

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION - MORRIS CO.
Docket No. C-3939-84

DIAMOND SHAMROCK CHEMICALS :
COMPANY, :
 :
Plaintiff, :
-vs- : Transcript of
 : Proceedings
THE AETNA CASUALTY & SURETY :
COMPANY, et al, :
 : AFTERNOON SESSION
 :
Defendants. :

Place: Morris County Courthouse
Morristown, New Jersey

Date: September 27, 1988

BEFORE: HONORABLE REGINALD STANTON, A.J.S.C.

TRANSCRIPT ORDERED BY: Stephen D. Cuyler, Esq.

APPEARANCES:

MESSRS. PITNEY, HARDIN, KIPP & SZUCH
BY: WILLIAM H. HYATT, JR., ESQUIRE

-and-

MESSRS. CAHILL, GORDON & REINDEL
BY: WILLIAM E. HEGARTY, ESQUIRE
MICHAEL P. TIERNEY, ESQUIRE
RAYMOND L. FALLS, JR., ESQUIRE
LEONARD A. SPIVAK, ESQUIRE
MARSHALL COX, ESQUIRE
PETER F. LAKE, ESQUIRE
Admitted Pro Hac Vice
Attorneys for the Plaintiff

TERENCE E. HEADD, C.S.R.
Morris County Courthouse
Morristown, New Jersey

1 APPEARANCES (Continued):
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21 Insurance Co., and Pacific Employer's
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2 APPEARANCES (Continued):3 MESSRS. GARRITY, FITZPATRICK, GRAHAM,
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APPEARANCES (Continued):

**MESSRS. FEUERSTEIN, SACHS, MAITLIN &
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Attorneys for Defendant, Commercial
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I N D E X T O W I T N E S S E S

<u>WITNESSES</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Francis R. Kennedy				
by: Mr. Bates		6		
Mr. Pierce		28		
Mr. Spivak			47, 75	
Mr. Cuyler				74
L. Anthony Wolfskill		78		

I N D E X T O E X H I B I T S

<u>EXHIBITS</u>	<u>DESCRIPTION</u>	<u>FOR ID.</u>	<u>IN EVID.</u>
P-615	Inter-Office Correspondence, 1/30/61		51
P183	Letter, 1/11/61 to J. A. Borrer		53
P-616	Diagram by Mr. Kennedy		64

Kennedy - recross

1 is Dr. L. Anthony Wolfskill. I leave it to your
2 Honor. We can get some of the preliminaries
3 done now if you like.

4 THE COURT: Why don't we try and do that.
5 Okay. Can we get settled down, please.

6 MR. HEGARTY: With your permission, I
7 would like to excuse myself.

8 THE COURT: Yes, fine.

9 (Mr. Hegarty leaves the courtroom.)
10

11 L. ANTHONY WOLFSKILL, called as a
12 witness on behalf of the plaintiff, being duly sworn,
13 testifies as follows:

14 DIRECT EXAMINATION BY MR. FALLS:

15 THE COURT: You're going to be doing the
16 questioning, Mr. Falls? Whenever you're ready
17 then.

18 MR. FALLS: Yes, your Honor.

19 Q Dr. Wolfskill, would you please give us
20 your business and residence addresses?

21 A My business address is 7330 West View, Houston,
22 Texas. My residence address is Waterwood, Box 69,
23 Huntsville, Texas.

24 Q And what is your profession?

25 A I'm a consulting civil engineer.

Wolfskill - direct

1 Q Do you have a particular specialization
2 within that description of your profession?

3 A Yes. I have several. I am a geotechnical
4 engineer with specialization in the field of soil
5 mechanics, and for the past ten years I have been
6 involved in waste management practice, and I'm a
7 specialist in the assessment of contamination and
8 affects on the environment and assessment of
9 environmental damage, design and remedial actions.

10 MR. KOEPFF: May I have that last answer
11 read.

12 THE COURT: Would you read it back,
13 please, Mr. Headd.

14 (The last answer is read.)

15 Q Now, in that answer you mentioned the
16 phrase "soil mechanics." What is that?

17 A Soil mechanics is the study and knowledge of the
18 behavior of soil particles and the pore fluids that are
19 within those, between those particles, particularly
20 ground water. And it's the mechanics of what happens
21 to soil when it is stressed or when fluids flow through
22 the soil.

23 Q Now, Dr. Wolfskill, have you been engaged
24 by my firm for consulting services in connection with
25 this litigation?

Wolfskill - direct

1 A Yes.

2 Q And when was that?

3 A It was in early 1987.

4 Q And have you been examined at a deposition
5 by counsel for some or all of the defendant insurance
6 companies?

7 A Yes, in 1987.

8 Q Now, I would like to show the witness a
9 document which has been marked as plaintiff's exhibit
10 number 419. Can you identify that document?

11 A This is my resume.

12 Q Now, let's run through that briefly so
13 that you can expand a little bit on the skeleton
14 information which it gives us. You received a Ph.
15 Degree in civil engineers from Texas A&M University in
16 1963?

17 A Yes.

18 Q And you received an S.M. in soil mechanics
19 in 1963 from Harvard University?

20 A Yes.

21 Q What is an S.M. degree in soil mechanics?

22 A That's Harvard's language for science masters,
23 or in other words, a Master's degree.

24 Q Now, I note you received those degrees in
25 the same year. Can you explain how that occurred?

Wolfskill - direct

1 A Yes. The Harvard degree program was part of my
2 Ph.D. program and it occurred in the last year of my
3 Ph.D. program, so the degrees were awarded in the same
4 year.

5 Q Now, you also have an M.S. in civil
6 engineering from Texas A&M in 1960 and an B.S. degree
7 in civil engineering from Texas A&M in 1953. Is that
8 correct?

9 A That's correct.

10 Q How were you engaged between 1953 and
11 1960?

12 A In 1953, upon graduation, I worked for the Texas
13 Highway Department for about three months, and then I
14 went into the U. S. Army for about five years, was in
15 the artillery and was primarily a topographic surveyor
16 during that time.

17 In 1958, I left the Army and returned to
18 graduate school to start the M.S. program at Texas A&M
19 University.

20 That was a one-year program. During that year,
21 I became employed with a local consulting engineering
22 firm by the name of Spencer J. Buchanan and Associates
23 and performed professional services in that firm along
24 with my student activities.

25 Q And what was the nature of the

Wolfskill - direct

1 professional services which you performed for that firm
2 of Spencer J. Buchanan and Associates?

3 A I was a staff geotechnical engineer and
4 performed duties such as investigations at construction
5 sites or plant sites to determine the soil and ground
6 water conditions. I made analyses, wrote reports.

7 Q All right. Now I would like to have you
8 look at the section of your curriculum vitae which is
9 headed professional history. Those items are listed in
10 reverse chronological order.

11 I would like you to go through them in
12 chronological order and just explain to us a little bit
13 what your responsibilities were in each of those
14 positions or employments.

15 A I've discussed the first assignment which was
16 the civil engineering assignment in, along with my
17 graduate studies and that continued until 1962. At
18 that time I moved to Cambridge, Massachusetts, to enter
19 graduate school at Harvard University.

20 I was also employed along with being a student
21 and performed geotechnical activities for the majority
22 professor there at the University.

23 In 1963, I returned to Texas A&M to turn in my
24 dissertation for Ph.D. program and in September of that
25 year began employment at the Massachusetts Institute of

Wolfskill - direct

1 Technology back in Cambridge, Massachusetts, where I
2 was an assistant professor and director of field
3 engineering research.

4 I continued that assignment on a full-time basis
5 from 1963 to 1969.

6 In addition to that activity, I had a parallel
7 consulting geotechnical engineering practice and
8 performed duties, investigations at plant sites and
9 engineering signals and supervision of other engineers
10 during that period of time.

11 Beginning in 1970, that consulting practice was
12 turned into a small corporation, Lambe Associates,
13 Incorporated, was basically a continuation of that
14 practice.

15 Sometime in late 1971 was the first
16 environmental assignment that I obtained during my
17 professional practice as a geotechnical engineer, and
18 it involved a large chemical spill into a river in
19 Florida, and which was my first assignment of assessing
20 environmental damage and suggesting repairs for the
21 facility.

22 In 1971, we sold the Lambe Associates to the E.
23 D'Appolonia Consulting Engineers firm, a larger
24 company, essentially continued the same practice.

25 In 1973, I moved to Houston and joined

Wolfskill - direct

1 Woodward-Clyde consultants where I have been a
2 principal engineer since that date.

3 And sometime in 1979, in my practice with
4 Woodward-Clyde was my first assignment in assessing
5 environmental damage due to contamination of soil which
6 occurred at a plant site.

7 MR. KOEPPF: I missed the year. What was
8 the first environmental assignment?

9 THE WITNESS: In 1979.

10 MR. KOEPPF: Thank you.

11 A I had my first environmental assignment that
12 considered contamination of soil. My work has
13 continued, I spent two years with the firm of Atkinson
14 and Woodward-Clyde which later became AWD, Inc., and is
15 a company partially owned by Woodward-Clyde and is a
16 mediation contractor.

17 I concluded that duty in early 1988 and returned
18 back to Woodward-Clyde consultants.

19 Q You mentioned that you taught at MIT.
20 What courses did you teach there?

21 A I taught soil mechanics courses and I taught the
22 ground water seepage courses there at the University.

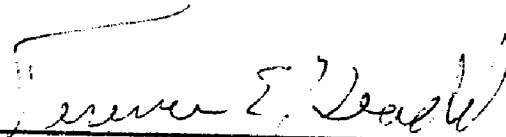
23 MR. FALLS: Now, your Honor, that
24 completes the preliminaries. I would like to do
25 the rest with some continuity, if it please the

Wolfskill - direct

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C E R T I F I C A T E

I, TERENCE E. HEADD, Certified Shorthand Reporter of the State of New Jersey, certify the foregoing transcript to be a true and accurate record of the proceedings as taken stenographically by me on the date and place heretofore mentioned.


TERENCE E. HEADD, C.S.R.
Certificate No. 575

Dated: September 27, 1988