

1 experience then in a summary and chronological  
 2 order the best you can?

3 A. Well, there was -- there's always -- the  
 4 business started out with schools in the '80s  
 5 because it was a -- schools used most -- a lot of  
 6 asbestos, that was the primary -- the buzzword was  
 7 asbestos schools, hand in hand, so all the work was  
 8 geared towards doing schools. So everybody was  
 9 going after schools. It was a lot of overtime. So  
 10 the jobs were geared to work when schools weren't  
 11 working that often which is the summer which left  
 12 us looking for work in the winter. So there was a  
 13 lot of winters where we didn't work. We had to  
 14 depend on our overtime and everything that we put  
 15 away to get us through and we would get  
 16 unemployment during that time.

17 During that time, I developed -- somewhere  
 18 around 1993, I developed a system for negative air  
 19 connections that's called method and apparatus for  
 20 tubing. I received three patents on it between  
 21 1993 and 2000. I received three patents and I was  
 22 manufacturing those in my garage in my spare time.  
 23 It wasn't enough to pay the bills but it was  
 24 something. I didn't get rich but a lot of people

1 in the business use my flange system today. Safe  
 2 Environment still uses my flange system.

3 As a matter of fact, that's how I met Tony  
 4 Paganelli. He bought some of my flanges. That's  
 5 how I met a lot of people that I worked for, they  
 6 bought my flanges and later found out I was a  
 7 licensed supervisor and offered me a job.

8 Q. All right.

9 A. LVI is another one.

10 Q. So I see you still hold a July 18, 2000  
 11 patent number 0089622 --

12 A. Yes.

13 Q. -- as the inventor for -- it's a U.S.  
 14 patent, United States patent for method and  
 15 apparatus for connecting tubes?

16 A. That's correct.

17 Q. Is that what we're describing?

18 A. Yes.

19 Q. And I see another United States patent  
 20 certificate granted to you, number 5709412, from  
 21 January 20, 1998, again, for apparatus for  
 22 connecting tubes?

23 A. Yes.

24 Q. So these are both different patents and

1 developments, upgrades to your first patent?

2 A. Yeah. The 57 one was the first patent in  
 3 '98 and then I had two subsequent ones that were --  
 4 they're called continuance of patent. I developed  
 5 other ways of using them and I was able to also  
 6 extend the length of the patent longer than  
 7 20 years which is the typical time for a utility  
 8 patent is 20 years.

9 Q. All right.

10 Was there -- so this is what you were  
 11 doing in the wintertime when there was no work  
 12 available in the asbestos remediation business?

13 A. Pretty much, yes.

14 Q. All right.

15 What else did you do, if anything, during  
 16 these times, the winter times? Did you teach at  
 17 all?

18 A. Well, yes, you know, I taught when I  
 19 could. I'm a guitarist. I played piano. I teach  
 20 music just to friends mostly and to, you know,  
 21 anybody who wants to learn. I teach advanced. I  
 22 don't teach beginners but I did teach a little bit  
 23 here and there and play as well. I make money  
 24 playing. I haven't played as much but it's

1 starting to look like I may have to take that up  
 2 again a little but more serious.

3 Because of my health, I can't do the --  
 4 even my last few patents -- or my last few flange  
 5 sales were very, very hard on me.

6 Q. All right.

7 And you're married?

8 A. Yes.

9 Q. And how many children, if any?

10 A. I have two boys. One is going to college.  
 11 He's a sophomore this year at Earlham State. My  
 12 other son is 22 and he's autistic. He's been  
 13 autistic all his life and right now seeing four  
 14 counselors. We're trying to get him mainstreamed  
 15 and to learn how to take care of himself.

16 Q. All right. Thank you.

17 Your formal education, can you describe  
 18 your formal education?

19 A. I was bored with school when I was a  
 20 senior in high school so I quit and went and took  
 21 the GED and I aced it and got my GED. Then I went  
 22 into recording engineering. Since I had a  
 23 background in guitar, I quickly got into a band and  
 24 went on the road playing at different bars and

1 different nightclubs for a couple of years.  
 2 Q. Okay.  
 3 And do you have any engineering background  
 4 aside from the --  
 5 A. Yes.  
 6 Q. -- what you call recording?  
 7 A. Yes. Prior to going into asbestos  
 8 abatement, obviously, I was in my 30s then so I --  
 9 I had a lot of -- I was United Auto Workers. I was  
 10 just unions. I worked for steel workers. I  
 11 learned how to weld. I learned how to cut steel.  
 12 I learned how to work with mechanics, take  
 13 apart engines, anything to do with mechanics. I  
 14 learned electronics.  
 15 Then I got into computers in '98. I  
 16 learned how to take them apart and put them back  
 17 together. I learned how to boot them up, learned  
 18 how to put different software in, overclock them,  
 19 things of that nature.  
 20 Q. All right.  
 21 Now, back to your employment history in  
 22 asbestos remediation and removal. We've gone  
 23 through ICE and your first employer.  
 24 What other employers of significance and

1 what were your positions and -- and titles and  
 2 training with them?  
 3 A. Well, let's see, my mother and father,  
 4 they've -- and my -- it started out with my  
 5 grandmother and grandfather run a business in south  
 6 Chicago. It's a sports and tackle shop and a bait  
 7 shop. So they've been in business all their life.  
 8 I started out as very young in my -- 12, 13 years  
 9 old started out.  
 10 Q. Well, let's -- let's just start with  
 11 1985 and --  
 12 A. Okay.  
 13 Q. -- and you went through ICE.  
 14 A. Okay.  
 15 Q. Let's go through your -- I want to stick  
 16 with the asbestos.  
 17 A. The asbestos, okay. I worked for LVI  
 18 which is probably -- LVI/Burdco one of the  
 19 biggest -- at the time, one of the biggest in the  
 20 country. They had satellite -- their main office  
 21 was located in New York City but they had satellite  
 22 offices all over the country. I visited several of  
 23 them.  
 24 They gave me a project with W.R. Grace

1 which was a very high profile, significant project  
 2 that was also a patent that they were working on.  
 3 And I was instructed to go to Virginia and be  
 4 licensed. And I got a license on the DMA project  
 5 which I have with me now. It's, basically -- DMA  
 6 was a -- it was a chemical substitute for  
 7 remediation or removal. It was a way to dissolve  
 8 the asbestos formula and render it less than 1  
 9 percent. By law, it would still be considered a  
 10 nonfriable, nonasbestos containing.  
 11 Q. Was your position with -- on that W.R.  
 12 Grace project a technical position?  
 13 A. Yes.  
 14 Q. You were not -- you were not a worker, you  
 15 were a --  
 16 A. I was in charge of all -- anything to do  
 17 with the asbestos abatement containments and in  
 18 charge of their manpower. I pretty much trained  
 19 them how to use respirators all the way from type C  
 20 which was a direct air. I used to rent trailers  
 21 that had bottle tanks and they were given direct  
 22 air because we didn't know how the chemical was  
 23 going to react.  
 24 So everything from beginning to end, I

1 trained all the W.R. Grace people how to work with  
 2 asbestos and how to -- how to work inside a  
 3 containment and I also came up with -- they knew  
 4 that I was inventive which is why I got the job so  
 5 I came up with several ideas that they could use to  
 6 help develop their project further.  
 7 Q. All right.  
 8 And after the W.R. Grace project was  
 9 completed, let's go on?  
 10 A. After the W.R. Grace project, I went back  
 11 often to my -- my own -- I tried to put more money  
 12 into my business and tried to make a go of it. I  
 13 was trying to get the bigger companies to license  
 14 my patents. I had a bite a couple places. It  
 15 didn't go very far.  
 16 Q. Did you continue during the summers to  
 17 work as an asbestos abatement supervisor or in the  
 18 asbestos removal industry?  
 19 A. Yes, absolutely.  
 20 Q. Okay. Let's focus on that.  
 21 A. Okay. I worked for several companies.  
 22 Let's see, I worked for Geoff Kelly, DEM.  
 23 Q. And where are they located?  
 24 A. Chicago.

1 Q. All right.  
 2 A. I worked for Valor Technologies. They're  
 3 out in Bolingbrook now. They were -- they were  
 4 in -- shared an office actually with D and M -- DEM  
 5 in Bellwood.  
 6 Q. Chicago area?  
 7 A. Yes, Bellwood.  
 8 Q. Bellwood?  
 9 A. Chicago area, basically.  
 10 Q. All right.  
 11 And were both of those employments as an  
 12 asbestos supervisor or some other capacity?  
 13 A. Supervisor. Project manager sometimes  
 14 depending upon what Dave or what Geoff needed me to  
 15 do or Alex who was the owner. All these were  
 16 owners of companies that I dealt with directly.  
 17 Q. Okay.  
 18 After those?  
 19 A. Ch, boy. I worked for Sheila Paganelli.  
 20 Q. Is that Anthony Paganelli's wife?  
 21 A. Yes. After I left Safe, I did work with  
 22 Sheila on a project. It actually was a project  
 23 that I found for her and --  
 24 Q. Was that for her company?

1 A. Yes.  
 2 Q. What's her company?  
 3 A. It's Angel Abatement.  
 4 Q. And is that located in Hammond, Indiana?  
 5 A. No. At the time, it -- she did share an  
 6 office or shared building space, had an upstairs  
 7 area office with Tony's building in Schererville  
 8 but then she moved down to Lynwood, somewhere in  
 9 that area on U.S. 30.  
 10 Q. And what about your employment with Safe  
 11 Environment and other people in there? I know  
 12 you've gone over some of this before. I want you  
 13 to mention your employment and what lead to your  
 14 employment with Safe Environment Corp. for me now,  
 15 please?  
 16 A. Well, let's see, I ran -- well, I went --  
 17 how I got to work for Safe Environment, I went --  
 18 Tony had put in an order for some flanges. I went  
 19 to drop them off. And then I ran into Tony and  
 20 Sheila at his office and he asked me if I was  
 21 working and I said no. He was just getting ready  
 22 to make some changes and he asked me to come  
 23 aboard.  
 24 Q. In what capacity did he ask you to come

1 aboard?  
 2 A. Well, it started out -- it started out as  
 3 a project manager, just, basically, oversee the  
 4 crew. And then he started asking me to look at  
 5 jobs. Then he started giving me specifications for  
 6 jobs and looking at jobs and putting numbers on  
 7 jobs.  
 8 Q. You mean estimating?  
 9 A. Yes. Doing takeoffs at first and then  
 10 Tony would have the final word but if got --  
 11 Q. And what's a takeoff?  
 12 A. A takeoff is just, basically, going out to  
 13 a job and when an estimator doesn't have time to  
 14 look at several jobs, you go there and just give  
 15 him the numbers, this is what we got, this is the  
 16 situation we got. It's an easy go. Not a lot of  
 17 things in the way. We can do this fairly easy and  
 18 this is how many linear feet or how many square  
 19 feet. That's a takeoff.  
 20 Q. Well, to explain this to -- to the court  
 21 or a jury, when you say just do measurements, if we  
 22 looked at the Cleveland Trencher project and your  
 23 proposal lists so many linear feet or square feet  
 24 of transite which is that nonfriable ACM --

1 A. Right.  
 2 Q. -- and so many linear feet of pipe  
 3 insulation which is friable and so many square feet  
 4 perhaps of spray on friable ACM.  
 5 Is that what you would measure, you'd  
 6 measure the types and -- and amounts of asbestos?  
 7 A. Yes, but --  
 8 Q. To --  
 9 A. Yeah, I would not -- not just do the  
 10 takeoffs as far as linear footage but I would put  
 11 the conditions, you know, the pipes were high. We  
 12 would need lifts. If there was a lot of things  
 13 that impacted the friable, a lot of machinery was  
 14 covered with the friable so it would take a lot  
 15 more to clean up. A lot of the -- the fact that it  
 16 was infiltrated by thieves and people who were  
 17 stealing the copper and all that made it more of a  
 18 clean up than it would have if it was just an empty  
 19 factory.  
 20 Q. All right.  
 21 But going back to you doing takeoffs,  
 22 going back to doing takeoffs for these prior  
 23 employers, would that be the type of factors that  
 24 you would then provide them in either the form of

1 an estimate or a takeoff for an estimator to  
 2 complete?  
 3 A. Yes. I did that with LVI as well for when  
 4 Pat -- I can't think of his last name, Pat Doyle.  
 5 Pat Doyle was the estimator there and I would do  
 6 takeoffs for them just as Geoff Kelly was.  
 7 Q. And before you were hired with -- by Safe  
 8 Environmental's Tony Paganelli to work at Safe  
 9 Environmental Corp. -- and what year was that?  
 10 A. I believe it was 2002.  
 11 Q. All right.  
 12 Before that, had you had occasion to work  
 13 with Tony Paganelli at some other project?  
 14 A. Yes. I was picked up to -- they were  
 15 having problems at -- at a -- at a job site. It  
 16 was a ten-story building called International Tower  
 17 near O'Hare airport. And the company doing it,  
 18 this was their first asbestos abatement job and  
 19 they were doing a terrible job. They had gone  
 20 through 30 percent of their -- almost 35 percent of  
 21 their money and did 10 percent of the work. So  
 22 they were going downhill quickly and they had ten  
 23 more stories to complete and similar work. And I  
 24 helped bail them out of that. I stayed on that

1 project for six months.  
 2 Q. Well, did they bring you on after they  
 3 were under water on the --  
 4 A. Yes.  
 5 Q. -- the progress?  
 6 A. Yes.  
 7 Q. And they brought you in on what capacity?  
 8 A. Superintendent.  
 9 Q. All right.  
 10 What was Mr. Paganelli's relationship to  
 11 you in that employment?  
 12 A. He was a foreman. He, basically -- he and  
 13 Joe Dinato ran their own separate areas. I tried  
 14 to keep them apart and -- but they both had  
 15 supervisory experience so I kept them moving. Tony  
 16 didn't seem to like me coming in on that too much  
 17 and Joe Dinato was fired for stealing. So Tony was  
 18 brought off the site for -- he -- he was -- he got  
 19 hurt on the site. That was another deposition I  
 20 had to go to because of his injuries.  
 21 Q. All right.  
 22 So he was working under you the first time  
 23 you two worked together, correct?  
 24 A. Yes, that's true.

1 Q. Under your supervision?  
 2 A. Yes.  
 3 Q. And then how long after that was it that  
 4 he approached you about coming to work for him at  
 5 Safe Environment?  
 6 A. I approached him probably a couple years  
 7 after that.  
 8 Q. All right.  
 9 Was that about the time that he first got  
 10 involved with Safe Environment?  
 11 A. I had heard that he started his own  
 12 company and he was doing fairly well and he was --  
 13 it was called SECO at first and it was out of  
 14 Brookfield, Illinois and Safe Environment was the  
 15 acronym that SECO used. And then later, there was  
 16 some legal dispute and SECO of Illinois broke off  
 17 and Tony went from SECO of Illinois to Safe  
 18 Environment Corporation of Indiana. So there is  
 19 still a SECO which Fred Schmidt owns and that's  
 20 where the break came because Fred Schmidt was  
 21 working with Tony and I kind of took Fred's spot  
 22 even though he was an estimator. Tony got rid of  
 23 three people and brought me in.  
 24 Q. So sometime around 2002 SECO and Safe

1 Environment Corp. of Indiana separated and became  
 2 two separate corporations --  
 3 A. Yes.  
 4 Q. -- with different ownership?  
 5 A. Yes.  
 6 Q. One was run by Fred Schmidt?  
 7 A. Yes.  
 8 Q. The other was -- Safe Environment was run  
 9 by --  
 10 A. Tony.  
 11 Q. -- Tony Paganelli?  
 12 A. Yes.  
 13 Q. And Tony hired you to come in and perform  
 14 duties as a project manager, some duties as an  
 15 estimator, some duties doing takeoff and other  
 16 duties that you've described --  
 17 A. Yes.  
 18 Q. -- correct?  
 19 A. Yes.  
 20 Q. And how long did you work for Tony  
 21 Paganelli and Safe Environment Corp., from 2002  
 22 until when?  
 23 A. About 2004 or five. It was quite a while.  
 24 Q. All right.

1 MR. KRAMER: Okay. We can change the tape now.  
 2 THE VIDEOGRAPHER: This marks the end of tape  
 3 one. We're off the record at 12:27 p.m.  
 4 (A short break was taken.)  
 5 THE VIDEOGRAPHER: This marks the beginning of  
 6 tape number two. We're back on the record at  
 7 12:30 p.m.  
 8 BY MR. KRAMER:  
 9 Q. I think we covered enough of your training  
 10 and experience but one final point is you go to  
 11 training to become licensed to work in asbestos  
 12 removal, don't you?  
 13 A. Yes. Initially, you have to put in --  
 14 well, when I first started out, it was just a  
 15 four-day training period but now, it's five. And  
 16 they changed the rules in Illinois but you put in a  
 17 week, 40 hours to get your training and then every  
 18 week, you go to a refresher course.  
 19 Q. Every year you mean?  
 20 A. I mean, every -- every year.  
 21 Q. Do you take an exam following those to be  
 22 a worker?  
 23 A. Yes. To be a worker or a supervisor, you  
 24 have to pass -- you have to at least get a 70

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1 percent on a test. And I never had -- my average  
 2 was seven -- 97. I got three 100s and I never got  
 3 lower than a 92.  
 4 Q. All right.  
 5 Now, the supervisor, to get the supervisor  
 6 certification requires a little extra training in  
 7 addition to the basic asbestos worker training,  
 8 doesn't it?  
 9 A. Yes, it does.  
 10 Q. And how much additional in hours is that?  
 11 A. Well, the questionnaire is 50 more  
 12 questions. It's 100 questions as opposed to 50, I  
 13 believe. And that's for Illinois I'm talking  
 14 about. I -- I don't know, other states may have  
 15 different requirements. Other states will  
 16 grandfather you in. They say, well, you've been a  
 17 supervisor for 15 years, good enough with us. Just  
 18 send us a copy of your license.  
 19 Q. At any rate, you've been licensed at least  
 20 in Illinois as a supervisor since what year?  
 21 A. Since 19 -- well, I -- 1989.  
 22 Q. All right.  
 23 Have you recertified every year since  
 24 then?

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1 A. Yes.  
 2 Q. Except this present year?  
 3 A. No. I did recertify this year. I just  
 4 didn't get my license.  
 5 Q. You didn't pay the fee?  
 6 A. Well, I've got the certificate. I didn't  
 7 go to the IDPH and give them the money for my  
 8 license. The licenses are -- they're done by -- an  
 9 asbestos supervisor is a 100 number. I'm the  
 10 2,837th supervisor in the state of Illinois.  
 11 Q. The annual license fee is how much to  
 12 reinstate your license each year?  
 13 A. It's \$75 usually with the late fee. It's  
 14 \$50 if you get it on time. A lot of companies have  
 15 paid for my license. That's why I -- since I'm out  
 16 of work, I'm not going to pay for my license to sit  
 17 in my back pocket.  
 18 Q. All right.  
 19 Now, let's focus on the state of Ohio. It  
 20 may be similar to, it may not be identical to other  
 21 states in which you've worked but for a corporation  
 22 like Asbestek -- which is an Illinois corporation,  
 23 isn't it?  
 24 A. Indiana.

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1 Q. Indiana corporation?  
 2 A. Yes.  
 3 Q. For Asbestek as an Indiana corporation to  
 4 engage in any business in the state of Ohio, what's  
 5 the first step it has to do?  
 6 A. Well, as I found out, the first step is it  
 7 has to get a license to do business in the state of  
 8 Ohio.  
 9 Q. Register with the Secretary of State?  
 10 A. Right exactly, register with the Secretary  
 11 of State.  
 12 Q. And is part of registering with the  
 13 Secretary of State furnishing it your certificate  
 14 to show that you're a valid corporation in your  
 15 state --  
 16 A. Right. You got to --  
 17 Q. -- with another state?  
 18 A. Right. You got to show that you're  
 19 incorporated in another state. You have to pay a  
 20 fee. I believe it was \$65 if I'm not mistaken.  
 21 Yeah, they get some money out of you.  
 22 Q. All right.  
 23 So -- if you -- did Asbestek register as a  
 24 foreign -- foreign state corporation with the Ohio

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1 Secretary of State before starting the Cleveland  
2 Trencher project?  
3 A. Yes. It had to, yes.  
4 Q. All right.  
5 Now, what's the next step? Is there  
6 something to do with workman's comp?  
7 A. Yeah, you have to prove that you have  
8 workman's comp for your workers.  
9 Q. Well, if they're working -- going to work  
10 in the state of Ohio, do you have to purchase Ohio  
11 worker's compensation coverage before you're  
12 allowed to do business in Ohio?  
13 A. I don't believe so. As long as it's  
14 workman's comp, I think they can --  
15 Q. Well, do you know one way or the other?  
16 A. No.  
17 Q. Were you involved in that?  
18 A. No, I wasn't. That -- that was something  
19 I wasn't involved in.  
20 Q. Did Tomas take care of it?  
21 A. Yeah, he took care of everything to do  
22 with the workers from hiring and their fee and all  
23 that.  
24 Q. All right.

1 Now, to -- if you have your -- if you're  
2 registered with the Secretary of State as a foreign  
3 business to come into the state of Ohio from  
4 Indiana --  
5 A. Yes.  
6 Q. -- to do business and you have your  
7 workman's comp coverage certificate in the state of  
8 Ohio, could you without more engage in removal of  
9 the nonfriable unregulated type of asbestos which  
10 at the Cleveland Trencher would be called transite?  
11 A. Could you engage in that? As long as you  
12 had -- if you're working for a contractor, as long  
13 as you had some type of coverage, insurance  
14 coverage.  
15 Q. All right.  
16 That's the worker's compensation coverage,  
17 right?  
18 A. Yes. Yeah.  
19 Q. So you wouldn't need to do any  
20 notifications to the Ohio EPA or Ohio Department of  
21 Health to remove all the transite at the Cleveland  
22 Trencher site, correct?  
23 A. No. No. You just -- you would have to do  
24 a waste profile which takes about a day. A waste

1 profile is just to show that you have -- this is  
2 what you're going to be sending and this is where  
3 you're going to be sending it.  
4 Q. Okay.  
5 A. And it's pretty much internal. It's  
6 between you and the waste company.  
7 Q. Now, before you engage in the second phase  
8 of the Cleveland Trencher project, you have to  
9 do -- which is the removal of friable asbestos  
10 containing material which is regulated, what are  
11 the additional steps? You have to send in what's  
12 called an advanced notification to the Ohio  
13 Environmental Protection Agency, Ohio EPA, correct?  
14 A. That's correct.  
15 Q. And -- and between you and Tomas, are you  
16 the one that did that?  
17 A. Yes.  
18 Q. All right.  
19 And you also have to send what's called a  
20 ten-day notification to the Ohio Department of  
21 Health?  
22 A. Yes.  
23 Q. And are you the one that did that?  
24 A. Yes.

1 Q. And with those two notifications, are you  
2 then allowed to proceed?  
3 A. Well, as long as the -- you have a file  
4 folder somewhere and, you know, it doesn't have to  
5 be on site necessarily. It could be at your  
6 office. But that you can produce a document that  
7 shows that, you know, you on such and such a date  
8 submitted a ten-day notification to each respective  
9 company and respective authority.  
10 Q. All right.  
11 So to the best of your knowledge, is there  
12 any prohibition under law from working under a  
13 contractor -- another contractor's license that  
14 permits you to use their license for regulated  
15 asbestos containing material removal?  
16 A. No.  
17 Q. Now, you describe -- you had an initial  
18 meeting with -- at the site with Mike Collins  
19 concerning this Trencher project where you observed  
20 the site which was just you, not -- you and Mike  
21 Collins, not Tomas Amaya, correct?  
22 A. That's correct.  
23 Q. And that was sometime before any contract  
24 was -- was even drawn up, correct?

1 A. Wasn't even thought of, right.

2 Q. Mike Collins told you he wanted to know if

3 you and this contact of yours, Mr. Amaya, could do

4 the project -- the asbestos removal for \$50,000?

5 A. Right.

6 Q. All right. Let me -- I'm going to mark

7 exhibits as -- using letters, okay? And I'm going

8 to call this Vadas A as the first lettered exhibit.

9 A. Okay.

10 (Whereupon, Vadas Deposition

11 Exhibit A was marked for

12 identification.)

13 BY MR. KRAMER:

14 Q. And ask you this is something that you

15 gave Mr. Collins in that meeting?

16 A. No.

17 Q. When did you -- did you give that to

18 Mr. Collins?

19 A. Yes.

20 Q. How soon after that meeting or when did

21 you give it to him?

22 A. I don't remember but I don't believe it

23 was at that meeting.

24 Q. Okay.

1 Do you believe it was before the contract

2 was -- was entered into?

3 A. Yeah. Oh, yes, definitely.

4 Q. So sometime between that first meeting and

5 the time that he signed the contract allowing you

6 to --

7 A. Yes, because the meeting -- the first

8 meeting went pretty quick because I remember

9 driving all that way and walking the place pretty

10 quick. And I told him, I says, if you want me to

11 do a thorough takeoff, I'm going to have to be here

12 all day. And, you know, he says it's not

13 necessary. Can you do it for \$50,000? I said it's

14 not up to me. From what I see here, I don't think

15 so but let me shoot it by Tomas. He says, well, if

16 there's change orders involved, I can take care of

17 that. I just need to know that you can do it. I

18 said I don't know if he's got an Ohio license or

19 not. I know he's got some weird licenses. I think

20 he had Missouri and some other state. I don't know

21 why, he did work in Missouri or some place else.

22 That's not usual. West Virginia or something

23 but -- it could have been Minnesota too.

24 But anyway, I told him that I would have

1 to see if he can drum up an Ohio license and that,

2 basically, put in and see how long it takes to get

3 an Ohio license. Some states, it doesn't take long

4 at all. Some states, it takes forever.

5 Q. All right.

6 (Whereupon, Vadas Deposition

7 Exhibit B was marked for

8 identification.)

9 BY MR. KRAMER:

10 Q. I'm going to hand you what I've marked as

11 Vadas Exhibit B which is several pages together

12 with a paperclip. If you can keep them together.

13 And it's -- it appears to be a fax cover

14 sheet dated August 15, 2007 and it references some

15 documents that are being included with it as I --

16 A. Right.

17 Q. What are the documents it references being

18 included with it?

19 A. Well, I -- I state that we sent off a

20 check for the registration fee to do business in

21 Ohio.

22 Q. That would be the fee to the Secretary of

23 State?

24 A. Yes.

1 Q. All right.

2 A. And that fee included -- before I can even

3 fill out this -- this and -- and produce that

4 document to the Secretary of State, I needed an

5 address in Ohio which I used Mike Collins's

6 address -- it's on page three here -- in Greenwich,

7 Ohio, to complete the form so he --

8 Q. He agreed to be your resident agent in

9 Ohio to receive any notices from the Secretary of

10 State that may be required?

11 A. Yes.

12 Q. All right.

13 A. Yes.

14 Q. So what documents does the fax say you're

15 submitting with it?

16 A. Let's see. Allied Waste, I told them that

17 we got a credit --

18 Q. No.

19 What -- what -- what documents does it say

20 are being included with that fax?

21 A. Oh, the -- well, the --

22 Q. What does it say on the fax? Refer to the

23 fax, please.

24 A. Okay. We sent off a check today for the



1 registration fee.  
 2 Q. Mr. Collins -- Mr. Vadas, if I can direct  
 3 you to what does this say regarding --  
 4 A. Certificate of insurance and Indiana  
 5 contractor's license, two pages.  
 6 Q. All right.  
 7 Will you take a look at the other  
 8 documents after that fax cover page and see if  
 9 those are the documents that are included  
 10 thereafter, those are the documents that were  
 11 included with that fax?  
 12 A. Okay. Here's the -- this is the  
 13 certificate of insurance, certificate of  
 14 incorporation which was required for the  
 15 certificate of insurance, four pages, okay. And  
 16 certificate of insurance and Indiana contractor's  
 17 license. Here's a certificate of insurance and  
 18 Tomas Amaya's current license.  
 19 Q. In Indiana, Indiana contractor license?  
 20 A. Yes, Indiana contractor's license.  
 21 Q. So is that what was sent off with that fax  
 22 cover sheet?  
 23 A. Yes.  
 24 Q. Now, the certificate of insurance, if I

1 could direct your attention to it --  
 2 A. Okay.  
 3 Q. -- what's the date, the upper right-hand  
 4 corner of that certificate of insurance?  
 5 A. 12-19-07 (sic).  
 6 Q. All right.  
 7 Does that certificate of insurance that  
 8 you sent off prior to the contract being entered  
 9 make any reference to Nationwide Demolition being  
 10 included as an additional named insured anywhere on  
 11 that certificate?  
 12 A. No, I don't see Nationwide at all.  
 13 Q. Now, this is before you signed the  
 14 contract on -- on August 18th, correct?  
 15 A. Oh, yes.  
 16 Q. This is the day before?  
 17 A. Yes.  
 18 Q. All right.  
 19 A. Right. Right. This is --  
 20 Q. Did Mr. Collins or his wife, Molly,  
 21 contact you about -- after receiving that fax about  
 22 insurance?  
 23 A. Yes. I remember now she said it had to  
 24 include them so I had it revised.

1 Q. What do you mean include them?  
 2 A. It had to include Nationwide as insured.  
 3 Q. As an additional insured?  
 4 A. Yes.  
 5 Q. All right.  
 6 Was that before the contract was signed?  
 7 A. Yes.  
 8 Q. All right.  
 9 What did you do upon receiving that  
 10 information from Molly, that she wanted Nationwide  
 11 to be included as an additional named insured?  
 12 A. I -- I called Tomas, told him what was  
 13 needed and told him if he could fax it over. I  
 14 gave him -- I think I gave him Molly's fax number  
 15 because I got tired of doing all the faxing and  
 16 work. I believe he faxed it over.  
 17 Q. So on August 15th, you faxed a copy of  
 18 their certificate of liability insurance, what we  
 19 call an Acord --  
 20 A. Yes.  
 21 Q. -- from -- that -- that showed asbestos  
 22 abatement coverage, lead abatement coverage and  
 23 commercial general liability coverages among -- as  
 24 well as worker's comp coverage, I believe?

1 A. Yes.  
 2 Q. And that prompted a request from Molly  
 3 Collins that Nationwide Demolition had to be  
 4 included as an additional named insured?  
 5 A. Yes.  
 6 Q. You relayed that to Tomas Amaya?  
 7 A. Yes.  
 8 (Whereupon, Vadas Deposition  
 9 Exhibit C was marked for  
 10 identification.)  
 11 BY MR. KRAMER:  
 12 Q. Now, I'd like to mark as Exhibit C, Vadas  
 13 C, a certificate of liability insurance dated  
 14 August 17th, two days later, 2007, and ask you if  
 15 that refers to the same coverages except that it  
 16 now makes reference to Nationwide as an additional  
 17 named insured?  
 18 A. Well, it makes reference to National Wide  
 19 but Tomas wasn't that -- that familiar with the  
 20 company as I was so that's why I could see --  
 21 Q. It refers to National Wide Demolition as  
 22 the additional named insured, correct?  
 23 A. It's got -- yeah, it's got Nat Wide -- Nat  
 24 Wide up in the corner and then it's got National



1 Wide down at the bottom. It does have the correct  
 2 address, though.  
 3 Q. That's Nationwide's address in Greenwich,  
 4 Ohio?  
 5 A. Yes, I believe so.  
 6 Q. Okay.  
 7 So apparently, it was right at the time of  
 8 contracting, prior to the contract that Molly  
 9 communicated that need and the very -- I mean, by  
 10 August 17th, the insurer had furnished a  
 11 certificate of -- of liability coverage including  
 12 Nationwide as an additional named insured?  
 13 A. Yes.  
 14 Q. Under the same policy?  
 15 A. Yes.  
 16 Q. Okay.  
 17 Now, the nonfriable unregulated ACM  
 18 removal work was commenced -- well, we had to sign  
 19 a contract first, didn't we? We had to reach some  
 20 agreement?  
 21 A. Right.  
 22 Q. All right.  
 23 The insurance demand had been made and had  
 24 been complied with or was being complied with?

1 A. Right. We had certain things that even  
 2 though my contract did not cover them, they were --  
 3 they were verbal. He was going to put the guys up  
 4 at the motel. This was understood. He was going  
 5 to take care of renting us a bobcat. He let us use  
 6 his bobcat, rented us one and rented us two lifts.  
 7 This was all -- this was all verbal.  
 8 MR. KRAMER: Excuse me, can I ask the reporter  
 9 to hand me some more exhibit labels? Thank you.  
 10 (Whereupon, Vadas Deposition  
 11 Exhibit D was marked for  
 12 identification.)  
 13 BY MR. KRAMER:  
 14 Q. I'm going to hand you next what I'm  
 15 marking as Vadas Exhibit D. Again, it's several  
 16 pages clipped together. And the first page of it  
 17 is a fax appearing to be from you to Nationwide  
 18 Demolition on August 16, 2007. Take a look and --  
 19 just take a quick look through that package.  
 20 A. Okay. Nationwide, yeah, Mike Collins, me.  
 21 I signed this contract.  
 22 Q. I'll ask you a question. Just look at it  
 23 for now so you're familiar with what's in it.  
 24 We'll move quicker if you wait for my questions.

1 A. Okay.  
 2 Q. All right.  
 3 Now, the first couple pages of that, the  
 4 fax cover sheet submitted what you prepared as a  
 5 proposed contract for the Cleveland Trencher  
 6 project that you faxed to Mr. Collins, correct?  
 7 A. Yes.  
 8 Q. And you did this with Mr. Vadas's --  
 9 Mr. Amaya's approval?  
 10 A. Yes. He read it, yes.  
 11 Q. And it was to be a \$50,000 price for a  
 12 two-phased project, the first phase was removal of  
 13 so many square feet of transite, nonregulated ACM  
 14 and then the second phase --  
 15 A. Yes.  
 16 Q. -- was to remove some additional number of  
 17 square or linear feet of regulated friable ACM?  
 18 A. Yes.  
 19 Q. And the total contract price was to be  
 20 \$50,000?  
 21 A. Yes, \$30,000 for the first part, \$20,000  
 22 for the second part to be paid in those increments  
 23 upon completion.  
 24 Q. And a term that may not be expressed in

1 that contract but a term that had been insisted  
 2 upon by Mr. Collins or his wife, Molly, excuse me,  
 3 was that in order to do business with you, they had  
 4 to be included as an insured under your  
 5 abatement -- asbestos abatement hazard insurance  
 6 for the company?  
 7 A. Yeah. Yeah. She took care of Mike's  
 8 paperwork, basically.  
 9 Q. Did you sign on behalf of Asbestek with  
 10 Mr. Amaya's authority, that contract?  
 11 A. The contract, yes.  
 12 Q. Yes.  
 13 A. With his authority, yes.  
 14 Q. And -- and sometime after that, did  
 15 Mr. Collins return a copy that he countersigned?  
 16 A. Yes.  
 17 Q. On behalf of Nationwide Demolition?  
 18 A. Yes, he did. That's Mike's signature.  
 19 Q. Now, the rest of the pages in there appear  
 20 to be initial contacts with the waste disposal  
 21 facilities that were going to handle the  
 22 asbestos --  
 23 A. Right.  
 24 Q. -- containing materials --

1 A. Right.

2 Q. -- for disposal?

3 A. Right. We had to do a profile, a credit

4 application. Tomas, this is Tomas's handwriting.

5 Q. So it would be incorrect to say that you

6 took care of all of the paperwork. Some of the

7 paperwork had to be taken care of by Tomas and he

8 did, correct?

9 A. Yes, he did.

10 Q. Including arrangement for this waste

11 disposal?

12 A. Yes.

13 Q. And that was something you -- you knew

14 that he'd done before when you were both working

15 together at Safe?

16 A. Yeah. Again, he -- yeah. Well, he also

17 did a project, an Asbestek project prior to this

18 one. I don't really know the specifics.

19 Q. And part of that composite exhibit are

20 several, essentially, blank hazard -- asbestos

21 waste manifests for nonfriable asbestos, for the

22 transite --

23 A. Right.

24 Q. -- that would have to accompany the

1 shipments, correct?

2 A. Right. Exactly.

3 Q. They were --

4 A. Yes.

5 Q. What are they called?

6 A. Well, they're called waste manifests.

7 Q. Okay.

8 A. That's just a chain of custody. I don't

9 even think they're called that anymore. I --

10 sometimes my mind goes back 20 years.

11 Q. All right.

12 Now --

13 A. At one time, they were called chain of

14 custody but now, they're just called waste

15 manifests.

16 Q. All right.

17 So all that was done on or about the time

18 that we're starting to do phase one. I mean,

19 you -- the contracts signed, the waste manifests

20 are obtained, arrangements made with Allied Waste

21 to go ahead and transport the asbestos containing

22 materials, the nonfriable stuff?

23 A. Right, to Ottawa.

24 Q. To a landfill in Ottawa?

1 A. Yes, to be -- an EPA approved landfill and

2 they made those arrangements.

3 Q. Okay.

4 And all that was done and the nonfriable,

5 the unregulated ACM removal work was begun --

6 A. Yes.

7 Q. -- as soon as that contract was signed,

8 correct?

9 A. Yes. Yes.

10 Q. And that went on for -- I think until

11 August 24th, wasn't it?

12 A. It didn't take that long, I know that.

13 Q. So from about the 17th or so until the

14 24th?

15 A. Right. Right. It took less than ten

16 days, I know that. They were going on it. They

17 were working ten-hour days. They manned it pretty

18 heavy. I told Tomas to watch the hours but Tomas

19 was in charge of the crew. Again, I don't know

20 where the money exactly ended up at that point.

21 Q. But you came out to the site to assist a

22 couple -- on --

23 A. Yeah.

24 Q. -- one or more visits during the

1 nonfriable removal?

2 A. More -- yeah. More to just warn him, you

3 know, guys should be wearing respirators, they

4 should be doing this.

5 Q. Now, this was a two-phase project and the

6 second phase required -- required some advance

7 notifications to be sent to Ohio EPA and to the

8 Ohio Department of Health, correct?

9 A. Yes. Yes.

10 (Whereupon, Vadas Deposition

11 Exhibit E was marked for

12 identification.)

13 BY MR. KRAMER:

14 Q. I'm going to hand you what I've marked as

15 Vadas Exhibit E --

16 A. Okay.

17 Q. -- and ask you if you recognize that?

18 A. Yes. I have a copy right here. This

19 is -- these -- because of the haphazard way they're

20 hitting the page, this is something that I was

21 doing while I was on the phone while I was driving.

22 I know it's not very smart to do but I was

23 gathering information. I talked with Mark Needham

24 and just notes I -- I made, register with the

1 Secretary of State. This was all stuff that was I  
2 was doing.  
3 Q. All right.  
4 The names on there, are they -- are they  
5 contacts with specific agencies in the State of  
6 Ohio that you had to deal with?  
7 A. Yes, except for --  
8 Q. What agencies?  
9 A. Well, let's see. The EPA, the Department  
10 of Public Health, you have the ODH -- Ohio DPA,  
11 Ohio government.  
12 Q. Who's your contact with ODH, the Ohio  
13 Department of Health?  
14 A. Mark Needham and Josh --  
15 Q. Josh Koch?  
16 A. Koch.  
17 Q. K-O-C-H?  
18 A. Yes, something. K-O-C-H, yeah, that  
19 sounds right.  
20 Q. All right.  
21 And who was your contact with the Ohio EPA  
22 or contacts?  
23 A. Jeff Gerdes I think was in charge of the  
24 ACM program and it's not on here but it's Jeff

1 Barnell.  
2 Q. What about -- I think Cheryl McDuffy or  
3 something like that?  
4 A. Cheryl McDuffy, yeah. She -- she answered  
5 some questions when the other --  
6 Q. All right. So those are notes that you  
7 kept.  
8 Now, were you and Tomas working out of the  
9 same office at this time?  
10 A. Well, no, not --  
11 Q. All right.  
12 A. -- not really. He had --  
13 Q. Where was Tomas working? What office was  
14 he working out of when he was back in Indiana?  
15 A. Kennedy Avenue, his -- he had a storefront  
16 there and an office up above.  
17 Q. All right.  
18 And where were you working out of when you  
19 were in Indiana?  
20 A. I have a house in Hammond and an office in  
21 the basement.  
22 Q. All right.  
23 So did you frequently fax him copies of  
24 things that would be submitted or keep him advised?

1 A. It was faster -- yeah, it was faster to do  
2 that than -- or I would call him and say do you  
3 want me to fax this and he would say no, I'll pick  
4 it up later, whatever.  
5 Q. All right.  
6 A. We lived -- we lived within five minutes  
7 of each other.  
8 Q. Okay.  
9 (Whereupon, Vadas Deposition  
10 Exhibit F was marked for  
11 identification.)  
12 BY MR. KRAMER:  
13 Q. Let me hand you a three-page exhibit dated  
14 August 22, 2007, the fax cover sheet, and it says  
15 it's a fax regarding copy of ten-day notification  
16 to Ohio EPA and some other materials. It is  
17 apparently an eight-page fax but I have not been  
18 able to obtain but I think two pages of what  
19 accompanied that fax cover sheet.  
20 Would you examine that and confirm or deny  
21 that you were the author of that fax cover sheet  
22 and the materials that were sent with it?  
23 A. That's when I got a new fax and a new  
24 phone number. Yes, I was the author of this.

1 Q. And did you prepare the ten-day  
2 notification to the EPA that was sent with it?  
3 A. Yes.  
4 Q. Is that a true copy of the ten-day notice  
5 you sent to the EPA, your first 10-day notice to  
6 the EPA?  
7 A. Yes.  
8 Q. And what date did you complete that  
9 application according to your signature?  
10 A. August 20th.  
11 Q. August 20, 2007?  
12 A. Yes.  
13 Q. So a few days earlier before that fax?  
14 A. Yes.  
15 Q. All right. Thank you.  
16 You sent that off to the Ohio EPA?  
17 A. Yes.  
18 Q. And that was advising your customer or  
19 Asbestek's customer, Mike Collins, that, in fact,  
20 you had sent that off?  
21 A. Yes.  
22 Q. Keep him advised of you were doing --  
23 crossing your Ts and dotting your Is, correct?  
24 A. Right. Right. Tomas is -- you know, I --

1 yeah, just keeping him apprised of what was going  
 2 on.  
 3 Q. And so that was mailed on what date?  
 4 A. It was -- it was faxed on August 22nd to  
 5 Asbestek but I actually made the notification on  
 6 August -- second page -- August 20th.  
 7 Q. All right.  
 8 (Whereupon, Vadas Deposition  
 9 Exhibit G was marked for  
 10 identification.)  
 11 BY MR. KRAMER:  
 12 Q. Let me hand you Vadas Exhibit G. That's a  
 13 fax cover sheet dated August 23, 2007 to Nationwide  
 14 Demolition and the Collins --  
 15 A. Okay.  
 16 Q. -- and ask you if that references that  
 17 same ten-day notice to the Ohio EPA?  
 18 A. Yes.  
 19 Q. All right.  
 20 And you authored that fax and you sent  
 21 that to Mr. Collins and his wife --  
 22 A. Yeah. Mark Needham --  
 23 Q. -- to advise them of the progress?  
 24 A. Yeah. Yeah. I was told by Mark

1 Needham --  
 2 Q. Okay.  
 3 (Whereupon, Vadas Deposition  
 4 Exhibit H was marked for  
 5 identification.)  
 6 BY MR. KRAMER:  
 7 Q. Let me hand you next what --  
 8 A. Again, this was -- this -- this was a --  
 9 it was not necessary but it was a courtesy  
 10 notification to the EPA.  
 11 MR. KRAMER: Do you have any paperclips, Madame  
 12 Reporter? All right.  
 13 BY MR. KRAMER:  
 14 Q. I'm going to hand you a three-page  
 15 exhibit --  
 16 A. Okay.  
 17 Q. -- next. It's not clipped. We'll make  
 18 it -- it's Vadas Exhibit H and it's an August 24,  
 19 2007 fax from you to Nationwide Demolition and the  
 20 Collins again that included an apparent invoice, a  
 21 two-page invoice dated August 24th.  
 22 A. Right.  
 23 Q. I ask you to take a look at it for a  
 24 second.

1 A. Okay.  
 2 Q. Each of the pages.  
 3 A. For nonfriable work in Euclid, Ohio, to  
 4 Molly and Mike.  
 5 Q. Is that the fax and the invoice you sent  
 6 when you completed phase one of this project at  
 7 Cleveland Trencher?  
 8 A. Yes. I tried my best to break it down for  
 9 them so they understood what they -- what they were  
 10 paying for.  
 11 Q. And is the invoice detailed as to who was  
 12 present on the site and what services were  
 13 performed?  
 14 A. Yes.  
 15 Q. And do you refer to yourself in a certain  
 16 way on that invoice as being there a couple of  
 17 times?  
 18 A. Yes.  
 19 Q. How do you refer to yourself in that  
 20 invoice?  
 21 A. Crew removal of -- Joan Vadas called  
 22 Allied Waste for additional dumpster. Whatever had  
 23 to be done to get this job completed.  
 24 Q. When it refers to project manager I think

1 in the first entry, would that refer to you?  
 2 A. Yes.  
 3 Q. And when it refers to project supervisor a  
 4 couple places in there, would that be referring to  
 5 Mr. Amaya?  
 6 A. Yes, because he had a license. I did not  
 7 have a license. I wasn't allowed to --  
 8 Q. But for invoice purposes, that's pretty  
 9 much -- you know --  
 10 A. Yeah.  
 11 Q. -- I see he's also referred to as owner,  
 12 isn't he --  
 13 A. Yeah.  
 14 Q. -- in some places?  
 15 A. Yes, because he may not have -- he may not  
 16 have been acting supervisor. His brother Juan  
 17 might have been running the crew. Just because he  
 18 was listed, again, does not mean he ran the crew  
 19 every day. His brother was there on site a lot of  
 20 those days and he had a good rapport with the crew  
 21 and they worked well with him.  
 22 But I wanted Mike and Molly to know that  
 23 they were, you know, paying for upper management  
 24 that was on site as well. And I had to sometimes

1 stay there and wait for a dumpster to be picked up  
2 or switched. It was sometimes very -- I had to  
3 wait several hours. It was very --

4 Q. To your recollection, was the nonfriable  
5 asbestos effectively removed from the site by the  
6 time you sent that invoice?

7 A. Yes.

8 Q. Okay.

9 (Whereupon, Vadas Deposition  
10 Exhibit I was marked for  
11 identification.)

12 BY MR. KRAMER:

13 Q. I'm going to hand you next three pages  
14 that are all, essentially, the same thing. They're  
15 blank hazardous waste manifests. They're titled  
16 nonhazardous waste manifest but they have in  
17 generator friable insulation handwritten in. And  
18 these were apparently furnished to you from Allied  
19 Waste.

20 A. Okay.

21 Q. This is Vadas Exhibit I.

22 A. Okay.

23 Q. Do you recognize those?

24 A. I never seen them but --

1 Q. All right.

2 So this may not have come to you?

3 A. No.

4 Q. It may have come to --

5 A. It may have come to Tomas because that's  
6 who was --

7 Q. All right.

8 But this would indicate that different  
9 waste manifests were needed for the friable  
10 asbestos removal --

11 A. Oh, yes.

12 Q. -- than for nonfriable?

13 A. Absolutely.

14 Q. It had to be identified as the more  
15 hazardous regulated type?

16 A. Yes, absolutely.

17 Q. You can put that aside then.

18 (Whereupon, Vadas Deposition  
19 Exhibit J was marked for  
20 identification.)

21 BY MR. KRAMER:

22 Q. Let me go ahead and hand you another  
23 composite exhibit that I've now marked as Vadas J.  
24 It's going to be two pages both dated August 31.

1 2007, one to Nationwide Demolition, one to Ohio  
2 EPA's Sharon McDuffy and ask you if you recognize  
3 those and authored those?

4 A. Yes, I authored them and sent them out.

5 Q. Now, they have -- they have with them --  
6 it references several documents as going with that  
7 fax and --

8 A. Three pages plus cover EPA. The three  
9 pages would be the -- probably the -- well, I'm  
10 just guessing here but it was probably the  
11 revision.

12 Q. All right.

13 Well, would this be the first notification  
14 to Ohio EPA? I mean --

15 A. Yes.

16 Q. No. This would be the revision. You  
17 already sent --

18 A. This is revision one to -- on ten-day  
19 demolition notice in Euclid. So since the first  
20 notification was -- to the EPA was a courtesy, this  
21 could be considered the first notification.

22 (Whereupon, Vadas Deposition  
23 Exhibit K was marked for  
24 identification.)

1 BY MR. KRAMER:

2 Q. Well, here's Vadas K. It's a two-page  
3 document.

4 Is that the notification that accompanied  
5 that fax to Sharon McDuffy at Ohio EPA on that  
6 date? Take your time. Take a look at it.

7 A. Yes, all the information is correct.

8 Q. And what's the date you signed that on the  
9 second page?

10 A. 8-31.

11 Q. Same date as the fax, correct?

12 A. Yes.

13 Q. And that reference says a revision?

14 A. Yes.

15 Q. Okay.

16 So that's the revision the fax refers to;  
17 is that correct?

18 A. Yes.

19 Q. All right. Thank you.

20 (Whereupon, Vadas Deposition  
21 Exhibits L & M were marked for  
22 identification.)

23 BY MR. KRAMER:

24 Q. Now, I'm going to hand you three exhibits

1 labeled Vadas L, Vadas M and then Amaya 6 which  
 2 you've seen before which all appear to be  
 3 various -- various versions of an August 31, 2007  
 4 10-day notice to the Ohio Department of Health, all  
 5 right? I'm just going to ask you to look at them  
 6 right now.  
 7 A. Okay.  
 8 Q. One I notice has the word void written  
 9 across it. The other two have some different  
 10 information and some information is the same.  
 11 Now --  
 12 A. I'm trying to figure out why I put void  
 13 but I can't see it. Original, they all say  
 14 original.  
 15 Q. All right.  
 16 They're all dated the same date?  
 17 A. Yes.  
 18 Q. All right.  
 19 A. Well, I put void because I put Tomas  
 20 Amaya's name and he wasn't licensed yet. That's  
 21 why I put void.  
 22 Q. All right. I'm not asking questions on  
 23 that yet.  
 24

1 (Whereupon, Vadas Deposition  
 2 Exhibit N was marked for  
 3 identification.)  
 4 BY MR. KRAMER:  
 5 Q. I'm going to hand you this.  
 6 A. Okay.  
 7 Q. What I've marked as a composite exhibit.  
 8 Right now, it's seven pages and it's marked as  
 9 Vadas N but it's a -- it starts with a fax cover  
 10 page that says pages including cover, eight pages.  
 11 It reference -- it's to Nationwide Demolition and  
 12 it says regarding ten-day notification to Ohio  
 13 Department of Health, Ohio license and  
 14 certificates.  
 15 Now, I'd like you to confirm that the  
 16 seven pages this fax comprises now are part of what  
 17 that eight-page fax was as a first question?  
 18 A. Okay. Yes.  
 19 Q. Now, can you tell from the three exhibits  
 20 I gave you before, that composite exhibit, which of  
 21 those was submitted as part of that package? If  
 22 you can. If you can't, that's all right too but  
 23 there's three of them dated the same day and one of  
 24 them -- would one of them have been the eighth page.

1 of that exhibit -- of that fax?  
 2 A. Yes. I think it's this one that you put  
 3 Exhibit L.  
 4 Q. So Exhibit Vadas L --  
 5 A. Yes.  
 6 Q. -- would make up the eighth page of the  
 7 composite exhibit that I've identified --  
 8 A. Yeah, because all the -- yeah, all the  
 9 information is correct.  
 10 Q. -- as Exhibit Vadas N, right?  
 11 A. Right.  
 12 Q. I'm going to -- with your permission, sir,  
 13 I'm going to include it as the first page behind  
 14 the fax cover page for --  
 15 A. That's fine. Yeah, this I --  
 16 Q. -- Exhibit N. So now Vadas L is part of  
 17 Vadas Composite N.  
 18 A. Okay.  
 19 Q. I'm going to ask you then would you  
 20 confirm that Vadas N correctly to the best of your  
 21 recollection comprises what you sent off to Mike  
 22 Collins and to the Ohio Department of Health on or  
 23 about the date of August 31, 2007?  
 24 A. Ten-day notifications to Ohio, Ohio

1 license and certificates.  
 2 Q. All right.  
 3 And that's your -- that's your original  
 4 ten-day notice to the Ohio Department of Health,  
 5 correct?  
 6 A. Yes.  
 7 Q. And that's the notification where you  
 8 actually had to furnish a license number of the  
 9 contractor whose license you're going to operate  
 10 under?  
 11 A. Yes.  
 12 Q. For the regulated friable asbestos  
 13 removal?  
 14 A. Yes.  
 15 Q. And an Ohio certified license name and  
 16 number for a qualified --  
 17 A. Supervisor.  
 18 Q. -- supervisor for the friable asbestos  
 19 removal?  
 20 A. Right.  
 21 Q. All right.  
 22 A. It's like me to overkill and even include  
 23 the -- the green stamp from the Department of --  
 24 postal service, yeah, certified mail.

1 Q. All right.

2 A. That's me. Yeah, I even have a copy of

3 this letter.

4 Q. So an original notification had to be sent

5 off certified mail?

6 A. Yeah.

7 Q. And you included the certified mail

8 receipt?

9 A. Yes.

10 Q. All right.

11 And that was to keep your -- your customer

12 or the Asbestek customer apprised that you were

13 doing things according to the book?

14 A. Yes.

15 Q. All right.

16 Now, Vadas M and Amaya S, the other two

17 notice forms dated that day, were they just drafts

18 or what?

19 A. Yes. They were drafts where I made

20 mistakes. One I -- I caught right away and I just

21 void it out. And then the second one, I didn't --

22 I -- I think I called Tomas and I -- you know, I

23 wasn't -- at that point, I wasn't sure who to use

24 for a supervisor because he said that he might use

1 one and I -- he says no, go ahead and put Carlos.

2 So that's why the other one was used.

3 Q. Now, at that time that that was submitted,

4 you knew that Tomas had an application to become an

5 Ohio licensed supervisor --

6 A. Yes.

7 Q. -- submitted but it hadn't yet -- he

8 hadn't yet been issued a license number, correct?

9 A. That's correct.

10 Q. Did you intend to send a revision once he

11 was issued his license?

12 A. Yes.

13 Q. And, hopefully, it would be in time for

14 him to supervise --

15 A. Yes.

16 Q. -- phase two of the project?

17 A. Or at least, you know, have -- have that

18 option. We may still have used Juan but, you know,

19 at least we would have had Tomas -- Tomas could

20 have been out there hands on.

21 Q. Now, I want to focus on the ten-day notice

22 to the Ohio Department of Health. Let's leave

23 aside the -- we're not going to talk about the

24 ten-day notice or the advanced notification to the

1 Ohio EPA.

2 The Department of Health notification form

3 is available as a PDF document online over the

4 internet, isn't it?

5 A. Yes, it is.

6 Q. And you can fill it in by typing your

7 computer keyboard?

8 A. Yes. It's -- it's designed to fill it,

9 yes.

10 Q. Do you recall at this point whether in

11 Ohio -- first of all, how many Ohio projects have

12 you worked in the last ten years? Just this one,

13 the Cleveland Trencher one? Can you recall whether

14 you can submit it once you complete typing in the

15 information on the PDF form by submitting it

16 online, simply pressing a send button or not?

17 A. I --

18 Q. If it's a revision, not the original. I

19 know the original has to be sent certified mail.

20 A. I -- I don't know but I do recall the --

21 the fee was based on the first original, not --

22 there was no fee on every revision.

23 Q. So revisions you didn't have to submit a

24 check with?

1 A. No.

2 Q. But you aren't certain at this point

3 whether or not you could simply transmit the

4 completed revision form to the Ohio Department of

5 Health each time by transmission over the internet

6 or whether you actually had to print it out and

7 mail it?

8 A. No, I wasn't sure. It's possible. It's

9 possible but I'm -- I'm not sure.

10 Q. You'll have an opportunity to review your

11 testimony --

12 A. Okay.

13 Q. -- after this is transcribed. I would ask

14 that you try to verify that.

15 A. All right.

16 Q. And if necessary, amend your answer.

17 A. It's easily -- yeah, it's easily

18 verifiable.

19 Q. All right.

20 On Vadas Exhibit L, which is part of Vadas

21 Exhibit N now, you identified the abatement

22 contractor as Safe Environment Corporation of

23 Indiana and you identify its Ohio license number,

24 AC1922; is that correct?



1 A. Yes.

2 Q. And you identify Carlos A. Bonilla as an

3 asbestos hazard abatement specialist for the

4 project and his certification number, Ohio

5 certification number of AS29688; is that correct?

6 A. Yes.

7 Q. And you put name of person filing this

8 notice is your name, John P. Vadas?

9 A. Yes.

10 Q. And the date of filing is August 31, 2007,

11 correct?

12 A. That's correct.

13 Q. And this was the original ten-day notice

14 to the Ohio Department of Health?

15 A. Yes.

16 Q. And they are the only Ohio department that

17 you have to actually identify the license -- the

18 name and license number of the license you'll be

19 operating under --

20 A. Yes.

21 Q. -- for the project, correct?

22 A. That's true.

23 Q. That's not required for the Ohio EPA, is

24 it?

1 A. No.

2 Q. You have to identify the name of the

3 contractor but you don't have to identify the

4 license to the Ohio EPA?

5 A. No. EPA has to do with the stream of

6 waste. That's, basically, all they care about.

7 Q. All right.

8 But the inspections are largely carried

9 out by the Ohio Department of Health?

10 A. Yes, absolutely.

11 Q. And they're in charge of inspecting the

12 licenses?

13 A. Licenses of the workers, make sure the

14 workers are -- are being protected with the proper

15 PPE. Yeah, they -- they're the big dogs.

16 Q. All right.

17 (Whereupon, Vadas Deposition

18 Exhibit O was marked for

19 identification.)

20 BY MR. KRAMER:

21 Q. I'm going to hand you Vadas Exhibit O

22 which has a print date on it of September 21, 2007.

23 So we've moved forward from August 31, 2007 to

24 September 21, 2007 and this is -- appears to be a

1 printout of a sheet, a single sheet from Ohio

2 Department of Health.

3 Do you recognize that sheet and any

4 handwriting on that sheet?

5 A. Yes. That's my handwriting. The

6 question --

7 Q. Explain to me? What does it mean, the

8 handwriting? What does that refer to?

9 A. Revisions ten day. I put it next to a

10 line that says fax. That means that revisions can

11 be faxed.

12 Q. Okay.

13 A. I spoke with Sandra to verify Josh has

14 received and he's an inspector.

15 Q. Is that Josh Koch with the --

16 A. Yes.

17 Q. -- Ohio Department of Health?

18 A. Yes.

19 Q. K-O-C-H?

20 A. Yes.

21 I printed this out to get their number, I

22 think, and fax number and just to get their

23 information. I had lost it in -- in my paperwork.

24

1 (Whereupon, Vadas Deposition

2 Exhibit P was marked for

3 identification.)

4 BY MR. KRAMER:

5 Q. Let me hand you what I've marked now as

6 Vadas Exhibit P which purports to be revision

7 number three to prior notification of asbestos

8 hazard abatement project dated September 21, 2007.

9 Do you recognize that?

10 A. Yes.

11 Q. Did you send that off by fax or by PDF

12 transmission to the Ohio Department of Health on or

13 about that date?

14 A. Yes.

15 Q. And what was the changes that you made on

16 that document which was the reason for the

17 revision?

18 A. Tomas Amaya received his license so I put

19 his license number there on line eight.

20 Q. So that's his Ohio license as an

21 abatement -- asbestos hazard abatement supervisor?

22 A. Right.

23 Q. All right.

24 A. For the project, the specialist.

1 Q. And is that before we started any friable  
2 asbestos removal at Cleveland Trencher site?  
3 A. Is it before? It might be. 7:00 to 5:00  
4 Monday, Tuesday, Wednesday, Saturday, Sunday. I  
5 know we fell behind.  
6 Q. Well, had -- had -- to your knowledge, had  
7 Tomas Amaya received his Ohio asbestos hazard  
8 abatement license before any friable  
9 asbestos-containing materials were removed from the  
10 Cleveland Trencher site?  
11 A. I don't think so. I think he was there a  
12 day -- no. There was some pipe lagging that was  
13 done by the crew under Juan.  
14 Q. All right.  
15 Did Juan have an Ohio license?  
16 A. Yes, he did.  
17 Q. All right.  
18 So Juan already had his Ohio abatement  
19 supervisor's license?  
20 A. Yes.  
21 Q. And for a day or so, he supervised the  
22 crew?  
23 A. Yes, on the pipe work.  
24 Q. All right.

1 You didn't submit a revision for him for  
2 that one day?  
3 A. No.  
4 Q. Was that because it was on a weekend?  
5 A. Probably.  
6 Q. So at any rate, this date, Tomas got his  
7 license and you submitted a revision?  
8 A. Yes.  
9 Q. Are you required to submit a revision  
10 every time you change supervisors?  
11 A. I don't think so.  
12 Q. Were you trying to follow the rules?  
13 A. Yeah. I'm just trying to go by what it  
14 says here and --  
15 Q. All right.  
16 A. If there's a revision on the line item,  
17 you -- you -- you put it there and I did put it  
18 there. I probably -- I don't think it would have  
19 mattered to them if they came on site and didn't  
20 find Tomas out there and if I didn't change it, I  
21 don't think they would have wrote me up for it.  
22 They might have given me a warning or maybe they  
23 wouldn't have done anything. I don't know.  
24 Q. All right.

1 (Whereupon, Vadas Deposition  
2 Exhibit Q was marked for  
3 identification.)  
4 BY MR. KRAMER:  
5 Q. Let me hand you what I've now marked as  
6 Vadas Exhibit Q.  
7 Is that the Allied Waste manifest for the  
8 shipment of the friable asbestos, the regulated  
9 asbestos transport away from the Cleveland Trencher  
10 site?  
11 A. Yes, it is.  
12 Q. And what date does that show it was  
13 transported on? Do you see any dates on that?  
14 A. March 31st.  
15 Q. Excuse me.  
16 A. Well, March 31st is on the bottom but  
17 that -- well, that -- that was the last --  
18 Q. I see a September 24, '07 by Brenda Dyer's  
19 signature.  
20 Am I incorrect on that?  
21 A. No. You're correct.  
22 Q. Is that the date it would have been  
23 transported?  
24 A. Yeah.

1 Q. September 24, 2007?  
2 A. Special waste manager, yeah, yeah.  
3 Q. Was that the --  
4 A. Yeah. The site -- the date I was reading  
5 was -- it was approved by Allied Waste site as  
6 March 31st. They could have -- they could have  
7 taken it in and let it sit somewhere and --  
8 Q. Okay.  
9 So that's what the other date is?  
10 A. Yeah.  
11 Q. But it was transported September 24 --  
12 A. Yeah.  
13 Q. -- 2007 as evidenced by Brenda Dyer's  
14 signature on the manifest?  
15 A. Yes.  
16 Q. All right.  
17 (Whereupon, Vadas Deposition  
18 Exhibit R was marked for  
19 identification.)  
20 BY MR. KRAMER:  
21 Q. Let me hand you what's -- I've marked as  
22 Vadas Exhibit R now.  
23 Is that the final revision ten-day notice  
24 you sent at completion of the entire Cleveland

1 Trencher project?

2 A. Yes.

3 Q. Who advised you the project was completed?

4 How did you know the project was completed on that

5 date?

6 A. Tomas.

7 Q. All right.

8 And what's the date that -- that revision

9 was sent in?

10 A. The date this revision was sent in was

11 9-23 completion.

12 Q. And did you prepare that?

13 A. Yes.

14 Q. Do you know if that handwritten one or if

15 a typed PDF was actually what was sent in?

16 A. This could have been sent in.

17 Q. All right.

18 A. I think I got tired of typing everything

19 out.

20 Q. So the date on that is what for

21 submission, September 24th?

22 A. Yes.

23 Q. Is that the same date as the prior

24 exhibit, the manifest for the shipment of the -- of

1 regulated friable asbestos material --

2 A. Yeah.

3 Q. -- to the landfill?

4 A. Yes. Yeah, typically, a project's not

5 over until the waste is off the site.

6 Q. Right.

7 So at that point, the project was deemed

8 completed and Mr. Collins would have been told -- I

9 don't know by whom, you or Mr. Amaya -- that he

10 could proceed with demolition, correct?

11 A. It would have been by Thomas, yes.

12 Q. All right.

13 And Tomas would have had to tell you to

14 send in the final revision saying it was complete?

15 A. Yes.

16 Q. And what's the date on that final ten-day

17 notice that says the project was completed?

18 A. September 23rd.

19 Q. So the day before this final notice was

20 sent in, correct?

21 A. Yes.

22 Q. All right.

23 A. Oh, it was -- abatement was completed

24 September 22nd. Completion 23rd. Abatement 22nd.

1 Completion, I might have called completion the date

2 that the dumpster left.

3 Q. So dumpster was removed from the site?

4 A. Yes.

5 Q. All right.

6 Now, the Cleveland Department of Air

7 Quality conducted an inspection three days later on

8 September 27, 2007 that resulted in site closure;

9 is that correct?

10 A. That's -- yes, that's what I understand.

11 Q. Now, were you present for that site

12 inspection on September 27th?

13 A. Yes.

14 Q. Was Tomas present?

15 A. Yes.

16 Q. Who else was present? Was Mr. Collins

17 present?

18 A. No.

19 Q. To your observation, what was the

20 condition of the site at that time?

21 A. It wasn't too bad. It needed a little

22 clean up but it wasn't too bad.

23 What I -- what I did notice is one of

24 Mike's bobcats had run into a wall and it was

1 hiding some transite like they had built a building

2 next to a building. And you would not have known

3 that there was another transite wall there. It

4 wasn't much but it was about maybe 30, 40 feet.

5 Q. Square feet?

6 A. Yes.

7 Q. All right.

8 Is this uncommon in demolition projects --

9 A. No.

10 Q. -- to find concealed transite?

11 A. You find concealed pipe. You find

12 concealed -- all kinds of stuff. It happens --

13 Q. What would normally happen on some other

14 projects if you were the project supervisor and an

15 inspector found that demolition had revealed some

16 transite?

17 A. They would ask you to clean it up and just

18 take care of the loose ends.

19 Q. Why couldn't you clean it up on this

20 occasion?

21 A. Well, Tomas wanted to clean it up. After

22 having the conversation with Rick, I said we no

23 longer have the right to use their license. You

24 can't. So you do not have a license to clean it

1 up.

2 Q. All right.

3 Well, let's take us through that. On the

4 afternoon or -- sometime during the day on

5 September 27th, it was the morning or afternoon

6 when the Cleveland Department of Air Quality came

7 out and inspected the site and ordered closure?

8 Was that afternoon?

9 A. The inspection was in the morning.

10 Q. Okay.

11 When was the site closed?

12 A. The site was closed the day before. The

13 site was closed --

14 Q. On the 28th?

15 A. Yes. Mike called me up and said you need

16 to get out here and it was fairly late in the

17 afternoon. I says I can get out there tomorrow.

18 He says I got EPA out here and they want you out

19 here. I said what's going on? He says they're

20 finding asbestos. They're just raising all kinds

21 of hell.

22 Q. Well, if, in fact, the site was closed on

23 the 27th, would your -- would your visit have been

24 on the 28th, the day after that closure?

1 A. Yes. Yeah.

2 Q. So now, you came out and inspected it with

3 the inspector from Ohio Department of Health?

4 A. Right.

5 Q. Or excuse me, Cleveland Division of Air

6 Quality, I guess?

7 A. Yes. I -- it was both, I think.

8 Q. Do you remember the names?

9 A. Mark Needham. I believe Mark Needham was

10 one of them. Mark Needham. Pretty sure it was

11 Mark Needham. Yeah, Mark because I called him

12 during -- putting together -- after he put together

13 a list of infractions, I tried to answer those

14 infractions.

15 Q. All right.

16 A. So Mark Needham was the guy I was in

17 contact with.

18 Q. As of the time that you were discussing

19 this the day after the site closure and you said --

20 you testified that Tomas Amaya was present, did

21 Tomas say anything to you about contacting Safe

22 Environment Corp. or Mr. Paganelli or Mr. Lovelace?

23 A. No, but he had -- had an attitude that he

24 could take care of it. Don't worry about it.

1 Q. All right.

2 A. Like he could --

3 Q. When did you have your conversation with

4 Mr. -- your call from Mr. Lovelace in relation to

5 that?

6 A. It was right after that. I got a call

7 from him in the morning, I believe, and, again, he

8 was distancing himself and let me know that he --

9 you know, he and Tony were -- they were not going

10 to have --

11 Q. Would you describe for me that phone call

12 from Mr. Lovelace? I'd like to know who said what,

13 who responded with what, exactly what was said to

14 the best of your recollection.

15 A. Okay. I -- he -- I think he started off

16 with he said what happened out there? I said,

17 well, they're being -- they're being real picky and

18 it needs a clean up. And he says, well, we're

19 going to dodge that bullet. And I says, well, it's

20 not a big deal. I mean, why would you, you know,

21 let Tomas to -- to hang out there and dry? He's --

22 he's one of your best guys. I was surprised. I

23 thought it would be no big deal.

24 Q. Did he say anything about -- that -- that

1 lead you to believe that they had authorized but

2 were -- the use of the license?

3 A. No, he never made mention that they --

4 they authorized the license but he -- well, he said

5 that he's going to deny if asked the use of the

6 license and I says, well, why --

7 Q. What were his exact words to the best you

8 can recall, Mr. Vadas?

9 A. Well, like I said, his exact words was

10 why -- why -- why should I do that? I'm going to

11 dodge that bullet the best I can.

12 Q. And what did he say after that about the

13 license?

14 A. He says --

15 Q. As clearly as you can recall what he said,

16 what his exact words were?

17 A. He says no way are we going to admit to

18 giving Tomas work off of our license and use of our

19 license. We're going to deny that he had our

20 permission and his exact words were dodge that

21 bullet. I told him Mike, the demo contractor,

22 called up Tomas all upset and was expecting to meet

23 with a member of the EPA and the Department of

24 Public Health.

1 We went the next morning early and,  
2 although there were remnants around the bobcat and  
3 some friable pipe in the rafters that was missed --  
4 again, a lot of pipe they didn't even know about  
5 because the pipe was gone. So they didn't even  
6 know lagging was around. But it was very small.  
7 They were making a big deal about a little bit of  
8 asbestos in comparison to the size of the site.  
9 Q. Did Mr. Lovelace ever ask you how did you  
10 guys get our license?  
11 A. No.  
12 Q. He didn't seem surprised at all, did he?  
13 A. No, not --  
14 Q. His comment was that they would deny  
15 giving Tomas Amaya permission to use the license so  
16 they could dodge the bullet, is that correct?  
17 A. That's exactly correct.  
18 Q. Now, had they admitted that you were using  
19 the license with their permission, could they have  
20 authorized you to clean up --  
21 A. Yes.  
22 Q. -- the site and would the Ohio Department  
23 of Health have allowed you to do that?  
24 A. Yes. All they had to --

1 Q. Is it the fact of the denial that caused  
2 you not to be able to re-enter the site?  
3 A. Absolutely. We were prepared to clean up.  
4 Tomas made it sound like they were going to do it.  
5 I said I don't think so, not the way -- you know,  
6 he -- he felt confident that he was going to be  
7 able to clean it up.  
8 Q. Now, let me go to the aftermath of this.  
9 Did you go to refresher training a short  
10 time after, your asbestos supervisor refresher  
11 training --  
12 A. Yes.  
13 Q. -- course?  
14 A. Yes.  
15 Q. And what did you experience there?  
16 A. I had just about three-quarters of the  
17 guys -- you run into a lot of old friends you've  
18 been doing this a long time, you know, where you  
19 been, what company you been working with, this and  
20 that. A lot of guys already knew about what took  
21 place in Ohio to my surprise and I said where did  
22 you hear about this? Oh, it's -- everybody's  
23 talking about it. It's going around.  
24 Q. Is the asbestos abatement community, I

1 mean, are they pretty aware of what every  
2 contractor is doing?  
3 A. Pretty much.  
4 Q. Are they bidding on the same projects?  
5 A. Like a bunch of old ladies. Yeah, they  
6 all talk about this and that, who's doing what,  
7 where, you know. I mean, this guy got in trouble  
8 for this and this guy did this.  
9 Q. Were you able to secure any work in the  
10 asbestos abatement field following this site  
11 closure at Cleveland Trencher?  
12 A. No.  
13 Q. Do you know if Tomas tried to continue  
14 working in the asbestos abatement field since that  
15 closure?  
16 A. I pretty much cut off relationships with  
17 him but I found out later that he -- I thought he  
18 was working but he wasn't apparently. So I -- I  
19 guess he didn't either. Tomas was out of work  
20 and -- I don't know.  
21 I -- I -- again, he -- he gave -- he gave  
22 Tony and Safe a lot of his life and a lot of his  
23 work.  
24 Q. Could Tony Paganelli, his wife, Sheila

1 Paganelli, and Rick Lovelace effectively prevent  
2 Tomas Amaya from being employed as an asbestos  
3 abatement hazard removal supervisor in the Indiana,  
4 Illinois area that he would normally work?  
5 A. Yes. He was -- he, basically -- since he  
6 worked for -- unlike myself, he worked for them,  
7 Tony and Sheila. That was his -- I think he  
8 started for them and he worked for them way before  
9 I met Tony and had maintained a relationship with  
10 Tony and was decimated after this happened and did  
11 not know what to do or where to go.  
12 Q. All right.  
13 Is he still starved for work today to your  
14 knowledge?  
15 A. Yes.  
16 Q. You became aware at some -- when did you  
17 become aware that Tomas had -- had criminal charges  
18 brought against him for the contamination at the  
19 Cleveland Trencher site?  
20 A. I had --  
21 Q. How long after the site closure?  
22 A. I had heard it, again, at another  
23 refresher course that they were bringing criminal  
24 charges against Tomas.

1 Q. Had you also heard about criminal charges  
2 being brought or were intended to be brought during  
3 your site inspection the day after the site  
4 closure? Did the government inspectors mention any  
5 of that?

6 A. No. No, not after the inspection. They  
7 mentioned -- they -- they put labels on it like  
8 this is now a contaminated area and they gave it  
9 boundaries that went all the way out to St. Claire,  
10 out to the street to the railroad tracks. They  
11 just -- ridiculous lines of contamination that --

12 Q. Were you aware of criminal charges being  
13 brought against contract companies, abatement  
14 contracting companies and -- and principals and  
15 supervisors from failures on other projects that --  
16 that went through this same area grapevine of  
17 asbestos professionals?

18 A. No. Was I -- I'm not sure I -- I --

19 Q. I'm not talking about any specific person.  
20 I'm just saying had you heard of -- that  
21 there's -- were you aware at the time this site was  
22 closed that there were potential criminal charges  
23 that could be brought against the business or  
24 against principals involved with it --

1 A. Yes. Yes.

2 Q. -- in a situation like this --

3 A. Yeah.

4 Q. -- where there was site contamination?

5 A. Yes. Yeah, I was aware of that. I had  
6 worked -- I -- I neglected -- I leave -- I leave  
7 him off the list. I worked for Dominic Goniak who  
8 is probably the well known worst of the worst in  
9 the business because he -- I'll go out and say it,  
10 he cuts corners. He breaks rules. He does what he  
11 wants but that's Dominic. So I worked for him  
12 once. I'll never work for him again because I  
13 don't work for people that break the law.

14 Q. All right.

15 Did he get charged?

16 A. He's been charged. He's been in court  
17 more times than I've -- ever hope to be. I mean,  
18 more times than Al Capone.

19 Q. All right.

20 Do you -- do you know whether  
21 Mr. Paganelli and/or Mr. Lovelace were aware of  
22 potential criminal culpability if their company  
23 were tied to the Cleveland Trencher site?

24 MR. THOMAS: Objection.

1 THE WITNESS: Well, they've been in the  
2 business long enough to know that of course they  
3 could -- there could be criminal liability  
4 associated with this.

5 BY MR. KRAMER:

6 Q. In the training -- first of all,  
7 Mr. Paganelli was a licensed asbestos hazard  
8 abatement supervisor?

9 A. Yeah, he probably was just as long as I  
10 was.

11 Q. And Mr. Lovelace as well, isn't he?

12 A. Yes.

13 Q. All right.

14 As part of your training and refresher  
15 training in that -- to get that certification  
16 reviewed annually, are you instructed that there  
17 are criminal penalties that can accompany  
18 violations of protocols and contamination of site?

19 A. We're not only instructed that it can --  
20 it can follow the company but it can hold -- they  
21 can now hold -- in Illinois, they can hold the  
22 supervisor accountable and even a worker can go to  
23 jail for violation of the Clean Air Act.

24 Q. And -- and can there be criminal charges

1 brought against the company owners too?

2 A. Absolutely.

3 Q. Did they instruct you of that?

4 A. Absolutely.

5 Q. And that's part of your annual refresher  
6 instruction?

7 A. Yes. That's -- it's --

8 Q. And that was true before an annual -- of  
9 annual instruction before 2007?

10 A. Oh, yeah, it's been for the last several  
11 years now. The Whistle Blower Act, a couple guys  
12 tried to pull a fast one on the company they worked  
13 for and made claims that they were -- they were  
14 doing illegal dry removal and it blew up on them  
15 because if they were supervisors, they should have,  
16 A, not been associated with it and because they  
17 didn't get a bonus or something, they thought they  
18 were going to get the company in trouble. They  
19 both went to jail.

20 Q. Final matter, Sheila Paganelli,  
21 Mr. Paganelli's wife, currently still runs an  
22 asbestos abatement business called Angel Abatement  
23 in Chicago Heights, Illinois, doesn't she?

24 A. Yes.

1 Q. So she's still active in the -- in the  
2 industry?  
3 A. Yes.  
4 Q. And is her husband involved in that at all  
5 to your knowledge, formally or informally?  
6 A. They -- they trade equipment or people  
7 depending upon the job, who's working.  
8 Q. Mr. Lovelace is still active in the field,  
9 isn't he, with Safe Environment Corp.?  
10 A. Yes, I guess.  
11 Q. Would you call him a big name in the area  
12 for asbestos abatement?  
13 A. He's worked with some big companies.  
14 Q. The Paganellis as well?  
15 A. Yeah. Yeah. They've got -- they've been  
16 in the business a long time and they've --  
17 they're -- they're -- they hold quite a bit of  
18 weight in the business.  
19 MR. KRAMER: All right. I thank you for your  
20 time and for your testimony and for providing me  
21 some of these additional documents you located that  
22 are part of some of those exhibits. That's all the  
23 questions I have at this time.  
24 THE WITNESS: Thank you.

1 MR. THOMAS: I just have a few follow-up  
2 questions.  
3 FURTHER EXAMINATION  
4 BY MR. THOMAS:  
5 Q. Mr. Vadas, how much time did you spend  
6 talking with Mr. Kramer over the past week since  
7 your last deposition?  
8 A. I talked with him probably a total of a  
9 couple hours on and off.  
10 Q. Okay.  
11 This phone call that you had with Rick  
12 Lovelace, who called whom?  
13 A. It came up Safe Environment on my caller  
14 ID. Rick called me.  
15 Q. Okay.  
16 A. But I was expecting to hear Tony's voice.  
17 Q. What was your phone number at the time?  
18 A. I believe it was 845-3074 but it could  
19 have been -- it could have been 595-0802. I don't  
20 remember.  
21 Q. 595-0802?  
22 A. 0802, right.  
23 Q. Both 219?  
24 A. Yes. And I use -- both those -- those

1 numbers were my home phone and fax number.  
2 Q. And what was the date of that phone call?  
3 A. It was September -- what was the date of  
4 the inspection? I'm sorry. It was right -- right  
5 after the -- right before the inspection.  
6 MR. KRAMER: Site closure was apparently  
7 September 27th. So you would have been out there  
8 the next day, September 28th.  
9 THE WITNESS: It was -- it was that day.  
10 MR. KRAMER: If those are correct dates, which  
11 date would it have been?  
12 THE WITNESS: 27th when I found out that it  
13 was -- when Mike called me and Tomas called --  
14 MR. THOMAS: All right.  
15 BY MR. THOMAS:  
16 Q. Are you going to say at another time it  
17 could have been another date or was it the 27th? I  
18 mean, I'd -- I'd like to know the date.  
19 A. You know -- you'd like to know the date.  
20 I would too. But I know it was close to that --  
21 the date --  
22 Q. Close to the 27th?  
23 A. Yes.  
24 Q. Okay.

1 Now, this Exhibit N which I'd like to get  
2 stapled that you testified to that this is the fax  
3 that you sent?  
4 A. Yes.  
5 Q. You testified that you sent this to Mike  
6 and Molly Collins and the EPA?  
7 A. No, I didn't say that.  
8 Q. You didn't, okay.  
9 This is something --  
10 A. I said there -- there's copies that went  
11 to them if you read -- if you read the --  
12 Q. I've read that.  
13 What I'm asking you is your testimony was  
14 that Exhibit N is a fax in its entirety that you  
15 sent to Mike Collins and the EPA?  
16 A. Yes, everything in there.  
17 Q. Okay.  
18 A. Everything in there went to the EPA --  
19 well --  
20 Q. There's a cover sheet, correct?  
21 A. Yes.  
22 Q. There's this Exhibit L that's page two,  
23 correct?  
24 A. That went to the Department of Public



1 Health.

2 Q. Okay.

3 There's an indication on top that this was

4 sent September 1, 2010, but you're claiming that

5 that was actually part of this fax cover sheet on

6 8-31-07? Yes or no?

7 A. I don't know.

8 Q. Well, you testified before that this was

9 the complete fax for August 31st?

10 MR. KRAMER: Objection. September 1st is when

11 it was sent to me, when he faxed it to me. That's

12 what that date indicates. That's just three days

13 ago.

14 BY MR. THOMAS:

15 Q. Was your testimony that Exhibit N is what

16 was sent to Mike Collins?

17 A. Yes.

18 Q. So you're saying that you sent Mike

19 Collins this Exhibit L, correct?

20 A. Right.

21 Q. Where is the indication on the top that

22 that was faxed to him?

23 A. To Mike Collins, right there.

24 Q. Okay.

1 What's the date of that?

2 A. September 1st.

3 Q. What year?

4 A. 2010.

5 Q. Okay.

6 Is that when you sent that to Mike

7 Collins, 2010?

8 A. No, because the --

9 Q. Where's the indication that you sent that

10 Exhibit L on August 31, 2007?

11 MR. KRAMER: I object to this.

12 BY MR. THOMAS:

13 Q. Anything? Indication by fax?

14 A. I -- I don't know. I --

15 Q. It's not there, is it?

16 A. No. No. That was sent with my new fax

17 machine to Mr. Kramer.

18 Q. I understand that but I'm looking for some

19 indication to support your allegation that that was

20 sent to Mike Collins?

21 A. Well, the only thing I can do is try to

22 contact the -- to see if a PDF can be transmitted

23 via a cursor.

24 Q. How about the check, any indication on

1 here that this was faxed to Mike -- Mike Collins on

2 August 31, 2007?

3 A. No indication.

4 Q. No indication.

5 This form right here, this is a State of

6 Ohio certificate for Safe Environment Corporation.

7 Any indication on the top of this form

8 that this was faxed on a date other than

9 September 1, 2010 to anybody?

10 A. No. That was --

11 Q. Okay.

12 What is this document?

13 A. It allows Safe Environment Corporation to

14 do business in the state of Ohio.

15 Q. Where did you get this?

16 A. I got that from Tomas Amaya, I believe.

17 Q. What's the date of this particular form?

18 A. It looks like it's right here.

19 Q. Read it, please?

20 A. Well, I was going to ask you to.

21 Q. I'll read it.

22 A. 2007 it looks like.

23 Q. Does that say March 19th?

24 A. March 19, 2007, yeah.

1 Q. Where did you get this particular

2 certificate?

3 A. Well, I didn't pull it out of a hat.

4 Either from Tomas or --

5 Q. When did you get this from Tomas?

6 A. When the job started. Whenever --

7 whenever he didn't get his and we needed -- again,

8 it's different than the other --

9 Q. When he didn't get his and you needed to

10 quickly get a license, you somehow got a hold of

11 this but you're not sure, are you?

12 MR. KRAMER: Objection.

13 THE WITNESS: Yeah, there wasn't no quickness

14 about it. I could have closed the job.

15 BY MR. THOMAS:

16 Q. Well, where did you get this?

17 A. I don't know if I got it from Tomas or his

18 wife and --

19 Q. You have no idea, do you?

20 A. Well, I sure as -- I didn't get it from

21 Tony myself.

22 Q. You didn't get it from Tony, did you?

23 Nobody got it from Tony?

24 A. I didn't get it from Tony.

1 MR. KRAMER: Objection.  
 2 THE WITNESS: Tomas could have.  
 3 BY MR. THOMAS:  
 4 Q. But that didn't come along with this form  
 5 that's also in the packet which is the license that  
 6 you --  
 7 A. This was faxed.  
 8 Q. This was not faxed, was it?  
 9 A. No.  
 10 Q. So your testimony to Mr. Kramer about all  
 11 these documents being part of Exhibit N sent to  
 12 Mike and Molly Collins, that's not true, is it?  
 13 MR. KRAMER: Objection.  
 14 BY MR. THOMAS:  
 15 Q. Is that true?  
 16 A. I think he said it was part of a package.  
 17 Q. Yes.  
 18 Those things weren't sent to Mike Collins,  
 19 were they?  
 20 A. Well, I might have sent them to Mike --  
 21 Q. You might have but you're not sure.  
 22 And you don't know what this is, do you?  
 23 This -- this form from the State of Ohio dated  
 24 March 19th saying this is a receipt, not a bill, do

1 you have any idea what this is?  
 2 A. Well, it reads as State of Ohio  
 3 certificate.  
 4 Q. Why would you send this if you had this to  
 5 Mike Collins?  
 6 A. Well, I didn't have this. This went to  
 7 Tomas.  
 8 Q. Well, you testified --  
 9 A. Then it came to me later.  
 10 Q. -- last Tuesday that you --  
 11 A. Oh, yeah. It came to me, 595.  
 12 Q. Okay. All right.  
 13 So you've got -- you have documents going  
 14 back and forth --  
 15 A. Wait a minute. I'm sorry. Wait a minute.  
 16 I missed -- this 595 is not my number. 4154 is  
 17 Tomas's other number.  
 18 Q. Right.  
 19 A. This is Tomas's number. This did not come  
 20 to me.  
 21 Q. No, you didn't have this and you didn't  
 22 have this, did you?  
 23 A. No. They were Tomas's possession but he  
 24 gave them to me to use.

1 Q. To use how, any way you wanted?  
 2 A. No. In the ten-day notification. I  
 3 needed the numbers off them.  
 4 Q. You needed the numbers?  
 5 A. So he could have just as well gave them to  
 6 me over the phone.  
 7 Q. Or you could just have -- have well --  
 8 have well as put them on a document and not even  
 9 check with Safe Environment, right? I mean, is  
 10 there a difference?  
 11 MR. KRAMER: Objection.  
 12 THE WITNESS: Is there a difference?  
 13 MR. THOMAS: There's no difference.  
 14 THE WITNESS: Putting --  
 15 BY MR. THOMAS:  
 16 Q. This is also part of that packet.  
 17 What is this?  
 18 A. This, I remember giving -- this is a  
 19 receipt that shows that it was mailed.  
 20 Q. That what was mailed?  
 21 A. The ten-day notification to the Ohio  
 22 Department of Public Health.  
 23 Q. Okay.  
 24 That's a certified -- that's a copy of a

1 certified envelope, correct?  
 2 A. Yes, it is.  
 3 Q. That you prepared, didn't you?  
 4 A. Yes, I did.  
 5 Q. And you put a return address of Safe  
 6 Environment with their address on there, didn't  
 7 you?  
 8 A. Yes, I did.  
 9 Q. Where did you get an envelope from Safe  
 10 Environment in order to accomplish that?  
 11 A. I generated it myself.  
 12 Q. You generated it yourself.  
 13 Is that mail fraud or is that acceptable?  
 14 MR. KRAMER: Objection.  
 15 THE WITNESS: That's acceptable.  
 16 BY MR. THOMAS:  
 17 Q. That's acceptable to do that?  
 18 A. It's their license on there. It's --  
 19 Q. Where is their license here?  
 20 A. Well, their license isn't here but it's  
 21 inside here.  
 22 Q. Okay. Thank you.  
 23 And this document that you have produced  
 24 with return information that you testified about

1 earlier --  
 2 A. Yeah.  
 3 Q. -- saying that this came from the  
 4 Department of Health --  
 5 A. Exactly, I'm not sure -- yeah, it had to  
 6 come from there because it says to leave that  
 7 blank. I left it blank. So that's what came back.  
 8 Q. Okay.  
 9 A. So I might have just hit enter and it  
 10 might have went there and maybe they gave me a  
 11 return.  
 12 Q. Is this packet really something that was  
 13 sent by you on August 31st or is this just a  
 14 collection of items?  
 15 A. Well, if it says there was eight  
 16 documents, there was eight documents.  
 17 Q. Okay.  
 18 So it -- are these documents part of the  
 19 fax that you sent Mike and Molly on 8-31 or not or  
 20 maybe?  
 21 A. It says ten-day notification to the Ohio  
 22 Department and all the license and other  
 23 certificates so yes, I think.  
 24 Q. So yes?

1 A. Yes, I believe all that was together at  
 2 one time and did go to Mike and Molly.  
 3 Q. Okay.  
 4 A. Yeah. That's the way I work. Whether --  
 5 Q. You had this experience -- and I only have  
 6 a few more questions.  
 7 You had this experience with Mike and  
 8 Molly wherein after the contract was signed, they  
 9 said, hey, we need insurance so you contacted Tomas  
 10 and said get them insured, correct?  
 11 A. No. No. They -- they -- they needed the  
 12 insurance before the job started.  
 13 Q. Right.  
 14 So you had a certificate of insurance --  
 15 A. Yes.  
 16 Q. -- on the 15th, you signed the contract on  
 17 the 16th. They said to you, hey, we need to be a  
 18 named insured so you told Tomas and he got them a  
 19 certificate the following day, correct?  
 20 MR. KRAMER: Objection.  
 21 THE WITNESS: No. He got the insurance to them  
 22 before he ever -- they ever signed the contract.  
 23 BY MR. THOMAS:  
 24 Q. What was your testimony to Mr. Kramer

1 about your involvement with the certificate of  
 2 insurance?  
 3 A. What was my testimony? Tomas handled a  
 4 lot of that but it's not like I didn't see it.  
 5 Q. It's not like you weren't involved in it,  
 6 right?  
 7 A. By -- if I'm involved in it by looking at  
 8 it, I'm involved in it by looking at it.  
 9 Q. Were you involved at it during the middle  
 10 of August when the insurance was an issue?  
 11 A. I didn't know it was that big of an issue.  
 12 Again, that was --  
 13 Q. Whether it's big or not, were you  
 14 involved?  
 15 A. I seen the document, yes.  
 16 Q. Okay.  
 17 Did it ever occur to you that when Safe  
 18 Environment became involved, according to you, on  
 19 August 31st, that you would put them on your  
 20 certificate of insurance?  
 21 A. No.  
 22 Q. Why not? Because they weren't involved.  
 23 A. No. Just because I didn't think of it.  
 24 Q. You didn't think of it because they

1 weren't involved, correct?  
 2 A. Well, they were involved just by using  
 3 their certificate.  
 4 Q. By who using their certificate?  
 5 A. Tomas and Asbestek. That's how they were  
 6 involved. That's their only involvement and that's  
 7 the only involvement they wanted.  
 8 Q. And their involvement as far as you can  
 9 personally tell us after eight hours of deposition  
 10 is that Tomas told you they were involved, correct?  
 11 A. No. I got that from Rick's conversation  
 12 too.  
 13 Q. Prior to starting this project?  
 14 A. No. No. No. No. After the project was  
 15 over.  
 16 Q. Right. You've testified about that today  
 17 even though you didn't tell us about that last  
 18 Tuesday.  
 19 But other than that phone call that  
 20 happened in September --  
 21 MR. KRAMER: Objection.  
 22 THE WITNESS: Well, you didn't give me a chance  
 23 to tell you about it last Tuesday. We were into  
 24 seven hours straight.

1 BY MR. THOMAS:

2 Q. Other than that conversation that you're  
3 claiming right now took place on September 27th or  
4 thereabout, you have no personal knowledge at all  
5 about Safe Environment's involvement in this  
6 project, do you?

7 A. No personal knowledge. I didn't talk to  
8 Tony, no.

9 Q. You testified earlier to Mr. Kramer that  
10 you have an extensive history as an asbestos  
11 abatement supervisor going back to 1985, correct?

12 A. Yes.

13 Q. And you testified that when you toured the  
14 Cleveland Trencher site that there was extensive  
15 damage to this place as well, correct?

16 A. Yes.

17 Q. Did it ever occur to you with the  
18 combination of your experience and what you viewed  
19 at this site to contact Safe Environment and  
20 apprise them of what you saw?

21 A. No, because it -- again, at that time, I  
22 didn't know that Tony -- or that Tomas wasn't going  
23 to get a license. I thought there was a good  
24 possibility while we were doing the nonfriable.

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1 Q. Once you realized Safe Environment was  
2 involved, according to Tomas Amaya, on August 31st,  
3 did it occur to you to call Safe Environment and  
4 tell them what the site was like?

5 A. At that time, it was clean.

6 Q. It was cleaned?

7 A. It was cleaned up a lot better than when  
8 we got there.

9 MR. THOMAS: I have no further questions.

10 MR. KRAMER: I have one.

# FURTHER EXAMINATION

12 BY MR. KRAMER:

13 Q. Mr. Vadas, when -- the first day of your  
14 deposition, a seven-hour day, is it true that at  
15 the end of that deposition before you left for the  
16 day that you approached Attorney Thomas and myself  
17 to advise us of that conversation you had with  
18 Mr. Lovelace the morning after the site was closed?

19 A. Yes.

20 Is -- is it true that I -- I approached  
21 you about that?

22 Q. Yes.

23 A. I said I had more --

24 Q. You told both of us, both attorneys at

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1 that time about that conversation?

2 A. Yeah. Yeah, I did.

3 Q. All right.

4 So you weren't trying to conceal it or  
5 make --

6 A. No.

7 Q. -- it up today, were you?

8 A. No. No. No. This -- this is stuff I  
9 wanted to say but I kept being turned around with  
10 all these notifications and cover sheets.

11 Q. When you ended that first day at  
12 deposition, did you go back into your files and try  
13 to review things --

14 A. You bet I did.

15 Q. -- before continuation?

16 A. Yes.

17 Q. Did you then offer to provide me  
18 additional documents which you did by fax on --

19 A. Yes, I did.

20 Q. -- September 1st?

21 A. Yes, I did.

22 Q. That you had found in your own files?

23 A. Yes.

24 Q. All right.

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1 And we discussed those?

2 A. Yes.

3 Q. So that I would know what to ask you about  
4 or what the meaning of those documents were in  
5 relation to any further testimony you gave here?

6 A. Yes, because I was totally unprepared  
7 during the first deposition. I had no idea these  
8 type of questions were going to come up. I did not  
9 even know I had all this paperwork in my -- in my  
10 files. I was fortunate that I did save a lot of  
11 this.

12 Q. And I am not nor have I ever been your  
13 attorney; is that correct?

14 A. No. That's correct.

15 MR. KRAMER: That's all the questions I have.

16 MR. THOMAS: I have nothing further.

17 THE VIDEOGRAPHER: This concludes today's  
18 deposition. We're off the record at 1:52 p.m.

19 MR. KRAMER: Excuse me, we have to advise the  
20 witness on the record.

21 Mr. Vadas, all witnesses, parties or not,  
22 have the right to review and sign their deposition.  
23 They may waive that right if they want. I would  
24 probably think that because you're a party in this,

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