it to you.

21 Q. What's her name?

22 A. Carol Dragger. No. Carol -- no. Not Carol. Let me
23 get her name for you.

24 Q. If you've got a phone number, that would be great, too.

25 A. Oh, yeah. Not a problem. It's Dagger; right?

1 GRETCHEN HAND: I'm not sure.

2 THE WITNESS: I do have her phone number, though.

3 GRETCHEN HAND: Don't you think you should maybe
4 phone her and ask her if it's okay?

5 THE WITNESS: No. I'll give him her phone number.
6 She can tell him she had to repipe her house. Every part of
7 that house was broken because of the pipes. Go ahead and
8 strike that. I'll give it to Nigel for you.

9 BY MR. RANKIN:

10 Q. Her name is Carol Dragger? Dagger? Something like
11 that?

12 A. Dogett. Her last name is Dogett.

13 Q. How do you spell that?

14 A. I don't know the correct spelling, really.

15 Q. Did she sell that house after she renovated it?

16 A. Yeah. She said she was, like, into it for \$75,000,
17 like, over what she was able to get for it. From my
18 understanding, she took a loss.

19 Q. She took a loss of \$75,000?

20 A. That's what my understanding was. Obviously, I didn't
21 go pull up the report.

22 Q. That would have been after the trustee sale, purchase
23 price, and any renovations she did and fees and such?

24 A. Yeah. Yeah. She was into it, like, 75,000.

25 Q. Do you know how much she purchased it for?

1 A. I don't know.

2 Q. Do you know how much she sold it for?

3 A. I don't know.

4 Q. Do you ever talk to the person that bought it?

5 A. No. Really don't. Um-hmm.

6 Q. Are there other homes on your cul-de-sac that have been
7 for sale while you've lived in your home?

8 A. Yes.

9 Q. Did they sell?

10 A. At auction.

11 Q. How many?

12 A. So we had the one next door, and then one across the
13 street that sold at auction.

14 Q. Two homes in your cul-de-sac sold at auction?

15 A. Yeah.

16 Q. And it's your understanding they were bankruptcy-related
17 foreclosures?

18 A. Yeah. We had one that was -- so we had three homes,
19 actually. So we had the one across the street. And then we
20 had the one next door. And then we also had had a -- one
21 that was, like, two doors to the right of us. So three
22 homes sold at auction within our cul-de-sac.

23 Q. In the time that you lived in your home since May 2015?

24 A. Of my knowledge. You know what? That would make four
25 homes. Because there was another one that was sold at

1 auction. The one that has, like, a weird driveway. Maybe
2 that was just sold. That one was just sold.

3 Q. Do you recall how long it was on the market?

4 A. Don't know. Long time, though. That one was --

5 Q. More or less than three months?

6 A. Probably like that. Probably about three.

7 Q. Three months?

8 A. That's my estimate, though.

9 Q. All those homes that were foreclosure auctions, were
10 they renovated and resold?

11 A. One was -- one was renovated by Home Invitations, and
12 they rent out homes. So they're, like, a California buyer.
13 They buy every home they can and rent it out.

14 Q. So no, they were not resold?

15 A. So from my knowledge, three -- so two of the homes that
16 were bought at auction were resold. One of them is a
17 rental.

18 Q. The other one not owned by Carol Dogett that was
19 resold, was that renovated?

20 A. Yes, it was.

21 Q. Do you know the extent of that renovation?

22 A. It was a flipper. Once again, he -- he just kind of
23 did the bare-minimum. So I'm not really sure, like, you
24 know, what he all did.

25 But I know he didn't replace the pipes, because the

1 guy that bought the home, he came running down the street to
2 our house and -- because his house was flooding. And so we
3 went up to his house and we're, like, "Oh, it's probably
4 just your hot water heater, probably from sitting." Because
5 that one actually did sit for a long time before, like -- as
6 he was renovating it.

7 And so we opened up his -- we showed him how to
8 open up his hot water heater. He invited us into his home.
9 We opened up his hot water heater, and then we got one of
10 those gallon milk jugs, and then we opened it up for him to
11 show him, and all the sudden, like, all that brown water
12 came out.

13 And I said, "It might be from the magnesium level,
14 or you might have another issue where you're probably going
15 to have to call a plumber out here. If this doesn't run
16 clear, then you're probably going to have to call a plumber
17 out here."

18 So he eventually did call a plumber out. And he
19 had a problem between his main pipe and his home.

20 Q. When you say "main pipe," you mean the water main?

21 A. Exactly.

22 Q. He had a problem --

23 A. Within his driveway that he owned.

24 Q. The service lateral from the main to his home?

25 A. Right. That he had to replace. And I asked him -- I

1 said, "Well" -- he goes, "Honestly, we would have found this
2 issue if my house was 20 years old, because then they would
3 have technically had to scope our house."

4 And since he -- and he did a VA loan. So the VA
5 makes you do everything. But in his case, also -- just like
6 in our case -- his home was not 20 years old. So they did
7 not do a camera of the pipes. So he got himself in the same
8 situation we did.

9 Q. Did you ask your home inspector to do a camera of the
10 pipes?

11 A. It wasn't part of the checklist because it wasn't
12 necessary. 20 years and older. That's when they do it.

13 Q. Understanding that, did you ask your home inspector to
14 do that?

15 A. No.

16 Q. Did you know at the time that 20 years was the
17 threshold where they have to do that?

18 A. Yeah. We were told that.

19 Q. When were you told that?

20 A. During the inspection.

21 Q. By the inspector?

22 A. Yeah.

23 Q. Did you ask him if he thought it was necessary to do?

24 A. He -- he said that it would be very uncommon that 20
25 years or older the pipes would be bad. That would be very

1 uncommon.

2 Q. So --

3 A. It was a non necessary -- it was non necessary.

4 Q. So you believe it was not necessary, even though every
5 toilet and every sink was running brown water?

6 A. Yes.

7 Q. He also thought it was not necessary, even though every
8 toilet and every sink was running brown water?

9 A. I don't know what he was thinking.

10 Q. Did he tell you?

11 A. No.

12 Q. Are you claiming any damages for personal injury?

13 A. Yes.

14 Q. What are you claiming damages of?

15 A. For personal injury? So, like, I guess like
16 inconvenience. Still trying to do some medical testing on
17 my wife. My youngest daughter wears hearing aids.

18 And with all that -- that minerals getting into her
19 hair that go down to her ears, we're having that looked at
20 to see if that's causing any further hearing damage.

21 Q. There's two things there that I want to kind of
22 separate.

23 So I want to talk about injury --

24 A. Um-hmm.

25 Q. -- medical injury. Then we'll talk about

1 inconvenience --

2 A. Okay.

3 Q. -- separately.

4 So you mentioned your wife and your daughter both
5 have injuries that you might be claiming damages for?

6 A. Yeah. We're still doing medical testing on that.

7 MR. RANKIN: Let's go off the record for a second.

8 (DISCUSSION OFF THE RECORD.)

9 BY MR. RANKIN:

10 Q. You mentioned inconvenience as a form of damages you're
11 claiming.

12 Can you elaborate on that, please?

13 A. So, like, we have to wash our hot water heater. We
14 have to go buy water. We have to go to the store to get
15 drinkable water. We have to have our -- we have to have
16 someone come -- like our delivery guy -- every Friday come
17 and drop off our five-gallon water jug so we can put into
18 our hot water -- like the -- like the cooler system.

19 We have to go and we have to put that on. We have
20 to make sure that when our guests come over, we have extra
21 water. Because Grandma don't want to drink brown water. So
22 we have to go to the store to get extra water for our
23 visitors. So it's very inconvenient.

24 Q. How much money have you spent purchasing bottled water?

25 A. So right now we're paying 63-something a month, just

1 for the delivery of six five-gallon waters. Then on top of
2 that, we're paying on average \$3.00 for a 24-pack case of
3 bottled water.

4 On average, we're buying two to three a week,
5 depending on weather, heat, sports for our children. So
6 that's probably what it is.

7 Q. You're going to make me do that math, aren't you?

8 A. Yeah. Um-hmm.

9 Q. What is the value you're claiming for the
10 inconvenience? Is there a dollar amount attached to that?

11 A. I think we'll let the -- I think -- I think it's better
12 to let the UTC and the courts decide.

13 Q. Fair enough.

14 You've been active on Facebook in speaking about
15 Rainier View Water Company; isn't that correct?

16 A. Yes.

17 Q. When did you start that?

18 A. November.

19 Q. November of 2016?

20 A. Um-hmm.

21 Q. Why did you start that?

22 A. Because I wanted to know if I was, like, the only one
23 that had brown water.

24 Q. Is that on your personal Facebook page?

25 A. Springwood Estates.

1 Q. Not on your personal Facebook page?

2 A. You know, there might have been some comments on our
3 personal Facebook page. I would have to look back at that.

4 Q. Were there any direct messages about water sent to your
5 personal Facebook page?

6 A. Yes.

7 Q. To whom?

8 A. To whom? Like, what do you mean?

9 Q. I asked you if there were any direct messages sent to
10 your personal Facebook page related to water and my client,
11 and you said yes.

12 Who did you send those to, or who sent them to you?

13 A. I had somebody send them to me.

14 Q. Who?

15 A. We had a bunch of neighbors that sent us, like,
16 pictures of their water.

17 Q. What are their names?

18 A. I'll have to get back to you on that. I'll give it to
19 Nigel.

20 Q. That was on your personal Facebook page?

21 A. Messenger.

22 Q. Facebook Messenger?

23 A. Um-hmm. And there's been several comments about
24 Rainier Water on Springwood Estates that are either, like,
25 pictures, videos, comments from other people. We have

1 commented on that. Like, it's like a -- it's like a -- you
2 know, it's like a Springwood Estates Residents. You have to
3 be accepted. There's an administrator.

4 So if you get accepted onto the site, you can see
5 all the pictures of all the brown water. It's not just,
6 like, one neighbor. It could be one neighbor complains
7 about it, another neighbor complains, and it goes on and on.
8 It's like a whole comment, just all about Rainier Water.

9 Q. Who is the administrator of the HOA Facebook page?

10 A. It's not an HOA. So it's not governed by the HOA. HOA
11 cannot be an administrator of that.

12 Q. Who administers the Facebook page that you're telling
13 me about?

14 A. I do not know.

15 Q. What's the name of it?

16 A. "Springwood" -- "Residents of Springwood Estates."

17 Q. Do you have a post on there?

18 A. Do I post on there? Yeah. I do post on there. Yeah.

19 Q. About water?

20 A. I have posted about water. But most of my posts are,
21 like, "Hey, we're going to be, like, sweeping the streets,
22 so move your car." Or, like, "We're going to be painting
23 the speed bumps. So unless you don't want paint on your
24 car, move it."

25 Q. When you say "we," who is "we"?

1 A. Like I'll post. Other board members will post.

2 Q. Board members of what?

3 A. The HOA.

4 Q. So the HOA posts on the non HOA Facebook page?

5 A. Exactly.

6 Q. Does the HOA have its own Facebook page?

7 A. We do, but no one uses it.

8 Q. Do you sit on the board of that HOA?

9 A. Yes.

10 Q. What's your role?

11 A. So last year I was vice president. So we just had our
12 reelection in March. All of the old board members were
13 reelected. On April 24th, we will decide our positions. I
14 don't foresee any movement.

15 Q. How long have you been in that role?

16 A. So last year -- so far it's -- well, two years so far,
17 and I'm going on for another two. So it will be four years.
18 My total -- so last year -- so I served for the last two
19 years as the vice president.

20 I was reelected, and I will -- I don't foresee me
21 going -- any movement of my position. So I will be
22 another -- probably another two-year term as vice president.

23 Q. So you started in April of 2016?

24 A. Yes.

25 Q. What responsibilities do you have in that role?

1 A. So -- so I would go and -- we hired a property
2 management company. So that property management company
3 would go around and do, like, our monthly inspections. But
4 the property management company cannot issue a citation
5 without a board member's approval.

6 So we go down -- we go around, do monthly
7 inspection reports. We look at all the financials. We look
8 at all the liens, foreclosures. We -- any
9 neighbor-to-neighbor contact. Any, like -- you know, like,
10 "Someone's dog's barking. I want you to fix it." Then they
11 would bring that to our attention, and then we'd vote on
12 that. You know, like, "Do we really send them a letter for
13 their dog barking?"

14 We hire contractors. Like, anyone that's going to
15 be working on, like, our parks, our fences, our -- any gate
16 issues, we hire all those. And those always have to be
17 approved. Their invoices have to be approved.

18 Q. For common areas?

19 A. Yeah. All common areas. We make sure the taxes get
20 paid. If there's an audit, we make sure the audit gets
21 done.

22 Q. Do you ever see any maintenance for individual
23 properties?

24 A. Absolutely not.

25 Q. Is that the reason that the homeowner's association

1 takes no position as to the brown water?

2 A. Exactly.

3 Q. You said the HOA has its own Facebook page but rarely
4 uses it?

5 A. Yeah. We don't use it.

6 Q. Who checks it?

7 A. Don't know.

8 Q. It's one of the board members; right?

9 A. No. Well, we used to have, like, a site. I don't
10 know, honestly. So you would think -- so I'm a vice
11 president. Shari's president. So I would hope -- I mean, I
12 could check up with my secretary and see --
13 secretary/treasurer to see if she checks it. But no, I
14 don't check it.

15 Q. So you wouldn't be aware of any direct messaging to the
16 HOA or from the HOA about water problems?

17 A. No. They would all contact me through Facebook.
18 Every -- or they all know where I live. Trust me.

19 Q. So they contact you through your personal Facebook
20 page?

21 A. Yeah. Or they knock on my door.

22 Q. How would they contact you through your personal
23 Facebook page?

24 A. If they contact me through Messenger, then they could.

25 Q. So they send you direct messages?

1 A. If they wanted to, yeah. Or they knock on my door. I
2 have several people knock on my door because they can't open
3 their mailbox. So I went down to open their mailbox for
4 them.

5 Q. That's not related to water, though?

6 A. No.

7 Q. Has anybody knocked on your door to talk about water
8 concerns?

9 A. Yeah.

10 Q. Who?

11 A. David has.

12 Q. David who?

13 A. Our next door neighbor. I'll have to -- I know David's
14 talked about it. I think we've had a -- I think just David.

15 MR. RANKIN: Mark this as Exhibit B.

16 (Exhibit B marked for
17 identification.)

18 BY MR. RANKIN:

19 Q. You've been handed what's been marked Exhibit B, which
20 is the 2015 Southwood Water System Consumer Confidence
21 Report by the Rainier View Water Company called "The
22 Pipeline."

23 Have you seen this before?

24 A. Yes.

25 Q. When --

1 A. This was the one we thought you were calling a -- I
2 thought this was, like, a quality report. Not like a
3 confidential whatever.

4 Q. When did you first see this?

5 A. In November.

6 Q. November 2016?

7 A. Yes.

8 Q. Was this the version that you saw in November of 2016?

9 A. I seen one on a website. This isn't -- this isn't the
10 full report; right?

11 Q. It's the full report.

12 A. So this would be the quality of '16. And this is only
13 for '15; right?

14 Q. This is the March 2015 Consumer Confidence Report --

15 A. So --

16 Q. -- published by my client.

17 A. So we have '15 and '16 that we'd look at; right? So
18 we're looking at just 15 right now.

19 Q. That's correct.

20 A. Okay. We're looking at 15.

21 Q. When did you first see this?

22 A. In November.

23 Q. November of 2016?

24 A. Yes.

25 Q. How did you see this?

1 A. On your website.

2 Q. In November of 2016 you went to my client's website and
3 saw this document; correct?

4 A. We saw it -- yeah. We were told to look on the website
5 by the news reporter.

6 Q. Was that Henry?

7 A. Yes.

8 Q. Do you recall ever getting this prior to that?

9 A. No.

10 Q. Which makes sense, because you had moved in after this
11 was published. Okay.

12 When you saw this, did you read it?

13 A. Yes.

14 Q. All of it?

15 A. Um-hmm.

16 Q. And you saw on page 3 --

17 A. Um-hmm.

18 Q. -- under "Table 3," where it says, "Secondary
19 contaminants, manganese." Your water is .16. And in the
20 "Compliant" column, it's marked "N"?

21 A. Yep.

22 Q. And the major source of drinking water is noted as
23 leaching from natural deposits.

24 Is that correct?

25 A. Yes.

1 Q. And you see below, where it says how to read the
2 tables? It says, "Table 3 shows the level of secondary
3 contaminants and common water properties of interest to many
4 consumers."

5 A. Um-hmm.

6 Q. "Secondary contaminants have no known health effects
7 but can affect the aesthetic properties of water."

8 A. Um-hmm.

9 Q. You understood that at the time you read this; correct?

10 A. That it was above the legal limit, yes.

11 Q. Where do you see the legal limit?

12 A. Doesn't this say, "0.01"? "Your daughter is at 0.16"?

13 Q. Where do you see the words "legal limit"?

14 A. Well, you would think that this would be what it was
15 tested, where it should be at. Right?

16 Q. Where are you deriving the term "legal limit" from?

17 A. Okay. So I guess limit -- let's take out "legal." So
18 the limit would be 0.01. But our water is at 0.16.

19 Q. So aside from the fact that I believe this is a typo
20 and it should be 0.05, you're referring to where it says
21 "SMCL"; correct?

22 A. SMCL. Yes.

23 Q. And if we look down below, where it's how to read the
24 tables, the last sentence under Table 3, "Secondary maximum
25 contaminant levels are guidelines only."

1 Do you see that?

2 A. Yeah.

3 Q. So based on this, you believe that my client is
4 exceeding the legal limit of manganese?

5 A. Well, I would say "limit." Let's not say "legal."
6 Because I guess that would be something for the UTC to
7 figure out.

8 (Exhibit C marked for
9 identification.)

10 BY MR. RANKIN:

11 Q. You're being handed Exhibit C. Have you seen that
12 document before?

13 A. I should probably look at it real fast. I do believe
14 this one is on the website; correct?

15 Q. You've seen it on the website; is that your testimony?

16 A. Hold on. Oh, no. You know what? I seen this in my
17 lawyer's office.

18 Q. So at your lawyer's office was the first time you saw
19 this document?

20 A. Yes.

21 Q. When was that?

22 A. A couple weeks ago, I do believe.

23 Q. Couple weeks ago from today?

24 A. Yeah.

25 Q. So within 2018?

1 A. Yes. This is the one that states quality; right? Let
2 me just make sure. Is this Rainier View Water's 100 percent
3 guarantee of quality report? This is the new filtration
4 system. Okay. Go ahead with your question.

5 Q. My question was when was the first time you saw that?

6 A. Couple weeks ago.

7 Q. That's all I had about that particular exhibit.

8 You mentioned that you experienced brown water
9 through the end of 2017?

10 A. We're still experiencing brown water.

11 Q. How often?

12 A. Three to four times a week.

13 Q. What do you do when you experience the brown water now?

14 A. Drain our water heater, and we try to run it longer.
15 Let the water run longer.

16 Q. Do you ever submit a work order to Rainier View Water
17 Company?

18 A. We haven't, no.

19 Q. Why not?

20 A. We haven't, pending this suit.

21 Q. Why not?

22 A. It's not working. It doesn't help. Like, it's just
23 causing more problems. Like, every time they come out and
24 flush it, they're not, like, polite about it. There's no
25 reason for us to call. Like, you guys -- it's just been

1 kind of not okay.

2 Q. You testified earlier that flushing helped when they
3 did it, though.

4 A. Right. Now we're just running our water and doing the
5 best we can to survive.

6 Q. But even though flushing helps, you're opting not to.
7 Is that what I'm hearing you say?

8 A. We're trying to handle it on our own.

9 Q. Has the water quality improved since the end of 2017?

10 A. We've seen some improvements, but not a hundred percent
11 improvements. So we're still getting brown water.

12 Q. So there's improvements, but not a hundred percent?

13 A. Right.

14 Q. Can you try and give me some better explanation of
15 that?

16 A. Say there's been some improvements, but it's not a
17 hundred percent.

18 Q. Do you have brown water every day?

19 A. We're getting it, like, three times a week.

20 Q. Three times a week? All day, those days?

21 A. Yes.

22 Q. So certain days out of the week you're getting brown
23 water all day?

24 A. Depending on if we drain our hot water heater. If I'm
25 draining the washing machine. Like, we have to keep

1 draining everything to get the quality of water we want, by
2 running, like, our outside hoses.

3 We've been running our water downstairs longer just
4 to get that relief. And then once it clears, then we use
5 it. Or, for, like, washing our laundry or letting the kids
6 take a shower.

7 Q. So in your written testimony you submitted to the UTC,
8 you stated that, "The quality has improved over the last two
9 months since Rainier View has stepped up its line flushing."

10 A. Um-hmm.

11 Q. Do you agree with that?

12 A. I believe that it has improved, but it is not a hundred
13 percent clear.

14 Q. But you were just telling me that it's better because
15 you've been draining your hot water heater?

16 A. Right. It's better -- it has become better. Like I'm
17 saying, the water has improved. We have seen improvement.
18 We've seen improvement with, like, it not being as bad as it
19 was.

20 And we're not having to run off our water as often.
21 Like, open up everything as often. But it's not a hundred
22 percent fixed.

23 Q. So you were previously draining your hot water heater
24 every other month.

25 How often are you doing it now?

1 A. We still do that.

2 Q. How often do you understand my client is flushing lines
3 in your neighborhood?

4 A. Well, see, we didn't know, but I guess they decided to
5 start doing it monthly since the lawsuit. That's what we
6 were told by a workman. A work person.

7 Q. When did you start noticing improvement?

8 A. I can't give you an exact date to that.

9 Q. Can you guess?

10 A. Maybe four or five months ago.

11 Q. So around the first of the year?

12 A. Yeah. Some improvement. Like, some movement. We're
13 not talking about a hundred percent.

14 Q. I know we're not talking about a hundred percent. I'm
15 trying to understand if the improvement is because of my
16 client's line flushing or because you're doing more on your
17 end.

18 Both?

19 A. Probably. Probably.

20 Q. You later testified that you learned that excessive
21 levels of manganese in the water stains porcelain, corrodes
22 pipes, et cetera.

23 How did you learn that?

24 A. Research.

25 Q. How?

1 A. Google.

2 Q. What did Google tell you?

3 A. Exactly that.

4 Q. Excessive levels of manganese. What's "excessive"?

5 A. Above the -- the limit. So it would be, like, 1,000 --
6 whatever -- particles per whatever gallons of water.

7 Q. Above the secondary maximum contaminant level?

8 A. Right.

9 Q. What else did Google say about excessive levels of
10 manganese?

11 A. Well, I guess there's, like, a new thing like the
12 health department's going to, like, change the laws, from my
13 understanding.

14 Q. What's your understanding of what they're doing with
15 the laws?

16 A. They're going to make it so it can't be as high as what
17 the legal -- the legal limit will now change because they
18 are finding some issues with that.

19 Q. Which health department? State? Local? Federal?

20 A. I think it's, like, federal, from my understanding.
21 I'll have to do a little more research for you on that.

22 Q. You don't need to on my behalf.

23 But your understanding is that the Department of
24 Health is intending to lower the secondary maximum
25 contaminant level; is that correct?

1 A. Right.

2 Q. Do you know what they're planning to lower it to?

3 A. No. Not a hundred percent.

4 Q. Do you know why they were planning to lower it?

5 A. I don't know. Maybe it's causing people to get sick.

6 Q. You mentioned you had to replace a pressure release
7 valve in 2016.

8 Did you do any maintenance as to your plumbing
9 system prior to that?

10 A. Well, we -- we were having problems with our washing
11 machine. But we understand why. So we had to replace the
12 washing machine before the 2016 valve. So we replaced that.
13 In 2015.

14 And we replaced our dishwasher in 2015 due to
15 the -- the loud and the, like, brown staining of it. And
16 then now we're draining our washing machine on a weekly
17 basis because of all the brown water buildup.

18 Q. When did you start doing that?

19 A. We started doing that when -- so we replaced the
20 washing machine because it was, like, making loud noises.
21 It wasn't draining properly. So then we bought a new one.
22 Now, all the sudden, our new one -- it's a little fancier --
23 gives an error code, which causes you to not be able to use
24 the washing machine.

25 So I'm down there, on my hands and knees with a

1 shop vac draining my washing machine.

2 Q. When did you start doing that?

3 A. About two weeks after I bought the washing machine.

4 Q. When was that?

5 A. 2015.

6 Q. As to your plumbing system, rather than appliances
7 attached to it, do you ever do any preventative maintenance?

8 A. To the -- oh, yeah. We unhook the hoses in the
9 wintertime so they don't break our pipes.

10 Q. You testified that Bob Blackman told you that the water
11 you were getting was perfectly safe to drink and had no
12 adverse health effects; is that correct?

13 A. That's correct.

14 Q. Did he explain to you why?

15 A. No. But he said he wouldn't drink it.

16 Q. Did he explain to you how he knew that?

17 A. No.

18 Q. Did you ask him how he knew that?

19 A. No. I invited him over for the brown water drinking.
20 He said, "No, thank you."

21 Q. You testified that Mr. Blackman told you that Rainier
22 View Water Company had no legal obligation to respond to
23 your complaint.

24 A. Exactly.

25 Q. He told you that?

1 A. He said they couldn't be sued. There's absolutely
2 nothing we could do to him.

3 Q. But that's not the same as telling you that he had no
4 legal obligation to respond to your complaint; right?

5 A. No. He said he was protected. That's the exact word
6 he used. He was a protected individual.

7 Q. You testified to that, too.

8 A. Yeah.

9 Q. That Rainier Water Company is protected by a commission.

10 A. Right.

11 Q. But I want to know if Bob Blackman told you that
12 Rainier View Water Company had no legal obligation to
13 respond to your complaint.

14 A. That's right. He said he's protected.

15 Q. I want you to listen carefully to my question.

16 Did Bob Blackman ever tell you that Rainier View
17 Water Company had no legal obligation to respond to your
18 complaint?

19 A. My answer is when he told me he was protected, that's
20 what I took it as. No legal obligation.

21 Q. So he did not tell you that he had no legal obligation
22 to respond to your complaint?

23 A. He did not tell me he had a legal obligation. He did
24 not tell me he didn't have a legal obligation. He told me
25 he was protected. So either way.

1 Q. Did Rainier View Water Company flush the lines every
2 time you complained?

3 A. They did, but not always on a timely manner.

4 Q. What do you consider a timely manner?

5 A. I would say maybe within -- I would give them a window
6 of, like, maybe three hours. I would think three hours
7 would be plenty enough time to send someone out to flush the
8 lines. Not 48 hours later.

9 Q. What was the longest it took?

10 A. One time we called, like, five times, and it took them
11 until the next day.

12 Q. When was that?

13 A. November -- not -- like, in 2016. Can't give you an
14 exact date. But we called five times and they came the next
15 day.

16 Q. When in November '16?

17 A. I would say around wintertime. Can't give you an exact
18 date.

19 Q. So that was after you had filed your complaint with the
20 UTC; correct?

21 A. Right.

22 Q. And you called five times about one episode; right?

23 A. Because they weren't responding. Yes.

24 Q. In what period of time did you call five times?

25 A. Within 48 hours.

1 Q. You testified that neither Mr. Blackman or anyone else
2 at Rainier View told you that Rainier View was doing
3 anything special, to include water quality, other than
4 flushing the lines; correct?

5 A. Yes.

6 Q. You testified earlier today that you were told they
7 were implementing this filtration system?

8 A. They told the news reporters they were doing that in
9 2015.

10 Q. You told me the technicians had told you that.

11 A. Right. But they also said all the brown water is above
12 their pay grade. So we don't know who to believe.

13 Q. But that's not what you testified to under oath before
14 the UTC in this written testimony.

15 A. Right. So we thought that -- so we thought that when
16 Henry did his first report, that Rainier Water was putting
17 in a filtration system. Then we were told they were putting
18 in a filtration system with the money extra that we were
19 paying a month.

20 Q. Let me pause you there. You were first told that by
21 Henry the news reporter; right?

22 A. Right.

23 Q. Then who told you the second part?

24 A. The guy that came and flushed the line that was above
25 his pay grade.

1 Q. When was that?

2 A. In 2016. When the new filtration system was going in.

3 Q. Before or after you filed the UTC complaint?

4 A. After.

5 Q. So mid November or December of 2016 somebody from
6 Rainier View Water Company told you that they were putting
7 in a filtration system to improve water quality?

8 A. Right. Then we didn't believe that until we heard it
9 at the commission hearing, is when Rainier water said under
10 oath themselves that they were putting in a filtration
11 system. So then it was under oath for them. So we believed
12 it.

13 So at that tariff meeting, Rainier Water did say
14 that they were putting in a five-hundred-thousand-dollar
15 filtration system to the UTC. So that would be, like, what
16 I believed.

17 Q. So twice somebody from Rainier View Water Company told
18 you they were putting in a filtration system; right?

19 A. Right.

20 Q. Even though you testified here that neither Mr.
21 Blackman nor anyone else at Rainier View told me that
22 Rainier View is doing anything special to improve water
23 quality other than flushing the lines?

24 A. At that time they didn't have the funds to put in the
25 filtration system. So that's what they were going to do.

1 If they didn't have the funds -- he said they were -- they
2 were saving up money or getting the money to put in the
3 filtration system at that time. So what they were doing at
4 that time was flushing our lines.

5 Now, when they got the money to put in the
6 filtration system, then they said, "We put in a filtration
7 system. So now everything's great." So there's a period of
8 time where they said they didn't have the funds for the
9 filtration system.

10 So at that period of time, they were flushing.
11 Then when they put in the filtration system, that was
12 supposed to be the fix-all.

13 So there's a lapse. You see? There's a lapse in
14 period of time. So before the filtration system, what they
15 were doing was flushing. After the filtration system,
16 everything was fine. Or they said everything would be fine.

17 Q. You testified that you're a captive consumer in a fixed
18 market; right?

19 A. I'm a what?

20 Q. Captive consumer in a fixed market.

21 A. That's right.

22 Q. In what way are you a captive consumer?

23 A. It's not like I can go down the street and get a
24 different water company.

25 Q. Because you've got the one option, you're a captive

1 consumer?

2 A. Yeah. One.

3 Q. Why do you believe it's a fixed market?

4 A. It's not like -- because I can't shop around for water
5 companies. Like, I cannot shop around. That's not fair.

6 Right? Like I can't call up Puyallup and say, "Rainier
7 Water gives me brown water so how about you guys giving me
8 clean water?"

9 Q. Who fixes that market?

10 A. Probably -- I don't know. Good question. Do I think
11 it should be done that way? No.

12 Q. I didn't ask you that. I asked who fixes the market?

13 A. Don't know.

14 Q. Rachel Stark called you on December 20th, 2016, I think
15 is the date that we determined, and you testified on here,
16 to tell you that your complaint was closed.

17 Correct?

18 A. We asked her not to close it.

19 Q. Did she explain to you why it was closed?

20 A. No, she did not.

21 Q. You testified that she told you it was because the UTC
22 has no jurisdiction over water quality, and Rainier View is
23 in full compliance of all health and water quality
24 standards.

25 Did she tell you that?

1 A. I think she said they were closing it because they
2 didn't have enough -- I want to say "complaints" --
3 or -- I'm not really sure. We asked her not to close it
4 until the hearing. That was my whole thing.

5 I did not want it closed until the hearing. We
6 didn't go into the details. I asked her not to close mine.
7 So that was the details that we went into was, "Please don't
8 close my complaint."

9 Q. You later testified that Ms. Stark told you that
10 although the UTC was considering Rainier View's request to
11 extend a rate surcharge on December 22nd, 2016, the outcome
12 of what is being decided does not affect the water quality.

13 Is that right?

14 A. Yes.

15 Q. She told you that on the phone?

16 A. Well, it's not going to affect the water quality, no.

17 Q. At what point did you notice that the back of your bill
18 from my client had instructions to forward complaints to the
19 UTC?

20 A. So we didn't. So I guess what we did was Bob Blackman
21 told me to call them. By he didn't give me the number.

22 Q. Before I just told you that, did you know that the back
23 of your bill --

24 A. Yes, we did know that.

25 Q. When did you know that?

1 A. We found out back in 2017.

2 Q. Which part of '17?

3 A. December'ish.

4 Q. So the end of '17?

5 A. Um-hmm.

6 Q. So only about five months ago?

7 A. No. Longer. We found out the end of November of 2016.

8 I'm sorry.

9 Q. So at the same time you were filing a complaint with
10 the UTC?

11 A. Yes.

12 Q. How did you find that out?

13 A. We were told.

14 Q. By who?

15 A. By the news reporter.

16 Q. The news reporter told you that the back of your bill
17 suggested you forward complaints to the UTC?

18 A. Yes.

19 Q. Do you know why that language was on the back of your
20 bill?

21 A. Well, the whole -- I guess there's -- no, I don't,
22 actually. Let's just be honest. No, I don't.

23 Q. But you're asking for my client to change that;
24 correct?

25 A. Yes.

1 Q. You testify emphatically, it looks like, that Rainier
2 View Water Company was not in full compliance with DOH water
3 quality standards. When asked that question, you said, "No,
4 absolutely not."

5 Correct?

6 A. Yes.

7 Q. What are you basing that on?

8 A. I got brown water.

9 Q. So because you have brown water, they are out of
10 compliance?

11 A. Yes. The manganese levels are way above -- even with
12 this paper you have marked Exhibit C, you go to page -- the
13 water quality table. Right on there, it says "Violation,"
14 yes.

15 Q. Do you know what the remedy is for a violation of
16 excessive manganese?

17 A. No.

18 Q. But you would expect that we would comply with whatever
19 remedy is assigned; correct?

20 A. I know what -- okay. So I guess that's a compound
21 question.

22 Q. You can still answer it.

23 A. I feel like you might have a remedy on your side. It's
24 not going to fix my damaged stuff. It's not going to fix my
25 house.

1 Q. My question is, if you're alleging that we are
2 breaching a -- if we're breaking the law --

3 A. Yeah, you are.

4 Q. -- if we're exceeding, as you called it earlier, a
5 legal limit, wouldn't there be a prescribed remedy for that?

6 A. I guess that's up to the UTC.

7 Q. But if there is -- and I'll tell you that there
8 is -- we would be expected to comply with that remedy;
9 right?

10 A. I guess you would.

11 Q. But even if we're compliant, unless it solves your
12 problem, you still believe we're out of compliance with DOH
13 water quality standards?

14 A. Considering your own report, you are. Every one of
15 your papers that you handed me in the exhibit today shows
16 you are out of compliance.

17 Like, every single one of these shows that you are
18 above the limit. Every single one of them. And after
19 talking to my physician, and he told me, "Do not drink brown
20 water," I will not drink brown water.

21 Q. We're going to avoid that piece of the discussion as we
22 discussed earlier.

23 I guess my question is -- and I'll try and phrase
24 it better this time -- if the UTC or the Department of
25 Health -- whoever is overseeing water quality -- if they

1 say, "Rainier View Water Company, you exceeded this
2 secondary maximum contaminant level," would you be satisfied
3 if we did what they told us to?

4 A. No.

5 Q. Why not?

6 A. Not at this point.

7 Q. Why not?

8 A. Why not? Because you guys -- because Rainier Water
9 caused damages to my home. They caused inconvenience to my
10 family. They have -- Bob Blackman personally humiliated me
11 on the phone by telling me to go to a food bank.

12 The UTC should have said, "Oh, you guys are above
13 the manganese level? You guys should have fixed it." You
14 shouldn't have to have people coming out to my house to
15 flush my lines.

16 Q. Where did the UTC say we should have fixed it?

17 A. Well, they said that in their meeting. In their
18 hearing.

19 Q. Which hearing?

20 A. In December.

21 Q. That's in the transcript?

22 A. In January. Right? The meeting -- the hearing was in
23 January. They asked you guys about the brown water straight
24 out. "What are you going to do about the brown water?"

25 Q. You're referring to documents, though?

1 A. This right here shows that it's above it. Right? If
2 the UTC asked you what you're going to do about it, and all
3 they did was lip service of a five-hundred-thousand-dollar
4 filtration system, then you're saying, "Would you be happy
5 if we fixed it?" We would be really happy if you fixed it.
6 But if it saved us from damages, no.

7 Q. That wasn't the question I was trying to ask.

8 You're alleging that we are not in compliance with
9 Department of Health water quality standards.

10 A. Right.

11 Q. If that standard says, if you exceed this level, you
12 must do X --

13 A. Right.

14 Q. -- we have to do X, and then we're in compliance;
15 right?

16 A. Yes. Technically.

17 Q. You testified that you did not discover that the UTC
18 had ruled on your complaint until you obtained UTC records
19 via a public records request.

20 Is that right?

21 A. Yes.

22 Q. And that was as part of the first round of this
23 litigation?

24 A. Right.

25 Q. And that's despite the fact that Rachel Stark called

1 you and told you that it was closed and you asked her not to
2 close it?

3 A. Right.

4 Q. She never told you that she was or was not going to
5 close it?

6 A. Never got a phone call back that she closed it, no.

7 Q. So the memo from Rachel Stark that you reference in
8 your testimony was never given to you? That was obtained
9 through a public records request?

10 A. Attorney. Yeah.

11 Q. The surcharge that you called in to that hearing to
12 oppose was an extension; is that right?

13 A. Yes.

14 Q. Do you know what it was an extension of?

15 A. It was an -- it wasn't -- I -- from what I understood,
16 it was an extension for the cost of the filtration system.

17 Q. An extension of what?

18 A. To -- for them to pay for the filtration system. So it
19 was an extension to pay for the filtration system.

20 Q. An extension of an existing surcharge?

21 A. Right. To extend it to pay for the filtration system.

22 Q. Do you know what that initial surcharge that was being
23 extended was for?

24 A. It was the same. .75 cents.

25 Q. Do you know what that money funded?

1 A. It was supposed to fund the filtration system, from my
2 understanding.

3 Q. The original surcharge?

4 A. Yes. The original surcharge was to do it. And then to
5 continue it, due to the fact it was more expensive than what
6 was projected, from what my understanding was.

7 Q. You testified that Rainier View Water Company made no
8 effort to get input from the community, as far as
9 implementing this filtration system; correct?

10 A. Correct.

11 Q. But you called into a hearing to oppose it, didn't you?

12 A. Right. Because they didn't -- they didn't ask
13 everybody about it. They never, ever asked.

14 Q. Why do you think they need to?

15 A. Well, why should we pay for something that -- that they
16 don't ask us to pay for out of our tax-paying dollars or our
17 money that we give to them?

18 Q. So you're expecting them to do some sort of informal
19 survey of customers before they do that --

20 A. Yes.

21 Q. -- right?

22 Even though the UTC has a requirement that any time
23 Rainier View Water Company imposes a surcharge or raises
24 rates, they have to publish notice to all of its
25 customers --

1 A. Right.

2 Q. -- and hold a hearing for the UTC?

3 A. Right.

4 Q. And the UTC considers any customer comments --

5 A. Right.

6 Q. -- and then rules on it?

7 A. Right.

8 Q. That's not sufficient for you?

9 A. No.

10 Q. You mentioned that since January 1st, 2018, some
11 Rainier View Water Company reports still show manganese
12 levels which violate the WACs.

13 Is that right?

14 A. Yes.

15 Q. What WACs? I'm sorry. What reports?

16 A. The reports on you guy's website. So it would be,
17 like, the quality control reports.

18 Q. There are reports on my client's website showing
19 testing since January 1st, 2018?

20 A. No. None yet.

21 Q. But --

22 A. So the new report should come out. So when your new
23 report comes out, I'll look at the website and see if you're
24 in compliance or not.

25 Q. But you're testifying under oath that some of our

1 reports still show that we're exceeding manganese levels?

2 A. Well, yeah. If you look at the reports from the last
3 two years, you're still exceeding the manganese level.

4 Q. So past reports?

5 A. Right.

6 Q. So the question asked of you is, "Has water quality
7 improved since the filtration system went online in 2017?"

8 Your answer under oath was that, "I did not notice
9 any significant improvement in water quality until the last
10 two months or so."

11 A. Right.

12 Q. "It's hard to know whether any improvement is caused by
13 the new filtration system. However, because Rainier View
14 has noticeably increased the flushing of lines since January
15 1st, 2018 and some of its reports still show manganese
16 levels which violate the WACs."

17 So in this question, we're talking about testing
18 done since the filtration system went online.

19 Right?

20 A. Right.

21 Q. And you're testifying that reports of tests taken since
22 the filtration system went online still show we're exceeding
23 manganese levels; right?

24 A. Correct.

25 Q. What reports?

1 A. These reports.

2 Q. But those were not taken since the filtration system
3 went online. So what reports are you referring to?

4 A. I guess no reports.

5 Q. You testified that -- I won't read the whole WAC, but
6 "a WAC requires water purveyors to take action as directed
7 by the DOH if it exceeds levels of secondary contaminants."

8 A. Right.

9 Q. Do you know what action has been directed by the DOH?

10 A. No. It's like this triangle. It goes, like, UTC,
11 health department -- so it goes, when you make a complaint,
12 it seems like you go from the UTC -- right -- and it goes to
13 the health department. Health department says, "Call UTC."
14 UTC says, "Call health department." So it's never -- it's
15 just this big triangle.

16 Q. I want you to listen to my question.

17 Do you know what action, if any, the DOH has
18 directed my client to take?

19 A. No.

20 Q. You testified under oath that my client violated a 2014
21 directive from the UTC regarding acknowledging and
22 investigating consumer complaints.

23 A. Correct.

24 Q. What directive is that?

25 A. Backflow valve.

1 Q. I'm wondering where you're finding a directive from the
2 UTC that my client do something different regarding --

3 A. Public record.

4 Q. Can you be more specific?

5 A. Through public records.

6 Q. I see that there's a -- a footnote with a docket number
7 in your testimony.

8 A. Um-hmm.

9 Q. Maybe I just need to ask a different question.

10 A. Okay.

11 Q. Could you explain to me what you mean by "directive"?
12 Is it a mandatory thing or a suggestion?

13 A. I would assume a directive would be mandatory.

14 Q. So if it's a suggestion, it's not a directive; right?

15 A. Right.

16 Q. You testified under oath that my client failed to
17 follow the Department of Health 2009 Water System Design
18 Manual.

19 A. Um-hmm.

20 Q. Is that correct?

21 A. Yes.

22 Q. But the opening line of the excerpt cited in your
23 testimony is that, "DOH will require action by the purveyor
24 when the purveyor receives five or more specific complaints
25 associated with the secondary contaminant from different

1 customers in a 12-month period."

2 A. Exactly.

3 Q. Are you aware of any complaints the DOH received within
4 a 12-month period --

5 A. No.

6 Q. -- against my client?

7 A. No. But if we would have known it was six or more
8 before they investigated, there would have been six or more.

9 Q. But my question is, if you're not aware of any
10 complaint to the DOH, how could you testify under oath that
11 we violated that directive?

12 A. Well, they didn't -- they didn't take mine seriously
13 because there wasn't six or more. Right?

14 Q. We can agree that per the excerpt in your testimony --

15 A. Um-hmm.

16 Q. -- unless the DOH receives five or more specific
17 complaints associated with the secondary contaminant from
18 different customers --

19 A. Right.

20 Q. -- in a 12 month period --

21 A. Right.

22 Q. -- the water design manual doesn't apply, does it?

23 A. Right.

24 Q. So you don't know if there were five complaints to the
25 DOH?

1 A. No.

2 Q. So we can agree that that design manual doesn't govern
3 my client's implementation?

4 MR. MALDEN: Okay. Objection. Calls for a legal
5 conclusion. You know, you're asking a whole bunch of
6 questions of a lay witness involving --

7 MR. RANKIN: She testified to it, Nigel.

8 MR. MALDEN: Well -- no. No. Let's be very clear
9 on the testimony and the UTC administrative program. This
10 gets back to my basic problem with the UTC. Filing a
11 complaint, and then forcing Sarah Hand to investigate it and
12 proceed with it.

13 Now, you're asking questions that are borderline
14 legal conclusions. We have to put that information in the
15 declaration, don't we?

16 You're asking questions, for example, about the
17 test reports. You gave us test reports from 2017 and 2018,
18 I believe, that show excess levels of manganese.

19 MR. RANKIN: The point that I'm trying to get at
20 there is, are they pre-filter or post-filter? And you don't
21 know.

22 MR. MALDEN: Well, I believe that your company is
23 on record as saying, "We're up and running. We're up and
24 running," at the beginning of 2017.

25 So when we have reports through all of 2017 that

1 show no diminution in the manganese levels, it supports the
2 statement in the declaration.

3 But in any event, you know, I don't want to
4 interrupt. I want to allow you to do your thing. But
5 honestly, if you're going to get into a lay witness arguing
6 about what the design manual requires and what the DOH said,
7 we were in those depositions. We know the technical issue.

8 MR. RANKIN: Yes.

9 MR. MALDEN: Let's take it up with the
10 administrative judge that's assigned the case, and you go
11 ahead and make your pitch.

12 MR. RANKIN: If you'll agree that your client
13 cannot testify as to legal conclusions, I'm good with that.
14 But that's what she's testifying to here.

15 MR. MALDEN: How else am I supposed to get into the
16 evidentiary record your own test reports that show in 2017
17 the manganese levels were excessive? How am I going to put
18 that into evidence other than through the witness?

19 MR. RANKIN: You can put them in through the
20 witness. But her testimony as to what they mean is fair
21 game for me.

22 THE WITNESS: Okay. So I agree with everything I
23 wrote on here.

24 MR. MALDEN: Well, getting back to -- my point is,
25 arguing with a lay witness about what the design manual

1 requires and what the DOH would have done or might have done
2 if they had this legal standard, it's -- it's not within
3 really the ken of a lay witness, and --

4 MR. RANKIN: Nigel, I agree with you. Which is why
5 I'm arguing about it. Because it is in her testimony.

6 THE WITNESS: Let's go through it.

7 BY MR. RANKIN:

8 Q. You testified that the company made no effort to
9 properly survey customers or to present options, as they
10 were required to.

11 Why do you believe they were required to present
12 options?

13 A. I think I'll let the UTC decide that.

14 Q. That was your testimony.

15 A. Yep. I think we'll let the UTC -- I feel like they
16 should have. We'll let the UTC decide that.

17 MR. RANKIN: That was a good time to have that
18 argument, because I'm actually through with my outline.
19 I've got nothing further for you.

20 MR. ROBERSON: You've asked all the questions I was
21 going to ask.

22 MR. MALDEN: Okay. That's three hours right on the
23 dot. That was a very good time estimate.

24 MR. RANKIN: That was my goal.

25 MR. MALDEN: Let me -- --

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C E R T I F I C A T E

I, LAURA L. STEWART, Certified Court Reporter in and for the State of Washington, residing at Graham, do hereby certify;

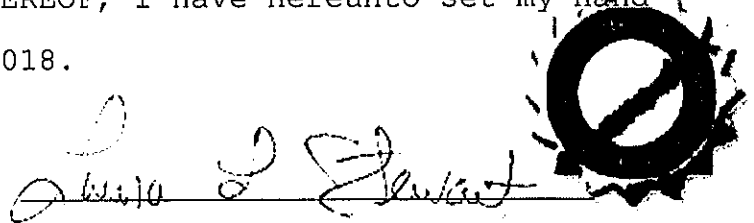
That the foregoing proceedings were taken before me and thereafter reduced to a typed format under my direction; that the transcript is a full, true and complete transcript of said proceedings consisting of pages 1 through 126;

That as a CCR in this state, I am bound by the Rules of Conduct as Codified in WAC 308-14-130; that court reporting arrangements and fees in this case are offered to all parties on equal terms.

That I am not a relative, employee, attorney or counsel of any party to this action, or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

That upon completion of signature, if required, the original transcript will be securely sealed and the same served upon the appropriate party.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of May, 2018.



Laura L. Stewart CCR No. 2110

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Veritext Legal Solutions
290 W. Mt. Pleasant Ave. - Suite 3200
Livingston, New Jersey 07039
Toll Free: 800-227-8440 Fax: 973-629-1287

May 9, 2018

To: NIGEL MALDEN, ESQ.

Case Name: Hand, Sarah v. Rainier View Water Company

Veritext Reference Number: 2864635

Witness: Saraj E.J. Hand Deposition Date: 4/20/2018

Dear Sir:

The deposition transcript taken in the above-referenced matter, with the reading and signing having not been expressly waived, has been completed and is available for review and signature. Please call our office to make arrangements for a convenient location to accomplish this or if you prefer a certified transcript can be purchased, which can be sent to you or the deponent directly.

If the jurat is not returned within thirty days of your receipt of this letter, the reading and signing will be deemed waived.

Sincerely,
Production Department
Cc: Daniel W. Rankin, Esq.
Jeff Robertson, Esq.

