

IN THE MATTER OF:

*USW Local 11-6
vs.
Laclede Gas Company*

Cause No. GC-2006-0390

*Deposition of Mark Boyle
1/23/2007*

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Full GLOSSARY included with this DepoScript

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(1) Q: I'm talking about any time that you went out
(2) to have to correct a leak or conduct a leak
(3) investigation after any Laclede employee was there
(4) working on the facility, whether it's the Laclede
(5) facility or the customer facility.

(6) A: You know, I'm -- I'm not -- I'm going to
(7) have to -- You're going to have to be a little more
(8) specific because we've got leaks that we check
(9) annually, daily, that are number three leaks, C&M,
(10) or below grade. And people call them in daily.
(11) Sometimes I'll go out on the same leak and check an
(12) outside leak underground, or outside, or in the air,
(13) and it's there for five, six, seven years.

(14) Q: Oh, I understand that, Mr. Boyle. What I'm
(15) referring to is a situation -- Let's go back. Maybe
(16) you forgot the premise of my question.

(17) We were talking about situations Laclede
(18) employees may have been out on a job and caused a
(19) leak.

(20) A: Mm-mm.

(21) Q: And that you were thereafter called out to
(22) investigate that leak or fix the leak; okay? That's
(23) the situations that I'm talking about.

(24) A: Okay.

(25) Q: I'm not talking about number three leaks.

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(1) A: Okay. And have I gone out and done that?

(2) Q: Well, you already testified that you have.

(3) A: Yes, I have.

(4) Q: And what I was trying to get at is, how
(5) often has that happened?

(6) A: Well, normally --

(7) Q: If you recall.

(8) A: Normally that's a blank board. Normally I'm
(9) a routing man. But when I'm on the board, that
(10) would happen, and yes, I do go out there. What --
(11) How many? Well, a whole lot more recently.

(12) Q: Would you say, maybe, has that happened 100
(13) times? If you know.

(14) A: I would say this: In the last year, it's
(15) occurred a whole lot more with these new AMR meters
(16) that are being put in. Yes, we are, not only myself
(17) but other servicemen are, going out and we do put in
(18) AMRs ourselves, another company is putting in AMRs,
(19) and we are going out and doing numerous of those.

(20) When I say numbers, me personally, I've --
(21) 50, 25, I don't know. Again, I'm a blank -- I'm not
(22) a blank board man all the time. I'm a routing man
(23) normally.

(24) Q: Between 1998 and July of 2005, how many do
(25) you think you went out on?

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(1) MS. SCHRODER: And could you just go ahead
(2) and repeat for him what the original question was?
(3) Because I think he's frankly gotten off the
(4) question.

(5) QUESTIONS BY MR. ELBERT:

(6) Q: What I'm asking you --

(7) A: How many -- Are you asking me this question:
(8) How many leaks have I gone out and repaired that a
(9) Laclede service person's created?

(10) Q: Yes.

(11) A: I don't know that answer. I have gone out
(12) on some. I don't know that -- I can't be accurate
(13) with an answer.

(14) Q: And that's been going on since 1998? That's
(15) my question.

(16) A: Yes.

(17) Q: Now, do you hold a position with the Union?

(18) A: Yes.

(19) Q: What's your current position?

(20) A: I'm a shop steward for the North District,
(21) and I'm also the executive board member for the
(22) Service and Installation Department.

(23) Q: How long have you held the shop steward
(24) position?

(25) A: This'll be three years.

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(1) Q: How long have you held the executive board
(2) member position?

(3) A: This'll be three years.

(4) Q: Are you a candidate for Union office?

(5) A: At this time, I was nominated for an
(6) officer's position, yes.

(7) Q: What's that position?

(8) A: Business manager.

(9) Q: Is that to replace Joe Schulte?

(10) A: No.

(11) Q: Who's it to replace? Who are you running
(12) against?

(13) A: I'm running against the present business
(14) manager.

(15) Q: Which is who?

(16) A: Kevin Patterson.

(17) Q: Do you have a particular platform that
(18) you're running on against Mr. Patterson?

(19) A: Not exactly, no.

(20) Q: Have you told Union members why they should
(21) vote for you rather than Mr. Patterson?

(22) A: I've been nominated for the position. I
(23) haven't accepted it yet.

(24) Q: Okay. Are you going to accept the position?

(25) A: I -- Probably, yes.

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[1] Q: The nomination, I mean.
[2] A: Yes.
[3] Q: And have you made any promises to Union
[4] members about what you would do if you were elected?
[5] A: Absolutely not.
[6] Q: Okay. Have you told Union members what you
[7] would try to do if you were elected?
[8] A: Not at this time, no.
[9] Q: Have you discussed with anyone what you
[10] would try to do if you were elected?
[11] A: Sure.
[12] Q: Okay.
[13] A: Yes.
[14] Q: Who have you discussed that with?
[15] A: My friends.
[16] Q: Okay. And what have you told them that you
[17] would try to do if you were elected to the Union
[18] office?
[19] A: Well, I'd be consistent.
[20] Q: Consistent with regard to what?
[21] A: Maintaining hard fought victories and gains
[22] that we've had, just being a Union representative.
[23] Q: Well, be a little more specific about that
[24] if you can. Are you talking about with respect to
[25] wages? Are you talking about with respect to

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[1] benefits? Are you talking about with respect to
[2] jobs? What is it that you would be trying to
[3] maintain?
[4] MS. SCHRODER: I'm just going to object to
[5] this line of testimony on relevancy grounds. You
[6] can go ahead and answer.
[7] THE WITNESS: I don't understand what you're
[8] trying to get me to say.
[9] QUESTIONS BY MR. ELBERT:
[10] Q: I'm not trying to get you to say anything.
[11] I'm just trying to ask you questions and ask for
[12] answers.
[13] A: Right. And you're asking me what?
[14] Q: I'm asking you --
[15] A: What my goals are in the Union?
[16] Q: If you are elected to be business manager,
[17] what would you try to accomplish on behalf of the
[18] Union?
[19] A: I would protect our rights.
[20] Q: What rights are you talking about?
[21] A: All the rights that are guaranteed in our
[22] contract.
[23] Q: Okay. And specifically, which rights?
[24] A: Wages, salaries, work policies,
[25] implementation, holding people -- keeping people's

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[1] jobs.
[2] Q: Keeping people's jobs. Are you involved in
[3] this case before the Public Service Commission
[4] that's currently pending and is the -- what you've
[5] given this affidavit?
[6] MS. SCHRODER: Or he's testified.
[7] QUESTIONS BY MR. ELBERT:
[8] Q: Oh, you've already testified in this case?
[9] A: Sure, yes.
[10] Q: Were you involved in the bringing of this
[11] case?
[12] A: Yes.
[13] Q: What was your role in bringing this case?
[14] A: I collected -- The case concerning what?
[15] What case? What are you talking about?
[16] Q: The case that's currently pending before the
[17] Public Service Commission --
[18] A: The AMRs?
[19] Q: Well, it's case number GC-2006-0390.
[20] MS. SCHRODER: He's not going to know the
[21] case number.
[22] MR. ELBERT: Well, he's nodding.
[23] QUESTIONS BY MR. ELBERT:
[24] Q: So please --
[25] A: I'm just -- I'm nodding here because you're

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[1] giving me a number that I have no clue what that
[2] number means.
[3] Q: That's why you were nodding?
[4] A: Yeah.
[5] Q: And this is the case involving the AMR
[6] devices that you have provided --
[7] MS. SCHRODER: That he's testified in.
[8] MR. ELBERT: I -- Can I ask the questions?
[9] MS. SCHRODER: Yeah. I mean, we can
[10] stipulate that that is the case number for the AMR
[11] case.
[12] QUESTIONS BY MR. ELBERT:
[13] Q: Okay. And you've already testified in that
[14] case?
[15] A: Yes.
[16] Q: And you've collected data for the Union to
[17] support that case?
[18] A: Yes.
[19] Q: Do you have a personal stake in winning that
[20] case?
[21] A: No.
[22] Q: Do you think it would help to win that case
[23] in connection with your bid for Union office?
[24] A: No.
[25] Q: Why do you think it would not be helpful?

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[1] A: No one knows that I'm even doing it.
[2] Q: No one knows that you're doing it?
[3] A: Nope.
[4] Q: Did any Union members appear at the hearing?
[5] A: The only people -- Okay, I'll rephrase that
[6] then. The people who were at the hearing know it,
[7] yes.
[8] Q: And nobody else knows it?
[9] A: No.
[10] Q: How do you know no one else knows it?
[11] A: Because I'm not telling anybody.
[12] Q: Have you encouraged other people to collect
[13] data?
[14] A: Have I encouraged them? I've passed on the
[15] statements from our Union leadership to collect
[16] them.
[17] Q: How many people have you told that they
[18] should collect data regarding AMR devices?
[19] A: I have probably told -- Actually, I'm going
[20] to tell you, I probably haven't told anybody. They
[21] come to me and say, Are we still collecting data for
[22] these AMRs that are leaking? And I say yes. And
[23] then they hand them to me.
[24] Q: How would they know to come to you?
[25] A: Because the Union leadership has gotten it

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[1] out for them to give them to their shop stewards and
[2] the officers of this local when they find leaking
[3] AMR meters.
[4] Q: So when they come to you with this
[5] information, what do you do with it?
[6] A: I collect it and I pass it on to my business
[7] manager.
[8] Q: Do you ever pass it on to the company?
[9] A: No.
[10] Q: Why not?
[11] A: Because they already -- they're already
[12] aware of it.
[13] Q: How do you know that?
[14] A: Because they're leaks and these guys go out
[15] on leaks and they fill out their paperwork and they
[16] turn it in daily.
[17] Q: Now, do you have personal knowledge that any
[18] AMR devices actually leak?
[19] A: Yes.
[20] Q: Now, isn't it true, Sir, that AMR devices
[21] don't have gas in them, do they?
[22] A: Don't know if that's true or not.
[23] Q: You don't know whether an AMR device has gas
[24] in it?
[25] A: No.

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[1] Q: Does gas go into the AMR device or does gas
[2] go into the meter?
[3] A: It goes into the meter.
[4] Q: So if there's -- If the AMR device is
[5] leaking, where does the gas come from?
[6] A: I would say it comes from the meter.
[7] Q: Could it come from anywhere else?
[8] A: If it's leaking out of the AMR?
[9] Q: Yes.
[10] A: No.
[11] Q: Okay. And what would cause the leak that
[12] would cause gas to come out of the AMR?
[13] A: Well, I didn't know until I went to the
[14] hearing, but the hearing stated that it's coming
[15] from the drive.
[16] Q: So you had no knowledge prior to that
[17] time -- When was that hearing? Was that in December
[18] of 2006?
[19] A: Yes.
[20] Q: So from -- Do you know when Laclede started
[21] installing AMR devices?
[22] A: I would probably say 18 months ago, year and
[23] a half.
[24] Q: So let's say it was about in July of 2005.
[25] Does that sound about right?

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[1] A: About right. I would say yes.
[2] Q: Sometime in the summer of 2005?
[3] A: Yeah. Actually, they didn't come to me and
[4] tell me when they started it but I -- I did hear
[5] that they did start it sometime in that summer.
[6] Q: And as a Union shop steward, are you
[7] somewhat concerned that AMR devices might affect
[8] Union jobs?
[9] A: They already have.
[10] Q: They have affected Union jobs?
[11] A: Yes, Sir.
[12] Q: How have they affected Union jobs?
[13] A: There's no longer a meter reading
[14] department.
[15] Q: And is that of concern to you as a Union
[16] shop steward?
[17] A: Sure, yes.
[18] Q: And is that a concern to you as a candidate
[19] of office?
[20] A: Actually, it's already happened so there's
[21] not much I'm going to be able to do about it.
[22] Q: Now, when you found out at the hearing that
[23] the drive dog -- The drive is where these meters
[24] typically leak; right?
[25] A: That's what I understood it as the drive

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[1] Q: And that's where you've seen all of them,
[2] is --
[3] A: I've seen all of them and I've personally
[4] changed some, too.
[5] Q: I'm asking you how many where you've
[6] actually changed the meter?
[7] A: Probably -- You're going to stick me with
[8] this one?
[9] Q: No, I'm asking -- No, Sir, I'm asking --
[10] A: I'm going to say ten.
[11] Q: Okay. You've seen ten. And about how many
[12] meters have you seen with AMR devices on them out in
[13] the field?
[14] A: Pretty much every one of them now.
[15] Q: All right. And I guess what I'm asking you
[16] is, since July of 2005, have you seen 1,000 of them
[17] in the field, 5,000, 10,000, 100,000?
[18] A: Not 100,000, no.
[19] Q: 50,000?
[20] A: I see them daily. I see them every day.
[21] Q: Okay. Thousands; is that fair?
[22] A: I'd say a few hundred, yeah. Maybe --
[23] Q: You just see a few hundred meters?
[24] A: I don't know.
[25] Q: You don't have any idea?

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[1] A: I don't pay attention that much. It's a
[2] meter.
[3] Q: And those ones that you talked about in the
[4] lot, or in the yard I should say, that you saw, do
[5] you know what caused the leaks in any of those
[6] meters?
[7] A: No.
[8] (Exhibit No. 2 marked for identification.)
[9] **QUESTIONS BY MR. ELBERT:**
[10] Q: I'm going to show you what's been marked for
[11] identification as Exhibit No. 2 which appears to be
[12] a copy of an affidavit of Mark Boyle dated
[13] January 5, 2007. I'll ask you if you can identify
[14] that document?
[15] A: Yes.
[16] Q: Is that a true and accurate copy of your
[17] January 5, 2007, affidavit?
[18] A: Yes.
[19] Q: Were you working the blank board on
[20] December 19, 2006?
[21] A: Yes.
[22] **MS. SCHRODER:** Oh, can I tell him what we
[23] were doing about the highly confidential stuff?
[24] **MR. ELBERT:** Yes.
[25] **MS. SCHRODER:** Please do not refer to the

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[1] names of the customers or to the specific address --
[2] **THE WITNESS:** Okay.
[3] **MS. SCHRODER:** -- when you're giving your
[4] answers as much as possible. And we're going to try
[5] not to do it in our questions, too. Just refer --
[6] if you can refer to it as the incident of
[7] December 19th, and you can refer to them as the
[8] customer.
[9] **THE WITNESS:** Okay.
[10] **MS. SCHRODER:** We're just trying to keep
[11] from having to mark the entire -- or to mark whole
[12] portions of the transcript highly confidential.
[13] **THE WITNESS:** Okay.
[14] **QUESTIONS BY MR. ELBERT:**
[15] Q: In line three of -- on page one, it says,
[16] Around 10:10 a.m. I was called out to this address
[17] because the customer had reported smelling gas;
[18] right?
[19] A: Yes.
[20] Q: When you say called out, what does that
[21] mean? Is that when you arrived at the location,
[22] 10:10? Do you --
[23] A: Yes.
[24] Q: Did you arrive at the location at 10:10?
[25] A: It was probably 10:08, but we round it up to

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[1] the increments of 10, 15, 20. So if it was 10:10 --
[2] Q: So you -- you actually remember you arrived
[3] there at 10:08?
[4] A: Yeah. Yes.
[5] Q: And where were you when you received the
[6] call to go there?
[7] A: I was on -- just finishing my break.
[8] Q: What time was your break that day?
[9] A: I've got to see my rough sheet.
[10] Q: Well --
[11] A: I don't know what my rough sheet is.
[12] Q: You don't remember the time of your break
[13] that day?
[14] A: It was before this job, right before this
[15] job.
[16] Q: But you do remember specifically arriving at
[17] 10:08?
[18] A: Yes.
[19] Q: How long was your break that day?
[20] A: Fifteen minutes.
[21] Q: Where were you when you were taking your
[22] break?
[23] A: I was at our Union office.
[24] Q: You were at the Union office. Where is that
[25] located?

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(1) A: Not very far. Are you talking time wise or
(2) miles?

(3) Q: Yes, let's talk time.

(4) A: I would probably say 15 minutes maybe.

(5) Q: About how many miles?

(6) A: With traffic stops and all that, six,
(7) seven miles away.

(8) Q: When you arrived at this address at
(9) 10:08 a.m. on December 19th, what -- First of all,
(10) describe what the building looked like.

(11) A: It was a single dwelling residential home,
(12) brick.

(13) Q: Was it multi-story?

(14) A: No.

(15) Q: Did it have a basement?

(16) A: Yes.

(17) Q: When you arrived at the building what did
(18) you do?

(19) A: When I arrived at the building, the customer
(20) had the side door open of the home. I'm -- It would
(21) be like if there was a carport door, but there's no
(22) carport, it was just a side door in the garage. And
(23) he waived me into his driveway.

(24) Q: So he was standing there at the door?

(25) A: With the door open, yes.

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(1) Q: He had the door actually open?

(2) A: Yes.

(3) Q: And what -- Did you -- Were you wearing a
(4) CG -- were you holding a CGI, or wearing any kind of
(5) leak detection equipment?

(6) A: I got out of my truck, I spoke to him, I
(7) said, I'll be in, in a few minutes. I've got to get
(8) my equipment. I cleared my CGI reading -- Well,
(9) clearing it means I zeroed it out before I go into
(10) the home. I grabbed my tool bucket, walked in,
(11) approached the door. I got on -- inside the
(12) landing, he was there, and we were standing there.

(13) Q: And when you went in, did your CGI register
(14) anything?

(15) A: Immediately.

(16) Q: Okay. What did it register?

(17) A: Not only did my CGI register, my nose
(18) registered.

(19) Q: The question is, what did your CGI register?
(20) What percentage?

(21) A: Thirty.

(22) Q: Percentage -- 30 of the lower explosive
(23) limit?

(24) A: Yes.

(25) Q: What did you do?

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(1) A: I immediately went downstairs and made it
(2) safe.

(3) Q: Well, tell me what you did. What was the
(4) first thing you did when you went downstairs?

(5) A: I turned it off.

(6) Q: You turned off the gas?

(7) A: Yes.

(8) Q: Did you do any checking of any of the
(9) facilities before you turned off the gas?

(10) A: No.

(11) Q: Was there anybody downstairs?

(12) A: Yes.

(13) Q: Who was downstairs?

(14) A: The missus.

(15) Q: The missus was downstairs. And mister was
(16) upstairs. What did you do next?

(17) A: What I did next was, is I turned it off. I
(18) went back, I told her she's going to have to get out
(19) of the basement. I went back up to the steps, I was
(20) going to air my machine out again, go back outside.
(21) He was standing there. I said I might have to ask
(22) you to evacuate your home. So you need to grab your
(23) necessary -- It was cold out -- You're going to grab
(24) your necessary clothing, whatever, because I think I
(25) stopped it but I'm not sure. I went outside to air

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(1) out my machine.

(2) Q: Okay. And just so I understand it, did
(3) you -- when you went downstairs, did you notice
(4) where the gas was coming from?

(5) A: At that point in time, no.

(6) Q: You didn't?

(7) A: No.

(8) Q: Did you CGI around the down -- the basement
(9) area at all?

(10) A: Well, when -- it -- it -- What it does is,
(11) it sucks -- My -- Our ranger -- it's called a
(12) ranger. It actually takes air samples constantly.

(13) Q: What I'm saying is, did you go to the place
(14) where the gas comes in at the wall?

(15) A: Sure.

(16) Q: And you checked that?

(17) A: Sure.

(18) Q: And did you check any other locations around
(19) that basement?

(20) A: I went in, I turned it off. I went -- I was
(21) going to get the customers out. I was going to
(22) recalibrate. I was going to see if the readings
(23) would go down when I went back inside. Then I knew
(24) that I had secured the building safely.

(25) Q: How long do you think you spent in the

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(1) basement before you went back upstairs?
(2) A: Boy, it happened so quick. Maybe a minute.
(3) Q: You were downstairs for one minute?
(4) A: Maybe.
(5) Q: Okay. And then did you actually evacuate
(6) the customers from the house?
(7) A: No.
(8) Q: Why not?
(9) A: Because the readings went down.
(10) Q: How long did it take for the readings to go
(11) down?
(12) A: The readings went down -- I went back
(13) outside, I aired it back out, and then when I
(14) returned back in, it started to lower. It was
(15) starting to lower -- By the way, before that, I did
(16) have him open up another couple windows and the
(17) front door so it would just -- We were getting more
(18) of a -- a better effect of getting -- of airing it
(19) out.
(20) Q: That was upstairs where he opened the
(21) windows; correct?
(22) A: You know, I'm not sure. I told him to open
(23) the windows and doors. I think he just opened the
(24) front door and the side door were open. They were
(25) both open.

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(1) Q: So there were no windows open?
(2) A: I don't think so, no.
(3) Q: And there were no doors in the basement
(4) open; is that right?
(5) A: No.
(6) Q: And upstairs, what did your ranger register
(7) upstairs?
(8) A: I never went to the upstairs at that point
(9) in time because it was all downstairs where I was
(10) at.
(11) Q: Well, when you walked in, I thought it
(12) immediately registered?
(13) A: It did.
(14) Q: And didn't it register --
(15) A: See, that's not upstairs. When I walked in,
(16) that was a landing. It was a landing area. And you
(17) had to go up a small flight of steps, probably three
(18) or four steps, to get up into the kitchen, or you'd
(19) take four or five to go down in the basement. And I
(20) didn't go up into the kitchen.
(21) Q: Okay.
(22) A: I went directly down to the basement to the
(23) meter area.
(24) Q: Okay. And you never went upstairs to take
(25) any readings?

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(1) A: I did eventually, yeah.
(2) Q: When did you do that?
(3) A: When I was re-checking the home, making sure
(4) it was aired out. Making sure we could go ahead and
(5) close it up and -- and they could continue to be
(6) inside.
(7) Q: And when --
(8) A: And myself inside.
(9) Q: When you have a reading of 30 percent of the
(10) lower explosive limit, is that about -- What -- What
(11) percentage reading is that of -- of gas in air?
(12) A: My calculation, it would be approximately
(13) 1.3 percent.
(14) Q: Okay. And approximately 1.3 percent, is it
(15) part of the procedure, Sir, to evacuate the house
(16) immediately?
(17) A: It's -- It's -- The procedure is, when I get
(18) in there and I make it safe, then I adjust the
(19) situation by airing it out. I continue to take
(20) readings and then I'm the man on the job and I
(21) decide on how I go about doing what we're going to
(22) do. If it would have stayed at that level, there's
(23) no doubt they would have been out of there.
(24) Q: Doesn't the procedure require you -- and you
(25) can look at Exhibit No. 2 -- doesn't it require you

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(1) to evacuate the occupants if you have a reading
(2) greater than one percent?
(3) A: It does.
(4) Q: Okay. But you chose not to do that here?
(5) A: At that point in time, the reading went down
(6) quick enough that I didn't feel it was necessary to
(7) remove them from the home.
(8) Q: But you agree that the reading was
(9) 1.3 percent --
(10) A: When I initially walked in, yes, Sir.
(11) Q: And -- And doesn't the procedure require
(12) you, at 1.3 percent, to immediately evacuate the
(13) occupants?
(14) A: It -- It states that we do that, yes. But
(15) when we go out on a job, we are the man out on the
(16) job. This is -- This leak investigation is what we
(17) go by as the structure for a leak investigation.
(18) This isn't set in stone that we've got to do exactly
(19) all of this in this order.
(20) Q: Is there anything in this document, Exhibit
(21) No. 5, which indicates that you were permitted to
(22) allow the occupants to remain in the house where you
(23) have a 1.3 percent leak?
(24) A: I think when it states that the technician
(25) should be aware of the surrounding conditions, I

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[1] others at a safe distance as required by paragraph
[2] six?

[3] A: No, I did not. Because in number four, I
[4] did that. So, I mean, we've got a list of ten
[5] things we're supposed to try to accomplish when
[6] we're there. I didn't go one, two, three, four,
[7] five, six, seven, eight, nine, ten.

[8] When I go in there and I'm the man on the
[9] job, I did one, and then I did number four. I
[10] immediately stopped the gas emanating from the
[11] company facilities. I went outside, we opened up
[12] the front door, we aired it out, and it was less
[13] than one percent in a matter of a minute.

[14] Q: One minute it was less than one percent?

[15] A: That's right.

[16] Q: And you told the woman who was down in the
[17] basement to go upstairs; is that correct?

[18] A: I told her -- Yes, I told her she needed to
[19] remove herself from the -- She was in front of the
[20] meter.

[21] Q: And you told her to go upstairs but you did
[22] not tell her to go out of the house?

[23] A: Actually, the woman was -- No, I did. I did
[24] tell them to go out of the house. I told both of
[25] them. I told him -- He was standing there, she was

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[1] there, I said, You're going to have to get your
[2] clothes, what you're going to need, because I might
[3] have to get you to evacuate this home if I can't
[4] stop this.

[5] Q: You told -- Right. That's what you said
[6] before.

[7] A: Right.

[8] Q: You might have to evacuate the home.

[9] A: Right.

[10] Q: But you didn't actually tell them to
[11] evacuate the home, did you?

[12] A: No.

[13] Q: What did you do next?

[14] A: Where are you at? Where are we at?

[15] Q: Well, you turned off the gas.

[16] A: I turned the gas off.

[17] Q: And you told the gentleman to open the front
[18] door; right?

[19] A: Right.

[20] Q: And what did you do after that?

[21] A: I walked outside and I don't know -- I
[22] walked outside, aired out my machine, came back
[23] inside, was standing on the same landing I got the
[24] 1.3 percent, and it was already dissipating. It was
[25] already --

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[1] Q: Below one percent?

[2] A: It was -- You know, at that point in time, I
[3] wasn't as curious about -- I know it was going down.
[4] I knew -- I knew at that time when it was going down
[5] that the airing out of the building and me turning
[6] off the gas had made that building safe.

[7] Q: You knew that at that point.

[8] A: I was real sure.

[9] Q: What does real sure mean?

[10] A: My machine was telling me that the -- the
[11] problem looked like it had been solved.

[12] Q: And what was -- Do you recall what the read
[13] was when you went back in?

[14] A: It was less than one percent.

[15] Q: Okay. Then what did you do?

[16] A: I instructed him to -- if he would leave the
[17] door open for a while. She had gone upstairs. She
[18] was -- I was listening to her. She was coughing
[19] and -- and gagging and I went back downstairs with
[20] my CGI equipment, and I was checking the surrounding
[21] conditions of the home.

[22] I said -- I made two statements to this
[23] customer. First one, when I first told her to go
[24] upstairs and be prepared to possibly evacuate the
[25] building, she stumbled over to the steps. And I

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[1] looked at the gentleman and I stated, Is she always
[2] like that? And he said, No, I think she's gotten
[3] sick. And I said, Oh, okay. Which, you know,
[4] didn't really phase me too much.

[5] Later, when I went back in and was checking
[6] the area, making sure it was going back down, the
[7] readings, and we were in a safe environment, I heard
[8] her upstairs and he was downstairs with me, and
[9] he's, like, are -- Or she was up there and she was
[10] gagging and this and that, and I went and I looked
[11] at her, and I went down to him and I said, Your wife
[12] is very ill right now. And then I said, I'm going
[13] to call -- I'm going to get a hold of the right --
[14] you know, some people. And that was what was going
[15] on.

[16] Q: Who did you get a hold of?

[17] A: I don't know the -- the timing of my calls,
[18] but I called up Mike Sisak, my foreman. I'm not
[19] sure if I called the dispatching board or not. Who
[20] else -- I called up -- I actually -- I made a phone
[21] call to Kevin Patterson, our business manager.

[22] I think I talked to Mike two or three
[23] different times because at first he wasn't going to
[24] come out. And then I told him, I said -- At first
[25] the foreman wasn't really too interested until I

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(1) told him that it appeared that this customer was
(2) very ill and it was due to this situation.
(3) Q: I see. How did you determine that the
(4) customer was ill as a result of this situation?
(5) A: How did I determine it? Well, when she was
(6) upstairs coughing and gagging and carrying on, I
(7) felt that it was probably due to this because the
(8) gentleman stated that she was -- had just gotten
(9) ill.
(10) Q: And you -- He told you that when she was
(11) still downstairs; right? When she was stumbling,
(12) you said?
(13) A: Yeah, she stumbled over to the steps.
(14) Q: So you saw her stumble over to the steps
(15) and -- and the husband told you that --
(16) A: I asked him.
(17) Q: You asked him, and the husband told you that
(18) she was sick?
(19) A: He said, She must be getting sick.
(20) Q: Did he say she must be getting sick from the
(21) gas?
(22) A: No.
(23) Q: Okay. Did you conclude that while she was
(24) stumbling over --
(25) A: Yes.

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(1) Q: Okay. You still didn't tell her to evacuate
(2) the house?
(3) A: She -- Yes, I did.
(4) Q: When?
(5) A: Before she got up to walk to the steps, I
(6) told the young -- the lady and the gentleman to be
(7) prepared to evacuate the house if the readings don't
(8) go down.
(9) Q: I understand. But here you saw somebody who
(10) might be sick from gas and you didn't tell them to
(11) go outside at that point; did you?
(12) A: Well, you just -- I didn't know she was sick
(13) from the gas either, Sir. I didn't know it.
(14) Q: What -- If I understood your testimony, you
(15) just testified that you thought she was sick from
(16) the --
(17) A: I thought she -- I didn't know what -- I
(18) asked the gentleman, Is she always like that? When
(19) I meant that, is the stumbling over to the -- to the
(20) steps because it was almost to the point where -- I
(21) can't describe it, but she was just real awkward
(22) going to the stairs. And I said, Is she always like
(23) that? And he said, I don't know, she must be
(24) getting sick.
(25) Q: And you didn't tell her to evacuate the

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(1) house immediately at that point; did you?
(2) A: No.
(3) Q: How -- How long do you think you spent on
(4) the phone with Mr. Sisak?
(5) A: I don't -- I don't remember.
(6) Q: Do you remember what you told Mr. Sisak?
(7) A: Well, we're leaving a lot of stuff out, of
(8) what I've told him is what I've heard from customer,
(9) you know, when I got there. When I'm in there and
(10) I'm working, the customer's talking to me the whole
(11) time.
(12) Q: What did the customer tell you?
(13) A: He told me that we were there prior that
(14) day.
(15) Q: He told you that?
(16) A: Yes.
(17) Q: And what did he say?
(18) A: He said that -- When I -- I said, You've got
(19) a problem here. You've got a major gas leak. He
(20) said we were here prior and that it wasn't smelling
(21) like this before we were here, and he was real
(22) concerned about it.
(23) Q: Did he tell you what was done the day prior?
(24) A: No, it was that day.
(25) Q: Okay. Did he tell you what was done earlier

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(1) that day?
(2) A: He said to me, as I was going down and
(3) turning the gas off -- Other things go on when
(4) you're working. He stated, as I was going down to
(5) turn the gas off, that somebody was here to work on
(6) the meter. She said the same thing, that someone
(7) was there working on the meter that day before I
(8) arrived.
(9) Q: Did they tell you what was done to the
(10) meter?
(11) A: You know, she didn't really know what was
(12) done, neither did he.
(13) Q: When she said that, was that before or after
(14) she stumbled?
(15) A: Before. She was sitting at her computer.
(16) Q: So you had a 1.3 percent reading, and you're
(17) talking to her while she's sitting there working
(18) with her --
(19) A: I'm working. I'm getting in the closet
(20) telling her to move. She has to get out of my way.
(21) I had to make that safe. It was a matter of
(22) 30 seconds, if that long, for me to get that gas
(23) off. From the time I entered the home until the
(24) time I went down in the basement, it was a matter of
(25) 30 seconds.