

**Job No. 9625**

**Commission Called Hearing**

**Steven Lipsky**

**January 14, 2011**



**307 W. 7<sup>th</sup> Street, Suite 1350  
Fort Worth, Texas 76102**

**817-336-3042 \* [depos@merittexas.com](mailto:depos@merittexas.com)**

Page 1

1 DOCKET NO. 7B-0268629  
 2 COMMISSION CALLED HEARING )  
 3 TO CONSIDER WHETHER ) Before the  
 4 OPERATION OF THE RANGE )  
 5 PRODUCTION COMPANY BUTLER )  
 6 UNIT, WELL NO. 1H(RRC NO. )  
 7 253732) AND THE TEAL UNIT, )  
 8 WELL NO. 1H(RRC NO. 253729) )  
 9 NEWARK, EAST (BARNETT SHALE) )  
 10 FIELD, HOOD COUNTY, TEXAS, )  
 11 ARE CAUSING OR CONTRIBUTING )  
 12 TO CONTAMINATION OF CERTAIN ) RAILROAD COMMISSION  
 13 DOMESTIC WATER WELLS IN ) OF TEXAS  
 14 PARKER COUNTY, TEXAS )  
 -----  
 15 ORAL AND VIDEOTAPED DEPOSITION OF  
 16 STEVEN P. LIPSKY  
 17 JANUARY 14, 2011  
 -----  
 18 ORAL AND VIDEOTAPED DEPOSITION OF STEVEN P. LIPSKY,  
 19 produced as a witness at the instance of the Range  
 20 Production Company and duly sworn, was taken in the  
 21 above styled and numbered cause on January 14, 2011,  
 22 from 9:41 a.m. to 4:58 p.m., before Gaylord Sturgess,  
 23 Certified Shorthand Reporter No. 744 in and for the  
 24 State of Texas, reported by Stenographic method at the  
 25 Law Offices of Taylor, Olson, Adkins, Sralla & Elam,  
 6000 Western Place, Suite 200, Fort Worth, Texas,  
 pursuant to the Texas Rules of Civil Procedure, Notice  
 (and the provisions stated on the record).  
 Job No. 9625 (110114GAS)  
 (GS-1104-mb)

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1 A P P E A R A N C E S  
 2  
 3 Attorneys for Steve Lipsky:  
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 TROY OKRUHLIK, ESQ.  
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 Fort Worth, Texas 76102  
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 asims@hfblaw.com  
 19  
 20  
 21 Also present:  
 22 Shyla Lipsky  
 23 Greg Simons, videographer - morning  
 David Crenshaw, Videographer - afternoon  
 24  
 25

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1  
2  
3           PROCEEDINGS  
4           THE REPORTER: Just under the Rules?  
5           MR. SIMS: Yes.  
6           MR. STEWART: Rules, I like rules. Yeah,  
7 Rules are fine.  
8           THE VIDEOGRAPHER: On the record, today's  
9 date is January 14th, 2011 at 9:41 AM. This is the  
10 videotaped deposition of Steven Lipsky.  
11           THE REPORTER: Mr. Lipsky, would you  
12 raise your right hand, please, and be sworn?  
13           (The witness complies.)  
14           Do you solemnly swear, or affirm, the  
15 testimony you shall give in this case will be the  
16 truth, the whole truth and nothing but the truth, so  
17 help you God?  
18           THE WITNESS: Yes.  
19           THE REPORTER: Thank you.  
20           STEVEN P. LIPSKY,  
21 the witness hereinbefore named, having been duly sworn  
22 to tell the truth, testified upon his oath as follows:  
23           EXAMINATION  
24 BY MR. SIMS:  
25           Q Mr. Lipsky, would you please state your

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1 full name for the record?  
2           A **Steven Paul Lipsky.**  
3           Q Mr. Lipsky, you understand that you're  
4 here today giving a deposition in Docket Number  
5 7B-0268629, a matter that has been called by the  
6 Railroad Commission of the State of Texas?  
7           A **Yes.**  
8           Q And in connection with your deposition  
9 today, you were served through your Counsel with a  
10 commission to take your deposition and a subpoena  
11 duces tecum, is that correct, that I've marked as  
12 Exhibit 1 there?  
13           (Short pause.)  
14           A **You've got my name spelled wrong.**  
15           Q Have you seen a copy of the document  
16 that's been marked as Exhibit 1 to your deposition?  
17           A **You've got my name spelled wrong, so not**  
18 **this one.**  
19           (Short pause.)  
20           Okay.  
21           (Short pause.)  
22           Okay. **What was the question?**  
23           Q Have you seen a copy of Exhibit 1?  
24           A **I believe so.**  
25           Q All right. And in connection with

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1 Exhibit 1, have you produced all the documents that  
2 are responsive to the subpoena requesting you to bring  
3 documents today that you have in your possession?  
4           A **I believe so.**  
5           Q Are the documents in the three folders  
6 sitting on the table to your right, the documents that  
7 you have brought with you today, responsive to the  
8 subpoena duces tecum to your deposition?  
9           A **Again, I haven't looked through this, but**  
10 **I -- I believe so.**  
11           Q When you say you haven't looked through  
12 it, who has looked through it?  
13           A **Well, me and my wife put it together.**  
14 **And I, again, just gave it to the attorneys. So...**  
15           Q You pulled everything you thought was  
16 responsive to the subpoena duces tecum and brought it  
17 to your attorneys?  
18           A **Yes, everything I could find.**  
19           Q Do you know if your attorneys have pulled  
20 out anything or withheld anything that you brought to  
21 them?  
22           A **I don't --**  
23           MR. STEWART: Objection. Objection.  
24 He's not going to answer that question.  
25 You are invading the attorney-client,

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1 attorney work product privilege, what we've talked to  
2 him about, what would and would not happen with the  
3 documents. So he's not answering that.  
4           MR. SIMS: No, I'm simply asking.  
5 BY MR. SIMS:  
6           Q Do you know if everything you brought to  
7 the attorneys is being produced in the three red rope  
8 folders today?  
9           MR. STEWART: That's what I just said.  
10 He's not answering that question.  
11 BY MR. SIMS:  
12           Q Are you going to refuse to answer that  
13 question?  
14           MR. STEWART: He is.  
15           THE WITNESS: Based on my attorney, yes.  
16 BY MR. SIMS:  
17           Q Are the documents in the three red rope  
18 folders seated to your right the documents that are  
19 being produced today pursuant to the subpoena duces  
20 tecum?  
21           A **I believe so.**  
22           Q All right. Well, let's go ahead and mark  
23 them so we'll have a complete record of what's being  
24 produced today.  
25           (Short pause.)

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1 Mr. Lipsky, I've marked three red rope  
2 folders that have documents in them. Two of the  
3 folders have rubber bands around the documents, and  
4 another folder just has loose documents in it.  
5 Are Exhibits 2, 3 and 4 to your  
6 deposition all the documents that you're producing  
7 here today at your deposition responsive to the  
8 subpoena duces tecum.  
9 **A I believe so.**  
10 Q As you sit here today, do you know  
11 whether there are any other documents responsive to  
12 the subpoena duces tecum that are not being produced?  
13 **A Not that I know of.**  
14 Q What did you do to assemble the documents  
15 called for by the subpoena duces tecum?  
16 **A Did searches, checked everywhere.**  
17 Q Where did you search?  
18 **A Is that a question?**  
19 **I don't understand.**  
20 Q Where did you search --  
21 **A For?**  
22 Q -- the documents?  
23 **A The documents?**  
24 **Computers, notes, emails, phrases, gas,**  
25 **this, anything.**

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1 Q The computers that you searched, where  
2 are they located?  
3 **A Home.**  
4 Q And how many computers do you have at  
5 your home that you searched?  
6 **A Two.**  
7 Q Do you have an office at home?  
8 **A Yes.**  
9 Q How many computers do you have in your  
10 office?  
11 **A One.**  
12 Q How many computers do you have in your  
13 home altogether?  
14 **A Five and Netbooks -- I mean Netbooks and**  
15 **iPads.**  
16 Q So of the five computers in your home,  
17 you searched two of them for documents responsive to  
18 the subpoena duces tecum?  
19 **A Yes.**  
20 Q What is your residence, sir?  
21 **A Address?**  
22 Q Yes.  
23 **A 127 River Oak Court, Weatherford, Texas**  
24 **76087.**  
25 Q Do you have an office outside the home?

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1 **A Not too much any more.**  
2 Q Since you've lived in Weatherford, have  
3 you ever had an office outside the home?  
4 **A Yes.**  
5 Q And where was that office located?  
6 **A 1400 Santa Fe, Suite 200, Weatherford,**  
7 **Texas 76086.**  
8 Q Since you've lived in Weatherford, Texas,  
9 have you ever had any other office other than the 1400  
10 Santa Fe address?  
11 **A Weatherford, yes.**  
12 Q Where is that?  
13 **A 175 Old Ranch Court, Weatherford, Texas**  
14 **76087.**  
15 **1501 Silverado Drive, Weatherford, Texas**  
16 **76087.**  
17 Q Have you told me about all the office  
18 addresses that you've had since you've been living in  
19 Weatherford, Texas?  
20 **A Yes, I believe so.**  
21 Q Mr. Lipsky, what's your date of birth?  
22 **A 7-26-1967.**  
23 Q Where did you graduate from high school?  
24 **A Clintonville, Wisconsin.**  
25 Q And what year was that?

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1 **A 1988, I think it was.**  
2 Q After graduating from high school in  
3 Wisconsin, what did you do?  
4 **A Took a year off.**  
5 Q What did you do for that year?  
6 **A Lived in Vail.**  
7 **THE REPORTER: I didn't understand you.**  
8 **THE WITNESS: Lived in Vail, Colorado**  
9 **BY MR. SIMS:**  
10 Q After taking the year off and living in  
11 Vail, Colorado, what did you do then?  
12 **A Went to school.**  
13 Q And where did you go to school?  
14 **A Went to two. One was a branch of the**  
15 **University of Wisconsin.**  
16 **And then one was Fox Valley Technical**  
17 **College.**  
18 Q Can you say that again?  
19 **A Fox Valley Technical College, Appleton,**  
20 **Wisconsin.**  
21 Q What branch of the University of  
22 Wisconsin did you attend?  
23 **A I think it was -- I think it was Menasha.**  
24 Q How long did you attend The University of  
25 Wisconsin at Menasha?

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1           A    **One year.**  
2           Q    Did you have a major or declare a major  
3    during that time period?  
4           A    **No.**  
5           Q    After leaving The University of Wisconsin  
6    at Menasha, did you then enroll in Fox Valley  
7    Technical School?  
8           A    **Yes.**  
9           Q    And where is that located?  
10          A    **In Appleton, Wisconsin.**  
11          Q    How long were you a student at Fox Valley  
12    Technical School in Appleton, Wisconsin?  
13          A    **About a year.**  
14          Q    What did you study at the Fox Valley  
15    Technical School?  
16          A    **Two subjects. It was undecided -- paper  
17    chemistry and criminal justice.**  
18          Q    After a year at Fox Valley Technical  
19    School, did you leave that institution?  
20          A    **Yes.**  
21          Q    What did you do then?  
22          A    **Moved to Pennsylvania.**  
23          Q    And what year did you move to  
24    Pennsylvania?  
25          A    **I believe it was 1993.**

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1           Q    What caused you to move to Pennsylvania?  
2           A    **Got a job at Prudential.**  
3           Q    What were you doing for Prudential in  
4    Pennsylvania?  
5           A    **I was an agent.**  
6           Q    An insurance agent?  
7           A    **And mutual funds.**  
8           Q    Where did you live in Pennsylvania?  
9           A    **Two places. Quakertown, Pennsylvania --  
10    actually three. Allentown, Pennsylvania and Bath,  
11    Pennsylvania.**  
12          Q    Was Quakertown the first town you moved  
13    to in Pennsylvania?  
14          A    **Second.**  
15          Q    What was the first town you lived in in  
16    Pennsylvania?  
17          A    **Bethlehem.**  
18          Q    So you moved to Bethlehem, Pennsylvania  
19    from Wisconsin in 1993?  
20          A    **I'm sorry. Bath, then Bethlehem, then  
21    Quakertown, then back to Bath.**  
22          Q    Did you move to Bath, Pennsylvania from  
23    Wisconsin in 1993?  
24          A    **Yes, I believe it was 1993.**  
25          Q    How long did you live in Bath,

Page 15

1           Pennsylvania?  
2           A    **First time or second time?**  
3           Q    First time?  
4           A    **Six months, maybe.**  
5           Q    After you moved from Bath, Pennsylvania,  
6    where did you move to?  
7           A    **I believe it was Bethlehem.**  
8           Q    Were you still working for Prudential  
9    when you made that move?  
10          A    **Yes.**  
11          Q    How long did you live in Bethlehem,  
12    Pennsylvania?  
13          A    **I think it was six months.**  
14          Q    After living in Bethlehem, Pennsylvania  
15    for six months, where did you move to?  
16          A    **Quakertown.**  
17          Q    When you moved to Quakertown,  
18    Pennsylvania, were you still working for Prudential?  
19          A    **Yes.**  
20          Q    How long did you live in Quakertown,  
21    Pennsylvania?  
22          A    **I believe it was ten or twelve months.**  
23          Q    Where did you move to after you lived in  
24    Quakertown, Pennsylvania?  
25          A    **Back to Bath, Pennsylvania.**

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1           Q    Were you still working for Prudential  
2    when you moved back to Bath, Pennsylvania?  
3           A    **No.**  
4           Q    When did you cease working for  
5    Prudential?  
6           A    **I believe it was 1995.**  
7           Q    Based on your testimony, did you cease  
8    working for Prudential while you were living in  
9    Quakertown, Pennsylvania?  
10          A    **I think so.**  
11          Q    What did you do after you ceased working  
12    for Prudential?  
13          A    **Became independent.**  
14          Q    Is that when you moved back to Bath,  
15    Pennsylvania?  
16          A    **Yes.**  
17          Q    And when you say you became independent,  
18    did you become an independent insurance agent?  
19          A    **And mutual funds, yes.**  
20          Q    When you say mutual funds, were you  
21    advising people on how to invest their money at that  
22    point in time?  
23          A    **No.**  
24          Q    What did you do in connection with mutual  
25    funds?

Page 17

1           **A   Worked with a third party and still had**  
2           **commissions and licenses.**  
3           Q   What third party did you work with?  
4           **A   John Menzo.**  
5           Q   In the State of Pennsylvania, did you  
6           hold any licenses?  
7           **A   Yes.**  
8           Q   What licenses did you hold?  
9           **A   Series 6, Series 63 and Life and Health.**  
10          Q   What is a Series 6 license?  
11          **A   Investments.**  
12          Q   What is a Series 63 license?  
13          **A   Mutual funds.**  
14          Q   And the life and health license was a  
15          license through the state of Pennsylvania that enabled  
16          you to sell life and health insurance products?  
17          **A   Yes.**  
18          Q   You believe you moved back to Bath,  
19          Pennsylvania in about 1995?  
20          **A   I believe so.**  
21          Q   Did you open up your own office at that  
22          point in time?  
23          **A   Assisted.**  
24          Q   When you say assisted, what do you mean?  
25          **A   I didn't -- it wasn't my office. I was**

Page 18

1           **just leasing it through a third party.**  
2           Q   And who's the third party that you were  
3           leasing through?  
4           **A   John Menzo.**  
5           Q   What was the name of Mr. Menzo's business  
6           that you worked with?  
7           **A   I can't remember.**  
8           Q   How long did you work with Mr. Menzo in  
9           Bath, Pennsylvania?  
10          **A   I'm not sure.**  
11          Q   When did you leave Bath, Pennsylvania?  
12          **A   I'm not sure. I can guess.**  
13          Q   Can you give me an approximate time  
14          period when you left Bath, Pennsylvania?  
15          **A   1996, 1997.**  
16          Q   When you left Bath, Pennsylvania, what  
17          did you do?  
18          **A   Came to Texas for a little.**  
19          Q   Did you say came to Texas for a little?  
20          **A   Yes.**  
21          Q   In 1996 or 1997, where did you move to in  
22          Texas?  
23          **A   Stayed at my mother's.**  
24          Q   And where does your mother live?  
25          **A   Now or then?**

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1           Q   Then?  
2           **A   Cedar Hill, Texas.**  
3           Q   When you came to Texas, did you have a  
4           job?  
5           **A   No.**  
6           Q   How long did you live with your mother in  
7           Cedar Hill, Texas?  
8           **A   Four months.**  
9           Q   Did you obtain a job during that  
10          four-month time period?  
11          **A   Yes.**  
12          Q   And where did you go to work?  
13          **A   Insurance and bartending.**  
14          Q   Who did you work with in connection with  
15          the insurance business?  
16          **A   Independent.**  
17          Q   Did you obtain licenses from the State of  
18          Texas in connection with the insurance business?  
19          **A   Yes.**  
20          Q   What type of licenses did you obtain from  
21          the State of Texas in connection with the insurance  
22          business?  
23          **A   Life and Health.**  
24          Q   And when did you obtain those licenses?  
25          **A   Again, I'm not sure.**

Page 20

1           Q   Where did you serve as a bartender?  
2           **A   Humperdink's of Arlington.**  
3           Q   When did you begin working at  
4           Humperdink's in Arlington as a bartender?  
5           **A   Again, I'm not sure.**  
6           Q   How long did you work at Humperdink's in  
7           Arlington as a bartender?  
8           **A   A few months.**  
9           Q   Did you open up your own office as an  
10          independent Life and Health insurance agent at some  
11          point in the State of Texas?  
12          **A   Later.**  
13          Q   And when you say later, when did you open  
14          up your own office in Life and Health insurance?  
15          **A   I think it was 1999.**  
16          Q   Do you think that's about when you  
17          obtained your license to sell Life and Health  
18          insurance in Texas?  
19          **A   No.**  
20          Q   When do you think you obtained your  
21          license to sell Life and Health insurance in Texas?  
22          **A   On -- about two years prior.**  
23          Q   Did you work for other life insurance  
24          companies or agencies after moving to Texas and before  
25          you opened up your own business in 1999?

Page 21

1           A   **20**  
2   **No.**  
3           Q   When you worked as a Life and Health  
4 insurance agent in the State of Texas before opening  
5 up your own business in 1999, did you office out of  
6 your mother's home?  
7           A   **No.**  
8           Q   Where did you office?  
9           A   **Again, I left after four months. I**  
10 **didn't have an office.**  
11          Q   Where did you go when you left after four  
12 months?  
13          A   **I don't understand the question.**  
14          Q   When you moved to Texas from Bath,  
15 Pennsylvania, were you in Texas for four months?  
16          A   **Approximately.**  
17               **(The witness nodded his head up and**  
18 **down.)**  
19          Q   Where did you go when you left Texas at  
20 that point in time?  
21          A   **To Ohio.**  
22          Q   Would this have been in about 1996 or  
23 1997?  
24          A   **I think 1997; I'm not sure.**  
25          Q   Where did you go in Ohio?

Page 22

1           A   **Miamisburg.**  
2          Q   What did you do there?  
3          A   **Sold insurance.**  
4          Q   Did you obtain any licenses in the State  
5 of Ohio?  
6          A   **Yes.**  
7          Q   What licenses did you obtain there?  
8          A   **I believe I got the Life and Health**  
9 **there, also; I'm not sure.**  
10         Q   Who did you work with or work for in  
11 Ohio?  
12         A   **Independent.**  
13         Q   Were you associated with or affiliated  
14 with any insurance companies in Ohio?  
15         A   **No, not directly.**  
16         Q   Were you associated with or affiliated  
17 with any insurance agencies in Ohio?  
18         A   **Again, not directly. Independent.**  
19         Q   Which companies did you sell Life and  
20 Health insurance for in the State of Ohio?  
21         A   **It was Philadelphia Life, turned to**  
22 **Conseco; Kemper. What was it called? I mean, there**  
23 **was probably fifteen.**  
24         Q   How long did you live in Ohio?  
25         A   **I'm not sure.**

Page 23

1           Q   Do you have an approximation?  
2           A   **Not more than two years, but not -- yeah,**  
3 **more than one year, less than two years.**  
4           Q   Were you in the insurance business the  
5 entire time you were in Ohio?  
6           A   **Yes.**  
7           Q   Did you live in Miamisburg the entire  
8 time you were in Ohio?  
9           A   **Yes.**  
10          Q   After you left Ohio, where did you move?  
11          A   **Texas.**  
12          Q   Was that in about 1999?  
13          A   **Yes.**  
14          Q   Where did you move to in Texas in 1999?  
15          A   **Euleless.**  
16          Q   When you moved to Texas in 1999, did you  
17 have employment?  
18          A   **No and yes; self-employed. Actually, I**  
19 **got some of those mixed up, I'm sorry.**  
20          Q   What do you mean, you got some of those  
21 mixed up?  
22          A   **Let me think here. In 1992 I moved down**  
23 **here -- no, I think that's right. Okay.**  
24          Q   What were you doing in 1999 when you  
25 moved to Texas from Ohio?

Page 24

1           A   **I was selling insurance and bi-weekly**  
2 **programs.**  
3           Q   What are bi-weekly programs?  
4           A   **A program that a client can go on,**  
5 **instead of making his mortgage payment once a month,**  
6 **basically, pays half plus a transfer fee every two**  
7 **weeks, every other Friday.**  
8           Q   How long did you live in Euleless?  
9           A   **I think a little over a year.**  
10          Q   What was your address in Euleless?  
11          A   **Boy! I think it was 512 Anise Lane.**  
12          Q   A-N-I-S-E?  
13          A   **Yes.**  
14          Q   Where did you move to after you moved  
15 from Euleless?  
16          A   **I believe we moved to Eagle Mountain**  
17 **Lake.**  
18          Q   What was the address at Eagle Mountain  
19 Lake that you moved to?  
20          A   **I can't remember.**  
21          Q   Was this in about 2000?  
22          A   **I think so.**  
23          Q   Do you remember what street name you  
24 lived on in Eagle Mountain Lake?  
25          A   **No.**

Page 25

1 Q How long did you live in Eagle Mountain  
2 Lake?  
3 A **We had two residence. The first one, six**  
4 **months.**  
5 **The second one, I think a little over a**  
6 **year.**  
7 Q So it would be fair to say that you lived  
8 in Eagle Mountain Lake about eighteen months?  
9 A **I think so.**  
10 Q You don't recall the addresses or street  
11 names of either of those residences in Eagle Mountain  
12 Lake?  
13 A **Not off the top of my head, no.**  
14 Q After you moved from Eagle Mountain Lake,  
15 where did you move?  
16 A **Weatherford, Texas.**  
17 Q What was your address in Weatherford,  
18 Texas?  
19 A **On Silverado Drive, I can't think of it**  
20 **off the top of my head, sorry. It was the first**  
21 **address -- at 1501.**  
22 Q 1501 Silverado Drive in Weatherford,  
23 Texas?  
24 A **Yes.**  
25 Q Is that in the same neighborhood that you

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1 live now?  
2 A **Yes.**  
3 Q How long did you live at 1501 Silverado  
4 Drive in Weatherford, Texas?  
5 A **I think maybe a little over three years.**  
6 Q Did you move to 1501 Silverado Drive in  
7 Weatherford, Texas in about 2002 or 2003?  
8 A **Moved -- again, what was the question?**  
9 Q Did you move to 1501 Silverado Drive in  
10 Weatherford, Texas, in about 2002 or 2003?  
11 A **2002.**  
12 Q And you lived there for about three  
13 years?  
14 A **It could have been actually, late, late,**  
15 **2001.**  
16 Q Did you live at that address, 1501  
17 Silverado Drive, for about three years?  
18 A **Maybe four, I'm not sure.**  
19 Q While you lived at 1501 Silverado Drive  
20 and in Eagle Mountain Lake, what business were you  
21 involved in at that time?  
22 A **Mainly bi-weekly programs.**  
23 Q Did you own your own business?  
24 A **Yes; independent.**  
25 Q Did you have a company name that you went

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1 by, or were you just a d/b/a?  
2 A **D/b/a.**  
3 Q And what was the name of your d/b/a?  
4 A **Which --**  
5 Q Well, let's start, say, in 1999 and bring  
6 me forward through 2005.  
7 A **I believe -- I'm not sure -- Individual**  
8 **Financial Planning. And I think, Mortgage Savings**  
9 **Program.**  
10 **What were the dates?**  
11 Q Say, from 1999 when you moved to Texas  
12 through 2005, what names did you operate under?  
13 A **I'm trying to remember. I believe by --**  
14 **towards the end we got Equity Plus, and there's one or**  
15 **two others, I just can't think of them off the top of**  
16 **my head right now.**  
17 Q Did you ever create any companies or  
18 LLC's or other business forms to operate under, or was  
19 it just always through you, individually?  
20 A **2001.**  
21 Q In 2001 you created an entity to operate  
22 under?  
23 A **Yes.**  
24 Q What was the name of that entity?  
25 A **Lipsky and Associates, Inc.**

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1 Q Beginning in 2001, did you operate your  
2 business under Lipsky and Associates, Inc?  
3 A **Yes.**  
4 Q Have you operated your business under  
5 Lipsky and Associates, Inc, under the name -- under  
6 that name since 2001?  
7 A **As the corporation.**  
8 Q And did the corporation do business as  
9 these other names that you've told me about?  
10 A **Yes.**  
11 Q Other than Lipsky & Associates, I think,  
12 have you created or formed any other companies under  
13 which you've done business?  
14 A **No. Formed another company, but never**  
15 **did business with them.**  
16 Q And what company was that?  
17 A **Something with insurance, Lipsky and**  
18 **Associates Life, or -- we never used it.**  
19 Q I take it, in or around 2005, you moved  
20 from your 1501 Silverado Drive residence?  
21 A **I think so.**  
22 Q And where did you move to?  
23 A **175 Old Ranch Court.**  
24 Q And is that in the Silverado  
25 neighborhood?



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1 A Yes.  
2 Q How long did you live at 175 Old Ranch  
3 Court?  
4 A I think around three years.  
5 Q When you moved to 175 Old Ranch Court,  
6 did you sell your home at 1501 Silverado Drive?  
7 A Yes.  
8 Q To whom did you sell that house to?  
9 A Mary Pat.  
10 Q When you purchased your home at 1501  
11 Silverado Drive, from whom did you buy the home?  
12 A Weatherford Bank.  
13 Q When you bought the home at 175 Old Ranch  
14 Court, from whom did you buy it?  
15 A Randy Hargrove.  
16 Q And you lived at 175 Old Ranch Court, you  
17 said up until about 2008?  
18 A 2009.  
19 Q When you moved from 175 Old Ranch Court  
20 in 2009, where did you move to?  
21 A Our cabin.  
22 Q And where is your cabin located?  
23 A Behind 127 River Oak Court.  
24 Q Is 127 River Oak Court also located in  
25 Silverado?

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1 A Yes.  
2 Q When did you move to your cabin at 127  
3 River Oak Court in the year 2009?  
4 A I believe it was August.  
5 Q Did you sell your house at 175 Old Ranch  
6 Court to someone when you moved over to 127 River Oak  
7 Court?  
8 A Yes.  
9 Q To whom did you sell the house?  
10 A Rick Haley.  
11 Q From 2005 to 2009, have you -- did you  
12 continue to do business under the name of Lipsky and  
13 Associates, Inc?  
14 A Yes.  
15 Q And during the time period between 2005  
16 and 2009, were you still involved in the -- selling  
17 the bi-weekly programs?  
18 A Yes.  
19 Q Was that the primary focus of your  
20 business during those years?  
21 A Yes.  
22 Q Would that also be true from 1999 up  
23 through 2005?  
24 A No. No, not that whole period.  
25 Q When did your business focus shift to

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1 selling the bi-weekly programs primarily?  
2 A I think it was 2000.  
3 Q Prior to 2000 you were still primarily  
4 involved in the Life and Health insurance business?  
5 A Both.  
6 Q Seated here in the room is your wife,  
7 Mrs. Shyla Lipsky. Is that correct?  
8 A Yes.  
9 Q Okay. When did you and Mrs. Lipsky get  
10 married?  
11 A It's been how long? Six years? Seven?  
12 Let's see, Steve is seven, so actually it would be  
13 going on eight years. Now, I am in trouble.  
14 Q Sorry. I didn't mean to get you in  
15 trouble.  
16 You got married in about 2003?  
17 A Yeah. So I'm being coached over here.  
18 Q Is your marriage to Shyla your first  
19 marriage?  
20 A Yes.  
21 Q And do you have children, sir?  
22 A Yes.  
23 Q How many children do you have?  
24 A Three.  
25 Q Okay. And what are their ages?

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1 A Now?  
2 Two, six and seven.  
3 Q Other than the homes and residences that  
4 you've told me about that you have owned, have you  
5 ever owned any other real property in the State of  
6 Texas?  
7 A No.  
8 Q What was Shyla's name before the two of  
9 you married, her maiden name?  
10 A Oliver.  
11 Q Is she from the State of Texas?  
12 A Oh, yes.  
13 Q What was her hometown?  
14 A Graham, Texas.  
15 Q Since you and Shyla have been married,  
16 has she worked outside the home?  
17 A For our company.  
18 Q Lipsky and Associates, Inc?  
19 A Yes.  
20 Q What have been her job responsibilities  
21 with Lipsky and Associates?  
22 A Accounting.  
23 Q Is Shyla a college graduate?  
24 A I don't think so.  
25 Q Does she have an accounting background?

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1           A   **Some.**  
 2           Q   Beyond high school are you aware of her  
 3   educational history or background?  
 4           A   **Some.**  
 5           Q   Tell me about that?  
 6           A   **I know she went to college. I don't know**  
 7   **how long or even what for.**  
 8           Q   Do you know what college she attended?  
 9           A   **Somewhere here in Texas.**  
 10          Q   Mr. Lipsky, have you ever been involved  
 11   in any lawsuits?  
 12          A   **Yes.**  
 13          Q   How many lawsuits have you been involved  
 14   in, say, from 2000 to the present?  
 15          A   **One.**  
 16          Q   Tell me about that one lawsuit?  
 17          A   **I didn't understand the question.**  
 18          Q   Where was the lawsuit pending?  
 19          A   **I believe it was filed in Ohio.**  
 20          Q   Were you named in the lawsuit,  
 21   individually?  
 22          A   **Yes.**  
 23          Q   Were you a Plaintiff or Defendant in the  
 24   suit?  
 25          A   **I believe at one time both.**

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1           Q   What was the lawsuit about?  
 2           A   **Copyright.**  
 3           Q   And what was the subject matter of the  
 4   copyright at issue?  
 5           A   **Bi-weekly Mortgage Program.**  
 6           THE REPORTER: I didn't understand.  
 7           THE WITNESS: Bi-weekly Mortgage Program.  
 8   BY MR. SIMS:  
 9           Q   What town in Pennsylvania or city was  
 10   this lawsuit pending -- excuse me -- in Ohio?  
 11          A   **I believe Miamisburg or Dayton.**  
 12          Q   Was it just one lawsuit that you were  
 13   involved in?  
 14          A   **I don't know if we actually ever filed**  
 15   **the second one back; I'm not sure, I can't remember if**  
 16   **we ever had to.**  
 17          Q   Did the lawsuit go to trial, or was it  
 18   resolved?  
 19          A   **Resolved.**  
 20          Q   Who was the Plaintiff in the lawsuit?  
 21          A   **Nationwide Bi-weekly Mortgage Program.**  
 22          Q   Was the lawsuit pending in State Court or  
 23   Federal Court?  
 24          A   **I think it might have been Federal.**  
 25          Q   What was the nature of the allegations

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1           being made against --  
 2           A   **I'm not sure of the state --**  
 3           Q   What were the nature of the allegations  
 4   being made against you in that lawsuit?  
 5           A   **I believe copyright infringement.**  
 6           Q   Who was your attorney in that lawsuit?  
 7           A   **Actually, I had more than one.**  
 8           Q   Do you remember the names of any of them?  
 9           A   **Sanford, Jeff. What's his name?**  
 10          **John -- I can't remember his last name, it's kind of a**  
 11   **big one. Malajowski or something. I don't have it**  
 12   **here in front of me.**  
 13          Q   How long was that lawsuit on file?  
 14          A   **I think two years.**  
 15          Q   How was the lawsuit resolved?  
 16          A   **Outside settlement. You know, dismissed.**  
 17   **There was really no settlement; just dismissed.**  
 18          Q   Other than the lawsuit that you've told  
 19   me about in Ohio, have you ever been a party to any  
 20   other lawsuit?  
 21          A   **No.**  
 22          Q   Prior to today, have you ever given a  
 23   deposition before?  
 24          A   **Yes.**  
 25          Q   When did you give a deposition before

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1           today?  
 2           A   **It was -- I'm not sure of the date; I**  
 3   **can't remember.**  
 4           Q   Was it in connection with this lawsuit in  
 5   Ohio?  
 6           A   **Yes.**  
 7           Q   Since you moved to Texas in about 1999,  
 8   have you suffered from any illnesses of any kind?  
 9           A   **The summer of 2010.**  
 10          Q   What type of illness did you have in the  
 11   summer of 2010?  
 12          A   **I don't know.**  
 13          Q   Did you see any medical professionals in  
 14   connection with this illness that you had in the  
 15   summer in 2010?  
 16          A   **Not really, no.**  
 17          Q   Did you take any over the counter  
 18   medications or any other medications in connection  
 19   with the is that you had in the summer of 2010?  
 20          A   **No.**  
 21          Q   What type of illness did you have in the  
 22   summer of 2010; what were the symptoms?  
 23          A   **Dizzy, didn't want to get out of bed.**  
 24   **Tired all the time.**  
 25          Q   Any other symptoms?

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1           A    **I felt like maybe I was dying of cancer.**  
2   **I'm not sure. I just felt terrible.**  
3           Q    When did these symptoms begin?  
4           A    **Obvious, maybe starting in June.**  
5           Q    And did the --  
6           A    **Or maybe even earlier, but around there.**  
7           Q    Did the symptoms cease at some point, or  
8 do you still have them?  
9           A    **No. End of July.**  
10          Q    So you had the symptoms of being dizzy,  
11 not wanting to get out of bed and tired all the time  
12 from at some point in June of 2010 through July of  
13 2010?  
14          A    **Yeah, May or June, I'm not sure.**  
15          Q    During this time period, you never saw a  
16 doctor or any other health professional related to any  
17 of these symptoms?  
18          A    **I didn't even want to get out of bed.**  
19 **Just may try -- I just went -- I don't know. I**  
20 **didn't. Probably would have eventually, yeah.**  
21          Q    As you sit here today, in 2011, have you  
22 seen any doctor or medical professional about any of  
23 these symptoms that you experienced last summer?  
24          A    **No, not really. Not really.**  
25          Q    Since you've been married to your wife,

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1 has she been -- has she suffered from any illnesses  
2 since the two of you have been married?  
3          A    **Hardly ever.**  
4          Q    During the summer of 2010, did she  
5 experience any of the symptoms that you did have  
6 dizziness or not wanting to get out of bed or being  
7 tired all the time?  
8          A    **I don't know.**  
9          Q    As far as you know, are all three of your  
10 children healthy?  
11          A    **As far as I know.**  
12                **(The witness nodded his head up and**  
13 **down.)**  
14          Q    During the summer of 2010, did you notice  
15 them acting any differently or experiencing any of  
16 these symptoms that you experienced?  
17          A    **No.**  
18          Q    Have you ever been convicted of a crime  
19 of any kind, Mr. Lipsky?  
20          A    **No.**  
21          Q    To your knowledge, has Mrs. Lipsky ever  
22 been convicted of a crime of any kind?  
23          A    **Not that I know of.**  
24          Q    You currently live at 127 River Oak Court  
25 in the Silverado addition in Weatherford, Texas; is

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1 that correct?  
2          A    **Yes.**  
3          Q    When you first purchased property at the  
4 127 River Oak Court address, did you initially  
5 purchase about four and a half acres?  
6          A    **I think it was seven and a half.**  
7          Q    And from whom did you purchase that  
8 property?  
9          A    **Silverado Land Association, mainly Jerry**  
10 **Durant.**  
11          Q    What did you pay for the property on a  
12 per acre basis at that time?  
13          A    **The total was \$250.**  
14          Q    And you think that was seven and a half  
15 acres that you purchased?  
16          A    **Yes. It was two lots. 7.8 -- again, I**  
17 **don't have the details in front of me.**  
18          Q    And when did you purchase those 7.5 or  
19 7.8 acres, was that in 2005?  
20          A    **Or 4. I think it was '04.**  
21          Q    At some point after that, did you acquire  
22 some more adjoining acreage to the acreage you had  
23 already purchased?  
24          A    **Yes.**  
25          Q    And when did you acquire that acreage?

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1          A    **2000 -- I'm not a hundred percent sure.**  
2          Q    Do you think it would have been in about  
3 2007 or 8?  
4          A    **I think around 2008. Again, I don't have**  
5 **the documents in front of me.**  
6          Q    What is the total amount of acreage that  
7 you now own at the 127 River Oak Court address?  
8          A    **I believe it's 13.7.**  
9          Q    And does that include the acreage from  
10 the two lots that you initially purchased as well?  
11          A    **Yes.**  
12          Q    So you believe now you --  
13          A    **I -- okay. Go ahead.**  
14          Q    You believe now you own approximately  
15 13.7 acres?  
16          A    **Yes.**  
17          Q    Who did you acquire the remaining acreage  
18 from in about 2008?  
19          A    **Randy Hargrove.**  
20          Q    What did you pay for that acreage?  
21          A    **I bought it as one lump sum with the**  
22 **house.**  
23          Q    And what did you pay?  
24          A    **I don't understand the question.**  
25          Q    What did you pay for the real property?

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1           **A For the whole property, with the house, I**  
 2 **believe it was \$650,000. Is that right? I think so.**  
 3           **Q** And when you say with the house, does  
 4 that include the -- this guest house or cabin that you  
 5 talked about?  
 6           **A No.**  
 7           **Q** What house was on the property that you  
 8 paid \$650,000 for?  
 9           **A 175 Old Ranch Court.**  
 10          **Q** So does 175 Old Ranch Court adjoin the  
 11 property at 127 River Oak Court?  
 12          **A Yes.**  
 13          **Q** And does the property at 175 Old Ranch  
 14 Court, is that included in the 13.7 acre total or 13.8  
 15 acre total you told me about?  
 16          **A Yes, what I split.**  
 17          **Q** What do you mean when you say, what I  
 18 split?  
 19          **A I kept the land, sold the house with part**  
 20 **of it.**  
 21          **Q** Have you ever owned any of the mineral  
 22 rights to any of the properties that you've owned out  
 23 in Silverado?  
 24          **A No.**  
 25          **Q** Do you know who owns the mineral rights?

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1           **A I believe the developers.**  
 2          **Q** Have you ever owned any mineral rights in  
 3 the State of Texas?  
 4          **A No.**  
 5          **Q** Have you ever owned any mineral rights in  
 6 any other state?  
 7          **A No.**  
 8          MR. STEWART: Andy.  
 9          MR. SIMS: Yeah.  
 10          MR. STEWART: I need a bathroom break.  
 11          THE WITNESS: Okay. I pretty much there,  
 12 too.  
 13          MR. STEWART: Five minutes?  
 14          MR. SIMS: Sounds good. Let's do it.  
 15          THE VIDEOGRAPHER: Off the record at  
 16 10:50.  
 17          (Whereupon a short recess was taken.)  
 18          THE VIDEOGRAPHER: Back on the record,  
 19 11:00 AM.  
 20 BY MR. SIMS:  
 21          **Q** Mr. Lipsky, let me show you what I've  
 22 marked as Exhibit -- Deposition Exhibit 5, which is an  
 23 aerial photograph of a portion of the Silverado  
 24 Addition.  
 25          Do you see the Brazos River on the

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1 left-hand side of the photograph?  
 2          MR. STEWART: Objection, form.  
 3          **A Yes, I do.**  
 4          **Q** Can you identify on this -- on this  
 5 aerial photograph, the home that you owned and  
 6 subsequently sold that was located at 175 Old Ranch  
 7 Court?  
 8          **A Yes.**  
 9          **Q** Would you please take a pen and put a  
 10 circle around that home?  
 11          MR. STEWART: I'll give him one.  
 12          **A It doesn't write.**  
 13          MR. STEWART: It does write.  
 14          THE WITNESS: It might just be the paper.  
 15 I've got it.  
 16 BY MR. SIMS:  
 17          **Q** Would you, sir, hold that up for the  
 18 camera so we can maybe point to where that is?  
 19          **A See it on there.**  
 20          **Q** Can you point to it there on the --  
 21          **A (Indicating.)**  
 22          **Q** All right, sir.  
 23          Would you write a 175 out beside that  
 24 just to designate it as 175 Old Ranch Court?  
 25          Now, as I understand it, from your

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1 earlier testimony, apparently there was some acreage  
 2 associated with the 175 Old Ranch Court property that  
 3 you retained when you sold that house; is that  
 4 correct?  
 5          **A Yes.**  
 6          **Q** Can you -- would you please sort of draw  
 7 a line around the acreage that -- generally, I'm not  
 8 asking you to do it to scale -- but, generally, where  
 9 the property is that you retained after selling that  
 10 house?  
 11          (Short pause.)  
 12          **Q** Would you please, for the camera, just  
 13 kind of generally point to it and show on an outline  
 14 where it is?  
 15          (The witness complies.)  
 16          **Q** All right, sir. Thank you.  
 17          And if you would in there, just write  
 18 "acreage retained."  
 19          (Short pause.)  
 20          Then, if you would, in connection with  
 21 the property that you bought at 127 River Oak Court,  
 22 please draw an outline around the general location of  
 23 that property.  
 24          (Short pause.)  
 25          **A (Indicating.)**

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1 Q And would you please point for the camera  
2 where that property is located, generally?  
3 A **(Indicating.)**  
4 Q Is that the lower, where you're pointing,  
5 is that sort of the lower line of the property?  
6 A **Right here (indicating).**  
7 Q Okay.  
8 A **There --**  
9 Q And would you please write a 127 in that  
10 property description?  
11 (Short pause.)  
12 So, would it be fair to say then that you  
13 owned the property from the lower end of the 127 River  
14 Oak property line, up north through and up in behind  
15 the house located at 175 Old Ranch Court?  
16 MR. STEWART: Form objection.  
17 A **Yes.**  
18 Q There's a body of water that comes off  
19 the Brazos up in behind your property located at 127  
20 River Oak Court.  
21 Does that body of water have a name, a  
22 particular name, to your knowledge?  
23 A **No.**  
24 Q What do you refer to that as?  
25 A **The Bay.**

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1 Q Would you write the words, "the Bay," on  
2 there where that is located?  
3 (Short pause.)  
4 You lived in the Silverado Addition in  
5 Weatherford, Texas in 2005, correct.  
6 A **Yes.**  
7 Q And just for my recollection, did you  
8 live at the 175 Old Ranch Court house at that time?  
9 A **I -- I still think it was the old address**  
10 **in 2005. Yeah, it was. We still -- we still lived at**  
11 **512 -- I mean at that Silverado address.**  
12 Q At the Silverado address?  
13 A **Yes.**  
14 Q Can you locate that house on the  
15 Silverado address on this aerial exhibit?  
16 A **No.**  
17 Q Mr. Lipsky, please look at the aerial  
18 photograph that I've marked as Exhibit 6 to your  
19 deposition.  
20 And, if you would, please tell me whether  
21 you can identify the house that you lived in on  
22 Silverado Drive on this aerial photograph?  
23 A **No, I cannot.**  
24 Q Do you see Silverado Drive on this  
25 photograph?

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1 A **Some of it, but not all of it.**  
2 Q When did you move to the house at 175 Old  
3 Ranch Court?  
4 A **I'm not sure.**  
5 Q When you lived in the Silverado Addition  
6 in 2005, did you become aware of or know about the  
7 Hurst water well that had been lit at the time that it  
8 was drilled in 2005?  
9 A **Yes.**  
10 Q How did you learn about the Hurst water  
11 well being lit?  
12 A **Well, not "lit."**  
13 **We saw the fumes.**  
14 Q And when you say "we saw the fumes,"  
15 describe that for me, what you're talking about?  
16 A **We were clearing out some brush and**  
17 **burning a pile. And you could see the whole bay full**  
18 **of gas fumes and people screaming.**  
19 THE REPORTER: Screaming?  
20 THE WITNESS: Uh huh, yelling.  
21 BY MR. SIMS:  
22 Q And this was in October of 2005?  
23 A **I believe so.**  
24 Q Did you go around to the Hurst property  
25 to see what was going on, or inquire about it?

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1 A **No.**  
2 Q Did you have any conversations with  
3 anyone about what had happened with the water well at  
4 the Hurst property in October of 2005?  
5 A **My employee.**  
6 Q And who was that employee?  
7 A **I can't remember.**  
8 Q Did you learn at any point in time  
9 following that incident that the well had been lit and  
10 burned?  
11 A **Recently.**  
12 Q And when you say "recently," when is  
13 "recently"?  
14 A **Actually lit, I never knew it was lit**  
15 **truly until, I don't know, two months, three months.**  
16 **I don't know; I'm just guessing.**  
17 Q When did you first learn that the Hurst  
18 water well had actually been lit with fire?  
19 A **With fire?**  
20 **Again, about maybe two months ago.**  
21 Q How did you learn that?  
22 A **Oh. I saw pictures on I think it was the**  
23 **Powell Report.**  
24 Q Is that Powell, P O W E L L Report?  
25 A **I believe so.**

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1 Q How did you find out about these pictures  
2 on the Powell Report?  
3 MR. STEWART: Let me just object at this  
4 point and say -- just to remind Steve that he is not  
5 entitled to know anything that you talked to your  
6 attorneys about --  
7 THE WITNESS: Uh huh.  
8 MR. STEWART: -- if that's the way that  
9 you found out about it, initially.  
10 He is entitled to find out things that  
11 you learned independently of your lawyers.  
12 So, I'm just going to object to the  
13 extent that the question is asking for things that you  
14 learned about in the attorney-client relationship.  
15 THE WITNESS: I can't remember.  
16 BY MR. SIMS:  
17 Q Is the Powell Report something that you  
18 typically read or --  
19 A No.  
20 Q -- had you ever read the Powell Report  
21 before about two months ago?  
22 A No.  
23 Q You don't -- as you sit here today, you  
24 have no recollection of how it was that you decided to  
25 read the Powell Report?

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1 A **Someone told me. I don't remember who,**  
2 **seriously. I just don't remember who told me.**  
3 Q In 2005, were you a member of the  
4 Silverado Homeowners Association?  
5 A Yes.  
6 Q Did you regularly attend the Homeowners  
7 Association's meetings in 2005?  
8 A No.  
9 Q In 2005, were there any other people that  
10 lived in the Silverado Addition that were your friends  
11 that you routinely socialized with?  
12 A **Really, just the Hargroves.**  
13 Q Did you have any conversations with the  
14 Hargroves about the Hurst water well back in 2005 and  
15 what had happened with it?  
16 A **I don't think so, no.**  
17 Q Following the incident that you have  
18 described about people screaming and seeing all the  
19 gas fumes in that area of the Silverado Addition where  
20 the Hurst water well was located, it's your testimony  
21 that you never had any other conversations with anyone  
22 about what had happened, or why all those fumes were  
23 there, or anything like that?  
24 MR. STEWART: Form objection.  
25 A **Not until the last few months, no; not**

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1 **really, no. Sorry.**  
2 Q When you read the Powell Report, what did  
3 you do in relation to that document?  
4 A **I don't understand the question.**  
5 Q When you read the Powell Report, were you  
6 shocked or surprised to read about the Hurst water  
7 well and the fire and all that related to?  
8 A **Well, I didn't know about the fire, but I**  
9 **knew about it happened, but that was it.**  
10 Q Did you call anyone or talk to anyone  
11 about the Powell Report or the information in it?  
12 A Yes.  
13 Q Who did you -- who did you talk to?  
14 A **The well driller.**  
15 Q And who was that?  
16 A **Peck's Water Well.**  
17 Q Peck's Water Well Service, is your  
18 understanding the well driller that actually drilled  
19 the Hurst well?  
20 A Yes.  
21 Q And that's the well that you learned  
22 about for the first time a couple of months ago that  
23 had actually caught on fire back in 2005?  
24 MR. STEWART: Form objection.  
25 A **Yeah, knew about it. I don't really -- I**

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1 **don't think anyone ever told me before then it caught**  
2 **on fire.**  
3 **I just knew that it leaked and came out,**  
4 **but nothing about fire until, yeah, two months ago.**  
5 Q What did you -- what did you say to Mr.  
6 Peck when you called him about the Powell Report?  
7 A **Again, I talked to both the son and the**  
8 **father.**  
9 Q What did you say to the son?  
10 A **I talked about conversation in I believe**  
11 **it was August at my well house.**  
12 Q And what conversation did you have -- is  
13 it Randall Peck? Is that the son?  
14 A **Both -- Randall and Larry; there's two.**  
15 Q Did you talk to both of them at the same  
16 time or --  
17 A **In August, yes.**  
18 Q Let me try to get -- let me try to get  
19 the conversation following the Powell Report. Okay?  
20 You've told me you talked to the Pecks.  
21 Did you talk to Randall Peck and Larry  
22 Peck following the Powell Report or just one of them?  
23 A **Both of them.**  
24 Q Did you talk to them by telephone, or in  
25 person?

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1       A   **Telephone.**  
2       Q   Were they both on the line at the same  
3       time, or did you talk to them, individually?  
4       A   **Individually.**  
5       Q   Who did you talk to first?  
6       A   **Randall.**  
7       Q   What did you and Randall talk about in  
8       relation to the Powell Report?  
9       A   **Did his dad read it?**  
10      Q   You asked him if his dad had read it?  
11      A   **Yes.**  
12      Q   And what did Randall Peck tell you?  
13      A   **That, no, he didn't.**  
14      Q   What did you say to Randall Peck at that  
15      point?  
16      A   **"Maybe your dad should read it."**  
17      Q   Why did you think that his dad should  
18      read the report?  
19      A   **What he told me in August and what was on**  
20      **the report weren't the same.**  
21      Q   What did you -- what else did you and  
22      Randall talk about in that phone conversation?  
23      A   **That's it.**  
24      Q   When then did you talk to Larry Peck?  
25      A   **The same day.**

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1       Q   What did you say to Larry Peck?  
2       A   **If he had a copy of the report.**  
3       Q   And what did he tell you?  
4       A   **No.**  
5       Q   And what did you tell him in the phone  
6       conversation?  
7       A   **I'd get him one.**  
8       Q   Were you angry?  
9       A   **No. Confused.**  
10      Q   Did you raise your voice or use harsh  
11      words with Mr. Peck in that phone call?  
12      A   **Absolutely never.**  
13      Q   Did you chew Mr. Peck out on the  
14      telephone?  
15      A   **No. I was very, very -- actually, I was**  
16      **asking -- no, did not. Did not chew him out at all.**  
17      Q   Have you read his deposition?  
18      A   **Someone said that, but I don't know why**  
19      **he would say that, because I was actually as polite as**  
20      **I possibly could be.**  
21      Q   Have you read Mr. Peck's deposition?  
22      A   **No, just heard bits and pieces -- no, no,**  
23      **I did not.**  
24      Q   Did you get him a copy of the Powell  
25      Report?

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1       A   **Yes.**  
2       Q   What is it that Mr. Peck had told you in  
3       August that you believed was different than what was  
4       contained in the Powell Report?  
5       A   **The nature of the gas.**  
6       Q   When you say "the nature of the gas,"  
7       what do you mean by that?  
8       A   **The whole thing.**  
9       **What he told me in August just wasn't the**  
10      **same that was in the report. So I just asked him what**  
11      **was his opinion.**  
12      Q   Did you ask Mr. Peck if he had done any  
13      investigation to determine the source of any gas in  
14      Silverado?  
15      A   **All he told me is, he called the Railroad**  
16      **Commission.**  
17      Q   When did he tell you that he had called  
18      the Railroad Commission?  
19      A   **In August.**  
20      Q   Did he tell you what he reported to the  
21      Railroad Commission in August?  
22      A   **Yes; that he hit a gas pocket.**  
23      Q   Did he tell you where this gas pocket was  
24      that he hit?  
25      A   **Just on the Hurst property.**

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1       Q   Did Mr. Peck tell you that he had made  
2       reports to the Texas Railroad Commission about a water  
3       well that he had drilled just on the west side of the  
4       Brazos?  
5       A   **I don't understand the question. I'm**  
6       **sorry.**  
7       Q   Did you and Mr. Peck ever talk about any  
8       water wells on property on the west side of the Brazos  
9       River owned by a man named Lipscomb?  
10      A   **He might have. I can't remember. Never**  
11      **went into details. I mean, I heard the name before,**  
12      **but I just don't recall.**  
13      Q   Have you ever seen any Railroad  
14      Commission records related to Mr. Peck's reports to  
15      the Texas Railroad Commission related to water wells  
16      just on the west side of the Brazos River?  
17      A   **No, not reports.**  
18      Q   Have you seen anything related to water  
19      wells on the west side of the Brazos that contain gas?  
20      A   **Was told something in a map.**  
21      Q   Who told you that in a map?  
22      A   **Who told me about the wells?**  
23      Q   Yes, sir.  
24      A   **Doug Allman.**  
25      THE REPORTER: Doug what?

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1 THE WITNESS: Doug Allman.  
 2 BY MR. SIMS:  
 3 Q Is he with the Texas Railroad Commission?  
 4 A Yes.  
 5 Q And when did he show you this map and  
 6 tell you about the water wells on the west side of the  
 7 Brazos that had gas in them?  
 8 A I believe it was August.  
 9 Q Of 2010?  
 10 A Yes.  
 11 Q Had you ever heard of that before?  
 12 A No.  
 13 Q Did he tell you when those water wells  
 14 had been reported as having gas in them?  
 15 A I think so.  
 16 Q And what do you recall him telling you  
 17 about how long those water wells had had gas?  
 18 A I heard different stories. I think he  
 19 told me in the '80's; I'm not sure.  
 20 Q Did he tell you about any reports in  
 21 2006, 2007, about water wells on the west side of the  
 22 Brazos that had gas in them?  
 23 A Not really.  
 24 Didn't get into specifics, no.  
 25 Just about the well itself.

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1 Q When you've lived out in the Silverado  
 2 Addition in Weatherford, have you always had a water  
 3 well associated with any house that you've lived in  
 4 out there?  
 5 A The houses that I've lived in out at  
 6 Silverado?  
 7 Q Yes, sir.  
 8 A Yes, all three.  
 9 Q When is the first time that you ever had  
 10 any of your well water tested in connection with  
 11 living out there in any of those homes?  
 12 A I think it was 2004, maybe.  
 13 Q Do you have any of the results of those  
 14 tests?  
 15 A Maybe somewhere I could find them.  
 16 Q Do you think you could find them?  
 17 A Maybe.  
 18 One was actually done through -- yeah,  
 19 maybe. I don't even know where the records are --  
 20 it's been so long, but I could try.  
 21 Q Who did the testing on the water in 2004?  
 22 A One was Culligan. I'm not sure who they  
 23 used; it was expensive.  
 24 And one was the -- might have been even  
 25 2003 the first one, even earlier.

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1 The second one was done by Fort Worth  
 2 over here at, what is it -- the Health Department, I  
 3 think it was.  
 4 Q What caused you to have the water tested  
 5 in 2003 or 2004 by two different groups?  
 6 A Installed a filter for sulfur, and a  
 7 child on the way being sick.  
 8 Q Where did you live when you had the water  
 9 tested?  
 10 What residence address was it?  
 11 A 1501.  
 12 Q 1501 Silverado?  
 13 A Yes.  
 14 Q Were you concerned about the quality of  
 15 the water in 2003 and 2004?  
 16 A Not really. Just making sure.  
 17 Q You say -- was your first child on the  
 18 way at that point in time?  
 19 A Yes. We had that first test done. And  
 20 the second one, maybe a year later -- just because it  
 21 was cheap.  
 22 THE REPORTER: It was what?  
 23 THE WITNESS: It was cheaper, the cost.  
 24 We did it because the neighbor did it.  
 25 BY MR. SIMS:

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1 Q When was your first child born?  
 2 A That would have been... Again, he's  
 3 seven, so roughly eight years ago -- or seven years  
 4 ago, seven and a half.  
 5 Q So, you think you had your water tested  
 6 sometime in 2004, and then maybe again a year later in  
 7 2005?  
 8 MR. STEWART: Objection, form.  
 9 A No. I think it was 2003, maybe 2000,  
 10 2003, maybe again in 2004. Again, I'm not sure.  
 11 Q Prior to today, have you made any effort  
 12 to see if you could find any of those records?  
 13 A No. Wait.  
 14 Called the neighbor, yeah. But he didn't  
 15 have any. But, yeah. Made an effort.  
 16 Q What were the results of those water  
 17 tests, as best you know?  
 18 A Clean.  
 19 Q Do you know what they tested for?  
 20 A No. The first test was intense -- I  
 21 mean, that was -- no, I don't. But they checked for a  
 22 lot. I can't remember, no.  
 23 Q What about the second test?  
 24 Do you know what they checked for?  
 25 A I think mainly just bacteria.



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1 Q Had someone gotten sick or --  
2 A No.  
3 Q -- in connection with the second test?  
4 A No.  
5 Q What precipitated you to have the water  
6 checked a year later?  
7 A My neighbor, Randy Hargrove, went and had  
8 it done, and said it was 10 dollars. Why not?  
9 Q Had he been concerned about the quality  
10 of the water?  
11 A No. Just, again, had children.  
12 Q Following those two water tests in 2003,  
13 2004 time period, when is the next time you had the  
14 water at any residence in Silverado tested?  
15 A I believe it was early August of 2010.  
16 Q Going back to the phone conversation that  
17 you had with Mr. Peck that you've told me about, and  
18 in particular, Mr. Larry Peck: Did you tell him that  
19 the Powell article was detrimental to your situation?  
20 A No.  
21 Q Mr. Lipsky, would you please look at  
22 Exhibit 7.  
23 Have you ever seen copies of these  
24 documents that are on file with the Parker County  
25 Appraisal District?

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1 MR. STEWART: Form objection.  
2 (The witness reads document to himself.)  
3 (Short pause.)  
4 A I think so. This looks like it was --  
5 and again this was years ago.  
6 Q All right. I'd like to just ask you a  
7 few questions about these documents to find out your  
8 understanding of the property; the structures on the  
9 property; and the appraised value of the property,  
10 according to the Parker County Appraisal District  
11 walking -- beginning in 2005 and moving forward. All  
12 right?  
13 A Sure.  
14 Q On the first page of Exhibit 7, up in the  
15 upper left-hand box, it shows, Steven Lipsky and Shyla  
16 Lipsky, and the address shown is 1505 Silverado Drive.  
17 Do you see that?  
18 A Yeah. It's wrong.  
19 Q That's incorrect?  
20 A That's incorrect. That's not our  
21 address; it never was.  
22 Q Down below that box it says, "legal  
23 information, legal Lot 17 R 1 Block 7?"  
24 A Yeah.  
25 Q -- Silverado on the Brazos; cite is River

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1 Oak Court and it shows 4.455 acres?  
2 A That was it. The two put together, yes.  
3 Q Okay. When you say "the two put  
4 together," explain that to me, please, sir?  
5 A There were two separate lots that I  
6 bought, and they equaled 4.455.  
7 Q So, when you originally purchased  
8 property in the Silverado Addition -- let me strike  
9 that.  
10 When you purchased the two lots in  
11 Silverado Addition, one of which was at River Oak  
12 Court; the two lots totaled 4.455 acres?  
13 A Yes. Yes. I was wrong.  
14 Q And in connection with Exhibit 5, have  
15 you marked on there the general outline of that 4.455  
16 acre tract?  
17 A Yes.  
18 Q And what is the designation that you have  
19 inside that general outline?  
20 A 127.  
21 Q All right. In 2005, there is shown a  
22 living area of 1125 square feet.  
23 Do you see that, right in the middle of  
24 the page?  
25 A I'm --

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1 Q On the first page?  
2 A First page?  
3 Q Yes, sir, of Exhibit 7.  
4 A Okay.  
5 Q It shows a living area?  
6 A Again, I'm sorry. I just don't -- in the  
7 middle of the page?  
8 Q Yes, sir.  
9 A Okay. Living area, 2004, or 2005?  
10 Q 2004?  
11 A Okay.  
12 Q And coming across it shows 1125 square  
13 feet?  
14 A Yes.  
15 Q Can you describe for me at the time what  
16 was on the property that comprised a 1125 square foot  
17 living area?  
18 A In 2004 or 2005? In 2005?  
19 Q Either one.  
20 A The cabin, possibly. Again I think it  
21 had to have been the cabin for living area.  
22 Q And when you talk about the cabin, is  
23 that depicted on Exhibit 5 anywhere?  
24 A It's -- it's there.  
25 Q All right.

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1           **A The tree is in the way.**  
2           Q Will you put a little circle around what  
3 you've identified as the cabin, and draw a little c or  
4 something out beside it to designate it as a cabin?  
5           **A Put words in your mouth, a c in the**  
6 **middle.**  
7           Q Will you show for the camera where that  
8 is and point to it, please, sir?  
9           (The witness complies.)  
10          And that cabin was on the property when  
11 you purchased it?  
12          **A No. I built it.**  
13          Q And when did you build it?  
14          **A 2005, I believe.**  
15          Q Does the cabin have a second story with  
16 about 360 square feet in it?  
17          **A Yes, it does.**  
18          Q Has that also been referred to, this  
19 cabin -- is it also referred to as a guest house?  
20          **A Yes.**  
21          Q There's also shown a detached garage.  
22 Did you build that?  
23          **A Yes.**  
24          Q And the open porch that's shown, is that  
25 on the guest house, or is that in connection with the

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1 garage, or what?  
2          **A You're talking about the boat house.**  
3          Q No, sir. It says "open porch."  
4          **A I'm not sure what you're talking about.**  
5          Q On the first -- on this first page, going  
6 down the line.  
7          **A Oh, okay. Again, open porch. I'm not**  
8 **sure. They could be talking about -- E & O no, the**  
9 **boat house is separate.**  
10          Does it say how many square feet? **Oh,**  
11 **wow. Yeah, I guess -- I don't think it's that big.**  
12          Q Is there an open porch on the guest  
13 house?  
14          **A On the back, real small. But it's not --**  
15 **I mean, you barely can walk out there.**  
16          Q And then there's an entry about a boat  
17 house?  
18          **A Yes.**  
19          Q You see that?  
20          **A Uh huh.**  
21          **(The Witness nodded his head up and**  
22 **down.)**  
23          Q This shows the square footage at 1.  
24 That's obviously a mistake.  
25          How big is the boat house?

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1           **A About a -- maybe a thousand square feet,**  
2 **maybe more, probably around there. I think maybe**  
3 **about a thousand.**  
4           Q And did you build the boat house?  
5           **A Yes, I did.**  
6           Q And when did you build it?  
7           **A A few months before the cabin.**  
8           Q Were all these structures that are shown  
9 on the first page of Exhibit 7 built in 2004?  
10          **A 2004 and 2005.**  
11          Q At some point, did you have a water well  
12 drilled on the property that is shown as 127 River Oak  
13 Court?  
14          **A Yes.**  
15          Q And was that in 2005?  
16          **A Yes.**  
17          Q And who drilled that water well?  
18          **A Peck's Water Well Service.**  
19          Q Other than that one well, have you ever  
20 had any other water well drilled on the property that  
21 is 127 River Oak Court?  
22          **A No.**  
23          Q And when you say you built these  
24 structures, were you the contractor, or did you serve  
25 as the contractor in connection with them, or did you

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1 have someone else do that?  
2          **A The boat house I did directly with the**  
3 **builder.**  
4          Q And who was the builder?  
5          **A Bradshaw Custom Docks.**  
6          Q What about the guest house; who built it?  
7          **A The well house, Robbie Robertson.**  
8          Q Who built the garage?  
9          **A Are you talking about the well house**  
10 **attached to the garage?**  
11          Q The attached garage, yes, sir.  
12          **A Robbie Robertson.**  
13          Q If you will, please, sir, on Exhibit 7,  
14 flip over to the third page.  
15          Do you see -- that's for the year 2007?  
16          **A Around the bottom?**  
17          Q Right, top, bottom, all throughout.  
18          **A Okay.**  
19          Q And it still shows all the same buildings  
20 on the property as of 2007?  
21          **A It looks like it.**  
22          Q Is that consistent with your  
23 understanding, that between 2004, 2005 and 2007 all  
24 those structures were still there and nothing had  
25 changed in terms of additional building or structures

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1 on the property?  
2 **A Not at that time, no.**  
3 Q Then if you would, look over to the last  
4 page of Exhibit 7 to your deposition for 2008.  
5 Do you see that?  
6 **A Yes.**  
7 Q All right. And the second box down from  
8 the top shows the acreage now is at 13.733.  
9 Do you see that?  
10 **A Second box down?**  
11 Q From the top.  
12 **A Yes, yes, I see it.**  
13 Q Okay. And if you flip back one page to  
14 2007, you see the acreage is 4.455?  
15 **A Yes.**  
16 Q Is that consistent with your  
17 understanding that somewhere in or around 2008 you  
18 then sold the 175 Old Ranch Court property and  
19 retained that acreage that you've told us about --  
20 **A No. I didn't sell it.**  
21 **I just split it.**  
22 Q All right. Let's talk about that.  
23 But anyway, the acreage at 175 Old Ranch  
24 Court, behind that house, was adjoined to the 127  
25 River Oak Court property to make it 13.733 acres?

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1 **A Yes.**  
2 Q Is it true then that you -- that the  
3 property at 127 River Oak Court went from 4.455 acres  
4 up to 13.733 acres in 2008?  
5 **A I think so.**  
6 Q Tell me, again, about how you split the  
7 property.  
8 You didn't sell it; you just split it?  
9 **A Yes. Just -- we knew we were going to**  
10 **build a house down there eventually, and we wanted**  
11 **that land in the bottom. So, we basically went and**  
12 **paid to have it basically replotted (sic).**  
13 Q What did you do with the house at 175 Old  
14 Ranch Court when you moved out?  
15 **A Well, again, we sold it in '09.**  
16 Q Okay. So, you just replatted the  
17 property, still owned 175 Old Ranch Court and  
18 replatted that property behind the house into the  
19 property at 127 River Oak Court?  
20 **A Yes.**  
21 Q And then, subsequent to that, you sold  
22 the house at 175 Old Ranch Court?  
23 **A Yes.**  
24 Q If you would, Mr. Lipsky, let's continue  
25 this progression of the Parker County Appraisal

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1 District records with Exhibit 8.  
2 Do you see that this is for -- the first  
3 page of Exhibit 8 is for the tax year 2009 up at the  
4 top?  
5 **A Uh huh.**  
6 **(The Witness nodded his head up and**  
7 **down.)**  
8 Q And it -- the Parker County Appraisal  
9 District for 2009 for the first time is showing the  
10 house that you built; the large house that you built  
11 out there; is that correct?  
12 **A Yes, it looks like it.**  
13 Q When did you actually begin constructing  
14 the house at 127 River Oak Court?  
15 **A That would have been -- I can't remember**  
16 **exact date.**  
17 Q Would it have been in 2009 or was it in  
18 2008?  
19 **A 2000 -- well, again, it took a little**  
20 **over a year. So September, September -- it would have**  
21 **been 2008.**  
22 Q Who was the builder of your house at 127  
23 River Oak Court?  
24 **A Tracy Tomlin.**  
25 Q Do you have all your records of how the

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1 house was constructed, the plans and all that sort of  
2 thing?  
3 **A Yes, everything.**  
4 Q In the middle box on the first page of  
5 Exhibit A that shows down at the bottom at the total  
6 it shows the square footage of your home out there to  
7 be 15,374 square feet.  
8 Do you see that?  
9 MR. STEWART: Objection, form. That's  
10 not what it says.  
11 **A Yeah, I see it.**  
12 Q Is that accurate?  
13 **A No. It's off. Everything's off.**  
14 Q How large -- how many square feet is your  
15 home at 127 River Oak Court?  
16 **A Again, they made changes. I'm not a**  
17 **hundred percent sure exactly because we got**  
18 **conflicting documents on it.**  
19 Q Can you give me an estimate of what you  
20 believe the square footage is?  
21 **A Well, the closets, I don't know, probably**  
22 **a little under 15. Hold on, let me think. Hold on.**  
23 **15 -- no, let me think. 12, 13 -- I'd have to check**  
24 **the records.**  
25 **I'm not sure right now. But it's less**

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1 **than what they actually showed on the tax appraisal; I**  
2 **remember that.**  
3 Q Do you believe the square footage of your  
4 home at 127 River Oak Court is somewhere in the range  
5 of 14,000 to 15,000 square feet?  
6 A **I think it's -- I think it's under 14.**  
7 **It's close.**  
8 Q And if you will, sir, look at the -- down  
9 here in this bottom box, and it shows that in 2009 the  
10 recorded taxable value of your property 13.733 acres  
11 was \$799,570?  
12 A **Yes, I see it.**  
13 Q And the tax, taxes or anticipated taxes  
14 on the \$799,570 was \$16,618.03?  
15 A **Uh huh.**  
16 Q Does that sound about right in 2009 as to  
17 your tax?  
18 A **I know they changed it at one point. I**  
19 **don't know if this was that or after that I'm not**  
20 **sure. I'd have to look at the records. Because it**  
21 **was changed at one point. It was lowered.**  
22 Q Well, let's look at the third page of  
23 Exhibit 8.  
24 And this shows the Parker County  
25 Appraisal District records for 2010, correct?

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1 A **The third page?**  
2 Q The third page of Exhibit 8.  
3 A **Okay. Sale date -- 2000 -- where does it**  
4 **show 2010 -- I'm sorry?**  
5 Q Up at the top of the page?  
6 A **Okay. You're right. I see it. Okay.**  
7 Q And do you recall having someone go to  
8 the Parker County Appraisal District to protest the  
9 taxes in 2010?  
10 A **Yes.**  
11 Q Had you ever protested the taxes prior to  
12 2010?  
13 A **Yes.**  
14 Q Who -- did you do it, personally, or did  
15 you have someone do it for you?  
16 A **The first in 2007, or 2008, I did.**  
17 **And then I hired a firm to help me get**  
18 **the property agricultural use.**  
19 Q Was that the Integra --  
20 A **Tax, yes.**  
21 Q And at Integra Tax, did you always work  
22 with Kyle Barrett?  
23 A **I don't know if he was the individual at**  
24 **the beginning or not. I think maybe so.**  
25 Q In the -- on the third page of Exhibit 8,

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1 you see that the taxable value is shown as \$300,000  
2 down in the box --  
3 A **Yes.**  
4 Q -- in the lower right-hand corner?  
5 A **Left-hand corner?**  
6 Q Down here?  
7 A **Right here (indicating).**  
8 Q And that the tax on the 300,000 is  
9 \$6,277.92?  
10 A **Yes.**  
11 Q Is that about what you paid for your  
12 property tax in 2010?  
13 A **Yes.**  
14 Q Is it your understanding that the Parker  
15 County Appraisal District lowered your tax value on  
16 the home and the 13 acres and all the other buildings  
17 out there from about 2.4 million down to 300,000?  
18 A **Yes.**  
19 Q If you will, look at the second page of  
20 Exhibit 8. Again, down in the right -- in the box  
21 down at the right-hand corner of the document, it  
22 shows the taxable value at \$799,570?  
23 A **Yes.**  
24 Q And the tax on that amount would be  
25 \$16,618.03?

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1 A **Yeah, we just went over this, but yeah.**  
2 Q Right.  
3 And so at 2.4 million, the tax would have  
4 been right at \$50,000, correct?  
5 MR. STEWART: Objection, form.  
6 A **Yeah, a little under, yes.**  
7 Q And you were able to have the property  
8 value lowered to \$300,000 and go from a \$50,000 tax on  
9 your property down to 6,277.92?  
10 A **Yes.**  
11 Q When did you decide to challenge your  
12 taxes, property taxes, in 2010?  
13 A **As soon as we got the appraisal.**  
14 Q And what basis -- and do you remember  
15 when you got the appraisal?  
16 A **Not exactly. When -- just as soon as we**  
17 **got it; spring, maybe.**  
18 Q Spring of 2010?  
19 A **Maybe; I'm not sure.**  
20 Q What basis did you use to challenge the  
21 property -- the appraised value placed on the property  
22 by the Parker County Appraisal District?  
23 A **The square footage of my house compared**  
24 **to others in the neighborhood, average times the**  
25 **amount.**

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1 Q And is that what you used to lower the  
2 value from 2.4 million down to 300,000?  
3 A No.  
4 Q What did you use to lower the value from  
5 2.4 million to 300,000 with the Parker County  
6 Appraisal District?  
7 MR. STEWART: Form objection.  
8 A **I didn't use anything. I just gave -- I**  
9 **told Kyle about it, and told -- I wanted it -- I just**  
10 **told Kyle and was trying to attend the Hearing.**  
11 Q When you say Kyle, who is "Kyle"?  
12 A **The individual who worked at the tax**  
13 **appraisal office, the accounting firm, Integra Tax.**  
14 Q So, you hired Integra Tax and Kyle  
15 Barrett with that firm to protest and challenge the  
16 taxes in 2010?  
17 A **I hired them back in 2008 to again**  
18 **"agriculture" my property. They just happened to be**  
19 **there.**  
20 Q But did you hire them in 2010 to do the  
21 same thing?  
22 MR. STEWART: Form objection.  
23 A **To get the agricultural use.**  
24 Q Did you hire them in 2010 to lower --  
25 attempt to lower the property value?

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1 A **I -- yeah -- no, I mean, the purpose is**  
2 **agriculture. He just -- I would have done it myself,**  
3 **but he just happened to have them still assigned to**  
4 **it.**  
5 Q Did you provide him any information and  
6 request him to seek to lower the value from 2.4  
7 million down to 300,000?  
8 MR. STEWART: Form objection.  
9 A **Again, I didn't come up with the amount.**  
10 **All I did was say what we knew and pay them what we**  
11 **should.**  
12 **But at the end, I gave him three weeks**  
13 **prior with the video of the well burning -- and**  
14 **contacts at the Railroad Commission, Judge's Office**  
15 **and Fire Marshal.**  
16 Q Did you prepare any kind of report to  
17 give him related to --  
18 A **Nothing.**  
19 **(The witness shakes his head from side to**  
20 **side.)**  
21 Q Did he prepare a report to give to the  
22 Parker County Appraisal Board?  
23 A No.  
24 **I knew that they went to lunch and they**  
25 **talked that day.**

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1 Q When you say that you gave him a video of  
2 the well burning, what do you mean by that?  
3 A **I'm not sure which one, but I had -- I**  
4 **have five or six videos on my --I've recorded from my**  
5 **telephone.**  
6 Q Have you produced copies of those here  
7 today in any form?  
8 A Yes.  
9 **Actually, we gave them to you quite**  
10 **awhile back. You have them, yes.**  
11 Q Who did you actually provide those to?  
12 A **David, and we showed them to -- I think**  
13 **both times you were here -- came out.**  
14 **And my understanding, they were forwarded**  
15 **to you, again, quite some time back. But, again, I'm**  
16 **not sure. They were always there for access.**  
17 Q All five or six of them, or just one?  
18 A **I think -- no -- yeah, all five or six,**  
19 **yeah.**  
20 Q Have you seen or listened to -- seen a  
21 transcript of or listened to the actual presentation  
22 made to the Tarrant Appraisal --  
23 A **No. I thought it was just done at lunch.**  
24 Q Did you attend or participate in any  
25 meeting of the Parker County Appraisal Review Board in

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1 connection with lowering your taxes in 2010?  
2 A No.  
3 Q When did you actually move into the house  
4 that you had constructed?  
5 And it was completed in 2009.  
6 When did you actually move into that  
7 house?  
8 A **September 15th of '09.**  
9 Q Have you lived in that house at all times  
10 since September 15, 2009?  
11 A No.  
12 Q Where have you lived, other than the  
13 house at 127 River Oak Court, since September 15,  
14 2009?  
15 A **Well, my wife and kids lived in Graham.**  
16 Q When did they live in Graham?  
17 A **Almost all summer.**  
18 Q Summer of 2010?  
19 A Yes.  
20 Q When did they move to Graham?  
21 A **Well, they stayed there, especially**  
22 **when -- again, they -- they visited, and they ended up**  
23 **staying more permanent when -- in late July until --**  
24 **yeah, for a period.**  
25 Q When did they leave the house at 127

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1 River Oak Court and move to Graham?  
 2 A They -- again, at first the grandparents  
 3 stayed there a lot. And then basically stayed for  
 4 more extended and just didn't come back for a period  
 5 of time because of the problem.  
 6 So they would go back and forth, but just  
 7 didn't back and forth for awhile.  
 8 Q Was it common for Shyla and the children  
 9 to go visit Shyla's parents in Graham?  
 10 A Yes.  
 11 Q Was that a common occurrence every  
 12 summer, or just for the summer of 2010?  
 13 A They would go visit every summer.  
 14 Q At some point in the summer of 2010, did  
 15 your wife, Shyla, and the children stay in Graham for  
 16 a period of time without coming back?  
 17 A Yes.  
 18 Q When did they do that?  
 19 A End of July.  
 20 Q How long were they in Graham?  
 21 A About a month.  
 22 Q Did they then come back to 127 River Oak  
 23 Court?  
 24 A Yes.  
 25 Q Did they move into the house that y'all

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1 had moved into on September 15, 2009 when they came  
 2 back from Graham?  
 3 A No, no, no.  
 4 2009 is when we officially moved in.  
 5 Q Right.  
 6 A Okay. We're talking about 2010  
 7 somewhere.  
 8 Q I understand.  
 9 A Oh.  
 10 Q I'm trying to distinguish between the  
 11 guest house --  
 12 A No, again --  
 13 Q -- the new house and --  
 14 A -- September 15th we moved into the new  
 15 house, yes.  
 16 Q Of 2009?  
 17 A Yes.  
 18 Q When Shyla and the children came back  
 19 after being gone for a month in 2010, did they move  
 20 into the house that you all had moved into in  
 21 September of 2009?  
 22 A Yes.  
 23 Q Did you move out of the house that you  
 24 all had moved into in September of 2009 at any point  
 25 during the summer of 2010?

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1 A Yes.  
 2 Q Where did you move to?  
 3 A The cabin, the guest house.  
 4 Q When did you move out of the main house  
 5 or the large house at 127 River Oak Court?  
 6 A Late July of 2010.  
 7 Q How long did you live in the guest house?  
 8 A For about a month.  
 9 Q During this month time period, what did  
 10 you do in relation to the large house or the main  
 11 house?  
 12 A Turn off the water supply to the cabin.  
 13 Q When did you do that?  
 14 A Late July of 2009 -- 10.  
 15 Q Okay. You turned off the water supply to  
 16 the cabin or to the main house?  
 17 A To the cabin.  
 18 Q And this is while you were living in the  
 19 cabin?  
 20 A Yes.  
 21 Q Did you also turn off the water to the  
 22 main house?  
 23 A No. Just didn't use it.  
 24 Q Other than that, what did you do in  
 25 connection with the main house at 127 River Oak Court?

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1 MR. STEWART: Form objection.  
 2 A What do you mean, what did I do with it?  
 3 Q Well, did you -- did you have it  
 4 inspected?  
 5 Did you take any action in connection  
 6 with it --  
 7 A Yes.  
 8 Q -- or did you just move out for a month?  
 9 MR. STEWART: Form objection.  
 10 A Did tests immediately.  
 11 Q When did you commence doing testing on  
 12 the house?  
 13 A Again, the very -- end of July or first  
 14 week in August; immediately, as soon as we figured  
 15 what was going on. And again -- no, I don't have  
 16 that.  
 17 Q What did you use for water as of the end  
 18 of July of 2010?  
 19 A Swimming pool. Still used bathrooms in  
 20 the main house but just used the bathrooms primarily,  
 21 and Ozarka, beginning when the kids came back.  
 22 Q Who did the testing?  
 23 Who did you hire to do testing in your  
 24 home?  
 25 A Wolf Eagle Environment, Alisa Rich.

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1 Q When did she begin doing any testing in  
2 your house?  
3 A **It was either -- I think it was the first**  
4 **week of August; and maybe even late July. I don't**  
5 **have it here in front of me. It's...**  
6 Q How did you come about hiring Alisa Rich  
7 at Wolf Eagle Environmental?  
8 A **Called back to the Health Department.**  
9 **The woman there told me to watch gas land, watch gas**  
10 **land, and then someone referred me to her and others.**  
11 Q And who was this woman at the Health  
12 Department?  
13 A **I have no idea. Whoever answered the**  
14 **phone at the Health Department.**  
15 Q Was that in Parker County?  
16 A **That was actually back again when we had**  
17 **it tested. We called the same department that was**  
18 **here in Fort Worth. That would be Tarrant County.**  
19 Q When you say she told you to watch gas  
20 land, what is "gas land"?  
21 A **A documentary footage about problems with**  
22 **water wells that could light a fire.**  
23 Q Did you watch gas land?  
24 A **I'm sorry to say, yes.**  
25 Q Sir?

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1 A **Yes, I did.**  
2 Q After watching gas land, what did you do?  
3 A **Called everybody I could think of to try**  
4 **to find out what was wrong.**  
5 Q And do you recall who gave you the name  
6 of Alisa Rich, or Wolf Eagle Environment?  
7 A **No, I can't remember their name.**  
8 Q Do you remember it was a woman that  
9 referred you to her?  
10 A **It was a woman, yeah, but I can't**  
11 **remember her name. I haven't talked to her for a long**  
12 **time.**  
13 Q What context did you know her?  
14 A **I didn't. She -- I -- contacted me,**  
15 **again, I think through the website "gas land," because**  
16 **I made a note on there. And I got referrals of numbers**  
17 **for EPA, Railroad Department; I mean, everywhere.**  
18 **TCEQ, I mean, just attorneys, this, that.**  
19 **I mean, anything and everybody. Testing**  
20 **facility, people that do it. It was a whole list of**  
21 **names. And I just basically used that list and**  
22 **started calling.**  
23 Q As I understand it, some lady or woman  
24 referred you to Alisa Rich at Wolf Eagle?  
25 A **Yes, sir. And the EPA and everything**

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1 **else, yes. It was a whole list of people.**  
2 Q Okay. The EPA referred you to Alisa Rich  
3 at Wolf Eagle?  
4 A **No.**  
5 MR. STEWART: Objection, form.  
6 A **No.**  
7 Q Do you know who referred you to her?  
8 A **Yeah. I mean, I just don't have her**  
9 **name. I could -- maybe it's somewhere, but I don't**  
10 **have it with me.**  
11 Q Do you know where she worked?  
12 A **No, no. She didn't -- I have no idea. I**  
13 **think she's in Texas, though.**  
14 Q Do you know what her phone number is?  
15 A **No.**  
16 Q You don't know what organization she  
17 works with or works for?  
18 A **No. It's an organization -- but I don't**  
19 **know what -- I don't even know the name of it right**  
20 **now.**  
21 **Again, I was more interested in names and**  
22 **numbers.**  
23 Q Did you call the EPA?  
24 A **Yes.**  
25 Q What were you told?

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1 A **That the Railroad Commission handled it.**  
2 Q Who did you talk to at the EPA?  
3 A **The first person, I'm not sure. I even**  
4 **called Austin at one time I think, so I'm not sure**  
5 **exactly who the first person was.**  
6 Q Did you talk to anyone at the Railroad  
7 Commission?  
8 A **Yes.**  
9 Q Who did you talk to?  
10 A **Again, the first time, I think just the**  
11 **receptionist.**  
12 Q Do you know any names of anyone you  
13 talked to --  
14 A **Vinson, Bubba, Doug Allman are the two**  
15 **main people that I probably dealt with. Maybe some**  
16 **others, but I can't -- I only talked to them once or**  
17 **twice.**  
18 Q Did you talk to any of those people  
19 before you engaged Alisa Rich at Wolf Eagle?  
20 A **Yes. The answer is yes.**  
21 Q Did you ever ask anyone that you felt  
22 like was knowledgeable about environmental services  
23 who would be a reputable person to provide such  
24 services?  
25 A **I didn't know anyone.**

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1 Q When did you engage or hire Alisa Rich to  
2 begin doing any testing?  
3 A **Again, I think it was the first week in**  
4 **August or late July; I'm not sure.**  
5 Q Now, let's back up for just a minute.  
6 And tell me what -- what is it that caused you to  
7 become concerned about your water well, or your water  
8 and to start making these phone calls to the EPA and  
9 the Railroad Commission and others?  
10 A **When Pecks came to my house and lit my**  
11 **water on fire.**  
12 Q And when is it that Pecks came out to  
13 your house and lit your water on fire?  
14 A **I think it was late July.**  
15 Q Is it your testimony, as you sit here  
16 today, that Pecks actually lit your water on fire?  
17 A **Yes. Lit my water on fire.**  
18 Q And where was this water that they lit on  
19 fire?  
20 A **They took a pvc pipe and connected it**  
21 **directly to the top of the wellhead.**  
22 **And we all saw the fumes. They called**  
23 **and they lit it. And even the employees who lit it**  
24 **probably still have on their phones footage of it that**  
25 **they were taking on their own cell phones.**

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1 Q Do you know the difference between the  
2 place where the water comes out at the top of the  
3 wellhead and the vent?  
4 A **Yes.**  
5 Q Is there a garden hose that's hooked up  
6 to the vent on the well?  
7 A **Not then.**  
8 Q Is there now?  
9 A **Yes.**  
10 Q Has that garden hose been lit with  
11 fire -- with flames coming out where it's venting off?  
12 A **Yes, also, too.**  
13 Q Is that part of the video footage that's  
14 shown?  
15 A **Yes.**  
16 Q Have you distinguished between the garden  
17 hose that is from the vent at the top of the wellhead  
18 as opposed to a garden hose that has water coming out  
19 that's lit?  
20 MR. STEWART: Form objection.  
21 A **Yes.**  
22 Q Have you provided any of the footage of a  
23 garden hose that actually has water coming out of it  
24 that's been lit?  
25 A **Just the pvc pipe.**

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1 Q So there is no -- you're not aware of any  
2 footage or video of water being lit from a garden hose  
3 outside of your well?  
4 A **No.**  
5 MR. STEWART: Objection, form.  
6 A **No. Just -- no.**  
7 Q But your testimony is that water coming  
8 out of a pvc pipe at the top of your well was lit?  
9 A **Yes.**  
10 Q At the time that happened, was there any  
11 hose or anything hooked up to the vent at the top of  
12 the well?  
13 A **No.**  
14 Q Was it gas coming off the vent at the top  
15 of the well that was lit at the time the water was  
16 coming out, or was it actually the water itself that  
17 was lit?  
18 A **The water itself.**  
19 Q And you have video footage of that?  
20 A **They do.**  
21 Q Who is "they"?  
22 A **Pecks, Randall Peck's employees. Two of**  
23 **them were there who did it.**  
24 Q But you don't have any video of that?  
25 A **Not at that time, no.**

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1 Q Is all the video that you have from the  
2 water hose hooked up to the vent and showing flames  
3 coming out of that water hose?  
4 A **No.**  
5 Q What other video footage do you have?  
6 A **You have it, too. There's footage of**  
7 **actually -- it -- of the water lighting on fire; just**  
8 **not as distinctively as at the beginning because of**  
9 **taking the vents; reduced it coming from the water.**  
10 **But the water will still light on fire.**  
11 Q When's the last time you lit the water on  
12 fire?  
13 A **Probably August, late August, mid-August**  
14 **of 2010.**  
15 Q Why was the garden hose hooked up to the  
16 vent on the well and lit?  
17 A **Well, they hooked it up.**  
18 Q Who is "they"?  
19 A **Peck's Well Service.**  
20 Q Why did they hook a garden hose to the  
21 vent on the well?  
22 A **Because when we lit it, the wellhead**  
23 **caught on fire.**  
24 Q The first time?  
25 A **One of the first. Not the first. No,**



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1 later when I was there. I had a camera.  
2 Q When you say the wellhead caught on fire,  
3 that's just the top of the well, itself?  
4 A **The whole top of the well had a hose.**  
5 Q Has there always been a nozzle or an  
6 opening at the top of the well that you could leave  
7 open for the well to vent?  
8 A **Well, there was a nut there that you**  
9 **could take off to pour what we call chlorinate the**  
10 **well. But there was no nozzle.**  
11 Q But there was an opening that you could  
12 leave open to allow whatever gases that may be in  
13 there to escape?  
14 MR. STEWART: Form objection.  
15 A **Again, we never -- it was more intended**  
16 **to pour bleach down it. It was just a nut. It wasn't**  
17 **intended to release gases.**  
18 Q Prior to August of 2010, did you ever  
19 vent your water well?  
20 A **No.**  
21 Q Mr. Peck or nobody else ever told you  
22 that was something that needed to be done?  
23 A **No. Chlorinate it.**  
24 Q You know now that venting the water well  
25 is a very important thing to do?

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1 MR. STEWART: Form objection.  
2 Q Correct?  
3 A **No. It's very dangerous.**  
4 Q To vent it?  
5 A **Right now, if we used it, yes.**  
6 Q Well, it's very dangerous not to vent it,  
7 isn't it, to allow the gases to collect in the water  
8 well?  
9 MR. STEWART: Objection, form.  
10 A **Both, because there's so much coming out.**  
11 **If they would allow the gas to come out at that**  
12 **location, that would have blown up in that area.**  
13 Q You understand if it vents off, it's  
14 not -- it's not a problem, because it diffuses?  
15 A **We tried to --**  
16 MR. STEWART: Wait. Objection, form.  
17 A **I'm not an expert, but we tried that.**  
18 Q What do you mean?  
19 When did you try that?  
20 A **We vented the wellhead and vent -- open**  
21 **the top of the tank. Ozonated it with a pool filter**  
22 **and bubbles for a week.**  
23 **And then tested it.**  
24 Q When you say that you -- and when did you  
25 do this?

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1 A **I believe the first week in August.**  
2 Q Did you leave the top of the wellhead  
3 open the entire week?  
4 A **Yes.**  
5 Q Was the head space of the well completely  
6 open?  
7 A **Yes.**  
8 Q And when you say you tested it, what did  
9 you do?  
10 A **We tested air and water inside the house.**  
11 Q Did you try to light the well or light  
12 anything coming out of the well after it had been left  
13 open for a week?  
14 A **It still lit. I don't know if we**  
15 **actually -- that time period we were just leaving it**  
16 **alone and trying to fix it, I guess.**  
17 Q Well, it won't light unless it's closed  
18 up and the gases are allowed to build up?  
19 MR. STEWART: Form objection.  
20 Q Correct?  
21 A **I'm sorry. Say it again.**  
22 Q It will not light unless it's closed up  
23 and the gases are allowed to build up inside the well?  
24 MR. STEWART: Form objection.  
25 A **No.**

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1 Q That's not true?  
2 A **That's not true, no.**  
3 Q So, it's your testimony that you can open  
4 up the top of the well; allow it to continuously vent  
5 and you can go out there and light it any time you  
6 want to?  
7 MR. STEWART: Form objection.  
8 A **If it's pumping, yes.**  
9 MR. STEWART: Andy, I'm ready for a  
10 break.  
11 MR. SIMS: Okay. When you say "if it's  
12 pumping," what do you mean, if it's pumping?  
13 If it's pumping water?  
14 A **Yeah.**  
15 Q If it's not pumping, will it light if  
16 it's been vented?  
17 A **If it -- okay.**  
18 **After about 24 to 40 hours, if it hasn't**  
19 **been used and not pumped at all, it will finally start**  
20 **stopping.**  
21 Q Is that when it's vented?  
22 A **It doesn't make a difference whether it's**  
23 **vented or not. It depends on if you stop pumping from**  
24 **it.**  
25 MR. STEWART: One more question and then

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1 I'm going to the bathroom. So...  
2 MR. SIMS: Okay.  
3 THE WITNESS: Sorry.  
4 MR. SIMS: Why don't we just go on and  
5 stop here. And do you want to go on and take a lunch  
6 break?  
7 MR. STEWART: Yes.  
8 MR. SIMS: Okay.  
9 THE VIDEOGRAPHER: Off the record at  
10 12:43 PM.  
11 (Whereupon the luncheon recess was  
12 taken.)  
13 THE VIDEOGRAPHER: Back on the record,  
14 1:24 PM.  
15 BY MR. SIMS:  
16 Q Mr. Lipsky, right before our lunch break,  
17 one of your attorneys, Mr. Ritter, pulled out this DVD  
18 out of one of the folders here that we marked as  
19 Exhibits 2, 3 and 4 to your deposition.  
20 And I wanted to ask you about the DVD.  
21 Could you tell us what is on the DVD,  
22 please, sir?  
23 A **This one is unmarked. I made one with**  
24 **dates on it, too, but this one I'm not sure, because**  
25 **it doesn't have the marks on it -- but one of the ones**

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1 **that has the copies of the water well.**  
2 Q Did you make a DVD of all the videos of  
3 the water well that you have and give that to your  
4 lawyers?  
5 A **Yes, every single one. Actually, we --**  
6 **yeah, we did, every one.**  
7 Q And did that -- how many different video  
8 clips did that DVD have on it?  
9 A **At least five or six.**  
10 Q Did any of those five or six video clips  
11 show the water coming out of the well and the water  
12 actually burning?  
13 A **I believe so, just a short clip of it.**  
14 Q You believe so, or you know so?  
15 A **Again, I don't know what's on this one**  
16 **because it's not labeled. So...**  
17 **Again --no, I don't know.**  
18 Q Do you know if any video exists anywhere  
19 showing water coming out of the well, and that water  
20 actually being lit?  
21 A **Well, maybe the Peck's employees.**  
22 Q Do you know if they have any video of it  
23 or --  
24 A **I saw them take it. I don't know if they**  
25 **still have it.**

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1 Q But if the video clips on this DVD that  
2 you've produced here today do not show water actually  
3 burning, coming out of the well, then you, personally,  
4 don't have any video clips that do show that, is that  
5 accurate?  
6 A **I believe you have everything that's on**  
7 **the DVD -- yeah, I mean.**  
8 Q May I see that, please?  
9 (The witness complies.)  
10 Do you have all the plans and documents  
11 related to the construction of the guest house at 127  
12 River Oak Court.  
13 A **Yes.**  
14 Q Do you have all the plans and documents  
15 related to the construction of the boat house at 127  
16 River Oak Court?  
17 A **I don't know.**  
18 Q You've already told me you have all the  
19 plans and documents related to the construction of the  
20 main house, the large house at 127 River Oak Court?  
21 A **Yes.**  
22 Q Do you have a pool at your home at 127  
23 River Oak Court?  
24 A **Yes.**  
25 Q Who constructed the swimming pool?

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1 A **Premier Pools.**  
2 Q Where is Premier Pools located?  
3 A **North Dallas.**  
4 Q When was the swimming pool constructed?  
5 A **Summer of '09.**  
6 Q Is the pool heated?  
7 A **Can be.**  
8 Q How is it heated?  
9 A **Propane gas.**  
10 Q What sort of system do you have in place  
11 to heat the pool through the use of propane gas?  
12 A **Propane heater.**  
13 Q Did Premier Pools install that, as well?  
14 A **Yes.**  
15 Q How large is the pool?  
16 A **We're not sure.**  
17 Q How many gallons of water does the pool  
18 hold?  
19 A **Again, we're not sure.**  
20 Q Would you describe it as a large pool?  
21 A **Not really.**  
22 Q Does it have a slide?  
23 A **Yes.**  
24 Q How many people can slide down the slide  
25 at the same time?

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1 A **Only let one.**  
2 Q You only let one?  
3 A **Yeah.**  
4 Q Is the slide wide enough to where you  
5 could like slide an innertube down it?  
6 A **No.**  
7 Q How wide is the slide?  
8 A **I don't know.**  
9 Q Six or seven feet?  
10 A **No.**  
11 Q No?  
12 A **No.**  
13 Q Four or five feet?  
14 A **It's -- I don't know. I didn't measure**  
15 **from the width what it is. It's a slide. I don't**  
16 **know.**  
17 Q Do you have pictures of the exterior and  
18 interior of your house?  
19 A **Yes.**  
20 Q And where are those located?  
21 A **My computer, in my camera chip maybe.**  
22 Q When was the pool first filled with  
23 water?  
24 A **I believe it was September.**  
25 Q Of what year?

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1 A **'09.**  
2 Q Now, what's the source of water that you  
3 use to fill the swimming pool?  
4 A **Two; trucked in, and the well.**  
5 Q Who did you hire to truck in water for  
6 the swimming pool?  
7 A **Phillips Water.**  
8 Q And was that in 2009?  
9 A **Yes.**  
10 Q Do you have the records showing how much  
11 water they trucked in?  
12 A **Yes.**  
13 Q Do you know about how many gallons they  
14 trucked in to fill up the pool?  
15 A **35,000 gallons.**  
16 Q In addition to that, do you know how many  
17 gallons were used from the water well at 127 River Oak  
18 Court?  
19 MR. STEWART: Form objection.  
20 A **We're not -- no.**  
21 Q Did you use well water to help fill up  
22 the pool in addition to the 35,000 gallons that were  
23 trucked in?  
24 A **Yes.**  
25 Q Did you begin filling up the pool and

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1 then decide -- from the well water, and then decided  
2 you needed to truck in water, or how did that work?  
3 A **No. It was going to take too long. It's**  
4 **not good for the pebble tech.**  
5 Q It's not good for the what?  
6 A **The pebble tech, the pool, the material.**  
7 Q What's not good for it?  
8 A **To be dry.**  
9 Q Did you decide to use well water when you  
10 determined that the 35,000 gallons did not fill up the  
11 pool?  
12 A **We stopped filling with the 35,000**  
13 **because, two reasons. It -- we had enough, and it**  
14 **started raining, and the truck couldn't come back.**  
15 Q Since you used Phillips truck to truck in  
16 the water in 2009 to fill up the swimming pool, have  
17 you had water trucked in since then to fill up the  
18 pool?  
19 A **No -- well, yes.**  
20 Q When is the next time you had anyone  
21 truck in water to fill up the swimming pool?  
22 A **To help with it in the house, August --**  
23 **again, the first delivery was -- I believe it was**  
24 **August 26th.**  
25 Q Of 2010?

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1 A **Yes.**  
2 Q Between September of 2009 and August of  
3 2010, did you use well water to maintain the level of  
4 the pool?  
5 A **Yes.**  
6 Q Do you maintain the chemical balance of  
7 the pool, yourself, or do you hire someone to do that?  
8 A **Myself.**  
9 Q What sorts of chemicals do you use to put  
10 in the pool water to maintain the balance?  
11 A **Acid and chlorine.**  
12 Q What type of acid?  
13 A **Gee, what is that? Hydrochloric.**  
14 Q Where do you store your chemicals that  
15 you put in the pool?  
16 A **The garage.**  
17 Q Is that the structure that's located by  
18 the well, the water well on your property?  
19 A **No.**  
20 Q Is there a structure located near the  
21 water well that holds a big 5,000 gallon tank and that  
22 sort of thing?  
23 A **Yeah. There's a structure.**  
24 Q Do you store things in that structure,  
25 various chemicals and --

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1       A   **No chemicals.**  
 2       Q   Do you store gasoline in that structure?  
 3       A   **Just for the weed eater.**  
 4       Q   How many containers of gasoline do you  
 5   have in the structure located near the water well?  
 6       A   **One two-gallon -- there's other ones**  
 7   **there, but the only thing what's used is the one,**  
 8   **two-gallon thing mixed with oil.**  
 9       Q   Is the garage that you store the pool  
 10   chemicals in attached to your house?  
 11      A   **Yes.**  
 12      Q   What other chemicals do you store in your  
 13   garage that's attached to your house?  
 14      A   **That's it.**  
 15      Q   How many rooms do you have in your house?  
 16      A   **I'd have to look at the plans. I'm not**  
 17   **sure.**  
 18      Q   Over fifteen?  
 19      A   **Again, I'd have to count them up, but I**  
 20   **don't know.**  
 21      Q   Is your house carpeted?  
 22      A   **Very little.**  
 23      Q   But there is carpet in the house?  
 24      A   **A little bit.**  
 25      **(The witness nodded his head up and**

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1   **down.)**  
 2      Q   How many fire places do you have in the  
 3   house?  
 4      A   **I think it's five.**  
 5      Q   Are they all connected with propane gas,  
 6   or do you have the ability to light wood or other  
 7   things through propane gas?  
 8      A   **Right now there's just four, I think,**  
 9   **hooked up to the propane.**  
 10     Q   Is the fifth one hooked up to anything?  
 11     A   **One's electric, and one's just turned**  
 12   **off.**  
 13     Q   When you say electric, what do you mean  
 14   by that?  
 15     A   **I mean electric.**  
 16     Q   So, one is electric, and four are hooked  
 17   up to propane gas?  
 18     A   **And one's disconnected.**  
 19     Q   Do you have any fire pits or anything  
 20   outside the house around the pool that are hooked up  
 21   to propane?  
 22     A   **There's two fire pits that are hooked up**  
 23   **to propane by the pool.**  
 24     Q   Where do you store the propane that is  
 25   used to fuel or provide fuel source for the fire pits

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1   outside the house and the fire places inside the  
 2   house?  
 3      A   **A tank that's buried by the swing set.**  
 4      Q   So you have a tank that's buried outside  
 5   the house that you use to store the propane?  
 6      A   **Yes.**  
 7      Q   How large is that tank?  
 8      A   **1,000 gallons.**  
 9      Q   When was it installed?  
 10     A   **When we built the house.**  
 11     Q   Who installed it?  
 12     A   **Texas Butane.**  
 13     Q   Have you ever had any leaks or other  
 14   problems with the underground storage tank for butane  
 15   that you know about or propane that you know about?  
 16     A   **No.**  
 17     Q   Have you ever had the underground storage  
 18   tank tested for any kind of leaking of any sort?  
 19     A   **No.**  
 20     Q   Do you have a sprinkler system?  
 21     A   **Yes.**  
 22     Q   How many different zones do you have in  
 23   your sprinkler system?  
 24     A   **Around 30.**  
 25     Q   Do you know what sort of square footage

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1   area your sprinkler system covers?  
 2      A   **No.**  
 3      Q   Would it be fair to say that it's  
 4   thousands of square feet?  
 5      A   **Yes.**  
 6      Q   What are your source or sources of water  
 7   for your sprinkler system?  
 8      A   **Right now, just the river.**  
 9      Q   Have you ever used the water well as a  
 10   source for your sprinkler system?  
 11     A   **For some of the flower beds.**  
 12     Q   And when did you begin using the water  
 13   well as a source for your sprinkler system?  
 14     A   **Pretty much the spring of 2010, or later.**  
 15     Q   When did you cease using the water well  
 16   as a source of your sprinkler system?  
 17           MR. STEWART: Objection, form. He said  
 18   he used it for flower beds.  
 19     Q   When did you cease using your water well  
 20   as a source for your sprinkler system?  
 21           MR. STEWART: Form objection.  
 22     A   **For the flower beds?**  
 23           **Again, I didn't use it to -- again, it**  
 24   **was just three or four beds. We stopped using it**  
 25   **sometime in August.**

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1 Q You stopped using the water well as a  
2 source for your sprinkler system in August of 2010?  
3 MR. STEWART: Objection, form. He told  
4 you he was using it for the flower beds. You're  
5 trying to make it sound like it's bigger than it is.  
6 MR. SIMS: No, I'm not.  
7 BY MR. SIMS:  
8 Q Did you use the water well as a source  
9 for the sprinkler system?  
10 MR. STEWART: Objection, form.  
11 A **Again, out of 30 beds, we used it out of**  
12 **three, and they were only turned on every three days.**  
13 **And my understanding was, no more than 500 gallons**  
14 **each time.**  
15 Q Did you have the water well hooked up to  
16 the sprinkler system such that it only sprinkled those  
17 three beds?  
18 Or was it just hooked into the sprinkler  
19 system in addition to some other source?  
20 A **Only those three.**  
21 Q Okay. Now, when did you cease using the  
22 water well for the portion of the sprinkler system  
23 that you used it for?  
24 A **I answered that question. It was August.**  
25 Q August of 2010?

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1 A **Yes.**  
2 Q What source did you use for the remainder  
3 of your sprinkler system?  
4 A **The river.**  
5 Q Have you obtained any sort of permits or  
6 anything to use river water for that?  
7 A **Yes.**  
8 Q And when did you obtain those permits?  
9 A **In 2005.**  
10 Q And who did you obtain the permits from?  
11 A **Brazos River Authority.**  
12 Q In 2005, what were you using the Brazos  
13 River water -- for what purpose were you using the  
14 Brazos River water in 2005?  
15 A **To water the grass that we put around the**  
16 **cabin and surrounding areas, and the point in the**  
17 **beach.**  
18 Q And when you say, "the point in the  
19 beach," what are you referring to?  
20 A **The point is the land out -- that goes**  
21 **out towards the bay, and the beach behind it.**  
22 Q Can you look at Exhibit 5 and identify on  
23 there what the -- what you're referring to as "the  
24 point in the beach"?  
25 A **Okay, the bay. Okay, on top of it, on**

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1 **the very "tippy top," you can see the sand.**  
2 **Everything to -- you can see -- to the**  
3 **right of that is clean grass, which was water from the**  
4 **river.**  
5 **And the point is -- again, there's grass**  
6 **to the left of the cabin. And you go all the way down**  
7 **to the bottom. The point is the one that's on the**  
8 **very bottom of my property that sticks out. That had**  
9 **grass on it, too.**  
10 Q Would you draw a circle around what  
11 you're calling the beach and just put a "B" in there  
12 or out to the side of it?  
13 A **Okay.**  
14 Q Have you done that?  
15 Will you show the camera where that is,  
16 please, sir?  
17 (The witness complies.)  
18 A **It's right there, and that's the grass**  
19 **(indicating).**  
20 Q And if you would, circle what you're  
21 calling the point and put a "P" in that.  
22 A **(Indicating.)**  
23 Q Thank you.  
24 How many gallons of water do you  
25 typically use out of the Brazos River for irrigation

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1 purposes?  
2 A **I have absolutely no idea.**  
3 Q Have you ever used your well for  
4 agricultural purposes?  
5 A **No, not really.**  
6 Q When you say "not really," what do you  
7 mean?  
8 A **Maybe we planted a tree or flowers, but**  
9 **that's it.**  
10 Q How did you -- how did you -- did you  
11 have the water well hooked up to another zone of the  
12 sprinkler system to accomplish that?  
13 A **No. Just garden hose.**  
14 Q Have you ever told anyone at the Railroad  
15 Commission that you've used your water well for  
16 agricultural purposes?  
17 A **Again, the flowers.**  
18 Q My question is: Have you ever told  
19 anyone at the Railroad Commission?  
20 A **I don't think so. No, I don't remember,**  
21 **recall that, no.**  
22 Q You just don't know?  
23 MR. STEWART: He didn't say that.  
24 A **I don't remember that. I mean, I don't**  
25 **know.**

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1 Q Okay. Do you keep any chemicals or fuels  
2 in the boat house?  
3 A **No, not usually. Just a boat and jet**  
4 **skis that we keep full of gas.**  
5 Q Are the boat and jet skis stored inside  
6 the boat house?  
7 A **Yes.**  
8 Q What sort of air conditioning system do  
9 you have in your home?  
10 A **Lennox.**  
11 Q Do you know what the capacity of that  
12 system is?  
13 A **No.**  
14 Q Do you have more than one unit as a part  
15 of your air conditioning system?  
16 A **Yes.**  
17 Q How many units do you have?  
18 A **Six.**  
19 Q Does that air conditioning system use  
20 freon or other chemicals in connection with its  
21 cooling?  
22 A **I mean, I'm not sure. I'm not an air**  
23 **conditioning man.**  
24 Q Do you have a separate heating system, or  
25 does the Lennox provide for the heating as well?

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1 A **Do both.**  
2 Q How is that system fueled?  
3 A **Electricity.**  
4 Q Are all of your appliances inside the  
5 home electrical?  
6 A **Except for the stove.**  
7 Q How is the stove fueled?  
8 A **Propane.**  
9 Q Do you have any home air monitors that  
10 you've installed inside your home?  
11 A **Yes.**  
12 Q How many?  
13 A **I think six.**  
14 Q And when did you first install any home  
15 air monitors?  
16 A **August of '09 -- 10.**  
17 Q What type of home air monitors have you  
18 installed?  
19 A **I'm not sure of the brand name.**  
20 Q What do the home air monitors detect for?  
21 A **Carbon monoxide and gases.**  
22 Q Do you get any kind of read-out or  
23 printout of that?  
24 A **No. It just has an alarm.**  
25 Q What type of gases does it detect for?

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1 A **I'm not sure.**  
2 Q Have any of the home air monitors ever  
3 gone off?  
4 Have the alarms ever gone off since you  
5 installed them?  
6 A **Inside the house, no. Outside the house,**  
7 **yes.**  
8 Q Have you installed some monitors outside  
9 your house?  
10 A **No. Just tested it.**  
11 Q What do you use to test?  
12 Do you test the air outside the house?  
13 A **Just went by the well.**  
14 Q And what do you use to test the air  
15 outside the house?  
16 A **Both the -- the air?**  
17 **Both my hand-held detector which I got**  
18 **from the gas company, and tested the in-home -- the**  
19 **ones I bought, the six.**  
20 Q Do the in-house detectors run off of  
21 batteries or --  
22 A **Back up.**  
23 Q So, you took one of the inside home  
24 detectors; took it outside by the water well?  
25 A **Yes.**

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1 Q And it went off out by the water well?  
2 A **Yes.**  
3 Q And when did you do that?  
4 A **October -- in August; I'm sorry, August.**  
5 Q And you said you had some other hand-held  
6 device that you have?  
7 A **Yes.**  
8 Q And where did you get that?  
9 A **Texas Butane.**  
10 Q Where is Texas Butane located?  
11 A **They have a main office in downtown**  
12 **Weatherford.**  
13 Q Is that where you bought the hand-held  
14 device?  
15 A **They just let me use it.**  
16 Q Do you still have it?  
17 A **Yes.**  
18 Q And what does it detect for?  
19 A **Gases.**  
20 Q Does it detect for propane?  
21 A **Yeah, that and others.**  
22 Q Does it tell you what gas its detecting  
23 or does it just send off an alarm or something?  
24 A **It just beeps.**  
25 Q Did it beep when you were using it on

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1 your property?  
2 **A Yes.**  
3 Q And where were you located when it went  
4 off?  
5 **A By the well.**  
6 Q Have you used that device or any other  
7 device on anyone else's property out in the --  
8 **A Yes.**  
9 MR. STEWART: Let him finish his  
10 question.  
11 THE WITNESS: I'm sorry.  
12 MR. STEWART: He's mid question. It's  
13 okay. It's getting late.  
14 BY MR. SIMS:  
15 Q In the area that you live in, have you  
16 ever used any of these hand-held devices on anyone  
17 else's property?  
18 **A Yes, I have.**  
19 Q And whose property have you used the  
20 device or devices on?  
21 **A I don't know all their names, but**  
22 **probably eight or ten.**  
23 Q You don't know their names?  
24 **A Not all of them, no.**  
25 Q Well, you know some of them?

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1 **A Let me think here. Of course, Rick**  
2 **Hailey, Rick -- again, not Rick. David -- I can't**  
3 **think of his name. Again, I can't -- I mean, we don't**  
4 **hang out with them much. I just know them.**  
5 **David -- I mean Jeff and David and a few**  
6 **others that I know by first-name basis.**  
7 Q So, there's a Jeff --  
8 **A Jeff Davis.**  
9 **We went and checked -- again, I can't**  
10 **think of the names off the top of my head.**  
11 **Tom Stites.**  
12 **And then some other people, I really**  
13 **don't -- they just have kids, so I knocked on their**  
14 **door.**  
15 Q What did you find -- which device or  
16 devices did you use to go detect things at other  
17 people's property?  
18 **A My hand-held device from the gas company.**  
19 Q And what did you find when you went to  
20 these other homes?  
21 **A Nothing, except for the Haileys.**  
22 Q What happened at the Haileys' house in  
23 connection with your hand-held device?  
24 **A It beeped on top of the wellhead.**  
25 Q And when did you do this?

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1 **A August.**  
2 Q What did you -- did you talk to the  
3 Haileys at that point?  
4 **A Yes.**  
5 Q What did you tell them?  
6 **A I mean, what did I tell them?**  
7 **At one point, I told them the water was**  
8 **on fire.**  
9 Q Did you tell them that before you tested  
10 their well, or after?  
11 **A Before.**  
12 Q And what did they say in response to  
13 that?  
14 **A Amazed, as everyone else was.**  
15 Q Did you tell them that the hand-held  
16 detector had beeped when you tested their water well?  
17 **A Yes.**  
18 Q And what did they say in response to  
19 that?  
20 **A They were worried.**  
21 Q Following that conversation, did you have  
22 any other conversations with the Haileys related to  
23 their water well?  
24 **A Yes.**  
25 Q Tell me about those conversations?

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1 **A Again, I don't understand the question.**  
2 **I guess -- I mean -- about their well?**  
3 Q Yeah. What did you talk about?  
4 **A Can you say the question again? I'm**  
5 **sorry.**  
6 Q What did you talk to the Haileys about in  
7 connection with their water well?  
8 **A That when I came up there, all the wells**  
9 **tested in the neighborhood besides mine theirs is the**  
10 **only one that beeped when I put the monitor to their**  
11 **wellhead.**  
12 Q Did they say what they were going to do  
13 in response to that, or whether they were going to do  
14 anything?  
15 **A They eventually decided to go ahead and**  
16 **get it tested.**  
17 Q And do you know who they used to test  
18 their well?  
19 **A The first time was Alisa Rich.**  
20 Q Did you recommend that they use her?  
21 **A I said, "Go ahead and use whoever you**  
22 **want. This is who I use."**  
23 **I didn't recommend her.**  
24 Q Did they have their well retested at some  
25 point?

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1           A    **Well, my understanding is the EPA came**  
2 **out and did a test, also.**  
3           Q    Have you seen any of the results of the  
4 EPA test on their well?  
5           A    **I didn't look at any of the results.**  
6           Q    Have you seen any of the results of the  
7 EPA --  
8           Has the EPA tested your well?  
9           A    **Yes.**  
10          Q    Have you seen any of those results?  
11          A    **Yes.**  
12          Q    Have you produced those today as a part  
13 of all this?  
14          A    **I believe so. I'm...**  
15          Q    What's your understanding of the results  
16 from the EPA tests?  
17          A    **That the gas is very, very high.**  
18               **Whose well are you talking about?**  
19          Q    Your water well.  
20          A    **Okay. Again, you're jumping back and**  
21 **forth.**  
22          Q    So, you tested eight or ten other  
23 property owners and the Haileys' were the only ones  
24 that it beeped on, besides yours?  
25          A    **Yes.**

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1           Q    Was your testing done before or after you  
2 had hired Alisa Rich and Wolf Eagle?  
3           A    **I'm not sure.**  
4           Q    In addition to your heating and cooling  
5 system, do you have some other sort of air handling  
6 system that cleans or filtrates the air inside your  
7 home?  
8           A    **Yeah. Two ERV's.**  
9           Q    What is an E R V?  
10          A    **I can't remember what it's standing -- it**  
11 **just basically pumps fresh air in from outside.**  
12          Q    Does that system run automatically, or do  
13 you have to turn it on manually?  
14          A    **I put it on a timer.**  
15          Q    Was it installed in the home when you  
16 first had it constructed?  
17          A    **Yes.**  
18          Q    Has it been on a timer ever since you had  
19 the house constructed and moved in?  
20          A    **At first it was on 24-7. Then I changed**  
21 **it to a timer.**  
22          Q    When did you change it to a timer?  
23          A    **I -- I'm not sure. February.**  
24          Q    Of 2010?  
25          A    **Yes.**

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1           Q    Why did you change the air handling  
2 system to a timer as opposed to keeping it on all the  
3 time?  
4           A    **I didn't think I needed to, because in**  
5 **the winter I didn't think it was that cold. That's**  
6 **basically like leaving a door open.**  
7           Q    In connection with your water well, I  
8 think you've already said you've got a 5,000 gallon  
9 tank that you use to store water from the water well  
10 as its pumped out?  
11          MR. STEWART: Form objection.  
12          Q    Is that correct?  
13          A    **Yes.**  
14          Q    Do you also have another storage tank for  
15 water, or is that the only one you have?  
16          A    **We have another one that we recently put**  
17 **in.**  
18          Q    When was it installed?  
19          A    **Maybe two months.**  
20          Q    Two months ago?  
21          A    **Yes.**  
22          Q    How large is it?  
23          A    **How large is what?**  
24          Q    The additional water tank that you had  
25 installed, how large is it?

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1           A    **1500.**  
2           Q    It will hold 1500 gallons?  
3           A    **Yes.**  
4           Q    So, you now have the capacity to have  
5 6500 gallons stored on site at any given time?  
6           A    **Yes.**  
7           Q    How often do you have the two tanks  
8 refilled?  
9           A    **It was once a week.**  
10          Q    When you say it was once a week, what do  
11 you mean by that?  
12          A    **We've been finding ways to make it**  
13 **better.**  
14          Q    How often do you have it filled now, the  
15 tanks?  
16          A    **We don't know. We just made**  
17 **improvements; still -- don't know.**  
18          Q    Now, the video that we talked about  
19 earlier, who all have you provided copies of that  
20 video to?  
21          MR. STEWART: Form objection.  
22          A    **I believe the Railroad Commission got it;**  
23 **I'm not sure. I know I showed it to them.**  
24               **EPA. And that's --**  
25               **The others are with my -- with my**



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1 attorneys.  
2 Q What you showed to the Railroad  
3 Commission and the EPA, would it have been on -- would  
4 it have been one or more of the videos that are on the  
5 disks that have been provided as a part of the  
6 documents in your deposition today?  
7 A **It should be with the same disk.**  
8 Q Do you know if you provided all the clips  
9 or just one?  
10 A **All.**  
11 Q You provided all the clips to both the  
12 Railroad Commission and the EPA?  
13 A **I can't remember what -- I can't remember**  
14 **what Doug all took. He had access to all of them.**  
15 Q Say that again.  
16 You can't remember what who took?  
17 A **What Doug. He saw them. I don't know if**  
18 **he asked for all -- I mean, I can't remember exactly**  
19 **what he got and what he took at the beginning.**  
20 **I mean, he had access to them, though.**  
21 Q How did you get the video clips in the  
22 hands of the EPA?  
23 A **A disk.**  
24 Q Did you email them to them or did you --  
25 A **First emailed, then disk.**

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1 Q Who did you give the disk to?  
2 A **I think -- I'm not sure who actually took**  
3 **it.**  
4 Q Did someone come to your house and get  
5 it?  
6 A **Yes.**  
7 Q When was that?  
8 A **I don't have the dates here in front of**  
9 **me.**  
10 Q Would it have been around December of  
11 2010?  
12 A **It could have been.**  
13 Q Have you produced all of your emails with  
14 the EPA as a part of the documents that you produced  
15 today?  
16 A **Yes.**  
17 Q Have you produced all of your emails with  
18 the Railroad Commission as a part of the documents  
19 you've produced today?  
20 A **Yes.**  
21 Q Have you produced any of your  
22 communications with any media outlets as a part of the  
23 documents you've produced today?  
24 MR. STEWART: Let me just object to that.  
25 The documents that have been produced

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1 have been produced pursuant to the Hearing Examiner's  
2 Ruling. So, the Ruling has been followed.  
3 BY MR. SIMS:  
4 Q Do you know whether any documents in the  
5 documents you produced today are documents that  
6 evidence or show communications between you and any  
7 media outlets?  
8 A **I don't know.**  
9 Q What media outlets have you had  
10 communications with?  
11 MR. STEWART: Object. Hold on.  
12 Is it your understanding that you get to  
13 discover from him his communications with media  
14 outlets beyond the data?  
15 MR. SIMS: I think I can absolutely ask  
16 him who he's talked to.  
17 MR. STEWART: Why?  
18 MR. SIMS: Because it's relevant and  
19 discoverable.  
20 MR. STEWART: No.  
21 Why do you believe that in light of the  
22 Hearing Examiner's Order.  
23 MR. SIMS: The Hearing Examiner didn't  
24 allow us to get the communications. I'm asking who he  
25 talked to.

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1 MR. STEWART: Which is part of the  
2 communication.  
3 MR. SIMS: Well, you can either object  
4 and instruct him not to answer.  
5 MR. STEWART: I object. Don't answer  
6 that. Okay?  
7 BY MR. SIMS:  
8 Q Mr. Lipsky, are you going to refuse to  
9 reveal who -- what media contacts you've had in  
10 relation to your water well situation?  
11 MR. STEWART: I'll object to the form of  
12 that question.  
13 Mr. Lipsky is going to follow his  
14 attorney's advice as this attorney understands what  
15 the Hearing Examiner's ordered you to be permitted to  
16 talk about in this deposition and what you're not  
17 permitted to do.  
18 So, he's following --  
19 MR. SIMS: And your advice is to instruct  
20 him not to answer that question?  
21 MR. STEWART: My advice is for him to  
22 follow his attorney's advice and not answer questions  
23 that I don't believe the Hearing Examiners are  
24 permitting Mr. Sims to ask, because they don't appear  
25 to be germane to the Texas Railroad Commission

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1 Hearing.  
 2 BY MR. SIMS:  
 3 Q Did you provide Kyle Barrett a copy of  
 4 all the video clips that are on the disk that you  
 5 provided today to show to the Parker County Appraisal  
 6 Review Board?  
 7 A No.  
 8 Q What did you provide Mr. Barrett to show  
 9 to the Parker County Appraisal Review Board?  
 10 A I can't remember which clip.  
 11 Q You just provided him one video clip to  
 12 show?  
 13 A Yes.  
 14 Q Have you posted the video clips anywhere  
 15 on the Internet?  
 16 A I'm not sure.  
 17 Q What would you have to do to be sure  
 18 about that?  
 19 A I guess ask our friends and family if  
 20 anyone put it up. I'd have to ask around.  
 21 Q Have you posted it?  
 22 A Oh. No, I don't think so. Well,  
 23 actually -- well, we tried, but -- no, we did not. It  
 24 didn't go through.  
 25 Q When did you try to post the video on the

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1 Internet?  
 2 A Maybe a month ago.  
 3 Q What site did you try to post it to?  
 4 A What is that called?  
 5 Is that YouTube -- I think it is?  
 6 Q Have you provided the video clips that  
 7 you have of your water well to any other family  
 8 members or friends?  
 9 A Yes.  
 10 Q Can you give me names of who you've  
 11 provided it to?  
 12 A Dan Lipsky, Laura Lipsky, Wade Walls,  
 13 Randy Hargrove. Everyone who asked for it. Everyone  
 14 wants to see it. Judges. I mean, I don't know. A  
 15 lot of people.  
 16 Q What Judges have you provided it to?  
 17 A Parker County, Judge Riley.  
 18 Again, anyone who asks for it.  
 19 Q Have you provided it to any other Judges?  
 20 A No -- neighbors.  
 21 Q Have you told any of those people that  
 22 the video clips that you've produced here today show  
 23 water being lit coming out of the well?  
 24 A No.  
 25 Every one of them, it's the wellhead.

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1 Explain it.  
 2 Q The truth is none of the clips that  
 3 you've produced here today show any water being lit,  
 4 do they?  
 5 A Then there's --  
 6 MR. STEWART: Objection. Hold on.  
 7 THE WITNESS: Okay.  
 8 MR. STEWART: Objection, form.  
 9 Go ahead.  
 10 THE WITNESS: I thought there was one.  
 11 Again, I know, again, at least the Pecks have it.  
 12 It's there somewhere. And...  
 13 Q Did you ever tell anyone that your house  
 14 was uninhabitable?  
 15 A We thought so, yes. We were told that it  
 16 wasn't.  
 17 Q Who told you that the house was  
 18 uninhabitable?  
 19 A Alisa.  
 20 And also when the tests came back, and  
 21 -- we actually had run out of town and Doug Allman  
 22 called and was at Crater Hospital.  
 23 THE REPORTER: What?  
 24 A Doug Allman called up because -- five  
 25 times that weekend, because we weren't there, and he

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1 thought maybe something happened to us. He said, "I  
 2 thought maybe your house blew up. I thought something  
 3 bad happened."  
 4 Q And what weekend was that?  
 5 A I think it was in August, we went to  
 6 Great Wolf Lodge -- I'm not sure. I don't have it.  
 7 Q So, Alisa Rich was the first person to  
 8 tell you that your house was uninhabitable?  
 9 A She said that the test for the water, it  
 10 couldn't be used for any purpose at all. And that the  
 11 air was -- yes, I think so.  
 12 Q And when did she tell you that?  
 13 A Beginning of August.  
 14 Q The beginning of August?  
 15 A Yes, I believe so.  
 16 Q As soon as she told you that, did you  
 17 disconnect your water from the house?  
 18 A Well, we couldn't. We didn't know what  
 19 to do. We moved out. We didn't know what to do.  
 20 Q At some point in August, did you  
 21 disconnect the water from your house?  
 22 A Yes.  
 23 Q After disconnecting the water from your  
 24 house, have you had any additional testing done on the  
 25 interior of the house?

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1 A Yes.  
2 Q When was that done?  
3 A **Just air monitors.**  
4 Q The air monitors that you've installed?  
5 A **And you installed.**  
6 Q Has Alisa Rich done any testing on the  
7 interior, on the quality of the air on the interior of  
8 your house since you disconnected the water in August?  
9 A No.  
10 Q Has anyone done any air testing on the  
11 interior of your house since you disconnected the  
12 water in August?  
13 A No.  
14 Q Other than Alisa Rich with Wolf Eagle,  
15 have you hired or utilized any other consultant for  
16 the purposes of evaluating any air or water quality at  
17 your house?  
18 A No.  
19 Q Other than Alisa Rich and the EPA and the  
20 recent testing performed by people hired by Range  
21 Resources, are you aware of any other person or party  
22 or entity that's done any water well testing or air  
23 testing in or around your house?  
24 A No.  
25 Q Have you ever made any statements to

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1 anyone to the effect that the gas company will own  
2 your house in about a year?  
3 MR. STEWART: Objecting to the form.  
4 Go ahead; you can answer.  
5 A **I could have. I'm not sure.**  
6 Q And who would you have made those  
7 statements to?  
8 A **Friends and family.**  
9 Q Now, when you've told friends and family  
10 that the gas company will own your house within a  
11 year, what gas company were you referring to?  
12 A **It would have to be Range Resources.**  
13 Q Why would you allege or contend that  
14 Range Resources would own your house within a year?  
15 A **Because the EPA told me that the tests**  
16 **came back and showed that it was -- that it was their**  
17 **gas.**  
18 Q Have you ever made that kind of statement  
19 to anyone before the EPA issued its order?  
20 A **I don't think so. I don't know. I don't**  
21 **remember.**  
22 Q Did your tax consultant ever make that  
23 kind of statement to the Parker County Review Board?  
24 A **I have no idea what he said to the Review**  
25 **Board. I wasn't there.**

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1 Q You talked to him before he made his  
2 presentation to the Review Board, didn't you?  
3 A Yes.  
4 **Six months, seven months ago, yeah.**  
5 Q Are you trying to sell your house at 127  
6 River Oak Court?  
7 A No.  
8 Q Have you ever, since you moved into it,  
9 have you ever tried to sell the house?  
10 A No.  
11 Q Do you want to sell the house?  
12 A **We don't know.**  
13 Q How long have you known Kyle Barrett?  
14 A **I really didn't know him. He just was**  
15 **appointed to take care of -- to try to get us an**  
16 **appraisal on our property.**  
17 Q Did he get a percentage of the reduction  
18 in the property value as a fee?  
19 A **Yes. I was intending to go for**  
20 **agricultural purposes. One time -- not three times --**  
21 **I guess so, yes.**  
22 Q Are you saying, Mr. Lipsky, that he  
23 wasn't authorized to try to get the property lowered  
24 to the 300,000 dollar value?  
25 MR. STEWART: Form objection. You can

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1 answer.  
2 A **I guess he was authorized, but he wasn't**  
3 **hired for that purpose.**  
4 Q Did you provide him information about  
5 your water well and encourage him to try to seek a  
6 reduction on your property value as a result of the  
7 issues you were experiencing with your water well  
8 before he made his presentation to the Parker County  
9 Appraisal Review Board?  
10 MR. STEWART: Form objection.  
11 A **He made more than one presentation. We**  
12 **were in the middle of it the whole time. So, I don't**  
13 **know which time you're talking about.**  
14 Q Did you provide him information and  
15 encourage him to raise the issue about your water well  
16 to the Parker County Appraisal Review Board in 2010?  
17 A Yes.  
18 Q When the Parker County Appraisal Review  
19 Board fixed the value of your property, all 13.7 acres  
20 and the home you built and all the other structures at  
21 \$300,000, did you ever complain, or protest, or tell  
22 them, "That's too low"?  
23 A No.  
24 Q The Hearing that was held on the property  
25 tax protest was in September of 2010, wasn't it?

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1 MR. STEWART: Objection, form.  
2 A I don't know. I tried to find it. I'm  
3 not sure.  
4 Q As I understand your testimony, you and  
5 your wife, Shyla, and the children all moved into the  
6 house from Graham. You came back from Graham and you  
7 moved out of the guest house sometime in September of  
8 2010, back into the main house; is that right?  
9 A I'm not sure. I don't have the exact  
10 dates we -- I don't know.  
11 Q Well, you lived in the guest house about  
12 a month, right --  
13 A Yes.  
14 Q -- when this issue came up about the  
15 water well, right?  
16 A Yes.  
17 Q And you moved out in August of 2010 out  
18 of the main house --  
19 A Yeah.  
20 Q Right?  
21 A Yes.  
22 Q And you moved back into the main house in  
23 September of 2010 about 30 days later?  
24 A Again, we looked -- I'm not absolutely  
25 sure on those dates. We tried to figure it out

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1 ourselves. I don't know.  
2 Q When Mr. Peck originally drilled the  
3 water well at 127 River Oak Court, did you have any  
4 conversation or discussions with him about how deep  
5 the water well would be drilled or anything of that  
6 nature?  
7 A We were out of town.  
8 Q So, your answer is "no"?  
9 A No.  
10 Q Who all -- what all well service  
11 companies have you used to maintain or repair the  
12 water well at 127 River Oak Court from the time it was  
13 constructed in 2005 through the present?  
14 A Peck's and one time Malone's.  
15 Q After the water well was originally  
16 constructed, can you tell me what work was done on the  
17 water well in a sequential order?  
18 A I tried -- it was drilled.  
19 And after that?  
20 Q Okay. After the water well was drilled,  
21 do you recall any specific work, or repairs, or  
22 maintenance after the well was drilled in a sequential  
23 order that you can tell me about?  
24 A We put in the tank, the filters.  
25 Last year we had to replace a pressure

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1 pump.  
2 Then last summer we had the purging and  
3 the burning.  
4 We tried to put smaller pumps down, per  
5 minute, to see if it helped the purging. It didn't.  
6 So, instead of charging us for the pump, he put the  
7 old one back on.  
8 Q Since then, have you had any work done on  
9 the water well?  
10 A No, not since then, no.  
11 Q Was the 5,000 gallon tank installed at  
12 the time the water well was drilled, or was that  
13 subsequent to that?  
14 A Right at the same time, pretty much.  
15 Yeah, at the same time.  
16 Q And these filters you're talking about,  
17 was that all done at the same time?  
18 A Yes. No -- wait. No. Some was added  
19 right before we moved in. But, yes. Two different,  
20 actually, no.  
21 Q What was added to the water well or the  
22 tanks right before you moved into the house?  
23 A I think more ozone, I'm not sure. I'm  
24 not sure. I understand we did some.  
25 Q Has the water always had a bad smell to

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1 it from the time -- the first time you can remember?  
2 A Coming out of the well, but not the  
3 treated water, no.  
4 Q So, as produced from the ground, the  
5 water has always had a bad smell?  
6 A Yes.  
7 Q What does it smell like?  
8 A Sulfur.  
9 Q Prior to the summer of 2010, had you ever  
10 replaced the water well pump?  
11 A No.  
12 Q As I understand it, you -- originally  
13 when the -- what was it that caused you -- let me  
14 strike that.  
15 When you started having problems with  
16 your water well pump, did you call Mr. Malone out to  
17 check it?  
18 A No.  
19 Q Who did you call?  
20 A Peck's.  
21 Q And do you remember when that was?  
22 A I believe it was late July.  
23 Q Did Peck come out and check it?  
24 A Or -- yes.  
25 Q And what did they do and what did they

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1 tell you?  
2 A I answered this, but I'll answer it  
3 again.  
4 Q Okay.  
5 A They saw the purging; said that seems  
6 like gas.  
7 And I'm like "What?"  
8 They hooked up a pvc pipe to the head of  
9 the -- top of the wellhead. Saw the gases. Called up  
10 Mr. Peck. He told them to light it. They didn't want  
11 to. They did. It lit on fire. And they grabbed the  
12 video camera -- cell phones and took footage of it.  
13 Q When you say they hooked up this pvc  
14 pipe, where did they hook it up to?  
15 A Top of the wellhead.  
16 Q Where the vent is, or as a vent off the  
17 well?  
18 A I don't -- I don't understand your vent  
19 thing.  
20 Q Okay.  
21 A It's just -- no, instead of it having  
22 come into the tank, they just hooked up a pvc pipe so  
23 it come pouring directly out of the top of the well.  
24 It's the same thing that was feeding  
25 my -- same kind of pipe that was going into my well

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1 tank.  
2 They were just interrupting it and  
3 stopping it from going to the tank so they could do it  
4 outside.  
5 Q After -- okay. Peck came out; they did  
6 this.  
7 Where did they -- did they make any  
8 repairs?  
9 Did they suggest anything?  
10 What did they do?  
11 A I suggested we dig another well.  
12 Q And --  
13 A We were going to.  
14 Q All right. And what did -- what happened  
15 in relation to that?  
16 A We tried to decide where to put it.  
17 Q All right.  
18 A In relation to that, we didn't --  
19 Again, what's your question?  
20 Q Well, my question is -- I mean, you  
21 decided at that point you were going to dig a  
22 different well?  
23 A Uh huh.  
24 Q Why didn't you move forward with that?  
25 A We called Andy and let him know -- I

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1 can't remember who referred him.  
2 And Andy does the widget, whatever they  
3 call that.  
4 And said that he would come out and look  
5 for an underground stream to find a better location.  
6 He said, "You don't have any. You have  
7 what's called seepage. And if you do have a problem,"  
8 he said, "It's probably this whole area."  
9 And Peck's told me that it was a waste of  
10 time they felt the whole area was contaminated.  
11 And the Railroad Commission told me that  
12 to be careful because the fact is if you started  
13 digging holes back there you might just make the whole  
14 thing worse.  
15 So, at that point, I decided to wait  
16 until I figured out what was -- where this was coming  
17 from and what to do.  
18 Q Okay. Who is this Andy guy that you're  
19 talking about?  
20 A I don't know. I just know him by "Andy."  
21 Q You don't know his last name?  
22 A No.  
23 Q Where did you find him?  
24 A I think it was through Malone. Or maybe  
25 he -- I can't remember. Jerry Durant uses him.

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1 Q And what does Andy do?  
2 A Supposed to be a water expert -- those  
3 guys that go out and probe for water.  
4 Q Where is Andy located?  
5 A I have no idea.  
6 Q Did you contact him or did someone else  
7 contact him?  
8 A I contacted him based on a referral, and  
9 I can't remember exactly how I got the referral.  
10 Q Is he located in Weatherford?  
11 A No. I think outside of Mineral Wells.  
12 I'm not sure. I don't know.  
13 Q Is he one of those guys that carries  
14 around a Y-shaped stick and --  
15 A Yes.  
16 Q How long was he on your property?  
17 A A couple hours.  
18 Q Did you follow him around?  
19 A Yes.  
20 Q What did his stick do when you were  
21 following him around?  
22 A Based -- I didn't touch him when he did  
23 it. I don't know.  
24 Q What did he tell you about walking around  
25 out on the property with the stick in his hand?

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1           **A Again, I answered.**  
2           **But he said, "There is no underground**  
3 **streams in your property. It's just seepage. There's**  
4 **not a good place to put another well."**  
5           Q What did he mean when he said "it's just  
6 seepage"?  
7           MR. STEWART: Objection, form. I'm not  
8 sure how he can know what he means.  
9           **A I can't -- yeah, I don't know.**  
10          Q Did you ask him what he meant?  
11          **A He just said there was no underground**  
12 **rivers. That's what he meant.**  
13          Q Well, what did he mean when he said that  
14 it's just seepage?  
15          MR. STEWART: Objection, form.  
16          **A I don't know.**  
17          MR. STEWART: He doesn't know what he  
18 means.  
19          **A I don't know what he meant. He just told**  
20 **me that. All he told me was that there was not a good**  
21 **place to dig another well, and that's what he said.**  
22          Q Did he say that the water under your  
23 property is just from seepage?  
24          **A To a point, yes. That the water -- yes.**  
25          Q Did you ask him what he meant by that?

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1           **A No. He just said, again, there was no**  
2 **underground rivers, and that there was not a good**  
3 **place to drill another well. That everything that was**  
4 **there didn't have any place to go.**  
5           **So, again, I just based that on his**  
6 **opinion and others' opinions, too. And realized I**  
7 **didn't know where to go to dig another well. That's**  
8 **why I called the Railroad Commission.**  
9           Q Did this man, named Andy, come out to  
10 your property before or after Malone had attempted to  
11 put in the smaller pump?  
12          **A He came out the very next day Malone put**  
13 **it in, because he called up Malone and said, "Your**  
14 **pump's not working."**  
15          Q Well, let's back up then from the time  
16 Peck came out and said, "You've got -- there's gas in  
17 the well, or wellhead," or whatever terminology he  
18 used --  
19          **A The water lights on fire. That's the**  
20 **terminology.**  
21          Q All right. So when Peck came out and  
22 said that you didn't -- there were no repairs, nothing  
23 was done to the well, you determined, at that point in  
24 time, that you're going to drill another well?  
25          MR. STEWART: Form objection.

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1           Is that a question?  
2           MR. SIMS: Yes.  
3           THE WITNESS: Say the question, please.  
4           BY MR. SIMS:  
5           Q Yeah. I'm just trying to get the  
6 sequence of events here.  
7           **A Okay, okay.**  
8           Q Peck comes out in July of 2010, right?  
9           **A Yes. I think so. I mean, again, I'm**  
10 **trying to get the sequence, too. It's not that easy**  
11 **to have it happen six months ago.**  
12          **But, go ahead.**  
13          Q So, Peck comes out in July of 2010, and  
14 they light this pvc pipe you've told us about,  
15 correct?  
16          **A (The Witness nodded his head up and**  
17 **down.)**  
18          MR. STEWART: Objection, form. He didn't  
19 say they lit a pvc pipe. He said they lit the water.  
20          THE WITNESS: They lit the water on fire.  
21 Not the wellhead; the water.  
22          BY MR. SIMS:  
23          Q All right. That's July of 2010?  
24          **A Either July or very early August; I'm not**  
25 **sure.**

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1           Q They didn't make any repairs to the well  
2 at that point in time?  
3           **A No.**  
4           Q Then did you call Malone?  
5           **A I got a referral -- again, I think it was**  
6 **from Andy -- and said that Malone does a lot of this**  
7 **work, and recommended trying to put a smaller pump to**  
8 **stop the purging.**  
9           **And, again, to tell you the truth that**  
10 **time period I'd have to go -- we're trying to figure**  
11 **that out.**  
12          **It all kind of happened all together**  
13 **within days apart. But Peck is the first one. I**  
14 **can't tell you exactly when Malone came out.**  
15          **But Andy made the comment that**  
16 **Malone's -- he called Malone's.**  
17          **He said, "Your pump's not working -- that**  
18 **it's still purging."**  
19          **So, again, Malone's was sometime after**  
20 **Pecks; I don't know exactly when.**  
21          Q Do you think that Malone was out to your  
22 property in early August of 2010?  
23          **A Somewhere in there, yes.**  
24          **Again, they came out about a week later.**  
25 **Yes, around there.**

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1 Q And Malone put in a smaller well pump?  
2 A Yes.  
3 Q And then about a week later you called  
4 Malone to come take out that well pump?  
5 MR. STEWART: Objection.  
6 Is that a question?  
7 It sounds like a statement.  
8 A Can you ask the question, please?  
9 Q Did you call Malone about a week later to  
10 come out and take the well pump out?  
11 A He already knew. Andy told him.  
12 I called and asked him what we could try  
13 to do.  
14 And he said that he was just going to put  
15 the old pump back on and just charge me \$400 for the  
16 time and effort.  
17 He said he doesn't want me to pay for a  
18 pump that didn't work.  
19 Q And after Malone put the original pump  
20 back in, have you had anything done to the well since  
21 then?  
22 A Just the pvc on top, and they hooked up  
23 the -- where the vent would reach down. They hooked  
24 up a spigot. But that's the top of the well.  
25 No, nothing to the well, itself, no.

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1 Q Who hooked up the pvc pipe up at the top  
2 of the well that you're telling me about?  
3 A Peck's.  
4 Q And when was that done?  
5 A When they lit the water -- they took it  
6 back off.  
7 And then we had a hard time testing it,  
8 coming in. Basically, one person got sick trying to  
9 get the test from the top of the wellhead -- I mean  
10 from the tank.  
11 So, we asked for them to have the pvc on  
12 the outside so we could test it from there, and  
13 eventually disconnect it.  
14 Q Who got sick?  
15 A Alisa Rich's -- her employee.  
16 Q And who was her employee?  
17 A Some -- I don't know.  
18 He was a young guy who worked for her who  
19 collected samples the first time.  
20 Q Other than your well and the Hurst well  
21 that we've talked about earlier today, are you aware  
22 of any other wells in the area that you live in that  
23 have been lit with fire?  
24 A I heard Oujesky could do it in 2005, too.  
25 Q Who did you hear that from?

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1 A Oujesky claimed that.  
2 Q And when did you talk to him and learn  
3 that?  
4 A Maybe 30 days ago.  
5 Q What did he tell you about his well in  
6 2005?  
7 A He said that he thought -- I don't know  
8 if he ever lit it.  
9 He said he called the Railroad  
10 Commission. They said, "Welcome to the club." Never  
11 took a report.  
12 And he thought he still could do it. On  
13 my understanding, it does not light on fire. So,  
14 again, I'm hearing conflicting stories. I don't know  
15 exactly what the truth is.  
16 Q And when you say it's your understanding  
17 it will not light on fire, who did you gain that  
18 understanding from?  
19 A Your chemist, or whoever was the head of  
20 your lab team who came out to my house.  
21 Q Do you know a name?  
22 A No, I don't know a name. You hired him.  
23 Q So, other than Mr. Hurst's well, Mr.  
24 Oujesky's well and your well, are you aware of any  
25 other wells that either have been lit on fire, or have

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1 been rumored to have been lit on fire?  
2 A No. She told me at this time mine was  
3 the only one that would light.  
4 Q Have you ever heard of any other wells in  
5 the area having been lit on fire at any point in time?  
6 A No.  
7 Q Have you ever had any conversations with  
8 anyone at the EPA about any of these wells being lit  
9 on fire like the Hurst well, or the Oujesky well, at  
10 any point in time?  
11 A The Hurst well.  
12 I didn't know about the Oujesky's at the  
13 time.  
14 Q Have you talked to anyone at the EPA  
15 about the Hurst well being lit on fire?  
16 A Yes.  
17 Q And when did you have that conversation?  
18 A I believe late August, 2010.  
19 Q Who did you talk to at the EPA about the  
20 Hurst well being lit on fire in August, 2010?  
21 A Chris Lister and three other people. I'm  
22 not sure what their names are.  
23 Q What did you tell them about your  
24 knowledge of that well being lit on fire in 2005?  
25 A I said, "I wasn't sure because I keep

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1 getting conflicting stories. That I know we hit a  
2 pocket of gas in 2005."  
3 That I don't know if it burnt off, or how  
4 long it took to burn off.  
5 And he drilled another well a week later  
6 or so, roughly right around 200 feet away, and it came  
7 back with no gas.  
8 Q What did Mr. Lister say in response to  
9 that?  
10 A I don't think anything. Just listened to  
11 the information. Didn't really...  
12 Q Did he ask you if it was ever determined  
13 where the gas came from in Mr. Hurst's water well?  
14 A I told him that no one knew what  
15 happened.  
16 We didn't know if it was a pocket -- we  
17 all believed, again, it was just a pocket because it  
18 dissipated. He didn't ask me, because I clearly told  
19 him, I didn't know.  
20 Q And at the time you talked to Mr. Lister  
21 in August of 2010, you didn't know about Mr. Oujesky's  
22 well, water well at that point in time?  
23 A No, I did not.  
24 Q Did Mr. Lister or anyone else at the EPA  
25 ask you if you knew of any other water wells in the

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1 area that had had gas in them?  
2 A I believe they asked me.  
3 I mean, we had -- I'm not sure. Again, I  
4 can't remember.  
5 Q Do you know if Mr. Lister or anyone with  
6 the EPA talked to any other home owners in the area  
7 about whether they had experienced gas or had been  
8 able to light their wells?  
9 A Recently, yes.  
10 Q And when you say "recently," what time  
11 frame are you talking about?  
12 A In the last 30 days.  
13 Q Prior to -- or after the time they issued  
14 their order against Range?  
15 A Again, I don't know exactly when they had  
16 all the conversations. I just know that neighbors  
17 told me that they talked to them.  
18 Q What neighbor was that?  
19 A Oujesky told me he talked to them.  
20 Also Dennis Huffman told me he talked to  
21 them.  
22 Tom Struhs told me he talked to them.  
23 Again, I didn't -- I mean, I just know  
24 they talked to them. They just told me. I don't know  
25 exactly what date they talked to them. I don't know

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1 when they talked to them. I'm not them.  
2 Q Did the EPA give you any assessment --  
3 any of their assessment as to what caused gas to get  
4 into Mr. Hurst's water well in 2005?  
5 A Again, it was like a different case.  
6 They really didn't go into depth about that. The only  
7 concern we had between each other was my water well.  
8 Q Did the EPA, other than the Order that  
9 they issued, ever talk to you or tell you what their  
10 assessment was as to how gas got in your water well?  
11 A They just said they did an isotope test  
12 and it showed that it was the same gas that was being  
13 produced.  
14 They felt that somehow they were involved  
15 in the problem.  
16 Q And when did you have that conversation  
17 with the EPA?  
18 A I guess the same time they released  
19 the -- the Order.  
20 Q And who did you talk to at the EPA about  
21 that?  
22 A Chris Lister.  
23 Q Did he explain the isotope test to you?  
24 A Again, somewhat.  
25 I'm not a chemist.

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1 Q Did you understand what he explained  
2 about it?  
3 A As much as I suppose I should have.  
4 Again, I'm not a chemist. All I knew was my water lit  
5 on fire.  
6 Q Did Mr. Lister or anyone at the EPA ever  
7 try to light the water coming out of your water well?  
8 A No. They didn't even try to light the  
9 gas, because they were afraid it was going to suck  
10 back in and blow it up.  
11 Q Did they light the gas coming out of the  
12 water well?  
13 A They never did, no.  
14 Q After Mr. Hailey had his water tested by  
15 Alisa Rich at Wolf Eagle, did you have any  
16 conversations with him about that?  
17 A He just said that it showed that it had  
18 the same compounds as ours, but much much much  
19 smaller.  
20 Q Did he give any indication of what he was  
21 going to do in relation to his water well or whether  
22 he was concerned about it?  
23 A He was very concerned, but was stuck --  
24 he didn't know what to do.  
25 Q Have you had any conversations with him



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1 related to any decisions he's made about what he's  
2 gonna do with his water well?  
3 **A No. But we'd -- he doesn't -- I mean I**  
4 **know he's in a bad position.**  
5 **So, he just -- I don't know what he's**  
6 **going to do.**  
7 **I don't think he even knows.**  
8 Q When you say you know he's in a bad  
9 position, what do you mean by that?  
10 **A His employment entails working with gas**  
11 **companies.**  
12 Q When the Pecks flared your water well,  
13 did they tell you that the Hurst -- at that time that  
14 the Hurst well had also been flared in 2005?  
15 **A We all knew that. Not flared. No, I**  
16 **don't think so.**  
17 **We just knew they had -- I remember them**  
18 **saying it leaked.**  
19 **I don't remember anyone ever telling me**  
20 **that they actually took and lit it on fire. I know it**  
21 **could have.**  
22 **But I just remember when we were there,**  
23 **the fumes were everywhere in the bay.**  
24 **Again, I don't ever recall anything about**  
25 **truly lighting it on fire.**

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1 Q But you told Mr. Lister in 2010, August,  
2 2010 that you were aware that it had been lit on fire?  
3 **A No.**  
4 **I said they hit gas in 2005.**  
5 Q If you said earlier that you told Mr.  
6 Lister that you knew that the Hurst well had been  
7 flared, or had been lit on fire in 2005, were you  
8 mistaken?  
9 **A I guess so. Because, again, I really --**  
10 **No one ever told us that they lit it on**  
11 **fire. All we know --**  
12 **I didn't think they did because the fact**  
13 **is we saw fumes.**  
14 **So, if we saw fumes a foot deep in the**  
15 **Bay, why would they be there if they were lighting?**  
16 **I had no idea that they lit it on fire.**  
17 **Again, no idea until recently that they**  
18 **actually lit it.**  
19 **I knew that they hit gas.**  
20 **I knew it came out in big volume at one**  
21 **point, but that's all I knew.**  
22 Q And you shared all that with the EPA in  
23 August of 2010?  
24 MR. STEWART: Objection, form.  
25 **A Shared what?**

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1 Q That you knew that the Hurst well, it hit  
2 a big pocket of gas and that there were fumes all over  
3 the Bay and that sort of thing?  
4 **A I said I didn't know if it dissipated in**  
5 **three days or 30 days.**  
6 Q And you told Mr. Lister that in August of  
7 2010?  
8 **A Yes.**  
9 Q Are you aware of any water wells in the  
10 Lake Country Acres Water District that contain  
11 methane?  
12 **A What's -- I don't even know what Lake**  
13 **Country is.**  
14 Q You don't know what Lake Country Acres  
15 is?  
16 **A No.**  
17 Q You don't know about that Water District?  
18 **A No.**  
19 **Oh, Lake Country -- you're talking about**  
20 **the neighborhood behind Silverado?**  
21 Q Yes, sir.  
22 **A Oh. Yeah, the only thing I know about**  
23 **that is that they have a municipal source, a co-op**  
24 **system, and that they say it also has sulfur.**  
25 **That's the only thing I've ever heard.**

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1 Q Who told you it had sulfur?  
2 **A The residents.**  
3 **I went over there to take a look at the**  
4 **wells.**  
5 Q Being a Public Water District, you know  
6 that they test their water consistently?  
7 MR. STEWART: Objection, form.  
8 **A I have no idea.**  
9 MR. STEWART: How would he know that?  
10 Q You don't know that?  
11 **A No.**  
12 Q Have you ever looked at any of the test  
13 results of the water in Lake Country Acres water  
14 system?  
15 **A Absolutely not.**  
16 Q Did Mr. Lister ever ask you anything  
17 about that at the EPA when he talked to you?  
18 **A I don't think so, no.**  
19 **I can't remember.**  
20 Q Do you have any knowledge of the Lake  
21 Country Acres water system having methane in their  
22 water dating way back to 2003?  
23 **A Not -- the only thing I know is, they**  
24 **have a co-op and that's it.**  
25 **Nothing about -- they don't have their**

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1 own wells.  
 2 I never heard anything about gas or  
 3 anything like that; just sulfur. Again, I'm more  
 4 concerned about my well.  
 5 Q Did you tell Mr. Lister what you knew  
 6 about the wells over on the west side of the Brazos,  
 7 the Lipscomb wells that we talked about earlier?  
 8 A Again, they might have told me. I don't  
 9 know.  
 10 Again, I wasn't really concerned about --  
 11 The only thing I really knew anything at  
 12 all about gas was Steve Hurst because I was right  
 13 there after it happened, and that's all. So, again  
 14 I...  
 15 Q Do you know if Mr. Lister or anyone else  
 16 at the EPA ever asked you about any of these other  
 17 water wells that you knew about that had gas in them?  
 18 A Again, I heard some things from the  
 19 Railroad Commission.  
 20 But again, they were all over the place.  
 21 So, again, no, I don't know.  
 22 Q You don't know if Mr. Lister ever asked  
 23 you about that or not?  
 24 A No, I don't.  
 25 Because, as I talked to the Railroad

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1 Commission and EPA at times.  
 2 I'm not sure who I had the conversation  
 3 with or what.  
 4 MR. SIMS: Why don't we take a break.  
 5 THE VIDEOGRAPHER: Off the record, 2:50  
 6 PM.  
 7 (Whereupon a short recess was taken.)  
 8 THE VIDEOGRAPHER: Back on the record,  
 9 3:05 PM.  
 10 BY MR. SIMS:  
 11 Q Mr. Lipsky, can you identify Exhibit 9 to  
 12 your deposition, please?  
 13 A What's that? My wife. Hmmm.  
 14 Q Can you identify Exhibit 10, please?  
 15 A My wellhead.  
 16 Q Does the green garden hose shown in  
 17 Exhibits 9 and 10 connect to your wellhead?  
 18 A Yes.  
 19 Q Do you have any knowledge or  
 20 understanding about whether water comes out of the  
 21 place that the green garden hose is attached to the  
 22 wellhead?  
 23 A The water comes out at the place where  
 24 the yellow handle is.  
 25 Q On Exhibit 10?

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1 A Yes.  
 2 Q Do you have any video footage showing the  
 3 well being lit where the yellow handle is as shown in  
 4 Exhibit 10?  
 5 A I think so.  
 6 Q And if you do, it's on that disk you  
 7 provided today?  
 8 A I think so. I'm not sure.  
 9 Q Do you have any understanding of what the  
 10 green garden hose hooks up to?  
 11 A The top of my wellhead.  
 12 Q What is that used for there at that  
 13 connection?  
 14 A To bleed to a well.  
 15 THE REPORTER: What?  
 16 THE WITNESS: To bleed to a well.  
 17 BY MR. SIMS:  
 18 Q Why is the green garden hose hooked up as  
 19 shown in Exhibits 9 and 10?  
 20 A Okay. I answered this. But Pecks hooked  
 21 it up to keep the flame away from the wellhead so the  
 22 wellhead wouldn't catch on fire when they lit it.  
 23 Q And when did Peck put the green garden  
 24 hose on the wellhead?  
 25 A Sometime in August.

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1 Q Of 2010?  
 2 A Yes.  
 3 Q In one or more of the videos there are  
 4 two people shown, and one person is wearing some sort  
 5 of foot boot.  
 6 Can you identify who that is?  
 7 A One was Jan, the one that does my  
 8 flowers.  
 9 The other one might have been -- I don't  
 10 know. I'd have to see the video, I don't know.  
 11 Q All the videos that you produced today of  
 12 your water well, were those made by you?  
 13 A Yes.  
 14 Q And you think that Jan, your -- the lady  
 15 that waters your flowers, did you say or --  
 16 A Yeah.  
 17 Q -- or gardens?  
 18 A Yeah, she was in one. Again, I don't  
 19 watch the videos all the time.  
 20 Q Can you identify Exhibit 11, please?  
 21 A Thanks. That is the inside of my well  
 22 house.  
 23 Q What are all the different chemicals and  
 24 things stored on the top two shelves as shown on the  
 25 inside of your well house?

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1 MR. STEWART: Objection, form.  
 2 A What's the question?  
 3 Q What are all the different containers  
 4 shown on the top two shelves --  
 5 A Okay.  
 6 Q -- inside your well house?  
 7 A Empty gas cans. Again, before we got a  
 8 big tank. But empty gas cans.  
 9 Windex. Ant killer. That's all I see.  
 10 Oh, crabgrass killer.  
 11 Q And that's on the first two shelves?  
 12 A On the top, you said.  
 13 Are you talking from top down or bottom  
 14 up?  
 15 Q Okay. Did you just describe for me  
 16 what's on the top shelf?  
 17 A Yes.  
 18 Q What's on the next shelf coming down?  
 19 A Okay. The next one, again, more Andro  
 20 ant killer. I think another thing of MSA, some  
 21 funnels, and that's all I can see. Oh then, on the  
 22 very end some grass fertilizer, and again, more ant  
 23 killer. And then down at the very end is some oil for  
 24 the lawn equipment -- chain saw and weed eater.  
 25 Q What's shown on the bottom shelf, or

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1 what's stored on the bottom shelf?  
 2 A It looks like some of the cabin stain for  
 3 the cedar. Again, it looks like some kind of bag,  
 4 grass something, and that's all I see on that one.  
 5 Q What's stored in the yellow container  
 6 sitting on the floor?  
 7 A If it does have anything in it, it's just  
 8 diesel for the lawn -- for the tractor.  
 9 Q Do you have some sort of larger diesel  
 10 storage unit on the property?  
 11 A No. We just use the tractor hardly ever,  
 12 and so we never need it.  
 13 Q What's shown in the two red containers on  
 14 the floor?  
 15 A Another one next to it is a diesel one  
 16 again because I can see the mark on it. The other one  
 17 is just a regular -- again, we don't use those anymore  
 18 because we have the big tank. And so the only thing  
 19 we ever keep full is that small one there to the very  
 20 right which is two gallons because that's the exact  
 21 size that we need for the mix for the -- for like the  
 22 trimmer and blower and that kind of stuff.  
 23 Q When you say big tank, what are you  
 24 referring to?  
 25 A I have a 108 gallon gas tank that I keep

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1 out in the back by the woods that I use to fill boats  
 2 and jet skis and lawn mowers with. It's stored back  
 3 behind the creek.  
 4 Q Can you show me on Exhibit 5 where the  
 5 108 gallon gas tank --  
 6 A Again, it's on the trailer. It's moved.  
 7 But we normally keep it in one area. We take it and  
 8 we bring it to the gas station and fill it. It's on a  
 9 trailer.  
 10 Q Where do you normally keep it?  
 11 A Usually keep it over by the lawn mower,  
 12 but right on the opposite side of the creek. But  
 13 again sometimes we bring it over to the front so we  
 14 can charge the battery. Sometimes we park it in front  
 15 of the well house.  
 16 Q So it's 108 gallon gasoline tank that  
 17 sits on a trailer and you can just move it around  
 18 wherever you want it to be?  
 19 A Yes. What we did was hooked up a hose to  
 20 it and a battery, yes.  
 21 Q If you will, look at Exhibit 5 which is  
 22 the aerial photograph that you've been putting marks  
 23 on: Can you show me, just turn it around this way and  
 24 point to where you normally keep the 105 gallon gas  
 25 tank?

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1 A Yeah. Usually -- again, not always,  
 2 usually, right around over here. And sometimes over  
 3 here, and sometimes hook it up over here to charge it.  
 4 (Indicating) but most of the time it's right up over  
 5 here, back -- right when you go -- yeah.  
 6 Q And when you say over here, are you  
 7 talking about sort of --  
 8 A If you look at my well house and go down  
 9 that little road.  
 10 Q -- northeast of --  
 11 A Yeah, and you come back up again right  
 12 before you take a left to go back towards the beach,  
 13 right over there in the trees. Try to keep it in the  
 14 shade so the sun doesn't hit it.  
 15 Q How long have you had the large gasoline  
 16 tank?  
 17 A I think I built it in '05 or '06.  
 18 Q Have you been using it since then?  
 19 A Yes.  
 20 Q Did you notice oil in your water in  
 21 August of 2010?  
 22 A Oil in the water, August of -- no.  
 23 Q I'd like to show you what I've marked as  
 24 Exhibit 12, Mr. Lipsky which is an inspection report  
 25 from the Railroad Commission.

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1 Down in the Comments section.  
2 **A Uh huh.**  
3 **Q** The one, two, three, fourth line down, do  
4 you see there where it says: "Mr. Lipsky had called  
5 back into Doug Allman and stated that the water well  
6 had much more gas present and that it had oil  
7 present."  
8 **A I never said that. I don't even know**  
9 **where you're getting oil from.**  
10 **Q** Do you see that written there on the  
11 page?  
12 **A Yeah, I see that on the page.**  
13 **Q** Did I read that correctly?  
14 **A Yeah.**  
15 **Q** You're stating that you never said that?  
16 **A I never talked about oil, no. I have no**  
17 **idea where this is coming from.**  
18 **Q** Okay.  
19 **A I mean, no. I mean, we --**  
20 **Q** Did you have a pet hamster that died in  
21 or about August of 2010?  
22 **A Yes.**  
23 **Q** Did you have some sort of autopsy  
24 performed on the hamster?  
25 **A No. We never got it done.**

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1 **Q** Did you tell anyone that you were going  
2 to have that done?  
3 **A We did. We had him in the frig over a**  
4 **week, and she took it, and it just fell through and**  
5 **never got it done.**  
6 **Q** Who took it?  
7 **A Alisa.**  
8 **Q** Alisa Rich?  
9 **A No. I think she did take it in. No.**  
10 **She forgot it. That's right. Sorry. So we just gave**  
11 **up because we thought it was too long and too old. We**  
12 **didn't want it in our frig any more.**  
13 **Q** Was the hamster about six years old?  
14 **A Six months old.**  
15 **Q** Six months old?  
16 Did you ever talk to anyone at the  
17 Railroad Commission about a well over by the horse  
18 arena in the Silverado addition that had been plugged  
19 or sealed at some point?  
20 **A I think I asked them about it.**  
21 **Q** And what did you ask them about that?  
22 **A Again, I -- I'm sorry. The other gas --**  
23 **Malone, stated that, you heard about the other problem**  
24 **we had up here and I said, no. And he said that they**  
25 **had something happen and all the gas company trucks**

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1 **came up. And he didn't know what happened. He said**  
2 **he heard rumors that there was some kind of blow out**  
3 **in the fracing or this. So I never got a straight**  
4 **answer from anybody.**  
5 **All I know is that they went and now it's**  
6 **a -- basically, it's a parking lot. So I don't know**  
7 **exactly what happened.**  
8 **Q** And where is this?  
9 **A Up by the arena.**  
10 **Q** Did you ever see any kind of gas well or  
11 well being drilled up by --  
12 **A Yes.**  
13 **Q** -- the horse arena?  
14 **A It was there.**  
15 **Q** And when was that?  
16 **A Again, I don't know. May, I'm not sure.**  
17 **Four years ago, maybe. I'm not sure. I didn't mark**  
18 **it on my calendar. It's a long time ago. But I just**  
19 **remember it being there.**  
20 **Q** And so this gas well was literally in the  
21 Silverado homeowners addition by the horse arena?  
22 **A It was actually -- well, over by -- it**  
23 **wasn't actually in the Silverado. It was actually out**  
24 **by the arena. And I guess we actually always**  
25 **considered the Silverado to be on the other side of**

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1 **the gate, the security gate.**  
2 **So that, to us, was never considered the**  
3 **Silverado development over there. We always**  
4 **considered that to be separate. The arena really**  
5 **wasn't part of the Silverado. And even the front part**  
6 **wasn't part of the Silverado.**  
7 **Q** Who was the operator of that well?  
8 **A You know, I'm not even sure. I just**  
9 **remember him telling me that story.**  
10 **Q** And that's Malone?  
11 **A Yeah. Again we never put much into it**  
12 **because -- yeah, I mean, again, I mean, I just...**  
13 **Q** Have you ever done any investigation or  
14 tried to figure out what Mr. Malone was talking about?  
15 **A I asked, I think, the Railroad Commission**  
16 **what happened. And they never got -- never told me**  
17 **anything. Never told me it was -- and I don't know**  
18 **what happened to it.**  
19 **Q** Before you called Mr. Peck out to your --  
20 to inspect your water well in late July of 2010, was  
21 your water, did it have a lot of fizzing or  
22 Alka-Seltzer type --  
23 **MR. STEWART:** Let me just object to the  
24 form of that question.  
25 You keep saying he did things at certain

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1 times like late July, and I think his testimony has  
2 been whether it was late July or the first part of  
3 August, he's not clear. And you keep framing your  
4 questions like it's a certain time. So to that extent  
5 I'm going to object to the form of that.  
6 You can answer it if you can, but --  
7 **A Ask the question again.**  
8 Q Yeah. You understand that, at some point  
9 in time, you called Mr. Peck out because you were  
10 experiencing problems with your water well pump, in  
11 the summer of 2010. Is that correct?  
12 **A Yes.**  
13 Q And as a part of those problems that you  
14 were experiencing, did your water have a lot of  
15 fizzing like Alka-Seltzer in it?  
16 **A The bar in the kitchen would actually**  
17 **come up smelling funny and look like Alka-Seltzer,**  
18 **yes.**  
19 Q Have you ever had any problems with any  
20 of your septic tanks leaking or having to have repair  
21 work done on them?  
22 **A No. Buzzer went off one time, but I**  
23 **don't -- no, not -- no.**  
24 Q When you say the buzzer went off one  
25 time, what do you mean by that?

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1 **A Did it? No, actually, no it didn't. I'm**  
2 **sorry. No, I don't think we ever had -- no. Ever**  
3 **since we've had the new house and the old house wasn't**  
4 **septic, no, we never had any problems.**  
5 Q Who installed the septic system on your  
6 home?  
7 **A I don't know. The builder got them. I**  
8 **don't know.**  
9 Q You made an open records request to the  
10 Railroad Commission at some point in time, is that  
11 correct?  
12 **A My attorneys did, yeah.**  
13 Q Sir?  
14 **A My attorneys, did yes.**  
15 Q Did you sign a letter to the Railroad  
16 Commission requesting documents?  
17 **A I might have signed it. But yeah, I'm**  
18 **not sure.**  
19 Q Did you receive any documents pursuant to  
20 your request from the Railroad Commission?  
21 **A Yeah, my attorneys did, yes. They shared**  
22 **those with me.**  
23 Q Have you provided copies of all of those  
24 in these documents today?  
25 **A Yes, I believe we have.**

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1 Q Did you tell Mr. Lister that Mr. Hailey  
2 was experiencing problems with his water when you met  
3 with him in August of 2010?  
4 **A I can't remember. I don't know.**  
5 Q At some point in time, did you ever talk  
6 to Mr. Lister about your investigation with your  
7 handheld meter in the Silverado addition?  
8 **A Yes. I think I believe I told him that**  
9 **only two wells, I'd have to check, came back, was mine**  
10 **and the Hailey's.**  
11 Q Are you aware of a water well owned by a  
12 man named Smith?  
13 **A No.**  
14 Q Have you ever seen anything about that or  
15 heard anything about a Smith water well?  
16 **A Never.**  
17 MR. STEWART: I'll bet there's a lot of  
18 them, Smith water wells.  
19 THE WITNESS: Yeah, like the Joneses.  
20 BY MR. SIMS:  
21 Q Mr. Lipsky, let me show you --  
22 MR. STEWART: Is that one exhibit?  
23 MR. SIMS: Yeah.  
24 MR. STEWART: Okay.  
25 BY MR. SIMS:

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1 Q I'll show you some documents that we  
2 pulled off of the Parker County Appraisal District  
3 records.  
4 And, if you would, please, flip through  
5 there and tell me whether these documents represent  
6 pictures of your house in various stages of  
7 construction?  
8 (Short pause.)  
9 **A This one I can't even make out, 5 of 26,**  
10 **I can't tell if it's under construction or not. It's**  
11 **a bad picture.**  
12 (Short pause.)  
13 MR. STEWART: What exhibit number was  
14 that?  
15 MR. SIMS: 13.  
16 MR. STEWART: Thank you.  
17 THE WITNESS: Yeah, looks like my house.  
18 BY MR. SIMS:  
19 Q Exhibit 13 consists of pictures of  
20 various portions of your property, including the home  
21 that you have constructed at 127 River Oak Court?  
22 **A Yes.**  
23 Q Other than documents that Alisa Rich has  
24 received from the various testing companies that she  
25 has used to analyze the water and air in and around

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1 your home, have you received any sort of written  
2 analysis of what all those numbers and test results  
3 mean from Alisa Rich?  
4 **A I don't know that she ever did. She**  
5 **might have, but I don't think we ever -- as I said, we**  
6 **didn't get really a full report. We just got the test**  
7 **results back. And I don't remember getting -- again,**  
8 **we asked for it. But if we did, I don't remember**  
9 **reading it.**  
10 Q What has Alisa Rich -- tell me in your  
11 own words then, what has Alisa Rich told you about her  
12 test results from testing the water from the water  
13 well?  
14 **A Okay. Again, that she did several tests.**  
15 **I mean, where do you want me to start?**  
16 Q Start wherever you can tell me. I mean,  
17 I don't -- I don't know what she's told you. So if  
18 you could just explain to me what she's told you?  
19 **A Can you tell me what the question is?**  
20 Q What has Alisa Rich told you the test  
21 results from the water well testing mean?  
22 **A She just, after the first one was done,**  
23 **she called us up and said that her lab called her and**  
24 **said that our water was off the charts, not to use it**  
25 **for bathing, I mean, even watering the grass, but not**

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1 **use it period. That that was one of the worst they've**  
2 **seen.**  
3 **We did two different water samples, one**  
4 **with letting the water sit there for a week. And one**  
5 **we decided a thousand gallons, one was just a lot --**  
6 **again, we just mainly looked at the numbers. And I**  
7 **think that my own attorney at that time explained it**  
8 **all to me, and not her. At one point -- she kind of**  
9 **fell off the map after she did the test.**  
10 Q So is all you can recall that she ever  
11 reported about the water well test is that her lab  
12 said that the numbers are off the chart and don't use  
13 the water for bathing or for watering the grass, and  
14 it's one of the worst that the lab has seen?  
15 **A Yeah.**  
16 MR. STEWART: Objection, form. Go ahead.  
17 **A Again, she just did the test and it was**  
18 **strange because after she seemed to do all the tests,**  
19 **she kind of just disappeared.**  
20 Q Have you ever tried to reach her or  
21 contact her or --  
22 **A Many times.**  
23 Q When's the last time you spoke with Alisa  
24 Rich?  
25 **A Actually, I called a couple of weeks ago**

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1 **and she answered the phone -- what was the question I**  
2 **had for her? Oh, I just was asking trying to**  
3 **pinpoint what date everything was actually -- the**  
4 **actual date that they came out and did the testing,**  
5 **because I didn't have it recorded, exact dates**  
6 **anywhere.**  
7 Q What else did you talk to her about in  
8 that conversation?  
9 **A That was it. It took me a month to get**  
10 **that.**  
11 Q Prior to that conversation two weeks ago,  
12 when is the next previous time you had talked to her?  
13 MR. STEWART: Form objection.  
14 **A Talked to who?**  
15 Q Alisa Rich?  
16 **A A long time; months.**  
17 Q August or September of 2010?  
18 **A Yeah; somewhere in there, I don't know.**  
19 Q Did you ever see any written report or  
20 analysis that Alisa Rich did in connection with the  
21 Hailey property?  
22 **A No. She's not going to talk about**  
23 **another person.**  
24 Q What did Alisa Rich represent to you her  
25 qualifications were for doing the sort of testing you

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1 were seeking?  
2 **A Well, she definitely was qualified to**  
3 **take the test. She knew how to do it, you could see**  
4 **that. She seemed to know what she was talking about.**  
5 **She said that she's also been expert**  
6 **witnesses in the past but that's not the reason I**  
7 **hired her. I just hired her because I was trying to**  
8 **find out what we had -- what the seriousness of this**  
9 **was. Tell me just to vent it and use it, and I have**  
10 **children. So I just figured out she was qualified to**  
11 **do the test and my main goal was to get the test and**  
12 **it was coming into my house.**  
13 Q Did she, did Alisa Rich ever provide you  
14 any sort of analysis or report about any air testing  
15 that she did inside your home?  
16 **A We got -- I remember -- the only thing I**  
17 **remember reading is actually the -- the labs which**  
18 **basically showed the indoor and outdoor with**  
19 **highlighted sections that were above TCEQ limits. No**  
20 **reports, just the labs. Just basically a breakdown of**  
21 **the labs, and if they were over the TCEQ limits.**  
22 Q Did you ever talk to her about that?  
23 **A Again, we tried to talk to her about all**  
24 **these tests, and she just kind of after they're all**  
25 **done just disappeared. I mean, she wasn't there for**

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1 questioning and all that so I had to rely on other  
2 people to explain them to me.  
3 Q And what other people did you rely on to  
4 explain the test results to you?  
5 A Mainly David.  
6 Q David Ritter?  
7 A Yes.  
8 Q Did anyone ever tell you that the TCEQ  
9 limits that she used are not ambient air limits?  
10 A I -- I'm not sure. I mean, I don't think  
11 so. I mean, they just -- I thought those were the  
12 right ones. I mean, maybe they are wrong, I don't  
13 know.  
14 Q You just don't know?  
15 A I'm not a chemist or a scientist. I  
16 don't know what the TCEQ to use for sure. You see  
17 something on a piece of paper, you figure it's  
18 accurate.  
19 Q Other than the well water testing that  
20 she did and the interior air testing that she did at  
21 your property, did she do any other testing of any  
22 kind?  
23 A No.  
24 Q Other than what you've told us about  
25 today, do you recall her reporting or telling you

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1 anything about the testing that she did?  
2 A Again, that one she told me not to use it  
3 under any circumstance. She made a comment she  
4 definitely thought it was from drilling because of the  
5 different compounds in there. And again, like I said,  
6 it seemed like after she did the tests, she kind of  
7 moved on to the next person. I got more of my data  
8 from David Ritter than I got from her.  
9 Q When did Ms. Rich tell you that she  
10 thought the test results showed that whatever it was  
11 in your water and/or air was definitely from drilling?  
12 A Well, she emailed over the results the  
13 first time.  
14 Q Did she say that in an email?  
15 A No. She said it on the phone.  
16 Q Did she tell you what she had done to  
17 rule out any other potential causes?  
18 A Well, she said that there was surfactants  
19 in the water and there was evidence that it wasn't  
20 natural, and that her opinion was that it was caused  
21 by drilling.  
22 Q Did she say -- provide any opinion as to  
23 who or what driller was at fault?  
24 A No. But she knew the timeline of when  
25 the Butler was put in and the problems that it had.

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1 So I -- she pretty much -- she really didn't say it  
2 straight down, but she pretty much said that that's  
3 the drilling that was in the area. It's something --  
4 you know, no, never really said a hundred percent sure  
5 that the Butler caused it.  
6 Q What problems did she tell you that the  
7 Butler had experienced?  
8 A No, she didn't tell me that. I told her  
9 that. She knew that. The Railroad Commission told me  
10 that.  
11 Q What problems are you referring to that  
12 the Railroad Commission told you the Butler well had  
13 experienced?  
14 A They said it had pressure on the Braden  
15 head.  
16 Q Do you know anything about gas wells?  
17 A Just my six month crash course.  
18 Q Did they tell you how much pressure was  
19 on the Braden head of the Butler well?  
20 A Some 30 or more.  
21 Q Thirty pounds per square inch?  
22 A I guess so. I don't know if that means  
23 good or bad.  
24 Q Did you communicate that to Alisa Rich?  
25 A I'm pretty sure. I'm not sure. I think

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1 so.  
2 Q Did she know whether that was good or bad  
3 or --  
4 A My understanding is everyone told me that  
5 any pressure on the Braden head is bad. I was assured  
6 by the Railroad Commission when they came out the  
7 first day that I'm sure it would never have it. And  
8 then they told me it did and then they made it sound  
9 like it wasn't as big a deal as they made it sound  
10 like at first.  
11 Q Have you talked to anyone who you think  
12 knows anything about Braden heads on gas wells and  
13 pressure as to whether it's a big deal or not?  
14 A My attorneys, Railroad Commission. But  
15 again, I still to this day, since I'm not in the  
16 business or industry really know for sure what it  
17 means.  
18 Q Okay.  
19 A All I know is, it's a problem.  
20 Q Did Alisa Rich provide any sort of  
21 explanation as to why the Hurst well had gas in it in  
22 2005?  
23 A Again, it wasn't a big subject. But I  
24 talked to her about it, and she agreed that she  
25 thought it was just -- you know if you have gas, when

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1 you hit it you'll know it. And there's probably a  
2 pocket dissipated. It doesn't make any sense. She's  
3 never heard in history of a well that was not  
4 contaminated being taken over by gas like mine was.  
5 She said that's not a natural occurrence. Hitting a  
6 pocket is.  
7 Q Did she have any explanation as to why  
8 Mr. Oujesky might have had gas in his water well?  
9 A **We didn't know, at the time.**  
10 Q You've never talked to her about that?  
11 A **No. I didn't know, at the time.**  
12 Q Did Ms. Rich do any investigation of the  
13 Lake Country Acres water system and look at the public  
14 records to determine what was in that water?  
15 A **Never talked about it.**  
16 Q To your knowledge, did she ever talk to  
17 Mr. Peck or Mr. Malone or any of these other well  
18 drillers, as to their knowledge, of what has gone on  
19 in the Silverado area of Parker and Hood Counties?  
20 A **No idea.**  
21 Q Mr. Lipsky, you're not a geologist, are  
22 you?  
23 A **No.**  
24 Q You're not a petroleum engineer?  
25 A **No.**

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1 Q You're not a geophysicist?  
2 A **No.**  
3 Q You, personally, have made no  
4 investigation as to what may have caused gas --  
5 natural gas, to get in your well water, have you?  
6 A **I spent over \$6,000 in lab testing, which  
7 I was hoping would be conclusive.  
8 Called the Railroad Commission, I don't  
9 know, 40, 50 times for hours on end trying to get them  
10 to tell me what happened.  
11 Called everybody, EPA -- I mean, my whole  
12 goal to this day, as I tell everyone, I won't stop.  
13 What happened?  
14 Q As you sit here today, do you have an  
15 answer as to what happened?  
16 A **Not yet. But I will, hopefully.**  
17 Q You have to rely on other people to make  
18 the tests and perform the tests and make the analysis  
19 about what may or may not have happened, isn't that  
20 true?  
21 A **Of course.**  
22 Q You don't claim to have the expertise to  
23 know how gas got in your water well, do you?  
24 A **No, I do not.**  
25 Q Your wife Shyla Lipsky doesn't have the**

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1 expertise to claim to know how gas got in your water  
2 well?  
3 A **I don't know. You'll have to ask her.**  
4 Q Do you know if Alisa Rich has the  
5 expertise to know how gas got in your water well?  
6 A **No. Just -- no. I don't -- no.**  
7 Q Have you ever had any conversations with  
8 a Robert Puls at the Environmental Protection Agency?  
9 A **Robert Poole?**  
10 Q P-U-L-S?  
11 A **It doesn't ring a bell. I could have.  
12 It just doesn't ring a bell. I can't think of one.**  
13 Q What about a Robert D. Lawrence at the  
14 United States Environmental Protection Agency?  
15 A **The name sounds familiar. But again, it  
16 doesn't -- I don't even know -- talking to one person  
17 99 percent of the time.**  
18 Q Is that Mr. Lister?  
19 A **Yes.**  
20 Q Other than Mr. Lister, as you sit here  
21 today, do you know of any other name that you can  
22 recall that you talked to at the EPA?  
23 A **I guess, I mean, I didn't really talk to  
24 him. They said the first time I called in I talked to  
25 a Willie Lane or something like that.**

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1 THE REPORTER: What's the name?  
2 THE WITNESS: I think Wylie Lane or  
3 Willie lane or something like that. Again, that was,  
4 I think, the very first call. And I really didn't  
5 talked to him I just asked him where to go.  
6 BY MR. SIMS:  
7 Q What is Oliver's ozone pure water?  
8 A **Ricky Oliver is the one who hooked up our  
9 filtration system. And he does a lot, apparently, in  
10 the Silverado.**  
11 Q I'm sorry, I don't have additional copies  
12 of these. These are some documents that we pulled out  
13 of the stuff you produced this morning.  
14 A **Uh huh.**  
15 Q Can you identify Exhibit 14, please?  
16 A **Yeah. Yes.**  
17 Q What is that?  
18 A **Ricky came out to -- again, we should  
19 have just put a new tank in. But we couldn't get  
20 anything bigger than 1500 gallons through the door.  
21 Because the warehouse is built around the tank.  
22 Built a bypass system. Basically what we  
23 did is we were trying to, at that time, figure out  
24 what to do. I decided to move on and try to clean out  
25 all the tank and water heaters and so on and bring in**



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1 city water.  
2 So he's the one that helped us clean the  
3 tank out. He was going to put the filtration system  
4 in the house in the first place.  
5 Q And the date you have the invoice?  
6 A The day of the invoice is 8-26-10. Is  
7 that right, yeah, that's about right.  
8 Q And Is that about the time that you  
9 ceased using the well water on the interior of the  
10 home?  
11 A I ceased using the well water well before  
12 that. That's when I actually just simply disconnected  
13 it and tried to figure out how to move back into the  
14 house.  
15 Q Did you communicate to the EPA that you  
16 had ceased using the well water?  
17 A I think so.  
18 Q In August of --  
19 A Again, it was my idea. No one told me to  
20 do that.  
21 Q I understand.  
22 A Yeah.  
23 Q But you did communicate to the EPA that  
24 you had ceased using the well water in August of 2010?  
25 A I don't know if I told them when. I

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1 think they knew, at that time, I stopped. I don't  
2 think they know when I did it.  
3 Q Did they ever ask you when you ceased  
4 using the well water?  
5 A Again, I can't remember. I don't know.  
6 Q Can you identify Exhibit 15, please?  
7 (Short pause.)  
8 (The witness reads the document to  
9 himself.)  
10 A Yeah. This is probably -- I can't  
11 remember. This is the request for the second air  
12 sample or -- well, I'm not sure what's in this. But,  
13 yeah, it looks like theirs.  
14 Q Is that an engagement agreement between  
15 you and Alisa Rich?  
16 A No. I think this is actually, she gave  
17 us one at the beginning. I think this one just --  
18 this one here, I think, was -- August the 9th --  
19 again, we went and had some testing up front and then  
20 we did more tests later. I don't, if this is  
21 pertaining to the first set of series or second set of  
22 series.  
23 Q How do you describe Exhibit 15?  
24 A I suppose a study, air compression study.  
25 Again, like I said, it looks like a proposal either

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1 for the first series of tests or the second series of  
2 tests, I'm not sure.  
3 Q Were you aware that she did a series of  
4 tests and at some point had to go back and redo them  
5 because the samples were contaminated or --  
6 A No. That was the river --  
7 MR. STEWART: Let him finish his  
8 question.  
9 THE WITNESS: Sure.  
10 MR. STEWART: He wasn't through, I don't  
11 think.  
12 THE WITNESS: Go ahead.  
13 BY MR. SIMS:  
14 Q Are you aware of Alisa Rich having to go  
15 back and retake samples because they weren't correct  
16 samples or proper samples?  
17 MR. STEWART: Form objection. Go ahead.  
18 A No.  
19 Q Did you sign an agreement with Alisa Rich  
20 to do sampling testing?  
21 A Yes, the first time.  
22 Q Does that look like the form of agreement  
23 that you signed with her?  
24 A Yeah. I -- I thought the first one  
25 looked different. But it could be. Again, that was a

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1 long time ago. We were more interested to tell you  
2 the truth, one thing I think is finding out as fast as  
3 possible why our water lit on fire.  
4 Q What is Exhibit 16, please?  
5 A My chicken scratch.  
6 Q Exhibit 16 is your handwriting?  
7 A Yes.  
8 Q And are these handwritten notes that you  
9 made throughout the process of trying to determine  
10 what was going on with your water well?  
11 A Yeah. These were actually, I was  
12 trying -- I was making notes of different people who I  
13 talked to. Or I was referred or, you know, and so on.  
14 Basically that's it. Just notes to myself, notes of  
15 test A, test B and so on.  
16 Q May I look at that for just a second.  
17 THE REPORTER: Could you move your  
18 microphone up, please?  
19 THE WITNESS: All right. I'm sorry.  
20 BY MR. SIMS:  
21 Q On the second page of Exhibit 16 at the  
22 top, there's a reference to Parker County Judge Mark  
23 Riley, with, it looks like two cell numbers and an  
24 office number this. Do you see that?  
25 A Yes.

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1 Q Have you had a number of -- or have you  
2 had conversations with County Judge Mark Riley related  
3 to your water well situation?  
4 A **I think three or four times.**  
5 Q When's the first conversation you had  
6 with him?  
7 A **Again, sometime in August. I'm not sure**  
8 **what the exact date was.**  
9 Q In August of 2010?  
10 A **Yes.**  
11 Q What did you tell him or what was the  
12 substance of your conversation?  
13 A **Again, all the people I got named. I**  
14 **called everybody, though, the Fire Marshals, him. And**  
15 **he came out to my house with his assistant, and his**  
16 **assistant actually even sniffed the water that was**  
17 **bubbling and got a real bad headache and said he wish**  
18 **he never would have done it.**  
19 **And they were concerned because of if**  
20 **there was ever contamination in Weatherford.**  
21 Q Did they provide -- excuse me -- (coughs)  
22 any advice or recommendation as to what your next step  
23 should be?  
24 A **No, not really. Just wanted to be**  
25 **informed what was going on. Because they were**

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1 **concerned about the residents of Weatherford.**  
2 Q After that conversation with County Judge  
3 Mark Riley, did you have any other conversations with  
4 him related to your water well situation?  
5 A **Yeah. Just bits and pieces. I told him,**  
6 **for example, things like EPA and this and that. But**  
7 **it was more one-sided than two. And then he called me**  
8 **one time to tell me to look up the latest report that**  
9 **was done for the -- for the -- on the Railroad**  
10 **Commission, some kind of Summit pre-review or**  
11 **something.**  
12 **So, he just really wants to stay in the**  
13 **loop of what's happened and again, concerned about the**  
14 **Weatherford citizens.**  
15 Q Did he ever provide you any analysis or  
16 opinions as to what the cause of any gas in your water  
17 well was?  
18 A **No.**  
19 Q To your knowledge, has Alisa Rich ever  
20 talked to County Judge Mark Riley?  
21 A **I have no idea.**  
22 Q Have you ever seen any emails from Alisa  
23 Rich stating that County Judge Mark Riley is furious?  
24 A **Again, I -- I'm bad at emails. But no, I**  
25 **don't remember seeing it. But again, I'm the person**

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1 **that picks up the phone. Ninety percent of my emails**  
2 **don't get read. I don't know. I don't remember**  
3 **seeing it.**  
4 Q Have you ever had any conversations with  
5 Alisa Rich about any conversations she may have had  
6 with County Judge Mark Riley to that effect?  
7 A **She might have, but I just remember her**  
8 **talking about it.**  
9 Q If County Judge Mark Riley was furious  
10 about something, you don't know what it was, as you  
11 sit here today?  
12 A **No, I don't.**  
13 Q All right. May I see that document  
14 again?  
15 At the top of the third page of Exhibit  
16 16, there's some handwriting that says, water out, and  
17 then words out to the side of that, and then in -- or  
18 some other words.  
19 Can you describe what that writing means?  
20 A **Yeah. I think these are the air samples.**  
21 **Oh, wait. Water -- again, you know, maybe they aren't**  
22 **water samples. It looks like it's outside tests and**  
23 **inside tests. Yeah, again, these notes were taken way**  
24 **six months ago. I'm not really sure what they mean**  
25 **any more. It's either the air or the water, I'm not**

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1 **sure.**  
2 Q You don't have any independent  
3 recollection of what those notes mean, as you sit here  
4 today?  
5 A **No. Again, those were done a long time**  
6 **ago. And I just, basically, had a lot -- just**  
7 **scribbled on.**  
8 Q Would the same be true for the next page  
9 of Exhibit 16, the writing on there?  
10 A **That was when I got called. I call it**  
11 **Test A, Test B. Test A is when we let the water sit**  
12 **there for a whole week and bubble, I mean, aerate and**  
13 **everything, which we knew was absolutely impossible to**  
14 **do anyway. So we went and just added a thousand**  
15 **gallons, like every day use, and we didn't even get**  
16 **that out of the well in those 24 hours. Just to see**  
17 **realistically what we were looking at if we tried to**  
18 **use the well at all.**  
19 **And that wasn't even accurate because we**  
20 **were using the water at one time as fast as it was**  
21 **coming in.**  
22 **So I was still trying to do Test C, I**  
23 **call it, to find out exactly how bad it really is when**  
24 **it comes straight into the house, almost like it was.**  
25 **But that's Test A and Test B of the water. One**

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1 sitting there for a week, and one with about 700  
 2 gallons added to it 24 hours beforehand.  
 3 Q What does that show, I mean, what do  
 4 you -- do you understand?  
 5 A No. I just know one is 234 and one is  
 6 4200. That's parts per Billion, quad zillion or  
 7 whatever. I just know that 4200 is a lot bigger  
 8 number than 234. So I don't know if it went up that  
 9 much from adding 700 gallons, that I don't even want  
 10 to see what the number looked like, what it really was  
 11 at one time.  
 12 Q Can I look at that?  
 13 Who gave you this -- who provided you  
 14 this information about the water out and in on Page 3  
 15 of Exhibit 16 and in the following page?  
 16 MR. STEWART: Let him finish.  
 17 THE WITNESS: Okay.  
 18 Q Who provided you this information that  
 19 you wrote down?  
 20 A I think it was David.  
 21 Q David Ritter?  
 22 A Uh huh.  
 23 (The Witness nodded his head up and  
 24 down.)  
 25 Q And he's one of your lawyers here with

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1 you today?  
 2 A Yeah. Yes.  
 3 Q If you would, look at the last page of  
 4 Exhibit 16.  
 5 Can you tell me what that says and what  
 6 it means?  
 7 (Short pause.)  
 8 A To tell you the truth, I have absolutely  
 9 no idea. What is this, 217 East Broadway -- Rendon?  
 10 Oh, oh, I think I know what this is. I think that  
 11 might be the address where they had the filming -- the  
 12 showing of gas scent.  
 13 THE REPORTER: Gas what?  
 14 THE WITNESS: Documentary. I think  
 15 that's the address where they gave us if we already  
 16 saw it. We just heard that they were in Fort Worth,  
 17 and that was the address that they were playing it at.  
 18 Q And who provided you that information  
 19 with that address?  
 20 A I can't remember who told me. It could  
 21 have been David. It could have been -- I'm not sure.  
 22 Just someone told me they were coming in this area.  
 23 So...  
 24 Q And "they" is who, who is, they are  
 25 coming in this area?

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1 A The people who are -- the guy and the  
 2 people who put together gas --  
 3 Q Did you go see it at the Broadway address  
 4 there shown?  
 5 A We went there. We didn't watch the  
 6 movie. We saw it already.  
 7 Q And who's "we," when you say, we went  
 8 there?  
 9 A Me and my wife.  
 10 Q And when did you go to watch that or to  
 11 participate in the gathering?  
 12 A I don't know. Two and a half months ago.  
 13 I don't know. Do you have a date? Again, somewhere  
 14 around there.  
 15 Q How many people attended the gathering?  
 16 A I don't know. I thought it would be  
 17 more. Maybe a hundred.  
 18 Q Was Alisa Rich there?  
 19 A No.  
 20 Q Was anyone there from the EPA?  
 21 A No.  
 22 Q Who sponsored the meeting or the event?  
 23 A I'm not sure, but I think it was -- I  
 24 think like a testing company maybe. That's what it  
 25 looked like.

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1 Q Do you remember the name of the testing  
 2 company?  
 3 A It might be that Shell test.org.  
 4 Q Did you get any names of anyone or cards  
 5 from anyone at the meeting?  
 6 A Yeah. I met Josh, the Director of the  
 7 show.  
 8 Q Anyone else?  
 9 A He was the main -- no, there was no one  
 10 else we really knew and ever met. And I don't think  
 11 we ever met again.  
 12 Q Did anyone speak or give a presentation,  
 13 or did they just show the film?  
 14 A Josh gave a short presentation, and they  
 15 showed the film. And then, again, we left because  
 16 we'd already seen the film before, and there was no  
 17 reason to sit there and watch it again. We had it at  
 18 home.  
 19 Q Do you remember when you wrote those  
 20 notes down?  
 21 A I'm guessing it was probably right about  
 22 the same time that they came to Fort Worth. Again, to  
 23 tell you the truth I think David gave it to me.  
 24 Q David Ritter?  
 25 A Yeah.

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1 Q Did he go to the presentation, too, or do  
2 you know?  
3 A **Not at Fort Worth, but I don't know if he**  
4 **went to a different one, I don't know.**  
5 Q What is Exhibit 17?  
6 A **That's -- that's missing one. Those are**  
7 **all the phone calls that I, personally, made to the**  
8 **Railroad Department.**  
9 Q And when you say it's missing one, what  
10 do you mean by that?  
11 A **I just added one later because I missed**  
12 **one. It was somewhere down in the 811 area, a call.**  
13 **I missed it from my other phone records. I decided it**  
14 **was just one call that I didn't carry over.**  
15 Q Do you maintain phone records of all your  
16 phone calls?  
17 A **The phone company does.**  
18 Q And have you acquired all those records?  
19 A **We just took them out of our folder.**  
20 Q And who is "we"?  
21 A **Me and my wife.**  
22 Q Did you prepare that list of phone calls  
23 that's marked as Exhibit 17 for this deposition today,  
24 or why did you prepare that list of phone calls?  
25 A **To show how I tried -- how hard I tried**

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1 **to work with the Railroad Commission.**  
2 Q What have you done with Exhibit 17, other  
3 than bring it to this deposition today?  
4 A **Nothing.**  
5 Q Have you provided that to the EPA?  
6 A **That's not the purpose of putting it**  
7 **together. I don't think so, no.**  
8 Q Who asked you to put that together?  
9 A **Nobody.**  
10 Q When did you create Exhibit 17?  
11 A **I think two or three weeks ago.**  
12 Q Is this something you decided to do in  
13 your spare time?  
14 A **Exactly.**  
15 **(The witness nodded his head up and**  
16 **down.)**  
17 Q Have you created a list of phone calls  
18 that you've had with people from the EPA?  
19 A **I think I have it there. But, I mean, I**  
20 **went through it. I think I got -- no. Actually -- I**  
21 **mean it's -- I can do it.**  
22 MR. STEWART: He didn't ask that.  
23 THE WITNESS: Okay. No, I don't.  
24 MR. STEWART: He didn't ask if you can do  
25 it.

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1 THE WITNESS: Okay.  
2 MR. STEWART: He asked if you have done  
3 it.  
4 THE WITNESS: No. I don't have a list.  
5 MR. STEWART: And I need to go to the  
6 bathroom.  
7 MR. SIMS: All right. We'll take a  
8 restroom break.  
9 THE VIDEOGRAPHER: Off the record at 4:05  
10 PM.  
11 (Recess.)  
12 THE VIDEOGRAPHER: Back on the record,  
13 4:14 PM.  
14 BY MR. SIMS:  
15 Q Mr. Lipsky, can you identify Exhibit 18  
16 to your deposition which consists of two pages?  
17 (Short pause.)  
18 A **Yes.**  
19 Q What is Exhibit 18 to your deposition?  
20 A **Invoices.**  
21 Q Invoices from whom?  
22 A **Wolf Eagle Environmental.**  
23 THE REPORTER: Say again?  
24 THE WITNESS: Wolf Eagle Environmental.  
25 BY MR. SIMS:

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1 Q Is that the company that Alisa Rich  
2 operates?  
3 A **Yes.**  
4 Q In terms of your communications with Wolf  
5 Eagle Environmental, other than Ms. Rich and the young  
6 man that you said came out to the property to collect  
7 samples, did you ever communicate with anyone else  
8 from that entity or that company?  
9 A **No.**  
10 Q To your knowledge, did Ms. Rich and the  
11 young man that she brought out to collect samples have  
12 anyone else working with them in their company?  
13 A **I don't know.**  
14 Q Did she ever introduce who the young man  
15 was that came out to the property?  
16 A **I think so.**  
17 Q And what did she tell you about him?  
18 A **I -- that she was there to help.**  
19 Q Did she tell you who he was?  
20 A **I'm sure she did. I don't remember.**  
21 Q Did she tell you that her 19 year-old son  
22 collects samples for her?  
23 MR. STEWART: Objection, form.  
24 A **No, she didn't.**  
25 Q Did she call him her technician?

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1           **A I can't remember.**  
2           Q Do you know what kind of education or  
3 training he has in terms of collecting samples?  
4           MR. STEWART: Objection, form.  
5           **A Who has?**  
6           Q Whoever it was that she brought out with  
7 her to collect samples?  
8           **A I have no idea.**  
9           Q If you could, please identify Exhibit 19.  
10 And excuse me, let me go back to 18.  
11           Are those the only two invoices you've  
12 ever received from Wolf Eagle and Alisa Rich?  
13           **A I'm not -- I think so. I'm not sure.**  
14           Q Have you paid those invoices?  
15           **A Yes.**  
16           Q Look at Exhibit 19, please, and tell me  
17 what that is?  
18           **A The dates that I requested when they did**  
19 **the tests.**  
20           Q Do you see the statement in Exhibit 19  
21 that Alisa Rich is asking you to pay her invoices?  
22           **A Again, I'm telling you -- yes.**  
23           Q And what's the date of that email?  
24           **A It says January 7th, 2011.**  
25           Q When did you pay her invoices?

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1           **A Two days ago.**  
2           Q Did you mail those directly to her or  
3 deliver them to her or what?  
4           **A Yes. So what's the question?**  
5           Q Did you mail a check to her, or how did  
6 you get payment to her?  
7           **A Fed Ex.**  
8           Q Why did you Fed Ex money to Alisa Rich  
9 for payment of her invoices?  
10           **A In the confusement (sic) this whole time**  
11 **I thought it was somewhat taken care: She gave me the**  
12 **impression that if I brought in Counsel. So again, it**  
13 **wasn't until everything kind of came back up again**  
14 **with everything the last couple of weeks that it all**  
15 **kind of got brought back to the table.**  
16           Q Explain what you mean about, you brought  
17 on counsel?  
18           I didn't understand what you just said.  
19           **A She told me that if I hired an attorney,**  
20 **they would probably pay for any costs associated with**  
21 **it, up front.**  
22           **So I wasn't really -- again, we haven't**  
23 **talked to her for such a long time, it just kind of**  
24 **got thrown by the way side.**  
25           Q How did you come to first hire Mr. Ritter

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1 as your attorney?  
2           MR. STEWART: Objection. He's not  
3 answering that. That's attorney-client. You're not  
4 going to answer that. You're instructed not to answer  
5 that. You're instructed not to answer any questions  
6 about what you've said, done with your lawyers, the  
7 process you went through in order to get lawyers.  
8           THE WITNESS: Okay.  
9           MR. STEWART: Who you interviewed to be  
10 your lawyers, nothing like that he knows he's not  
11 entitled to it.  
12           Don't ask those kind of questions.  
13 BY MR. SIMS:  
14           Q Who first told you to contact Mr. Ritter?  
15           MR. STEWART: Objection. He's not  
16 answering that, either. It's how he got to Mr.  
17 Ritter.  
18           You're not answering that question.  
19 BY MR. SIMS:  
20           Q Did you talk -- did a non-lawyer  
21 recommend that you call Mr. Ritter?  
22           **A I don't think so.**  
23           Q Did Alisa Rich recommend that you call  
24 Mr. Ritter?  
25           **A I don't think it was her, no. It wasn't,**

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1 **no.**  
2           Q Do you know who recommended that you call  
3 Mr. Ritter?  
4           **A I think it was another attorney.**  
5           Q Is that an attorney that you hired to  
6 represent you?  
7           MR. STEWART: Objection. He's not  
8 answering stuff about him having conversations with an  
9 attorney.  
10           Why are you asking those kind of  
11 questions?  
12           Those are improper questions. You don't  
13 get to ask him about conversations he has with  
14 attorneys. You don't get to do that. It's improper.  
15 You know it's improper.  
16           MR. SIMS: If the attorney --  
17           MR. STEWART: It violates the Rules.  
18           MR. SIMS: If the attorney doesn't  
19 represent him, it's not improper. I'm trying to find  
20 out --  
21           MR. STEWART: No. That is improper. You  
22 can have an attorney-client conversation with someone  
23 who you don't represent when they're trying to figure  
24 out whether you should represent them. That is a  
25 privileged communication. You should know that.

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1 Don't answer any more questions that  
2 involve attorneys, what you've said to them, what  
3 you've done with them. If he keeps asking those kind  
4 of questions, we'll stop the deposition because  
5 they're improper.  
6 MR. SIMS: Object to your side-bar.  
7 MR. STEWART: I object to you asking  
8 improper, unethical questions.  
9 MR. SIMS: I object to your side-bar.  
10 BY MR. SIMS:  
11 Q Can I show you Exhibit 20, please, sir.  
12 Can you identify that for me?  
13 (Short pause.)  
14 (The witness reads the document to  
15 himself.)  
16 A **I don't know what Zip Code that is. It's**  
17 **not mine.**  
18 (Short pause.)  
19 A **Yeah. What was the question?**  
20 Q Have you ever seen Exhibit 20 before?  
21 A **Actually, that was supposed -- yes.**  
22 Q Including the email, the cover email with  
23 it?  
24 A **I don't remember the email, but I**  
25 **remember the exhibit. I mean, I remember the rest.**

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1 Q The letter that Mr. Ritter wrote to the  
2 EPA?  
3 A **Yes.**  
4 Q Have you been involved in any  
5 conversations with anyone at the EPA related to the  
6 letter that Mr. Ritter wrote to the EPA?  
7 MR. STEWART: You can answer provided  
8 that your lawyer was not there. If your lawyer was  
9 there, you were involved in communications with the  
10 EPA with your lawyer present, and it was part of your  
11 lawyer's investigation, then I'm instructing you not  
12 to answer that.  
13 THE WITNESS: Okay. What's the question?  
14 BY MR. SIMS:  
15 Q My question is simply this: Have you had  
16 any conversations with anyone at the EPA related to  
17 the letter that's part of Exhibit 20?  
18 MR. STEWART: Without his lawyer present?  
19 Is that your question?  
20 MR. SIMS: If he's had conversations with  
21 the EPA, that is not privileged.  
22 MR. STEWART: No, no. Yes, it is.  
23 MR. SIMS: Whether there are lawyers  
24 there or not.  
25 MR. STEWART: No, that's not true.

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1 MR. SIMS: That is true.  
2 MR. STEWART: He can have conversations  
3 with the EPA with his lawyer present, he can have  
4 those.  
5 MR. SIMS: Yeah, he can, but they're not  
6 privileged.  
7 MR. STEWART: And they can be privileged  
8 depending on why that conversation was being had.  
9 MR. SIMS: You're wrong about that.  
10 MR. STEWART: Well, we can agree to  
11 disagree with about that.  
12 MR. SIMS: You can instruct him not to  
13 answer and we will get it sorted out at the Railroad  
14 Commission.  
15 MR. STEWART: Why don't you ask him  
16 whether he's had conversations with the EPA that do  
17 not involve his lawyer about this subject?  
18 MR. SIMS: I want to know all the  
19 conversations he's had. He can identify them for me.  
20 And if you're going to instruct him not to answer some  
21 of them, so be it. I'm going to take my deposition  
22 the way I want to take it.  
23 MR. STEWART: Well, so far you've decided  
24 in the last 20 minutes to decide that this guy is the  
25 villain when you guys are in the business of polluting

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1 people's water.  
2 MR. SIMS: No, sir. I object to your  
3 side-bar.  
4 MR. STEWART: That is true.  
5 MR. SIMS: You're wasting my time.  
6 MR. STEWART: You're wasting your own  
7 time.  
8 MR. SIMS: No. You're wasting my time.  
9 MR. STEWART: If you'll ask questions  
10 that are germane to your issues, you could have been  
11 done a long time ago. But you haven't. You spent  
12 this as some sort of inquisition against Mr. Lipsky.  
13 MR. SIMS: No. I disagree with that.  
14 MR. STEWART: You can disagree with it.  
15 I'm telling you what's happening. So, I've just  
16 instructed you, Mr. Lipsky, you're not to answer  
17 questions to him in which your lawyer is present when  
18 you're having conversations in which your lawyer is  
19 involved as well.  
20 If he wants to go to a court and sort  
21 that out and say that he's got a right to those  
22 conversations, he can do that at a later time.  
23 You can tell him about conversations that  
24 you've had with the EPA where your lawyer was not  
25 present.

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1 BY MR. SIMS:  
2 Q Let me just ask this: Have you had any  
3 conversations with the EPA where your lawyer was  
4 present, yes or no?  
5 A Yes.  
6 Q How many?  
7 A I don't know. I mean, I had  
8 conversations -- how many with the Railroad  
9 Commission?  
10 I can't remember every single one of  
11 them. You're asking me to remember stuff that's  
12 improbable. I don't remember every conversation with  
13 every single person I've had. I mean, they've been  
14 dealing with us for over six months. Okay? It's  
15 been nothing but a nightmare.  
16 MR. STEWART: Stop. He's been an open  
17 book for you. He's not a party to this deal. You  
18 guys are. He's not. He's just a witness. You're  
19 turning it into an inquisition. That's improper.  
20 Now, if you want to ask him about the  
21 conversations he's had with the EPA, great. I think  
22 he's already told you the conversations he's had with  
23 the EPA. But you're free to keep going down a path  
24 that I think is unethical path. You're free to keep  
25 going down it. I've instructed him which questions he

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1 should answer and which questions he shouldn't.  
2 BY MR. SIMS:  
3 Q Following the December 2nd letter from  
4 Mr. Ritter to the EPA, did you have conversations with  
5 the EPA related to the content of that letter, just  
6 yes or no?  
7 MR. STEWART: You can answer that  
8 question to the extent you had conversations with the  
9 EPA after the time period that he has mentioned  
10 without your lawyer present.  
11 I don't know when you had conversations  
12 with them or not. Having said that, because I want to  
13 protect the attorney-client privilege and all the  
14 things that are associated with it, and apparently Mr.  
15 Sims is not interested in that, this is why I'm giving  
16 you the instruction I'm giving you.  
17 THE WITNESS: Okay. Again, I talked more  
18 about my water lighting on fire and isotope tests in  
19 this letter. I remember them asking for a background  
20 information. But I don't remember them making  
21 comments about the letter after they received it at  
22 all.  
23 BY MR. SIMS:  
24 Q To your knowledge, have you ever had any  
25 conversations with Scott McDonald of the EPA?

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1 A The name rings a bell. I'm not sure.  
2 Q Can you identify Exhibit 21 to your  
3 deposition?  
4 (Short pause.)  
5 MR. STEWART: You look through it first,  
6 and then I'll look at it.  
7 (Short pause.)  
8 A Scott McDonald, I believe, was the guy  
9 that was on the TV. I don't remember him coming out  
10 to the house, though.  
11 BY MR. SIMS:  
12 Q Do you know what that email is about,  
13 Exhibit 21?  
14 A I just glanced at it. It said something  
15 about a meeting.  
16 Q Between Mr. Ritter and the EPA?  
17 A I guess so.  
18 Q Were you present or did you participate  
19 in any of that conversation, yes or no?  
20 MR. STEWART: Which conversation, in this  
21 email?  
22 MR. SIMS: Referred to in the email.  
23 MR. STEWART: It says an email between  
24 David Ritter and whom?  
25 THE WITNESS: I guess Scott -- from the

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1 EPA.  
2 MR. STEWART: And Scott McDonald-  
3 MR. STEWART: Hadn't you testified that  
4 you didn't remember Scott McDonald?  
5 THE WITNESS: Again, I saw him on TV. I  
6 don't think I ever met him.  
7 BY MR. SIMS:  
8 Q If you will look at Exhibit 22.  
9 Do you see the email down at the bottom  
10 from Scott McDonald of the EPA to David Ritter saying  
11 that the EPA's DOJ attorneys want to discuss some  
12 issues with you, can we schedule a call for Monday.  
13 Do you see that?  
14 A Yes.  
15 Q Were you, personally, involved in any  
16 communications with the Department of Justice  
17 attorneys related to your water well issues, yes or  
18 no?  
19 A Was I, personally, involved in  
20 communications with them?  
21 Q Yes, sir.  
22 MR. STEWART: Wait. This is an email  
23 between Scott McDonald and David Ritter?  
24 MR. SIMS: Yes.  
25 MR. STEWART: Is he on this email?

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1 MR. SIMS: I'm just asking him if he was  
2 involved in a conversations.  
3 MR. STEWART: Is he on this email?  
4 MR. SIMS: I don't know.  
5 MR. STEWART: Do you see yourself on that  
6 email?  
7 THE WITNESS: No. All their attorneys  
8 but not me.  
9 MR. STEWART: Okay.  
10 BY MR. SIMS:  
11 Q Do you know if you had any conversations  
12 with anyone at the Department of Justice related to  
13 your water well issues?  
14 A **Do I know?**  
15 Q Yes, sir.  
16 MR. STEWART: He's not on this email.  
17 MR. SIMS: I'm not asking him about  
18 whether he's on the email. I'm asking him if he's had  
19 any conversations with the Department of Justice  
20 attorneys.  
21 MR. STEWART: I got it. He has.  
22 MR. SIMS: Okay.  
23 MR. STEWART: He's not going to tell you  
24 what they are. It's covered by the privilege. I'll  
25 help you with that.

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1 MR. SIMS: Well, thank you. We'll get  
2 that sorted out. I'm just glad to know what the facts  
3 are.  
4 MR. STEWART: Well, all you needed to do  
5 was ask me because I've been telling you that's  
6 privileged.  
7 MR. SIMS: Will you provide a privilege  
8 log of all the conversations he's had and the  
9 documents that have been withheld from today?  
10 MR. STEWART: No. I don't know that any  
11 documents have been withheld from today. I didn't  
12 look through that. But, more importantly, once again,  
13 you're on your inquisition. You're here to find out  
14 about his water well. That's what you're here to find  
15 out about. He's not a party to your proceeding, Mr.  
16 Sims. You seem to have forgotten that. You've turned  
17 this into an adversarial proceeding against this man,  
18 Mr. Lipsky, who's a citizen of the State of Texas, and  
19 you've decided that he sued you, and he didn't.  
20 MR. SIMS: Object to the side-bar.  
21 BY MR. SIMS:  
22 Q Let me show you Exhibit 23, Mr. Lipsky.  
23 Is that an email from you to County Judge  
24 Mark Riley?  
25 (Short pause.)

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1 A **No.**  
2 Q What is that?  
3 A **It's an email to me.**  
4 Q From who?  
5 A **I believe it's Judge Riley's office.**  
6 Q Do you know why he emailed that to you?  
7 A **I told you about this three hours ago.**  
8 Q What?  
9 A **That he emailed something about some kind**  
10 **of thing about the -- what is it called again?**  
11 MR. STEWART: Sunset.  
12 A **Sunset Review. I told you about this**  
13 **three hours ago.**  
14 Q Did you ask him to email that to you?  
15 A **No. But I'm sure he thought that I might**  
16 **find it interesting.**  
17 Q Have you seen Exhibit 24 prior to today,  
18 Mr. Lipsky?  
19 (Short pause.)  
20 A **No, I never did. Never even -- I**  
21 **wouldn't remember that.**  
22 Q Has Mrs. Rich ever told you that you're  
23 high maintenance?  
24 A **No.**  
25 Q Prior to the EPA issuing its Emergency

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1 Order, December 7, 2010, did you know that that order  
2 was going to be issued?  
3 MR. STEWART: Can you say that one more  
4 time?  
5 Q Prior to the EPA issuing its order dated  
6 December 7, 2010, did you know that that order was  
7 going to be issued?  
8 A **No.**  
9 Q Do you recognize Exhibit 25, Mr. Lipsky?  
10 (Short pause.)  
11 A **We talked about it. She probably emailed**  
12 **this to me. Like I said, I don't read all my emails.**  
13 **I remember talking on the phone about it. But I don't**  
14 **remember getting an email. That's probably why I**  
15 **didn't read it because I already talked to her.**  
16 Q Did you follow her advice in connection  
17 with the strategy that she mapped out in Exhibit 25?  
18 A **You're talking about doing an air sample**  
19 **out by the well?**  
20 **Yeah, we did do an air sample out by the**  
21 **well, yes, we did.**  
22 Q And to get the EPA involved and all that?  
23 A **No. I don't remember this email. I just**  
24 **remember the conversation about coming out and doing**  
25 **the second test. Again, I don't know if I even read**



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1 that email. Like I said I get so much junk going  
 2 through, I usually talk to someone on the phone about  
 3 stuff. And I'm sure we talked about the second test  
 4 over the phone. I don't remember receiving an email  
 5 in reference to it, though.  
 6 Q Did you encourage Alisa Rich to get the  
 7 EPA involved in this situation?  
 8 MR. STEWART: Objection, form.  
 9 He's already said he called the EPA.  
 10 A Yeah, I called everybody. Again, I  
 11 was -- I wanted anyone to get involved who could tell  
 12 me what was happening because the Railroad Commission  
 13 wasn't doing anything. I was -- I don't care if it's  
 14 ABC Mortgage Company. I just wanted someone to tell  
 15 me why my water lights on fire.  
 16 BY MR. SIMS:  
 17 Q Do you know if Alisa Rich contacted  
 18 anyone at the EPA?  
 19 A I have no idea. You can ask her.  
 20 Q Have you ever had any conversations with  
 21 anyone at the Texas Oil and Gas Accountability  
 22 Project?  
 23 A I have no idea what that is.  
 24 Q Do you know who Al Armendariz is?  
 25 A I think he's the guy, one of the guys at

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1 the EPA.  
 2 Q Have you had any conversations with him?  
 3 A Never.  
 4 Q Do you know who Calvin Tillman is?  
 5 A No.  
 6 Q Do you know who the promoter or  
 7 responsive of the shelltest.org entity are?  
 8 A Absolutely zero idea. Never talked to  
 9 them. I don't know who they are.  
 10 Q When you read the Powell report, did you  
 11 send a copy of that on to the EPA?  
 12 A I don't think so.  
 13 Q Did you ask Mr. Hurst for copies or  
 14 pictures of the well, the water well flaring on --  
 15 excuse me -- did you ask Mr. Peck for copies of  
 16 pictures of the Hurst water well flaring?  
 17 A No, I didn't. But you guys did.  
 18 Q Did you provide any of that -- did you  
 19 ever contact EPA and tell them, look, there's evidence  
 20 of this water well flaring?  
 21 A No, I never did.  
 22 Q How many email addresses do you have?  
 23 A Two.  
 24 Q And what are they?  
 25 A S.lipsky@sbcglobal.net, and

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1 lipsky@mac.com.  
 2 Q Do you have a Facebook account?  
 3 A No.  
 4 Q Twitter account?  
 5 A Nope.  
 6 Q Linked in account?  
 7 A No.  
 8 Q Any other social media?  
 9 A No.  
 10 Q Does Shyla have any email addresses or  
 11 Facebook accounts or Twitter accounts?  
 12 A She has email address.  
 13 Q And what is that?  
 14 A I believe it's Shylalipsky@sbcglobal.net.  
 15 Q Do you have -- does she have a Facebook  
 16 account?  
 17 A No.  
 18 Q Twitter account?  
 19 A Not that I know of.  
 20 Q You don't know?  
 21 A I'm sure -- I know her pretty well, and  
 22 I've lived we are for a long time. It would be news  
 23 to me.  
 24 Q Okay. Have you ever hired Mr. Peck as  
 25 any sort of consultant for litigation purposes?

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1 A No.  
 2 MR. SIMS: Would you give me five  
 3 minutes?  
 4 I think we'll be about ready to wrap it  
 5 up.  
 6 THE VIDEOGRAPHER: Off the record at 4:40  
 7 PM.  
 8 (Whereupon a short recess was taken.)  
 9 THE VIDEOGRAPHER: Back on the record,  
 10 4:48 PM.  
 11 BY MR. SIMS:  
 12 Q Mr. Lipsky, are there any facts or  
 13 information about your water well --  
 14 THE VIDEOGRAPHER: Mr. Sims, the Mike.  
 15 MR. SIMS: I'm sorry.  
 16 MR. STEWART: Okay.  
 17 BY MR. SIMS:  
 18 Q Try it again.  
 19 Mr. Lipsky, are there any facts or  
 20 information about your water well that we have not  
 21 talked about today that you think are important or  
 22 that we should know about?  
 23 MR. STEWART: Form objection.  
 24 A That's really not a question.  
 25 What's the question?

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1 Q My question is: Are you aware of any  
2 facts or information about your water well that we  
3 haven't discussed today?  
4 MR. STEWART: Form objection.  
5 A **The only comment I have is, my water  
6 lights on fire, and didn't used to do that. Tell me  
7 why. That's it -- somebody. I'm on the run.**  
8 THE REPORTER: What was the last?  
9 THE WITNESS: Nothing.  
10 BY MR. SIMS:  
11 Q Are you aware of any facts or information  
12 about any other aspect of your property other than  
13 your water well that you think is significant or  
14 important to trying to determine the cause of gas in  
15 your water well?  
16 MR. STEWART: Object to the form.  
17 A **I'm not sure if I understand the  
18 question. Go ahead again.**  
19 Q Are there any facts or information that  
20 you have that you think are important to trying to  
21 ascertain or figure out the cause of gas in your water  
22 well?  
23 MR. STEWART: Object to the form again.  
24 He's not an expert.  
25 MR. SIMS: I'm just asking.

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1 THE WITNESS: Again --  
2 MR. STEWART: How would he know?  
3 THE WITNESS: I'm trying, I'm looking,  
4 dummy, I mean, I've been screaming from the roof tops.  
5 Someone tell me what happened.  
6 BY MR. SIMS:  
7 Q Have you consulted with any geologists  
8 that are knowledgeable about the earth under the  
9 surface in the area where you live to try to come up  
10 with possible explanations?  
11 A **Not directly. Indirectly.**  
12 Q When you say "indirectly," what do you  
13 mean by that?  
14 A **Just there's a neighborhood -- well, no,  
15 no, I didn't. I don't know these geologists. Just  
16 someone in the neighborhood.**  
17 Q Tell me who it is you've talked to?  
18 A **I don't remember his name. I know it's  
19 somebody -- I didn't talk to him. I just remember  
20 someone saying a comment that they said something to  
21 him about it. And he said make sure that you get your  
22 water tested every year. That there's something going  
23 on here, he just didn't know what.**  
24 Q Have you had any conversations with  
25 anyone in the Silverado Addition that claims to know

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1 what the cause of the problem is?  
2 A **Again, no one knows a hundred percent.  
3 That's what we're all trying to find out.**  
4 Q Have you had any conversations with  
5 members -- or residents in the Silverado homeowners  
6 addition asking them to join you in a lawsuit of any  
7 kind?  
8 A **No.**  
9 Q Have you ever had any conversations with  
10 a guy named Glen `Oosterhoff?  
11 A **God, who's that? I don't think so. I've  
12 heard that name but... No.**  
13 Q You're aware, sir, that Mr. Ritter wrote  
14 Range Resources Corporation a letter in September of  
15 2010 outlining your water well situation, have you  
16 seen that letter?  
17 A **I'm guessing so.**  
18 Q Are you aware of any letters written to  
19 any other oil and gas companies by your attorneys,  
20 written to oil and gas companies by your attorneys in  
21 2010?  
22 A **Not that I'm aware of, I don't know.**  
23 Q Do you know anything about the fracing  
24 process that takes place in horizontal Barnett Shale  
25 oil and gas wells?

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1 A **Just my six month crash course.**  
2 Q And who have you talked to to get any  
3 information about the fracture stimulation process in  
4 horizontal Barnett Shale wells?  
5 A **We'd need another six hours. Just  
6 anybody and everybody. Everybody, anybody. Every  
7 person I could think of.**  
8 Q Do you have any knowledge or information  
9 about the kind of pressure and the volume of fluid  
10 that would be required to frac from below a mile below  
11 the surface of the earth up to two or three hundred  
12 feet above or below the surface of the earth?  
13 A **All I know is you use several million  
14 gallons of water and a whole bunch of chemicals.  
15 That's all I know. I'm not -- again, I'm not in the  
16 business, never want to be.**  
17 Q Why are you not participating in the  
18 Railroad Commission hearing?  
19 MR. STEWART: Objection. He's not going  
20 to answer that question. You're invading the  
21 attorney-client privilege.  
22 Q Have you had any conversations with  
23 anyone at the EPA as to why the EPA is refusing to  
24 participate in the Railroad Commission hearing?  
25 MR. STEWART: I doubt that he has. But

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1 again -- have you?  
 2 THE WITNESS: No.  
 3 MR. STEWART: Okay. He's not the Federal  
 4 Government.  
 5 BY MR. SIMS:  
 6 Q When the EPA talked to you about their  
 7 isotope test that they did, did the EPA tell you who  
 8 it was that had analyzed those isotopes?  
 9 A I'm sure they have. But I don't -- again  
 10 I'm not in the business, so it could have been XYZ or  
 11 ABC. I don't know. It's just a lab that's supposed  
 12 to know what they're doing.  
 13 Q Did EPA tell you what individual, which  
 14 scientist actually drew any conclusions from those  
 15 isotopes?  
 16 A No. Todd Smith, whatever -- no.  
 17 MR. STEWART: Don't guess.  
 18 THE WITNESS: I'm just kidding.  
 19 MR. STEWART: It's late. Don't guess.  
 20 THE WITNESS: Okay. No, they did not.  
 21 BY MR. SIMS:  
 22 Q As we sit here today, Mr. Lipsky, are  
 23 there any facts or information about your property,  
 24 your water well situation, that you think are  
 25 important for Range or the Railroad Commission to know

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1 about?  
 2 MR. STEWART: Objection, form. That's  
 3 way too broad.  
 4 Q You can answer it if..  
 5 A My water lights on fire. I want to know  
 6 why. Okay? Just someone -- the Railroad Commission  
 7 definitely didn't come there to help me to find out.  
 8 Everyone's putting -- hopefully, I just want, if I  
 9 have to pay the money myself, which I already have,  
 10 get the geologists or whatever, I just want to know  
 11 what happened. I want to know if we have to leave. I  
 12 want to know if we can stay. I want to know if it's  
 13 coming through the ground. We want our lives back.  
 14 Q Mr. Lipsky, that's all I've got today.  
 15 Thank you for your time.  
 16 MR. STEWART: Wait.  
 17 EXAMINATION  
 18 BY MR. STEWART:  
 19 Q Mr. Lipsky, I just have a couple of  
 20 questions for you.  
 21 Do you feel like after this deposition  
 22 today that Range has treated you like a good neighbor  
 23 treats their neighbors?  
 24 A I sure hope not. No.  
 25 MR. STEWART: That's all I've got.

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1 MR. SIMS: I don't have any further  
 2 questions. Thank you.  
 3 THE VIDEOGRAPHER: Off the record at 4:58  
 4 PM.)  
 5 (Whereupon the deposition was concluded  
 6 at 4:58 PM.)  
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CHANGES AND SIGNATURE

1  
 2  
 3 WITNESS NAME: STEVEN P. LIPSKY  
 4 DATE OF DEPOSITION: JANUARY 14, 2011  
 5 Page Line Change Reason  
 6 \_\_\_\_\_  
 7 \_\_\_\_\_  
 8 \_\_\_\_\_  
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 25 \_\_\_\_\_

1 I, STEVEN P. LIPSKY, have read the foregoing  
2 deposition and hereby affix my signature that same is  
3 true and correct, except as noted above.  
4  
5

6 STEVEN P. LIPSKY, Witness

7 STATE OF \_\_\_\_\_ )  
8 COUNTY OF \_\_\_\_\_ )  
9

10 Before me, \_\_\_\_\_, on this day  
11 personally appeared STEVEN P. LIPSKY, known to me (or  
12 proved to me on the oath of \_\_\_\_\_ or through  
13 \_\_\_\_\_) (description of identity card or other  
14 document) to be the person whose name is subscribed to  
15 in the foregoing instrument and acknowledged to me  
16 that he executed the same for the purposes and  
17 consideration therein expressed.

18 (Seal) Given under my hand and seal of office  
19 this \_\_\_\_\_ day of \_\_\_\_\_, 2011.  
20  
21

22 Notary Public in and for the  
23 State of \_\_\_\_\_  
24 My Commission expires \_\_\_\_\_  
25

1 DOCKET NO. 7B-0268629  
2 COMMISSION CALLED HEARING ) Before the  
3 TO CONSIDER WHETHER )  
4 OPERATION OF THE RANGE )  
5 PRODUCTION COMPANY BUTLER )  
6 UNIT, WELL NO. 1H (RRC NO. ) RAILROAD COMMISSION  
7 253732) AND THE TEAL UNIT, ) OF TEXAS  
8 WELL NO. 1H(RRC NO. 253729, )  
9 NEWARK, EAST (BARNETT SHALE) )  
10 FIELD, HOOD COUNTY, TEXAS, )  
11 ARE CAUSING OR CONTRIBUTING )  
12 TO CONTAMINATION OF CERTAIN )  
13 DOMESTIC WATER WELLS IN )  
14 PARKER COUNTY, TEXAS )  
15 REPORTER'S CERTIFICATION  
16 DEPOSITION OF STEVEN P. LIPSKY  
17 JANUARY 14, 2011  
18  
19

20 I, Gaylord Sturgess, Certified Shorthand Reporter  
21 in the State of Texas, do hereby certify to the  
22 following:

23 That the witness, STEVEN P. LIPSKY, was duly  
24 sworn by the officer and that the transcript of the  
25 oral deposition is a true record of the testimony  
given by the witness;

That the deposition transcript was submitted on  
January 17, 2011 to the witness or to the attorney  
for witness for examination, signature and return to  
Gaylord Sturgess by February 9, 2011.

That the amount of time used by each party at the  
deposition is as follows:

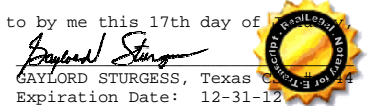
1 Andrew D. Sims - 5 hours, 35 minutes  
2 Allen Stewart - 1 minute  
3 That pursuant to information given to the  
4 deposition officer at the time said testimony was  
5 taken, the following includes all parties of record:  
6 Allen M. Stewart and David T. Ritter, Attorneys  
7 for Steve Lipsky;

8 Andrew D. Sims and Troy Okruhlik, and Zack Burt,  
9 Attorneys for Range Production Company.

10 I further certify that I am neither counsel for,  
11 related to, nor employed by any of the  
12 parties or attorneys in the action in which this  
13 proceeding was taken; and further, that I am not  
14 financially or otherwise interested in the outcome of  
15 the action.

16 Further certification requirements pursuant to  
17 Rule 203 of TRCP will be certified to after they have  
18 occurred.

19 Certified to by me this 17th day of \_\_\_\_\_,  
20 2011.



21 GAYLORD STURGESS, Texas CSR # 744  
22 Expiration Date: 12-31-12  
23 Merit Court Reporters  
24 Firm Registration No. 133  
25 307 West 7th Street, Suite 1350  
Fort Worth, Texas 76102  
(817)336-3042 (800-336-4000)

Job No. 9625 (110114GAS)  
(GS-1104-mb)

1 FURTHER CERTIFICATION UNDER RULE 203 TRCP  
2 The original deposition was/was not returned to  
3 the deposition officer on \_\_\_\_\_;  
4 If returned, the attached Changes and Signature  
5 page contains any changes and the reasons therefor;  
6 If returned, the original deposition was  
7 delivered to Andrew D. Sims, Custodial Attorney;  
8 That \_\_\_\_\_ are the deposition officer's  
9 charges to the Range Production Company for preparing  
10 the original deposition transcript and any copies of  
11 exhibits;  
12 That the deposition was delivered in accordance  
13 with Rule 203.3, and that a copy of this certificate  
14 was served on all parties shown herein and filed with  
15 the Clerk.

16 Certified to by me this \_\_\_\_\_ day of  
17 \_\_\_\_\_, 2011.  
18

19 By: \_\_\_\_\_  
20 For: GAYLORD STURGESS, Texas CSR # 744  
21 Expiration Date: 12-31-12  
22 Merit Court Reporters  
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